



**Study on the assessment of the extent
of different types of Trafficking in
Human Beings in EU countries**

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Table of Contents

Acknowledgments	iii
List of Abbreviations	vi
1. Introduction: Terms, Definition and Scope	1
1.1 Towards a Common Understanding of Trafficking in Human Beings	1
1.2 Availability and Comparability of THB Data Collection Systems	2
1.3 Scope and Methodology	3
2. Comparative Analysis of Assessing the Extent of Different Types of Trafficking in Selected EU Countries.....	6
2.1 Data Situation	6
2.1.1 National Frameworks to Combat THB.....	6
2.1.2 Data Availability, Data Reliability and Data Comparability.....	16
2.2 Data Analysis	20
2.2.1 Minimum – Maximum scenario of Trafficking in Human Beings.....	20
2.2.2 The Extent of Trafficking in Human Beings: Identified Victims.....	21
2.2.3 The Extent of Trafficking in Human Beings: Perpetrators	35
2.2.4 Trafficking in Human Beings According to Different Stages in Legal Proceedings	49
3. Further Areas of Investigation	54
3.1 How are “Specific Risk Areas” identified?	55
3.2 “Specific Risk Areas” of Trafficking in Human Beings in Europe	56
3.2.1 Trafficking in Human Beings in the area of “Prostitution”.....	61
3.2.2 Trafficking in Human Beings in the area of Forced Labour	63
3.2.3 Trafficking in Human Beings and “Begging”	64
3.2.4 Trafficking in Human Beings and “Organ Transplantation”	65
3.3 Analysis of “Specific Risk Areas” related to Trafficking in Human Beings	66
4. Conclusions and Recommendations.....	69
4.1 Recommendations	75
5. List of References.....	78
6. Country Reports	81
Austria.....	81
Belgium	98
Bulgaria	111
Czech Republic	121
Denmark.....	135
France	146
Germany.....	156
Hungary	169
Ireland	181
Italy	186
The Netherlands	199
Poland	208
Portugal.....	218
Romania	227
Spain	243
Sweden	254
United Kingdom	263

7. Annexes	275
Annex A: National Legislation	275
Austria	275
Belgium.....	279
Bulgaria.....	283
Czech Republic	287
Denmark	291
France.....	295
Germany	301
Hungary	307
Ireland	310
Italy.....	315
The Netherlands	320
Poland.....	324
Portugal	329
Romania.....	332
Spain	336
Sweden	340
United Kingdom.....	343
Annex B: Data Tables	347
Austria	347
Belgium	351
Bulgaria	361
Czech Republic.....	365
Denmark.....	370
Germany	374
Hungary.....	380
Ireland.....	383
Italy	385
The Netherlands.....	391
Poland	395
Portugal	401
Romania.....	405
Spain.....	425
Sweden.....	429
United Kingdom	432

List of Tables and Charts (For Chapters 1-5)

Table 1: Overview of the legislative, institutional and policy framework on THB in 17 European countries	9
Table 2: Data availability on THB in 17 EU Member States	16
Chart 1: Minimum and maximum extent of THB in 15 EU countries for 2003, 2005, 2007 – number of identified victims	22
Chart 2: Share of THB victims per country, 2003, 2005, 2007	23
Chart 3: Minimum and maximum extent of THB for sexual exploitation in 15 EU countries for 2003, 2005, 2007 – number of identified victims.....	29
Chart 4: Minimum and maximum extent of THB for labour exploitation in 15 EU countries for 2003, 2005, 2007 – number of identified victims.....	31
Chart 5: Minimum and maximum extent of THB in 15 EU countries for 2003, 2005, 2007 – number of identified child victims	34
Chart 6: Minimum and maximum extent of THB in 15 EU countries for 2003, 2005, 2007 – number of identified perpetrators (persons).....	36
Chart 7: Minimum and maximum extent of THB in 15 EU countries for 2003, 2005, 2007 – number of identified perpetrators (cases).....	37
Chart 8: Country shares of minimum and maximum extent of THB for 2003, 2005, 2007 – number of identified perpetrators	38
Chart 9: Minimum and maximum extent of THB for sexual exploitation in 15 EU countries for 2003, 2005, 2007 – number of identified perpetrators	44

Chart 10: Minimum and maximum extent of THB for labour exploitation in 16 EU countries for 2003, 2005, 2007 – number of identified perpetrators	46
Chart 11: Minimum and maximum extent of THB in children and minors in 16 EU countries for 2003, 2005, 2007 – number of identified perpetrators	48
Table 3: Legal provisions indicated as being related to trafficking in human beings in the respective national context	56
Table 4: “Specific risk areas” targeted by EU Member States	59
Table 5: Victims of THB for sexual exploitation and the sex work industry	62
Chart 12: Demand for organ transplantation 1969-2006	66
Chart 13: Assessing the Extent of THB in Italy	67

List of Abbreviations

ECPAT: End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes

ILO: International Labour Organization

IOs: International organisations

IOM: International Organization for Migration

MS: Member States

NAP: National Action Plan

NGO: Non-governmental organisation

OSCE: Organization for Security and Cooperation in Europe

THB: Trafficking in Human Beings

TIP: Trafficking in Persons

UNODC: United Nations Office on Drugs and Crime

VoT: Victims of Trafficking

Country Abbreviations:

AT: Austria

BE: Belgium

BG: Bulgaria

CZ: the Czech Republic

DE: Germany

DK: Denmark

ES: Spain

FR: France

HU: Hungary

IE: Ireland

IT: Italy

NL: the Netherlands

PL: Poland

PT: Portugal

RO: Romania

SE: Sweden

UK: the United Kingdom

US: the United States

1. Introduction: Terms, Definition and Scope

1.1. Towards a Common Understanding of Trafficking in Human Beings

During the last decade the fight against trafficking in human beings (THB) has become an important issue on the political agenda of the European Union and its Member States (MS).

The Treaty of the European Union referred to trafficking in human beings as did several resolutions of the European Parliament. The importance of the relevant principle is outlined in Article 29 that "[...] the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters [...]". According to the Treaty "that objective shall be achieved by preventing and combating crime, organised or otherwise, in particular [...], trafficking in persons and offences against children [...]."

The "Tampere programme", which operationalised the Treaty of Amsterdam and defined the objectives for the creation of the area of freedom, security and justice (AFSJ) and the concrete measures to achieve them, demanded in its conclusions that the EU Member States take proper action against trafficking in human beings and the sexual exploitation of children. It called for the development, in close co-operation with countries of origin and transit, of information campaigns for the prevention of all forms of trafficking in human beings. Furthermore, it urged the adoption of legislation that foresees severe sanctions against trafficking in human beings. After the expiry of the Tampere programme in November 2004, a new agenda known as the "Hague programme" was adopted, which invited the Commission and the Council to develop a plan on best practices, standards and mechanisms for the fight against trafficking in human beings.

In the European Union, trafficking in human beings is defined uniformly according to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000):

"Trafficking in persons shall mean 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" (UN 2000:42).

This definition has been adopted verbatim into the three relevant European Union legislative documents: **Council Framework Decision 2002/629/JHA** of 19 July 2002 on combating trafficking in human beings; **Council Framework Decision**

Introduction

2004/68/JHA of 22 December 2003 on *combating the sexual exploitation of children and child pornography*; **Council Directive 2004/81/EC** of 29 April 2004 on the *residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities*.

While the existing instruments oblige EU Member States to criminalise all possible acts that constitute Trafficking in Human Beings and to provide an adequate framework to protect victims of Trafficking in Human Beings as victims of crime, their transposition into domestic legislation lies with the Member States. Thus, besides the still-existing legislative gaps in compliance of national legislation with European standards, the elements determining Trafficking in Human Beings vary considerably across EU Member States.

For the purpose of this study all elements that are in compliance with Council Framework Decisions and Directives determining trafficking in human beings on the respective national level constitute the basis for the assessment of the extent of the phenomenon. In addition, elements that go beyond the definition of the European instruments were taken into consideration.

1.2. Availability and Comparability of THB Data Collection Systems

Although the legal instruments to approach trafficking in human beings are largely harmonised, data collection is a fairly recent priority in the EU's efforts to combat trafficking in human beings. The lack of systematically collected and managed statistical data relevant to trafficking in human beings is one of the main obstacles to the successful and effective implementation of anti-trafficking policies and efforts. The *EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings* of December 2005 specifically states that in order to improve the knowledge of the scale and nature of this phenomenon as it concerns the EU, common guidelines need to be developed on the collection of data, including comparable indicators, and a common research template for the Member States in order to increase research in specific areas. Data collection has received equal attention in the international community. At the recent 6th OSCE Alliance Against Trafficking in Persons Conference, "National Monitoring and Report Mechanism to Address THB: the Role of the National Rapporteurs" on 21 May 2007, speakers also drew attention to the urgent need for data gathering and information analysis in the field. It is also explicitly mentioned in the UNODC's concept paper for the *Global Initiative to Fight Human Trafficking*, where the UNODC calls for the "deepening of world understanding of the scope and nature of human trafficking by more data collection and analysis". The ILO has also drawn attention to the complex nature of data analysis in the field of forced labour and trafficking in human beings, most recently in their December 2006 "Technical Consultation on Forced Labour Indicators, Data Collection and National Estimates." With support of the EC's efforts to elaborate EU wide guidelines on data collection, in February 2009 the IOM together with the Austrian Federal Ministry of Interior published the results of their joint project: *Guidelines for the collection of data on Trafficking in Human Beings, including comparable indicators* (IOM 2009).

Some Member States have begun to design and implement systems for data collection on THB. Notable examples in this context are Romania and Italy. **Romania's National Agency against Trafficking in Persons** (NATP) has developed and implemented a National Database on Trafficking in Persons, which became operational on 1 January 2007. As of 1 January 2007 the **Italian Department for Rights and Equal Opportunities** has implemented a nationally standardised data collection methodology relating to trafficking. South Eastern European States, including the new Member States

Bulgaria and Romania, are engaged in the development of data collection and information management methodology. This is a continuation of their work on comprehensive national anti-trafficking strategies and action plans, including mechanisms for monitoring, evaluating and reviewing. A regional effort on improving the quality of data and information was undertaken, in the framework of the *Programme for the Enhancement of Anti-trafficking Responses in South Eastern Europe: Data Collection and Information Management*, with the support of ICMPD.

Despite all efforts to improve and harmonise data collection, little systematic knowledge exists on the actual scope of the phenomenon of trafficking in human beings in the European Union and its Member States.

Previous comparative case studies did not reflect upon the fact that the statistical data at hand does not lead to unambiguous results but rather allows for a variety of different interpretations. Furthermore, these studies did not always address the heterogeneity of data they used and did not account for the underlying definitions and subcategories of the data in a transparent way.

Thus the present study shows to what degree existing national datasets can be utilised for analysing the extent of trafficking in human beings on national and European levels and marks out the range of statements possible about the extent of the phenomenon.

1.3. Scope and Methodology

In order to use a methodology allowing for the necessary depth of analysis and the best possible gathering of sufficient primary data, a sample of 17 countries was selected out of the 27 EU Member States based on the following considerations: First, the sample should comprise EU Member States from the Eastern, Western, Central, Southern and Northern regions of the Union, while also representing “new” and “old” EU Member States alike. Second, the sample should represent not only the different levels at which participating EU MS have been exposed to the issues of immigration and/or trafficking in human beings but also the different traditions and approaches in responding to these phenomena. Third, and closely related to the subject of the study, the sample strongly emphasised the availability and access to data on trafficking in human beings for the purpose of sexual exploitation, labour exploitation, trafficking for the removal of organs and child trafficking. Based on the previously described considerations, the final sample of the study consisted of the following 17 EU Member States: Austria, Belgium, Bulgaria, the Czech Republic, Denmark, France, Germany, Hungary, Ireland, Italy, the Netherlands, Poland, Portugal, Romania, Spain, Sweden, and the United Kingdom.

Statistics on trafficking in human beings are primarily collected for administrative purposes. The structural problem of administrative datasets is compounded by the fact that the definitions used are expressions of the respective legal and administrative arrangements concerning trafficking in human beings and are not necessarily designed with a view to (comparative) statistical analysis. Therefore, the data used in this study refers to categories of trafficking in human beings as defined in the current national legislation. In addition, data cited in this study has been collected based on categories developed for the specific purposes of the respective judiciary and law enforcement agencies or NGOs engaged in combating trafficking in human beings.

Consequently, besides identifying relevant data-collecting agencies, mapping of Member States’ policy framework, legislation and legal definitions on trafficking in human beings was also essential in order to understand the statistics available.

Introduction

For the purpose of this study, such information was gathered by a systematic mapping of the Member States' legislation and legal definitions in the area of trafficking in human beings (presented in Chapter 2.1 and Annex A) and of the national data collection systems, data availability, data exchange mechanisms, definitions, categories and areas particularly linked to trafficking in human beings (presented in Chapter 2.1 and Annex B).

Data has been collected and collated from the following sources:

- Scientific literature, country studies, policy documents and reports on the trafficking in human beings in the selected countries with a special focus on the respective legal frameworks and the scope of trafficking in human beings in the national context as well as publications exploring the relations between them;
- The national legislation on trafficking in human beings in all 17 selected Member states;
- Experts Survey circulated among Member States' experts addressing governmental and non-governmental bodies;
- Focal Points in national administrations providing otherwise unpublished data from national databases specifically for this study.

In order to better assess the possible extent of trafficking in human beings, the data that was national in scope, covered a specific time period, and reflected the different stages of the legal and administrative proceedings on cases of trafficking in human beings was regarded as particularly useful. In this regard, data also had to allow for the identification of and distinction between **victims and perpetrators** and between **cases and persons**.

Based on the fact that it was the most comprehensive, tangible and transparent, all data compiled from primary sources (e.g. law enforcement, public prosecutor, courts, NGOs and other relevant bodies) or referring to a primary source were preferred. By doing so it was also possible to identify gaps in data collection and data processing as well as areas that are insufficiently covered and thus could not be further analysed.

Thus, data analysis was based on the triangulation of data and information obtained from various sources and by various methods. This approach of utilising and combining several analytical steps and instruments allowed for a harmonised and structured analysis across the 17 countries covered, as presented in Chapter 6 (Country Reports) and Chapter 2 (comparative analysis) of this study.

This study provides the first comprehensive overview of publicly available data on trafficking in human beings in 17 EU Member States. At the same time, the study also contextualises the data presented, keeping reference to the primary sources and underlying definitions. Statistical data at hand are analysed from a comparative perspective with respect to developments over a period of time, inter-institutional differences, as well as differences regarding various stages of the legal proceedings related to trafficking in human beings (see Chapter 6: Country Reports). This multidimensional approach enables comparison across countries with regard to the extent of trafficking in human beings in a wider European space, but does not lose sight of the limitations to data comparability. The study finally provides different scenarios of the (minimum and maximum) total extent and the extent of the different types of trafficking in human beings in each of the 17 countries covered and for all of the 17 countries together (see Chapter 2: Comparative Analysis). These scenarios are based on four categories of available data: identified victims, investigations, indictments and convictions. The four categories correspond to the four stages in which EU Member States process trafficking in human beings: the identification of victims of trafficking undertaken by NGOs or national police forces, investigations by police or judicial

authorities, indictments and convictions in courts. To gain a realistic picture of the extent of trafficking in human beings, the following comparative analysis examines the differences between the various stages of legal proceedings in a comparative European perspective, and analyses available data with regard to minimum and maximum scenarios on victims and perpetrators of trafficking in human beings.

2. Comparative Analysis: Assessing the Extent of Different Types of Trafficking in Human Beings in Selected EU Countries

2.1. Data Situation

Although the fight against trafficking in human beings is regularised by international and European treaties, their transition into domestic law as well as their implementation lies with the European Member States. National statistics on trafficking in human beings thus largely depend on the way EU Member States design and implement their legislative-political framework to combat trafficking in human beings. Furthermore, the various national approaches and traditions of data collection play a major role in what is counted and published as THB data. Each of the 17 EU Member States investigated applies a certain nation-state mode in framing anti-trafficking policies, which is specific for the respective national context. This general nation-state mode consists of the overall vision of a Member State and its institutions in the fight against trafficking in human beings (human rights-based, victims-centred or case-centred approach) and the overall approach in formulating related policies (short-term or long-term) and collecting relevant data (project-related, annual, longitudinal data). According to this general nation-state mode a Member State might engage in mainstreaming anti-trafficking objectives into greater policy aims (as is the case in Germany where anti-trafficking measures are incorporated in policies for the protection of women and children); It might strengthen existing institutions (like in France) or establish new institutions targeted on the fight against THB (like in the Netherlands or, lately, the United Kingdom). The general nation-state mode framing trafficking in human beings exerts a huge impact on the national framework to combat THB and, subsequently, on the quality and availability of data available, it will be shown.

2.1.1. National Frameworks to combat Trafficking in Human Beings

Within the study, 3 sets of factors regarding the national framework could be identified as particularly relevant for assessing the extent of trafficking in human beings in the 17 EU Member States investigated. These sets of factors are:

- **Legal framework;**
- **Institutional setting;**
- **Policy strategies.**

As regards the first set of factors, trafficking in human beings in the European Union is regulated by a comprehensive international and European **legislative framework**, based on the United Nations Convention against Transnational Organized Crime (2000) and the EU Council Framework Decision 2002/629/JHA, Council Framework Decision 2004/68/JHA and Council Directive 2004/81/EC. As the transposition of this legislative framework into domestic policy lies within the responsibility of the Member States, the elements determining THB vary considerably across EU Member States. This assumes particular relevance for the present study, considering the national legal framework's

impact on what is identified, counted and presented as THB in the respective national context. In the field of person-related crimes, data categories build upon and follow legal definitions. In this sense, the awareness of the given legal framework constitutes a first step in understanding European statistics on THB and in identifying reliable data for assessing the extent of trafficking in and across European Member States. Throughout Europe, Member States choose different ways to apply (and comply with) the international and European anti-trafficking legislation. The variety of domestic approaches can be characterized by differences in national legislations on THB with regard to the

- **definition,**
- **scope and**
- **implementation**

of anti-trafficking laws. Definition, scope and implementation of anti-trafficking legislation have a substantial impact on what is presented as the extent of THB, our study shows. A broad definition of trafficking in human beings might lead to an increase in trafficking numbers (persons and cases), but also to difficulties in identifying victims and acts of human trafficking due to a lack of clarity regarding to whom and what the definition applies. In Belgium, for instance, labour trafficking is defined as “working and living conditions incompatible with human dignity”, leaving wide room for interpretation. Also, the legal grounds covered (scope) by the legislation play a significant role for data collection. There are countries that include other purposes under the trafficking legislation, such as “begging” in the case of Romania. In Spain, the anti-trafficking legislation is not targeted on trafficking in human beings alone, but contains other related offences such as “facilitated immigration”. This certainly affects data collection in the country: Spanish statistics on THB potentially include other criminal events, making an assessment of the extent of THB difficult. In addition, some countries prosecute trafficking in human beings under other offences. Austria, for instance, processes most trafficking cases under the article of “transborder prostitution”. The scope of the national anti-trafficking framework, it could be shown, affects significantly the nationally recorded extent of THB in the country. This must be taken into account if we want to better understand what is published on the extent of THB in one national context. Furthermore, the way anti-trafficking legislations are implemented is decisive for identifying and reporting acts of trafficking. In this context, the case of France requires special attention. In France, trafficking in human beings is criminalized under Article 225, par4 and par20 of the Penal Code 2008. However, we do not know to what extent this legislation is implemented as official statistics are not disaggregated by trafficking in human beings. Instead, THB is included in broader categories such as “prostitution” or “labour exploitation” from which they cannot be distinguished. Consequently, no official data on THB as such is available for France. It is for this reason that the case of France is not covered by the following comparisons of THB statistics between various EU Member States, but it is included in a special chapter concerning further areas of investigation (Chapter 3). Nevertheless, it forms part of the overview of domestic legislation on THB and data availability in 17 EU Member States provided in Table 1 and Table 2 of this section.

Besides the legal framework, the **institutional setting** in each of the countries investigated also plays an important role for data collection in the area of trafficking in human beings. There are general differences among EU Member States with regard to the institutionalisation of anti-trafficking measures at different stages (identifying and assisting victims, law enforcement, investigations and prosecution of THB), competences of ministries involved in the fight against THB, funding lines as well as the training of competent staff. Within this study, 3 institutional characteristics could be identified which assume particular relevance for data availability, data reliability and data comparability on THB:

Comparative Analysis

- a **task force or equivalent to combat THB**;
- a **national rapporteur on THB or equivalent institution**;
- a **mode of inter-institutional co-ordination of data on THB**.

In our sample of 17 EU Member States, almost all countries established a task force or equivalent institution to combat trafficking in human beings. Some countries, like Belgium and Germany, founded these institutions in the mid 1990s, while most EU MS created task forces from 2003 onwards. Hungary, where no THB task force has been established till today, is an exception from this trend. Furthermore, most countries of our sample (11 out of 17 MS) established a National Rapporteur on THB or equivalent institution in their territory. A National Rapporteur on THB, it will be shown, tend to have a positive impact on data availability, reliability and comparability in the country. Bulgaria, Germany, France, Italy, Poland and Spain however lack the centralization of anti-trafficking measures in one specific institution. With regard to the co-ordination of data between competent national institutions, the situation is more precarious: up to the date, only 8 out of 17 EU Member States took action to improve the co-ordination of trafficking data in their respective national context. This group of countries with a particular attention towards strengthening data co-ordination and exchange between domestic institutions are Bulgaria, Denmark, Hungary, Ireland, the Netherlands, Romania, Spain and the United Kingdom.

The third set of factors which influences the data situation on THB concerns the type and comprehensiveness of **policy strategies** applied by the various European Member States. This regards specifically

- a **National Action Plan** and/or;
- **National Referral Mechanisms**;
- the **framework for victim protection**.

With the start of the new millennium, most of the countries investigated for this study put into force National Action Plans which determined the responsibilities of actors involved and formulated concrete steps to combat trafficking in human beings. Some of these Action Plans also contained criteria for the evaluation of implemented measures. In only 3 of the 17 EU Member States investigated was no National Action Plan on THB developed, namely in France, Germany and Italy. The reasons for the absence of National Action Plans, though, differ substantially between these 3 countries: In Germany, the fight against trafficking in human beings was integrated into an Action Plan to combat violence against women and protect children and young people from abuse and exploitation. In Italy, a strategy paper towards the establishment of a National Anti-Trafficking Plan was issued in 2008 showing the intent of further action. In France, however, no National Action Plan was put into force or planned to be developed. Regarding the development of harmonised standards of identification, protection and assistance for victims of trafficking (VoT), National Referral Mechanisms for VoT were established in only 6 of the 17 countries investigated. These countries are Bulgaria, Hungary, Ireland, Portugal, Romania and the United Kingdom. In Belgium, no National Referral Mechanism was established, but an Interagency Directive on Coordination and Assistance to VoT points to improving the identification of VoT and their referral. In the Netherlands, the introduction of National Referral Mechanisms for identifying, protecting and assisting victims of trafficking is currently discussed. Most of the countries investigated also put in place a specific national framework for victim protection which is deemed relevant for identifying victims and for successfully prosecuting traffickers. For the latter, victims of trafficking act as "witnesses" in legal proceedings and are offered special services in return (e.g. residence permit). In this national framework, shelters and NGOs assume particular relevance in identifying victims. In Germany, Ireland, Spain, Sweden and the United Kingdom, no nationally co-ordinated assistance to victims of trafficking is in place. In the United Kingdom, the government funds civil society organisations to run victim assistance projects (like the POPPY project). The national

framework for victim protection plays also an important role for the current data availability on victims.

The following table provides an overview of the legislative, institutional and policy framework on trafficking in human beings in the 17 EU Member States investigated identified as having a potential impact on the availability of THB data in Europe.

Comparative Analysis

Table 1: Overview of the legislative, institutional and policy framework on THB in 17 European countries

Country	Legislation on THB		Policies and institutions					Victim protection		
	Entry into force	Scope: Types of THB covered	NAP	Task force or equivalent	National Rapporteur or equivalent	National referral mechanism	Inter-institutional co-ordination of data on THB	Nationally co-ordinated assistance to VoT	Reflection period to VoT	Residence permits to VoT
AT	2000	Cross-border trafficking in prostitution	NAP 2007-2008 NAP 2009-2011	Since 2004, Task Force on Human Trafficking (in 2007 the Working Group on Prostitution and one on Child Trafficking were established).	Since 2009, National Coordinator on Combating THB	No	No	The NGO LEFÖ/Ibf is the official body responsible for assistance to victims, but the only branch is in the city of Vienna.	By decree of Ministry of Interior, 30 days.	Yes, since April 2009, min. 6 months, specific to VoT..
	May 2004	S, L, O, m ¹								
BE	1995	No definition of THB, no distinction between THB and smuggling	NAP 2007 NAP 2008-2011	Since 1995, Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings, boosted in 2004.	Since 1995, Centre for Equality of Opportunities and Opposition to Racism de facto Rapporteur, capacity boosted in 2004.	No specific NRM, but the Interagency Directive on Coordination and Assistance to VoTs includes procedures on identification of victims and their referral (September 2008).	No	Since 1995.	Since 2005, 45 days.	Yes, since 2005, specific to VoTs, subject to conditions
	2005	S (prostitution and child pornography only), L, O, begging, commission of infractions against a person's will ²								

¹ Austria prosecutes cross-border trafficking in prostitution under a specific article.

² The Law does not make a difference between trafficking in human beings and trafficking in children. However, the minority of the victims of trafficking in human beings relate to crimes under an aggravating circumstance that results in tougher punishment.

Comparative Analysis

BG	2002	S, L, O, m	NAP 2005 NAP 2006 NAP 2007 NAP 2008 NAP 2009	Since 2004, National Commission for Combating Trafficking in Human Beings (NCCTHB) chaired by the Deputy Prime Minister of Bulgaria.	No	Since 2007, Transnational Referral Mechanism for victims of trafficking (TRM) (currently a referral mechanism for victims of internal trafficking) is being developed.	By virtue of Art.7, Combating Trafficking in Human Beings Act, the NCCTHB is responsible to record and co-ordinate data on trafficking. It receives data from the relevant state agencies.	By virtue of THB Act 2004, the establishment of shelters for temporary housing and a centre for protection and support of victims of THB was decided.	Since 2004, 30 days.	Yes, since 2004, residence permit for the time of the proceedings granted to victims who co-operate.
	2004	S, L, O, m								
CZ	2004	S, L, O, m	NAP for Combating Commercial Sexual Exploitation of Children 2002 – 2004, 2004 – 2006 2006 - 2008 National Strategy of the Fight against Trafficking in Human Beings for the Purpose of Sexual Exploitation 2003 - 2005 National Strategy of the Fight against Trafficking in Human Beings 2005 - 2007 National Strategy to Combat Trafficking in Human Beings 2008 - 2011	Since 2008, Inter-ministerial Coordination Group for Combating Trafficking in Human Beings.	Since 2003, Ministry of Interior.	No	No	Since 2004, Programme of the Ministry of the Interior on Support and Protection of Victims of Trafficking in Human Beings.	Since 2008, 60 days.	Yes, to VoTs who decide to co-operate with law enforcement authorities.
	2010	S, L, O, m (the new Criminal Code enters into force)								
DE	1998	S, m	No, but THB is part of NAP to Combat Violence against Women, and NAP for the Protection of Children and Young People from Sexual Violence and Exploitation 2005-2010	Since 1997, Inter-ministerial Working Group on Trafficking in Women (<i>Bund-Länder-Arbeitsgruppe Frauenhandel</i>).	No	No	No	N.A.	Since 2000, 1 month.	Yes, only to legally resident VoT.
	2005	S, L, O, m								

Comparative Analysis

DK	2002	S, L, O, m	NAP 2002-2006, focus: S, m; NAP 2007-2010, focus: S, L, m	Since 2003, Inter-ministerial working group (Ministry of Justice; Department of Gender Equality; Ministry of Social Affairs; Danish Immigration Service; Ministry of Refugee, Immigration and Integration Affairs; National Police; prosecutorial authorities and the implementing social organisations)	Since 2007	No	Danish Centre against Human Trafficking (2007); shares data with ministries, Danish Immigration Service, Interministerial working group, police and NGOs	Since 2003 the government funds NGOs to provide assistance to victims; existence of national assistance programme in relation to "prepared return".	Since 2007, up to 100 days	Not specifically for VoTs; temporary, on humanitarian grounds, not conditional on co-operation in criminal proceedings
ES	1995	Different articles applied to THB as defined in the Criminal Code, but no specific THB legislation.	NAP 2006-2009, focus: S, Sm NAP 2007-2009, focus: S NAP 2009-2012, focus: S	2009, Social Forum Combating Trafficking in Human Beings for Sexual Exploitation (Foro Social contra la Trata de Seres Humanos con Fines de Explotación Sexual).	No	No	Between different police departments and Mol (Centro de Inteligencia contra el Crimen Organizado - 2005).	No	Since 2009, 30 days.	Not specifically for VoTs.
	2003	S, L, O, m (harmonisation with EU framework), THB is consigned to the offence of human smuggling.								

Comparative Analysis

FR	2002	modern forms of slavery	No. In 2002, Governmental Programme to Fight Prostitution and Human Trafficking.	Since 2003, Inter-ministerial unit to combat prostitution and THB.	No	No	No	Since 2002	Since 2007, 30 days.	Yes, since 2007, min. 6 months.
	2003	S, L, m, begging								
HU	1998	Different articles applied to THB as defined in the Criminal Code	NAP 2008-2012	No	Since 2008	Since 2005	Since 2007, National Coordination Centre; Coordination of data between Police and Public Prosecutor - ENYÜBS (Uniform Law Enforcement Investigation and Prosecution Statistics, former ERÜBS)	Since 2005, national shelter for VoTs.	30 days.	Yes, since 2007, specifically for VoTs (Council Directive 2004/81/EC).
	2002	S, L, O, m								
IE	1998	m	NAP to Prevent and Combat Trafficking in Human Beings, 2009 - 2012	High Level Interdepartmental Group on Combating Trafficking in Human Beings; Governmental and Non-Governmental Roundtable Forum & Interdisciplinary Working Groups.	Since February 2008, Anti-Human Trafficking Unit, acting as national rapporteur.	Yes	Anti-Human Trafficking Unit	No	Since 2008, 45 days.	Yes, 6 month residence permit, conditioned by the victim's co-operation with law enforcement authorities.
	2008	S, L, O								
IT	1958	prostitution	No. Strategy paper towards the establishment of a National Anti-Trafficking Plan 2008	2007, Coordination Committee for Governmental Action against Trafficking.	No	No	No, but the Osservatorio Tratta publishes data on THB from different institutions.	Interministerial Commission for support to victims of trafficking and exploitation co-ordinates the assistance and social integration programmes	No	Since 1998, not specifically for VoT, 6 months residence permits for humanitarian reasons.
	2003	S, L, Sm, Lm, Om, begging								

Comparative Analysis

NL	2000	Prostitution	2004 NAP 2006, Additional Measures to the NAP	2005, Expertise Centre on Human Trafficking and People Smuggling.	Since 2000, National Rapporteur on Trafficking in Human Beings.	No, but currently discussed.	National Rapporteur on Trafficking in Human Beings.	N.A.	Since 2004, 3 months. Since 2005 also for victims of exploitation.	Yes, Since 2007, specifically for VoTs who co-operate with law enforcement authorities.
	2005	S, L, O, m								
PL	1997	No definition of THB; deprivation of liberty, prostitution, minor victims.	2003-2004 National Programme for Combating and Preventing the Trafficking in Human Beings (NP) 2005-2006 NP 2007-2008 NP	Since 2004, Inter-ministerial Committee to Combat and Prevent Trafficking in Human Beings.	No	No	No (under development).	Since 2003; Since 2006 Programme of Support and Protection for the Victims of Trafficking in Human Beings.	Since 2008, 90 days.	Yes, since 2007.
PT	1999	S, prostitution	NAP 2007-2010	Since 2008, Inter-ministerial Technical Commission to co-ordinate the NAP.	Since 2008, National Coordinator of the NAP against THB.	Since 2008, centrally co-ordinated monitoring system to collect all signals of THB by the police and NGOs.	Since 2008, Trafficking in Human Beings Observatory (currently no data available).	Since 2008, Reception Centre for the Protection of Victims of Trafficking and their Children.	Since 2007, 30 - 60 days.	No legal provision.
	2007	S, L, O, m								
RO	2001	S, L, O, m, forced begging, "other such activities that violate fundamental human rights and liberties"	NAP 2001 National Strategy against trafficking in persons 2006-2010 NAP 2006-2007 NAP 2008-2010 NAP for Preventing and Combating Trafficking in Children 2004-2007	Since 2003, Inter-Ministerial Work Group for the Coordination and Evaluation of the Prevention and Control of Human Trafficking.	Since 2005	Since 2008	Operational since 2007, National Integrated System to Monitor and Assess TIP; since 2007 National Database on Victims of Trafficking.	Since 2001, improved in 2004 and 2007.	Initial 10 days, then tolerance regime of up to 6 months.	Not specifically for VoTs, but on humanitarian grounds for "victims of crime".
SE	2002	S	2008, NAP on Prostitution and trafficking for sexual exploitation	No	Since 1997, within the National Criminal Police.	No	No	No	Since 2007, 30 days.	Since 2007, not specifically to VoT (but for victims of crime), max. 6 months.
	2004	S, L, O, exploitation in active military service, m								

Comparative Analysis

UK	2003	S	2007, updated in 2008 and last updated October 2009; UK Action Plan on Tackling Human Trafficking	UK Human Trafficking Centre (UKHTC)	UK Human Trafficking Centre, de facto national rapporteur.	Since April 2009	Since April 2008, the UKHTC gathers data from relevant institutions.	No, but NGOs receive government funds to run victim assistance projects (e.g. Eaves runs POPPY Project).	Initial 30 days, extended to 45 days (2008 Action Plan).	Yes, temporary residence permit, initial of 6 months, extended to 1 year (2008 Action Plan).
	2004	L								

Source: see Annex A

Notes:

S= THB for sexual exploitation

L= THB for labour exploitation

O= THB for the removal of organs

m= THB in regard to minors

Comparative Analysis

2.1.2. Data Availability, Data Reliability and Data Comparability

Legal frameworks, institutional settings and policy strategies significantly affect the data situation on trafficking in human beings in the investigated 17 EU Member States. The following sections provide an outline of the nationally recorded extent of THB evaluating data availability, data reliability and data comparability within and across European Member States. An overview of the major characteristics of available data on trafficking in human beings in 17 European Member States is presented in Table 2.

Table 2: Data availability on THB in 17 EU Member States

Country	Data characteristics	Victims	Investigations	Indictments	Convictions
AT	Period covered	Since 2005	Since 2000	N.A.	Since 2000
	Disaggregated by type	No, only by transborder prostitution	No	N.A.	No
	Minors	Discontinuous	N.A.	N.A.	N.A.
	Other characteristics	From 2000-2003 data refer to transborder trafficking in prostitution. NGO data on minor victims is limited to the city of Vienna.			
BE	Period covered	Since 1999	Since 2002	Only for 2006	Since 2002
	Disaggregated by type	Yes (available as aggregated values for 1999-2005).	Aggregated values for 1999-2005; yearly data only for 2006.	Only for 2006	Only for 2006
	Minors	Since 2004	N.A.	N.A.	N.A.
	Other characteristics	Dispersed and discontinuous			
BG	Period covered	Since 2000	Since 2003	Since 2003	Since 2003
	Disaggregated by type	Discontinuous	By S and L as of 2005	By S and L in 2008	By S and L for 2007 and 2008
	Minors	Discontinuous	N.A.	N.A.	N.A.
	Other characteristics	Dispersed, main data sources are international organisations.			
CZ	Period covered	Since 2002	Since 2000	Since 2000	Since 2000
	Disaggregated by type	Since 2002 by S and discontinuos by L	Since 2007 by S and L	No	For 2005 and 2006 by S
	Minors	Since 2004 discontinuous	From 2001 to 2005	N.A.	N.A.
	Other characteristics	Dispersed and discontinuous	Data refer to minors under the age of 18.		Dispersed
DE	Period covered	Since 1998	Since 1998	N.A.	At least since 2000
	Disaggregated by type	Since 2005 by S and L	Since 2005 by S and L	N.A.	No
	Minors	2000-2008	2005-2008	N.A.	N.A.
	Other characteristics	Minors are identified as under-21 year old persons.	Data on minors are only in relation to under-14 year olds.		

Comparative Analysis

DK	Period covered	Since 2003	Since 2003	Since 2003	Since 2004
	Disaggregated by type	By S	By S	By S	By S
	Minors	Yes	N.A.	N.A.	N.A.
	Other characteristics	Discontinuous, provided predominantly by international sources.	Number of reported trafficking offences.	Persons	Persons
ES	Period covered	Since 2000	Since 2000	Since 2007	Since 2007
	Disaggregated by type	By S; since 2003 data on unspecified; since 2005 by L.	By S; since 2003 data on unspecified; since 2004 by L.	No	Unspecified only
	Minors	Since 2003	N.A.	2002-2005, incomplete	N.A.
	Other characteristics	Discontinuous	Discontinuous, persons arrested.	Discontinuous, data on minors are only provided by the civil police.	Discontinuous, persons
FR	Period covered	N.A.	N.A.	N.A.	N.A.
	Disaggregated by type	N.A.	N.A.	N.A.	N.A.
	Minors	N.A.	N.A.	N.A.	N.A.
	Other characteristics				
HU	Period covered	Since 2002	Since 2001	Since 2000	Since 2000
	Disaggregated by type	No	No	No	For 2007 and 2008, by S and L.
	Minors	For 2002-2006	N.A.	N.A.	N.A.
	Other characteristics	Dispersed and discontinuous	Persons	Persons	Persons
IE	Period covered	Since 2000, discontinuous	N.A.	N.A.	N.A.
	Disaggregated by type	No	N.A.	N.A.	N.A.
	Minors	No	N.A.	N.A.	N.A.
	Other characteristics	Data come from NGOs and from academic research. Data are scarce, dispersed and discontinuous.			
IT	Period covered	Since 2000	Since 2003	Since 2002	Since 2002
	Disaggregated by type	No	No	No, only in 2004 by O.	No
	Minors	Yes	Yes	Yes, from 2003 - 2005.	No
	Other characteristics	Dispersed	Dispersed	Dispersed. From 2002 to 2008 from international sources. Between 2003 and 2005 from national sources.	Discontinuous, from international sources.

Comparative Analysis

NL	Period covered	Since 2000	2001 - 2006	2001 - 2007	2001 - 2007
	Disaggregated by type	No, only in 2007 by S	No, only in 2004 by S	No	No
	Minors	2001 - 2006	2001 - 2005	No	No
	Other characteristics	Data are collected by a major NGO and centralized by the National Rapporteur.		2001 - 2006 from National Rapporteur, 2002 - 2007 from international sources.	2001 - 2006 from National Rapporteur, 2003 - 2007 from international sources.
PL	Period covered	Since 2000	Since 2000	Since 2000	Since 2000
	Disaggregated by type	No	Only for 2006 by S	Only for 2006 by S	Only for 2006 by S
	Minors	Yes	No	No	No
	Other characteristics				
PT	Period covered	Since 2003	Since 2000	Since 2003	2003-2006
	Disaggregated by type	Since 2008 by S and L	Since 2005 by S and L	No	Since 2008 by S and L
	Minors	No	2000-2004, fragmented	No	N.A.
	Other characteristics		Data on minors are provided by NGOs.		Provided by international sources only
RO	Period covered	Since 2000 and 2004 respectively	Since 2001	Since 2002	Since 2002
	Disaggregated by type	Since 2003	No	No	No
	Minors	Since 2002	No	No	No
	Other characteristics	Data on identified victims since 2004; data on victims returned and assisted by the IOM since 2000.			
SE	Period covered	N.A.	Since 2003	Since 2003, discontinuous	Since 2003
	Disaggregated by type	N.A.	Since 2003 by S	By S, discontinuous	Since 2003 by S and since 2007 by S and L
	Minors	2003, 2004 fragmented	No	No	No
	Other characteristics	The only data available on identified minor victims of trafficking for 2003 and 2004.			
UK	Period covered	Since 2003	2005	Since 2003	Since 2003
	Disaggregated by type	Since 2007 by S and in 2008 also by L	No	Only in 2005 by S and L	Since 2007 by L and in 2008 also by S
	Minors	Yes	No	No	No
	Other characteristics	Dispersed, discontinuous. Most data are available for time intervals.	Data from international sources. The Police have data on perpetrators mainly on indictments and on intervals when they implement certain operations.	Data are published for certain time intervals only.	Dispersed

Source: see Annex B

Notes: "Dispersed" refers to the fact that data are owned and published by a number of different institutions. "Discontinuous" refers to the fact that data are not available continuously over time, but only irregularly for certain years.

"Fragmented" refers to the fact that data are not comprehensive, but covering a limited category only.

S= THB for sexual exploitation; L= THB for labour exploitation; O= THB for the removal of organs; m= THB in regard to minors

To get a picture of the magnitude and nature of human trafficking in each of the countries investigated, available data from national and international sources was segregated and analysed. Generally, it lies in the interest of governments to collect qualitative and quantitative data on THB to evaluate the impact of counter-measures and reveal shortcomings and progresses made in the implementation of laws and policies. Our research shows however that data on THB in Europe is far from being comprehensive, as **data availability** is rather limited. Data on THB in Europe is often limited in time and scope. In many countries, data was not available on an annual basis or at a national level or data was not available on different types of trafficking such as trafficking for labour exploitation or trafficking for the removal of organs. Moreover, THB data is owned and published by different institutions in one country, making an assessment of the extent difficult. In addition, there are acts of trafficking which are processed not under anti-trafficking legislation but under other offences such as prostitution or forced labour. These cases vanish from official THB statistics (see also Chapter 3). Besides these unknown acts of trafficking, the data situation is rendered difficult as some of the countries investigated had no institutions in place to collect THB data or those in place did not publish data, which complicated data access.

Besides limited availability, our study revealed concerns about the **reliability of THB data** available. In some of the documents reviewed for the purpose of this study, there was a lack of transparency and consistency concerning the type of data collected and presented. References to collection methods were often missing or it remained unclear how statistical variables and terms were defined. In addition, data was not well or not fully referenced by publishing sources, as occurred in the case of some international reports.

A further challenge was posed by the **comparability of available data** within one national context and between countries. Our research shows that there are several factors impacting the comparability of data:

- the dispersion of data among various institutions without standardization of definition, the making of statistics etc.;
- the use of different categories by which data is collected and/or presented;
- the mixture of THB data with other trafficking-related offences;
- the use of different reporting periods;
- the use of different interpretations of the legal definition of THB in Europe.

In most EU Member States, data on trafficking in human beings is, indeed, not standardized. THB data statistics include both persons-related and case-related data, and data may refer to different stages within the same phase of the legal process: in some countries, the category "victims" refers to victims identified by police forces, while in other countries it is linked to the number of victims assisted by NGOs. The same applies to "investigations" which can refer to "preliminary investigations", "investigations started" or "investigations concluded" by either the police or the public prosecutor. Equally, the category "convictions" may include convictions and cases sent to court but not processed, to mention just a few differentiations.

Generally, the dispersion of data among various institutions, the use of different definitions of THB within one national context and the use of different reporting periods constitute important barriers for assessing the extent of trafficking in human beings in each of the countries investigated and across Europe. The lack of harmonized data collection furthermore affects the evaluation of successful interventions as well as existing shortcomings or failures in anti-trafficking legislation and policies.

Comparative Analysis

Despite these complications, data can be compared to a certain extent if it is made transparent by keeping track of the differences between the data available (see Annex B). Based on intensive research on national data sources, the assessment of the extent of trafficking in human beings in this study was based on publicly available data from the years 2000-2008 which was chosen based on the following criteria: published by years, available at the national level and referred to different types of trafficking (i.e. trafficking for sexual exploitation and labour exploitation, trafficking in children and trafficking for the removal of organs). The following sections present and analyse available nationally recorded data on trafficking in human beings, highlighting trends and tendencies and assessing the data available with regard to the extent of trafficking in human beings for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs in 16 European Member States.³

2.2. Data Analysis

2.2.1. Minimum - Maximum scenario of Trafficking in Human Beings

On the basis of the detailed information available from the country Chapters, the following section presents **scenarios on the minimum and maximum extent** of THB in European countries based on the highest and the lowest figures available on victims and perpetrators of THB in each country (for detailed data sources and definitions see Annex B).⁴ As **France** is the only country where no data on THB was publicly available at all, and **Ireland** only publishes sporadic data on THB, the following analysis refers to **15 countries**, namely AT, BE, BG, CZ, DE, DK, ES, HU, IT, NL, PL, PT, RO, SE, UK. In order to compare the various figures, it was crucial to precisely distinguish between data referring to *persons* and data referring to *cases*. Furthermore, to show a **development** of the minimum and maximum scenarios over time, we decided to select three years for which the minimum and maximum values are displayed: 2003, 2005 and 2007. The reason for the selection of these years was the introduction of harmonised European legislation. With the introduction of the Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings, EU Member States were required to adapt their legislative framework to combat THB accordingly. The implementation of changes in the national legislative framework also had an effect on data availability. The year 2007 was selected as the last year in the reporting period, as it is the latest date for which complete data is available in most of the countries covered by this study (data for 2008, by contrast, was often incomplete or still to be published) (see Annex B).

By doing so, it is possible to make statements on the extent of trafficking on the basis of existing and publicly available data and/or data shared with the team working on this study from governmental, non-governmental and international data sources in 15 European countries. By taking the lowest and the highest figures publicly available in the given countries it is possible to show a possible range of the extent of trafficking as presented in the different countries. By doing so, minimum and maximum scenarios allow for clustering of the countries according to the extent of trafficking but also according to developments of the extent of trafficking.

³ For the case of France see Chapter 6 (Country Reports).

⁴ The only selection criteria were that data should cover a national level, preferably be annual data and should be as comprehensive as possible (e.g. not referring to victims granted a residence permit only).

2.2.2. The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

Victims of trafficking are generally identified either by law enforcement and immigration authorities in the course of police operations or controls at the border, or by (non-) governmental victim support organisations. Identified victims of trafficking are offered a **reflection period** in most European countries, to decide whether they want to co-operate with the authorities and operate as witnesses against the suspected perpetrators or not. Victims who co-operate with the authorities in most of the cases are granted a **residence permit** at least for the duration of the proceeding; victims who do not co-operate are generally **returned** to their country (see Table 1 above). Hence, data on victims of trafficking is mainly collected by the police, the public prosecutor, or victim support organisations. As data is primarily collected for administrative purposes, data-collecting institutions have a different rationale when collecting THB-related data.

Most of the data available on victims of trafficking refer to the pre-trial phase (identified victims and/or victims assisted by the police, the public prosecutor or NGOs). However, respective data may also refer to victims who co-operate with the authorities, to victims who were granted a residence permit or, finally, to returned victims. Keeping this in mind, data on victims is very heterogeneous and may cover totally different categories.

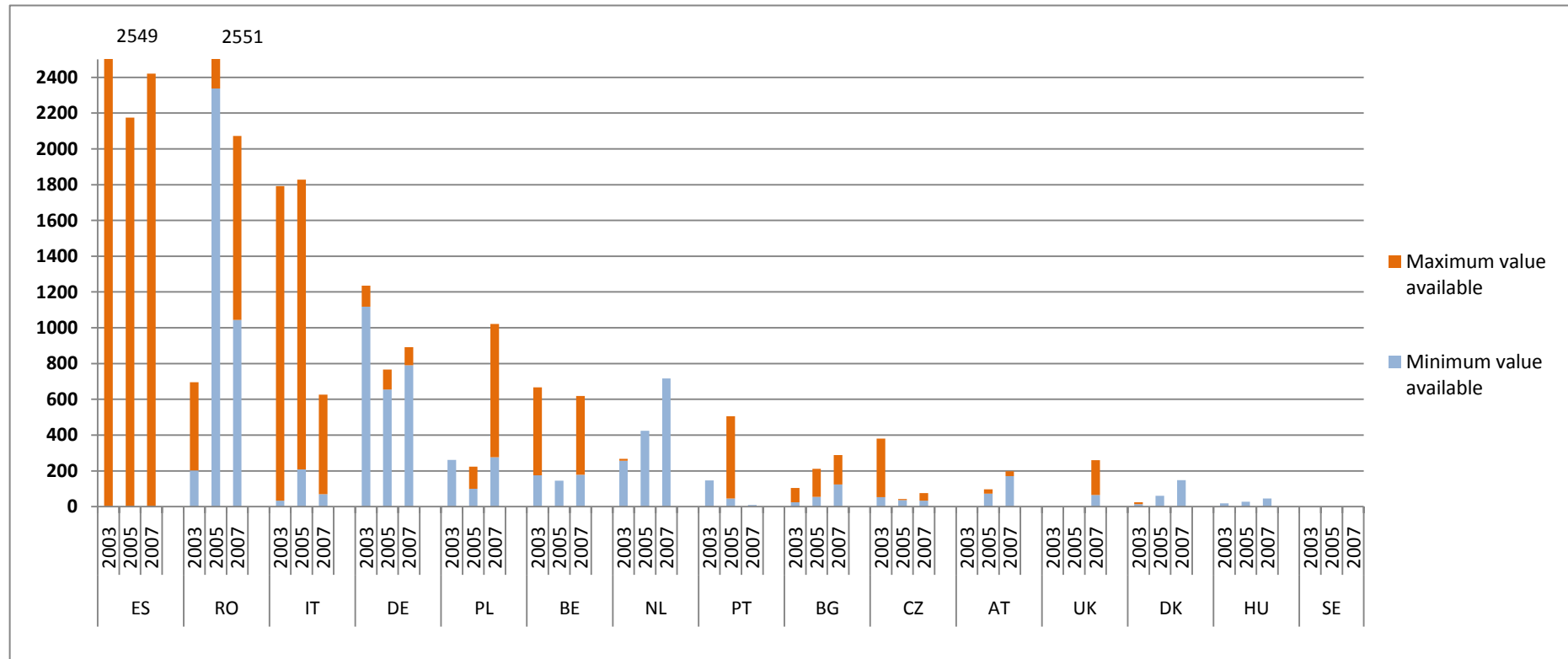
Overall data on victims of trafficking (the sum of figures on victims specified according to different types of THB and of figures specified according to different types of trafficking) is available in the 15 countries under consideration, except for Sweden. **Sweden** is the only country that does not collect data on victims of trafficking; the only data available in Sweden refers to minor victims of trafficking identified in the course of special operations of the Task Force of Organized Crime of the Baltic Sea Region. Data on victims of trafficking for **sexual exploitation** is publicly available for **11 countries** (ES, RO, DE, NL, CZ, UK, AT, DK, BE, BG, HU; in descending order), **8 countries** publish figures on victims of THB for **labour exploitation** (ES; RO, DE; BE, CZ, BG, UK, HU; in descending order) and **14 countries** specify whether the VoT were adults or **minors** (DE, RO, UK, IT, CZ, BG, NL, DK, PL, ES, HU, BE, AT, SE; in descending order), only in Portugal⁵ such data is missing.

The data presented in Charts 1 to 5 refer to the minimum and maximum numbers of victims of trafficking in human beings (overall) and the specific types of THB that were *publicly available* in each country. Regarding the overall number of victims of trafficking, in **7 countries** only one value was available (ES and HU in all three years; DK, PT and NL in 2005 and 2007; PL in 2003; BE in 2005). In these cases, the available values were displayed as minimum values. An exception is **Spain** for which the available overall figures on trafficking victims in all three years could clearly be categorized as maximum values. Hence, no overall minimum scenario for Spain could be developed. The **United Kingdom** also constitutes a special case as most of the data collected on THB is enumerated in the course of special police operations lasting over several months or years and is only periodically published. Hence, the annual data presented here displays only part of the available data on trafficking in human beings in the UK (for more details see country chapter on UK).

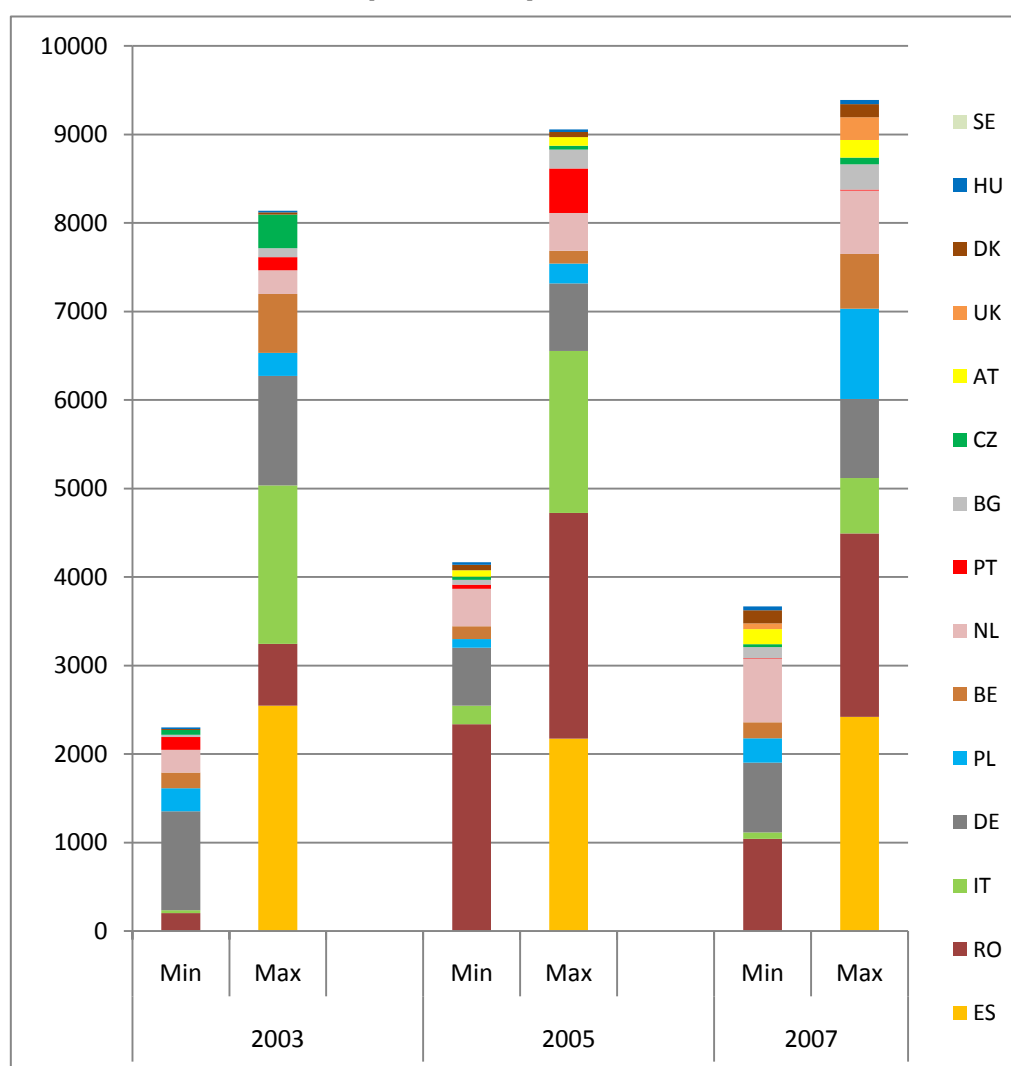
⁵ Portugal decisively improved its victim identification and assistance system in 2008; hence, these improvements are not reflected in the data included here.

Comparative Analysis

Chart 1: Minimum and maximum extent of THB in 15 EU countries for 2003, 2005, 2007 – number of identified victims



Source: For underlying statistical data, see Annex B to this report.

Chart 2: Share of THB victims per country, 2003, 2005, 2007

Source: For underlying statistical data see Annex B to this report.

Comparative Analysis of Data on Identified Victims

In most of the countries there are remarkable differences between the minimum and maximum values available on victims of trafficking, as displayed in Chart 1 and 2.

Regarding overall data on victims of trafficking for 14 countries (Spain was excepted⁶), on average, the maximum values are between 2.5 and 6 times higher than the minimum values, with the highest differences in 2003 and the lowest in 2007. **Italy** displays the highest differences between the minimum and maximum numbers of trafficking victims. The difference is extraordinary high in 2003 when the maximum was 50 times higher than the minimum (1,791 assisted victims reported by the *Osservatorio Tratta* compared to only 34 victims identified by the National Anti Mafia Bureau); in 2007 the maximum is still 8.9 times higher than the minimum, which again is the highest difference compared to the other countries in that year. In 2005, **Portugal** shows the largest difference between minimum and maximum values, with the maximum being 11.2 times higher

⁶ Spain was not taken into account because there is no minimum value for Spain.

Comparative Analysis

than the minimum value (506 victims identified by state authorities compared to 45 assisted victims reported by the US Department of State). By contrast, in **Austria**, **Germany** and **Romania** in at least two of the three observed years, the maximum values are not even twice as high as the numbers of the minimum values.

To understand the differences between the minimum and the maximum scenarios it is important to highlight which kind of data is underlying the figures of the different countries. The following general patterns could be identified in this regard:

Data from state authorities differs decisively from data from NGOs. Where available, data from NGOs on victims receiving support or shelter can generally be found among the highest values on victims of trafficking. In most cases, such NGO data is significantly higher than data from the police on identified victims in the course of investigations. It has to be taken into consideration that data collected by NGOs may involve multiple-counting of victims of THB counselled. **Italy** exemplifies this difference most clearly; in 2003 for example, the minimum of 34 VoT identified by law enforcement authorities (National Antimafia Bureau in UNODC 2009:34) compares to 1,791 victims participating in victim support programmes (Censis 2007⁷). Similarly, in **Belgium** 178 victims were identified (FPS Justice) in 2007, in contrast with 619 victims registered by specialised reception centres (US Department of State 2008).

In some countries (e.g. in **Austria**, **Germany**, **Hungary**, and **Romania**), no data from victim-support organisations was available on victims of trafficking, but only from state authorities. In these countries data provided by the police represents maximum values and figures provided by the prosecutor minimum values. In **Germany**, differences between the minimum and the maximum scenario result from the distinction between identified victims in regard to investigations on so-called **single THB offences** (all THB cases investigated) and to so-called **complex cases** (in which THB was identified as the primary and most severe offence). The number of identified victims is generally higher in "single THB offences" than in "complex cases". In 2007, for example, the German Federal Police identified 892 victims of trafficking in the course of investigations on all single trafficking in human beings offences and 790 in investigations on complex cases only. Although comparable detailed data is missing for most other countries, this example demonstrates the possible variations between data on trafficking and underlines the importance of knowing exactly which categories of persons are counted and presented as victims of trafficking.

Data from NGOs may also, under certain conditions, be regarded as a **minimum value**. Some countries distinguish between **victims provided shelter** and **assisted victims**. In this case, the numbers of victims provided shelter refers to "possible" victims of trafficking who are registered by NGOs, while the number of assisted victims refers to victims who are co-operating with authorities and thus receive (state-funded) assistance in their capacity as victims of trafficking. The percentage of assisted victims in the total number of identified victims is generally very small. **Belgium** may serve as an example: in 2003, 175 *victims assisted* by specialized reception were registered in centres, compared with 667 *supported/counselled victims of trafficking registered* by these centres.

Another kind of data generally found as a minimum value is data on **returned victims** or **victims granted a residence permit**.⁸ Both categories refer to a stage, when victims have already been ascertained as victims of trafficking and have either entered a legal proceeding against the perpetrators or decided not to co-operate with authorities. At the same time, the category of returned victims often only refers to foreign victims and disregards the number of own citizens who have been returned or have become

⁷ http://www.osservatoriotratta.it/download/LIBRO%20FENOMENO_DEF2%20-%20tab1%20-%20dati.pdf.

⁸ Such data is often published by the International Organization for Migration, which operates return programmes in many countries of this study.

victims of internal trafficking. In **Bulgaria** in 2003, for example, IOM returned 24 *foreign victims* to their countries of origin. As this kind of data generally represents a small part of those trafficking victims known to the authorities, such data was not introduced here if other, more comprehensive figures were available. However, in transit countries and **countries of origin of victims of trafficking**, a significant share of victims identified and assisted may actually be victims of THB who had returned to their home country. In our sample, **Bulgaria and Romania** also account for their own citizens who were trafficked to another country and returned to and were assisted in their country of origin (see country chapters Bulgaria and Romania).

However, in many cases the categories of assisted, returned, sheltered or identified victims by NGOs or state authorities are not clearly defined and distinguished (see e.g. Denmark), which aggravates difficulties in assessing the respective data.

In addition, the specific national legislative framework, the respective policy context and the system of data collection impacts the assessment of the extent of trafficking for the respective countries and across countries.

Spain was the first EU country to ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in March 2002. In 2003, figures on THB victims had dramatically increased by more than 1,500 persons. In this study, Spain reports the **highest numbers of identified victims** of trafficking compared to all other countries. However, the only figures available on victims of trafficking in Spain stem from international sources and refer to “victims of trafficking in **persons-related offences** identified by State authorities” (UNODC 2009:283). Due to the lack of a clear definition of trafficking in the Spanish Criminal Code (until 2007), such trafficking in persons-related offences may include offences against personal freedom, sexual integrity, labour rights, and offences related to facilitated illegal border-crossing and illegal residence (see also section on perpetrators). Spain so far has not established a nationally co-ordinated approach to victim identification and support, measures that usually effect the soundness of data on victims of trafficking. Thus, given this current context, the number of victims of trafficking available in Spain can clearly be regarded as a maximum number only.

As a result of the specific national context as a country of origin and transit of victims of trafficking, **Romania** has built up a victim-centred approach and has run **assistance programs** for victims of trafficking already since 2001. Improvements in 2004 and 2007 respectively are reflected in the data at hand (see Chart 1). At the same time, Romania applies a very **broad definition of trafficking**, i.e. also including “begging” as an additional purpose of trafficking in human beings. As already mentioned above, Romania’s focus of victim identification and assistance lies on Romanian citizens who have become victims of transborder or **internal trafficking**. This victim-centred framework is reflected in the outstandingly high numbers of victims of trafficking identified in Romania. However, it is not clear how many of the victims **returned** to Romania had already been enumerated as victims of trafficking in the country where the act of trafficking was detected. Thus, multiple counting between countries is expected.

As a major destination and transit country, **Italy** has focused its policies on identification and assistance to victims of trafficking. Irrespective of any co-operation with authorities, and only based on the requirement of being ascertained as victim of trafficking by the police or by an NGO, victims of trafficking are granted a six-month residence permit in Italy that allows access to work and education. In addition, the *Interministerial Commission for support to Victims of Trafficking* operates **special support programmes** to assist victims of trafficking. Thus, the numbers on assisted victims of trafficking are taken as maximum values in Italy. Furthermore, Italy prosecutes trafficking not only under the anti-trafficking article in the Criminal Code (Art.601), but

Comparative Analysis

also under related articles referring to “slavery” and “similar conditions” (Art. 600 and 602), which facilitates identifying and protecting possible victims of trafficking. If enumerating only the number of victims identified by state authorities in relation to Article 601, the number of trafficking victims in Italy would severely diminish (see minimum values in Chart 1) and not adequately reflect the number of possible victims of trafficking identified in Italy.

In regard to data collection on victims, **Germany** applies a very transparent approach. In regard to **minor victims**, special means (force, threat or deceit) must not be present in regard to all persons **under 21** for an action to be regarded as trafficking for sexual or labour exploitation. This provision decisively facilitates the identification of victims of trafficking under the age of 21, who constitute almost half of all identified victims of trafficking in Germany (see Chart 5). Furthermore, since 2003, Germany also collects data on **victims with German citizenship**. Since then, the share of German victims of THB is considerably higher, accounting for example for 27% of all victims in 2007 (BKA 2008:8).

Overall developments regarding the extent of Trafficking in Human Beings: Number of Identified Victims

When looking at the highest overall numbers of victims of trafficking in the 13 countries that provide data for at least two years (the UK only provides data for one year), the following trends can be observed:

In 7 countries, the **number of trafficking victims increases** between 2003 and 2007 (AT, BG, DK, HU, NL, PL, RO). In **Austria, Bulgaria, Denmark** and the **Netherlands**, the number of victims of trafficking increases continuously throughout the three years (e.g. from 267 to 716 NGO-identified victims of trafficking in the Netherlands; or from 97 to 197 victims identified by the police in Austria). In **Denmark** for example, this increase can be explained by a number of improvements made with regard to the anti-trafficking legislation and related policies, as well as the involvement of NGOs in the process of victim identification and support (see country chapter on Denmark). In addition to improvements in victim identification and assistance in **Bulgaria** in this time period, the increase from 104 to 288 identified victims between 2003 and 2007 can also be explained by the fact that since 2004, **Bulgarian citizens** have also been enumerated as victims of trafficking.

In 6 countries, the **number of victims of trafficking follows a decreasing trend** between 2003 and 2007 (CZ, BE, DE, ES, IT, PT,). The most significant decrease in numbers of identified victims can be observed in Italy, Portugal and the Czech Republic. The decrease by 1,165 persons in the number of identified victims in **Italy** between 2003 and 2007 is easily explained by the fact that for 2007 there was no data provided on victims participating in assistance programmes by the *Osservatoria Tratta*. In **Portugal**, a maximum of 147 assisted victims were registered in 2003 and only 10 in 2007. However, after the implementation of a national referral mechanism in 2008, the numbers again increased to the levels from 2003. Despite the introduction of victim support programmes in 2004, in the **Czech Republic** the number of victims has decreased from 380 sheltered and assisted victims in 2003 to 75 assisted victims in 2007.

Assessing the extent of Trafficking in Human Beings in selected EU countries: Number of Identified Victims

In light of these considerations and based on the data available, the number of victims of trafficking per country and for the countries covered together can be presented as follows:

The **minimum scenario** refers to 13 countries only, as no minimum scenario could be developed for Spain (see above). In the following, the countries are clustered based on the average of all minimum values in 2003, 2005, and 2007 as available in each country.

In 6 out of 13 countries, **less than 100 victims of trafficking** were identified on average per year (BG, CZ, DK, HU, PT, UK). The lowest minimum value in this category stems from Portugal (10 victims assisted in 2007) while the highest minimum number is reported in Denmark with 148 victims assisted in the same year (both reported by the US Department of State);

In 4 countries, at a minimum **between 101 and 250 victims of trafficking** were identified on average per year (AT, BE, IT, PL). It is interesting to note that although **Italy** ranges at the third place in the maximum scenario, the minimum numbers referring to identified victims with regard to Art. 601 CC only amount to 34 identified victims by law enforcement authorities in 2003, 208 in 2005 and 70 in 2007.

In 3 countries, a minimum of **over 450 victims** was identified on average per year. **Germany, Romania** and the **Netherlands** clearly stand out from all the other countries. In this scenario **Romania** provides the lowest minimum value with 202 returned and assisted victims in 2003 (reported by IOM) and at the same time the highest minimum value with 2,338 victims of trafficking identified by the prosecutor in 2005 (reported by UNODC).

The **maximum scenario** refers to the average of all maximum values in 2003, 2005, and 2007 as available in each of the 14 countries.

In 7 out of 14 countries a maximum of on average **less than 300 victims of trafficking** were identified per year (AT, BG, CZ, DK, HU, PT, UK); the lowest maximum figures are displayed by Denmark and Hungary with an annual average of identified victims of 77 and 30 persons respectively. The highest maximum values are reported by Portugal (506 identified victims reported by UNDOC in 2005) and the Czech Republic (380 victims provided with shelter and counselling in 2003, reported by the US Department of State);

In 3 countries the maximum number of victims of trafficking on average ranged from **301 to 600 persons** per year (BE, PL, NL). The lowest value in this group of countries amounts to 145 victims of trafficking reported by **Belgium** in 2005 and the highest value reported in **Poland** with 1,021 victims of trafficking in 2007. All three countries operate special support programs for victims of trafficking. In **Belgium** and the **Netherlands**, the displayed maximum figures refer exclusively to the number of registered and supported victims by the state-funded specialized reception centres in these countries.

In 4 countries **over 900 victims of trafficking** on average per year were identified as a maximum (DE, ES, IT, RO). These countries display by far the highest maximum numbers of trafficking victims, with Spain reporting over 2,000 victims of THB-related offences identified by state authorities in all three years (reported by UNODC). The highest maximum number of victims of trafficking comes from **Romania** with **2,551 victims identified** by police and border police in 2005 (IGRP and IGBP quoted by NATP).

Comparative Analysis

When **summing up** the different minimum and maximum values publicly available in each country as displayed in Chart 1 and 2, the **total minimum scenario** of victims of trafficking in 13 countries (without Spain) increases from **2,303** victims of trafficking in 2003 to **4,167** persons in 2005, and thereafter decreases and amounts to **3,669** victims of trafficking in 2007. The **total maximum scenario**⁹ in 14 countries increases from **8,139** victims of trafficking in 2003 to **9,057** in 2005, and further rises to **9,389** in 2007.

Following this, both scenarios display a **clear increase** in the number of victims of trafficking regarding the entire period of 2003 to 2007. In this, the **minimum scenario**, with a rise by 1,366 persons, **increases more strongly** than the maximum scenario, with an increase by 1,270 persons in the reporting years.

Assessing the extent of Trafficking in Human Beings for Sexual Exploitation: Number of Identified Victims

As illustrated in Chart 3, data on victims of trafficking for sexual exploitation is publicly available in only **11 countries** (ES, RO, DE, NL, CZ, UK, AT, DK, BE, BG, HU; in descending order). In the large majority of these countries one single figure was available on the number of victims. In the **Czech Republic, Germany, and Romania**, several figures were available of which the highest number was included in the analysis of victims of THB for sexual exploitation across countries.

Ireland, Italy, Poland, Portugal and Sweden do not provide data on victims disaggregated by type of THB.

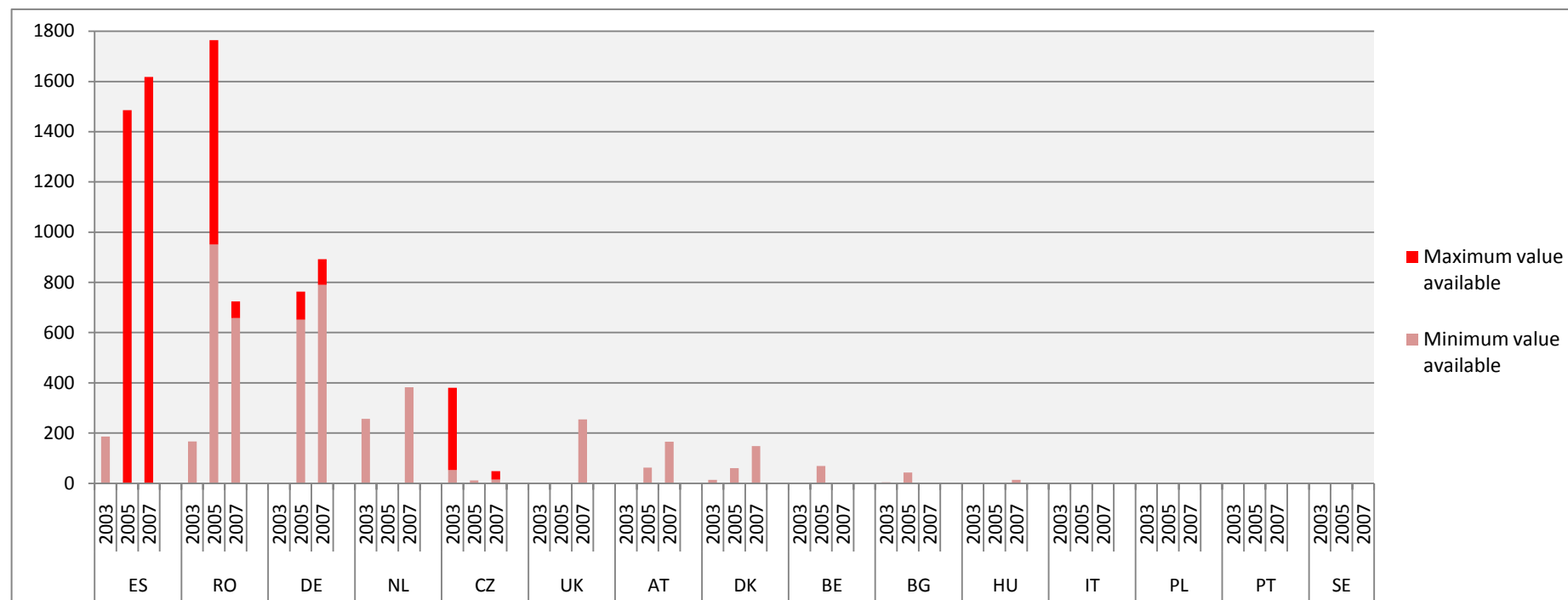
Regarding the share of victims of trafficking for sexual exploitation in the overall number of victims, in **Denmark, Germany and the United Kingdom** the average share lies **over 80%**. In Denmark, except for 2003 the total number of victims of trafficking converges with the number of victims for sexual exploitation.

In the **Austria, Czech Republic** and the **Netherlands**, the share of THB for sexual exploitation in total ranges **between 60% and 80%**, while the share of victims of trafficking in the overall number of victims in **Belgium, Bulgaria, Hungary, Romania** and **Spain** is **below 50%**.

Based on the highest available figures in **all 11 countries** providing data on THB for sexual exploitation, the number of victims of trafficking for sexual exploitation amounts to 1,008 persons in 2003, and thereafter increases to the level of 4,259 victims in 2005 and 4,247 persons in 2007. Thus, in the period between 2003 and 2007 the number of victims of trafficking for **sexual exploitation increased more than four times**.

⁹ In those countries displaying only a minimum value, this value was also used to calculate the total maximum (ES and HU in all three years; DK, PT and NL in 2005 and 2007; PL in 2003; BE in 2005).

Chart 3: Minimum and maximum extent of THB for sexual exploitation in 15 EU countries for 2003, 2005, 2007 – number of identified victims



Source: For underlying statistical data see Annex B to this report.

Assessing the extent of Trafficking in Human Beings for Labour Exploitation: Number of Identified Victims

Data on victims of trafficking for labour exploitation is very scarce and only available in **8 countries** (ES; RO, DE; BE, CZ, BG, UK, HU; in descending order); 4 countries provide data for only one year, and only **Romania** provides data for all three years. Only for the **Czech Republic** and **Romania**, was more than one value available in one year on this category of persons. Thus, the following observations are simply based on the highest figures available on victims of trafficking for labour exploitation reported in each of the 8 countries.

Regarding the share of victims of trafficking for labour exploitation in the overall number of identified victims in these 8 countries, in **Belgium**, the **Czech Republic**, **Romania** and **Spain** the share **exceeds 20%**, while in **Germany**, **Bulgaria**, **Hungary** and the **UK** this share lies **below 20%**. In **Romania**, in 2007 the number of victims of THB for labour exploitation identified (877 victims) is for the first time higher than the number of victims of trafficking for sexual exploitation (724 victims), a trend which continues and intensifies through 2008 (716 THB victims of labour exploitation versus 386 THB victims of sexual exploitation).

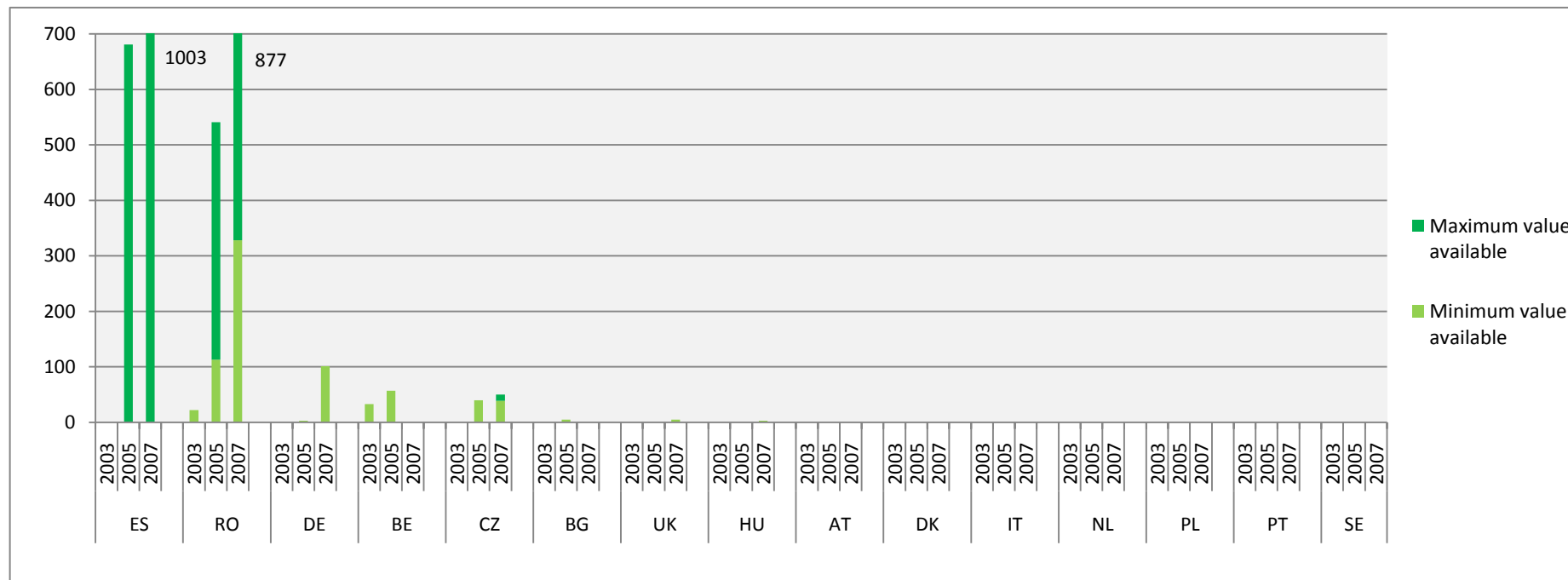
In general, the low or even missing numbers on victims identified for trafficking for labour exploitation may also reflect a **lack of awareness** of this crime among the responsible institutions or **difficulties in identifying victims** for labour exploitation. When looking at the low numbers of victims for the different types of exploitation in **Bulgaria**, for example, they demonstrate significant gaps in data collection rather than the actual extent of these types of trafficking. Similarly, the **German** Federal Criminal Police Office (2007:12-13) suggests that the actual number of identified victims is expected to be much higher than the statistical figures show (e.g. 101 victims in 2007), as experience with the legal provision on THB for labour exploitation is still limited. By contrast, the **Danish** Department of Gender Equality puts forward that so far no cases of labour trafficking have been registered in Denmark, as "Denmark has a very regulated labour market"¹⁰, but measures to further investigate this phenomenon are foreseen.

When summing up the highest figures available in each of the 8 countries providing data on victims of trafficking for labour exploitation, the following results can be gained:

The extent shown for 2003 is based on data provided by **Romania** and **Bulgaria** only and amounts to **55** identified victims of THB for forced labour. In 2005, respective data is already available from 6 countries (ES, RO, DE, BE, CZ, BG) and the number of trafficking victims recorded increased to **1,327** identified victims in this category. In 2007, based on numbers provided by **the Czech Republic**, **Germany**, **Hungary**, **Romania**, **Spain** and the **UK**, the number of recorded trafficking victims in this category increased to **2,039 victims**. Although in 2007 no data could be included from **Belgium**, which for the other years reported comparatively high numbers, the overall extent for all countries still increases.

¹⁰ Department of Gender Equality, Answer to the ICMPD Questionnaire on the "Study on the assessment of the extent of different types of human trafficking in EU countries", sent on 30.6.2009.

Chart 4: Minimum and maximum extent of THB for labour exploitation in 15 EU countries for 2003, 2005, 2007 – number of identified victims



Source: For underlying statistical data see Annex B to this report.

Assessing the Extent of Trafficking in Human Beings: Number of Child Victims

As illustrated in Chart 5, data on **children and/or minors as victims of trafficking** is available for 14 countries (DE, RO, UK, IT, CZ, BG, NL, DK, PL, ES, HU, BE, AT, SE, in descending order); only Portugal¹¹ does not provide respective data. In 9 countries only one value on minor victims of trafficking is available for each year, and a minimum and maximum value is available for Romania, Italy, Spain, Germany and the Czech Republic.

Regarding the highest values reported in each country, the share of minor victims of trafficking within the overall number of victims amounts to **over 40%** in **Denmark, Germany and Hungary**. Interestingly, in **Denmark**, in 2003 the number of minor victims is the same as the maximum number of overall trafficking victims registered. Furthermore, the NGO Save the Children Denmark estimates the share of child trafficking at approximately **6%** of the total number of victims of THB.¹² In **Austria, Bulgaria and Romania**, the recorded share of minor victims within the overall number of victims ranges **between 10% and 30%**, while in **Belgium, Italy, the Netherlands, Poland and Spain** it lies **below 10%**.

Three countries were not included in this list for the following reasons: In **Sweden** the only available number on trafficking victims refers to the number of three child victims identified by the Task Force of Organized Crime of the Baltic Sea Region. When looking at Chart 2, it can be remarked that the figures reported by the **Czech Republic** and the **UK** are even higher than their figures on the total number of victims of trafficking (see Chart 1). They were excluded from the total number as it remains unclear whether the numbers on child victims of THB refers only to identified victims in one reporting year or to the total stock of minor victims of trafficking in the country. For example, the Study on Child Trafficking by the European Union Agency for Fundamental Rights (FRA) (2009) states that in 2007 105 trafficked children have received full health care services in the Czech Republic. As no reference is provided to a primary source, it remains unclear for how long these children have already been receiving these services. This also applies to the number of 330 individual cases of children trafficked to the UK, identified in the course of a study commissioned by the UK Home Office to the Child Exploitation Online Protection Centre (CEOP). Nevertheless, these figures show that trafficking in children and minors makes up a significant part of overall trafficking in human beings in their countries.

Germany, with 491 minor victims of trafficking identified by the police in 2003, 343 in 2005, and 498 in 2007, reports the highest numbers of minor victims of trafficking in comparison to the other 13 countries. As already mentioned above, special means (force, threat or deceit) do *not* need to be present in regard to all persons under **21** in order for an action to be regarded as trafficking. This decisively facilitates the identification of minor victims of trafficking who, in Germany, constitute **almost half of the total number of trafficking victims**. By contrast, the number of identified *child victims* of trafficking (defined as persons under 14) is rather marginal. In 2007 for example, of the total 498 identified minor victims of trafficking (0-21 years), 13 children (0-14 years) and 373 minors between 18 and 21 years of age were identified.

In **Italy**, the average share of minor victims within the total number of victims only amounts to 7.8% between 2003 and 2007. The Italian law, in contrast to German law, requires a proof of special means also when the victim is under the age of 18.

¹¹ Portugal decisively improved its victim identification and assistance system in 2008; hence, these improvements are not reflected in the data tackled here.

¹² Save the Children Denmark, answer to the ICMPD Questionnaire on the "Study on the assessment of the extent of different types of human trafficking in EU countries", sent on 2.6.2009.

In other countries, the low or missing data on minor victims of trafficking can be explained by a lack of specialised assistance structures for this specific target group. In **Austria**, for example, although NGOs on a local level collect data on child trafficking and point to the significance of this phenomenon (see country chapter on Austria), no national data is available as no institution is officially in charge of a central and co-ordinated reception of child victims of trafficking.

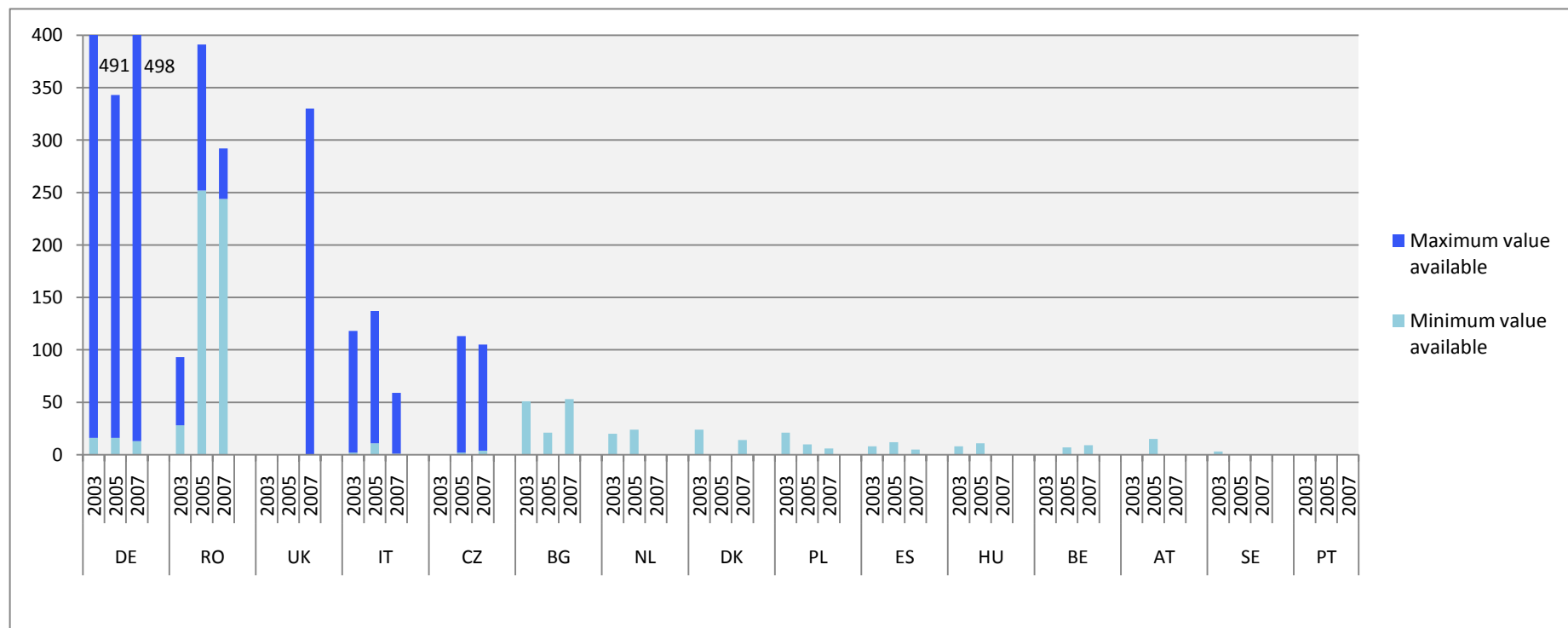
Other countries, such as **Denmark**, point to the difficulty in identifying child victims of trafficking. Especially with regard to trafficking for labour exploitation, minors would be identified as offenders for petty crime, rather than as victims.

In light of these considerations, the minimum numbers of minor victims of trafficking identified in 14 countries range from 181 to 349 between 2003 and 2007. The **total maximum values available in the 14 countries**¹³ amounts to **837 minor victims in 2003**, rising to **973 victims in 2005** and slightly decreasing to **940 victims in 2007**. For the whole period from 2003 to 2007, the number of child victims of trafficking increases.

¹³ The total does not include maximum values provided by the UK and the Czech Republic, due to an unclear reporting period and definition.

Comparative Analysis

Chart 5: Minimum and maximum extent of THB in 15 EU countries for 2003, 2005, 2007 – number of identified child victims



Source: For underlying statistical data see Annex B to this report.

2.2.3. The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

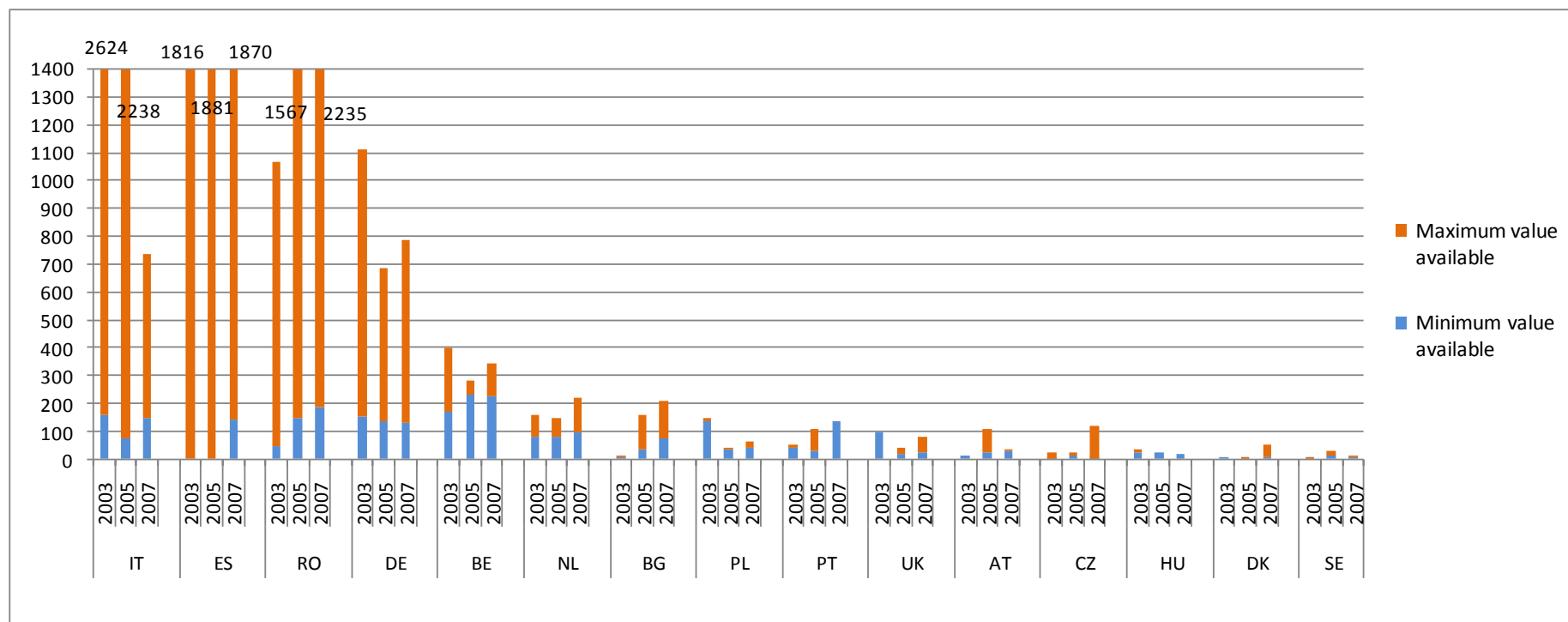
Data on perpetrators is generally enumerated by the police (initiated and concluded investigations, suspects identified, persons arrested, etc.), the public prosecutor (investigations, persons prosecuted, cases with indictment, persons indicted, cases sent to court, etc.), and the courts (sentences issued, convictions for primary or minor offences, persons convicted, etc.).

Overall data on trafficking perpetrators (unspecified or total of different forms of THB) are available in 15 out of 17 EU countries, only Ireland and France provide no annual data on trafficking perpetrators. Regarding information disaggregated by **different types of trafficking**, data is generally very scarce. The data situation is best in regard to trafficking for the purpose of sexual exploitation and available for 8 countries (AT, BG, CZ, DE, DK, ES, NL, SE). Only 5 countries publish data on trafficking perpetrators for labour exploitation (BG, DE, ES, SE, UK), and only 3 countries (DE, IT, NL) provide data on perpetrators of child trafficking. Hence, only **Germany** provides data on perpetrators for all different types of trafficking.

The data presented in Charts 6 to 11 refer to the minimum and maximum values on trafficking perpetrators that were available for each country. In the 5 countries where only one value was available on the overall number of trafficking perpetrators in some years (AT; DK; HU in 2005 and 2007; PT in 2007; and UK in 2003) these values are displayed as minimum values in the charts below. It is important to note that in the case of Spain, the values available in the years 2003 and 2005 (on suspected perpetrators and persons arrested) could clearly be categorized as maximum values, as Spain refers to additional categories such as *facilitating illegal migration* within its statistics on THB. Thus no minimum scenario was introduced for Spain in these years. Also, for the UK a large part of the data available could not be regarded in the analysis, as statistics on the UK are not available over a period of time but only refer to investigations under special operations. Therefore the published total numbers of trafficking refer to periods of several months or years (see country chapter UK).

Comparative Analysis

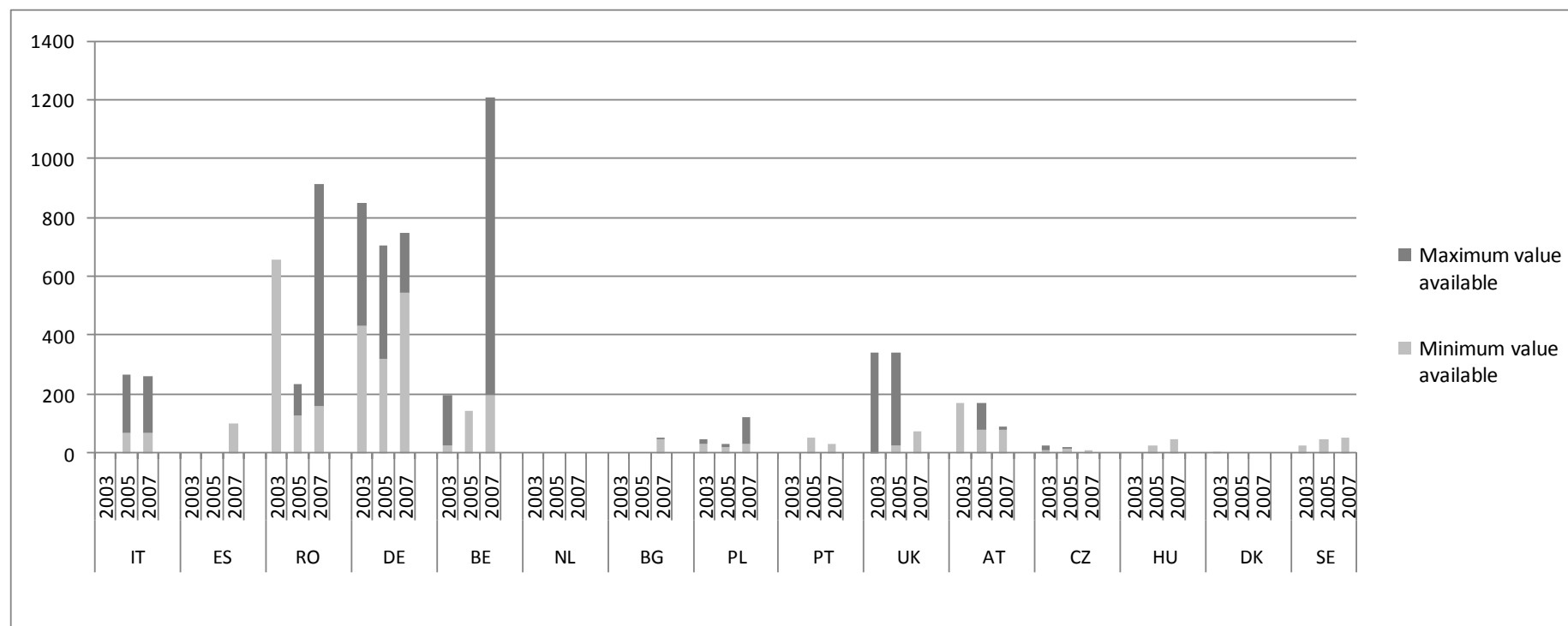
Chart 6: Minimum and maximum extent of THB in 15 EU countries for 2003, 2005, 2007 – number of identified perpetrators (persons)



Source: For underlying statistical data see Annex B to this report.

Note: This chart refers to the number of persons, while Chart 7 refers to the number of cases.

Chart 7: Minimum and maximum extent of THB in 15 EU countries for 2003, 2005, 2007 – number of identified perpetrators (cases)

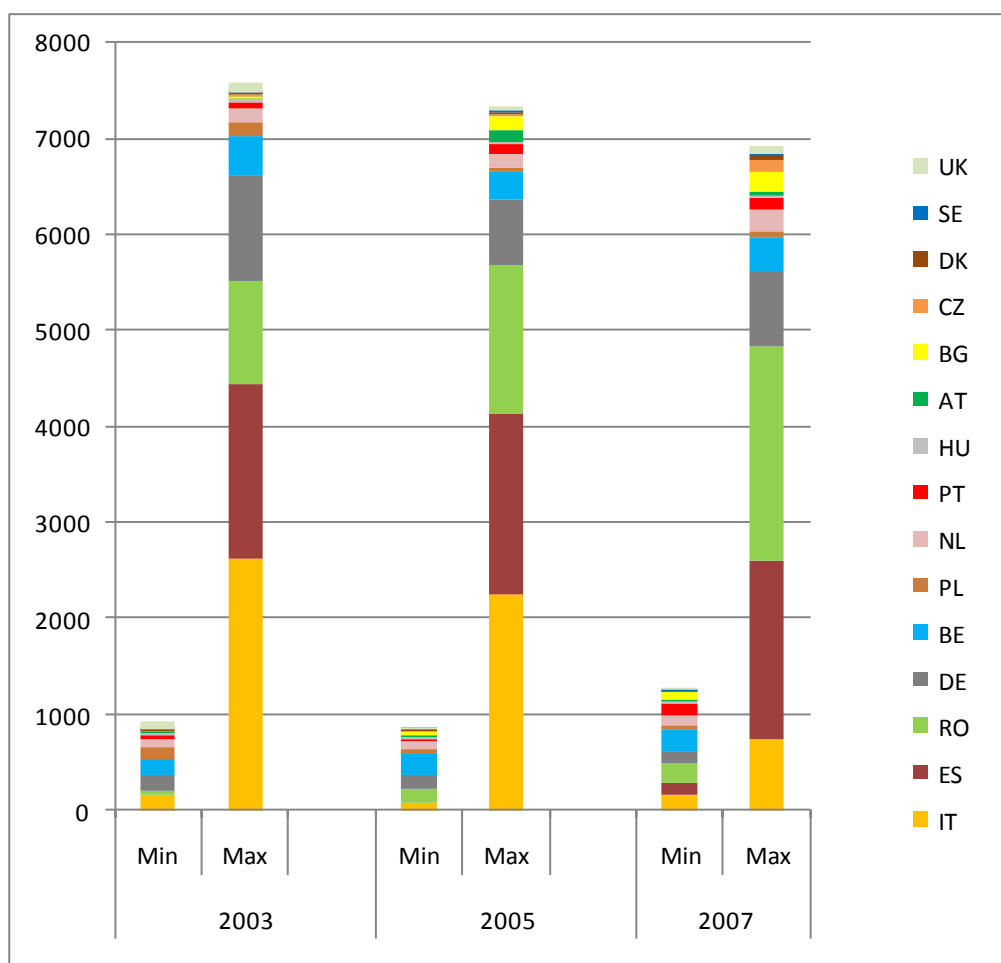


Source: For underlying statistical data see Annex B to this report.

Note: Chart 6 above refers to the number of persons, while this chart refers to the number of cases.

Comparative Analysis

Chart 8: Country shares of minimum and maximum extent of THB for 2003, 2005, 2007 – number of identified perpetrators



Source: For underlying statistical data see Annex B to this report.

Comparative Analysis of Data on Perpetrators

As displayed in Charts 6 and 7, in most countries there are large differences between the minimum and maximum values available on trafficking perpetrators. For all countries covered, the **overall maximum values** are on average between **5.1 and 6.4 times higher than the overall minimum values**.¹⁴ The lowest difference is displayed in 2003, and the highest in 2007. Those countries accounting for the highest absolute numbers of trafficking perpetrators tend to display the highest difference between their minimum and maximum scenarios. In the **Czech Republic, Italy and Romania** the maximum values are up to **21.8 to 30 times higher** than the minimum values in certain years. In Italy for example, in 2005 a minimum of 74 persons indicted for THB stands against the maximum of 2,238 persons investigated for THB-related crimes (this difference reduced significantly in 2007). Although on a much smaller scale, the **Czech Republic** in 2007 displays a similar relationship between its available minimum and maximum values with 4 convicted persons (Ministry of Interior 2008) compared with 121 prosecuted persons in the same year (US Department of State 2008). **Germany** seems

¹⁴ As in 5 countries only one value was available for certain years, the multiplier was 1.

to be exceptional in this regard: although it displays the fourth-highest numbers on trafficking perpetrators, the maximum values are 5 to 8 times higher than the minimum values and thus rank only slightly above average. A possible explanation may be the centralised and thus more transparent data collection system and the limited number of different institutions referring to different categories. Similarly, **Belgium**, which reports the fifth-highest maximum number of trafficking perpetrators, displays one of the lowest differences between its minimum and maximum data available (the maximum is between 1.2 to 2.3 times higher than the minimum).

In order to explain for these differences, it is important to identify some **general patterns** regarding the kind of data underlying the minimum and maximum scenarios:

The main reason for the differences between minimum and maximum values is that the two scenarios largely reflect the **different stages of the legal proceeding**, in which trafficking perpetrators are first identified, then investigated, indicted and finally convicted. The majority of the data presented as **maximum** numbers of trafficking perpetrators in Chart 6 refers to police data on **identified suspects** or **persons arrested** in the course of police investigations. By contrast, the **minimum** numbers generally refer to **persons convicted** or **indicted** for the crime of human trafficking. Hence, the difference between the minimum and the maximum scenario can be largely explained by the decline in numbers in the course of judicial proceedings on THB. As is observed in the country chapters, for many countries the drop in prosecutions between these stages is remarkably high, specifically in regard to trafficking in human beings.

Data on the **different types of trafficking** does not correspond to this pattern though. Rather, due to the limited availability of respective data, the **maximum** values reported disproportionally refer to **persons indicted** or **convicted**. The same applies to countries for which data on trafficking offenders in general is scarce, such as **Austria, Denmark, Hungary** and **Sweden**. In these countries, overall data on convictions in some years constituted the maximum value available as no other data on perpetrators was available. Another reason may be found in the **different categories of persons enumerated**. Again, the examples of **Austria, Denmark** and **Sweden**, but also of **Belgium** and **Poland** show that in some years the number of **convicted perpetrators** constituted a maximum as it related to persons convicted for THB and *trafficking-related offences*. Such trafficking-related offences most often include human smuggling, facilitation of illegal migration, sexual offences, or offences related to labour exploitation and thus rather overestimate the number of perpetrators who were actually indicted or convicted for THB.

Differences in what is counted are also an important indicator for assessing the extent of trafficking by perpetrators in the 15 EU countries in more general terms. As was already shown, **differences in the legal definition and categories of persons counted** can decisively impact the numbers of trafficking perpetrators reported in the countries. When looking at the countries with the highest number of trafficking perpetrators in more depth, the following observations can be made:

Already since 2001 **Romania** prosecutes trafficking also for the purpose of *forced begging* and other activities that violate fundamental human rights, which may partly be reflected in the high figures of investigated trafficking perpetrators reported in this country (however, the difference to convicted perpetrators is striking: in 2007 188 convicted persons contrast with 2,235 investigated persons, for example).

In **Germany**, the clear legal definition of the different types of trafficking in separate articles of the Criminal Code (Art. 232, 233, and 233a) can be assessed to facilitate the prosecution of trafficking offenders. Furthermore, reference to trafficking in minors

Comparative Analysis

defined as persons until the age of 21 also alleviates the prosecution of respective offenders (see also section on victims).

In **Italy**, for example, trafficking in persons (criminalized under Art. 601 CC) is often prosecuted under other related offences, such as slavery-related offences (Article 600 and 602 Criminal Code). The situation is similar in **Austria**, where THB for sexual exploitation is additionally prosecuted under the legislation on *cross-border dealings in prostitution*. Depending on which categories are included under "THB", in 2007 for example, the number of trafficking perpetrators in **Italy** ranges from a minimum of 148 perpetrators prosecuted (National Antimafia Bureau quoted by UNODC 2009) to a maximum number of 736 perpetrators (National Antimafia Bureau). Against the background of the proposal of the European Council from October 2009 to also include slavery or practices similar to slavery into the national trafficking legislation,¹⁵ Italy's maximum scenario that already incorporates such offences shows how this regulation could influence the recognised extent of THB in a country.

Spain is an example for the countries that do not provide for a unique offence comprehensive of all criminal acts constituent to human trafficking. Instead, the Spanish Criminal Code (CC) criminalises different forms of THB through different offences (acts against personal freedom, against sexual integrity and against the rights of the labourer), wherein trafficking in human beings constitutes an aggravated circumstance. Data presented in the charts below hence refers to the category *persons arrested for offences related to trafficking in persons in Spain* (*Centro de Inteligencia contra el Crimen Organizado* quoted by UNODC 2009:282), which is an aggregated category including THB as one crime amongst other person-related crimes. What remains problematic is the fact that data presented on THB does not specify which of these cases are THB cases, and which were cases of facilitated illegal migration or illegal employment, for example. Under these conditions, and having in mind the high numbers of irregular immigration to Spain (see González-Enríquez 2009), data on trafficking is most likely an overestimation of the actual extent of THB in the country.

Similarly, in **Belgium**, a legal distinction between THB and human smuggling was only introduced to the Criminal Code in 2005. But also thereafter some data still refers to the aggregated category of *persons arrested for trafficking in persons and smuggling of migrants* (maximum values; FPS Justice quoted by UNDOC 2009), which might explain for the relatively high numbers of trafficking perpetrators reported in Belgium. Also **Poland** prosecutes trafficking under different articles of the Criminal Code (Art. 203, 204 and 253), but lacks a clear definition of human trafficking.

Apart from person-related data, in all countries covered (except for Ireland and France) **case-related data** on trafficking is also available (investigations, indictments, convictions). However, only 8 countries (AT, BE, CZ, DE, PL, RO, SE, NL, UK) provide both, person- and case-related data for all of the three observed years.¹⁶

The countries with the **highest number** of THB cases in all three years are **Belgium, Germany, and Romania**, followed by **Austria, Italy, Poland** and the **UK**. Similar to the countries' data on trafficking perpetrators (by persons), Belgium, Germany, Italy, and Romania also display the highest figures on trafficking cases. However, some countries that report one of the lowest values on trafficking offenders (by persons) also rank higher in regard to data on cases (AT, UK). In this respect, it is remarkable that **AT, HU, SE** and the **UK** present **higher overall data on trafficking cases than on**

¹⁵ Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, which, if adopted, will repeal the Framework Decision 2002/629/JHA from October 2009, the nearly agreed text at the last Justice and Home Affairs Council:
<http://www.statewatch.org/news/2009/oct/eu-council-trafficking-15011-09.pdf>

¹⁶ In the Netherlands, one case refers to one person, and for the purpose of this report we classified the data as person-related data only.

trafficking perpetrators (*persons*). In the majority of these countries (except for the UK) the data on cases is on police investigations, while data on persons represents the number of indicted or convicted offenders. As in these countries, data collected by the police generally refers to *cases*, data available on trafficking perpetrators (by persons) does not account for the number of potential trafficking suspects that would represent the maximum number of trafficking perpetrators in a country. In **Austria**, for example, the maximum number of cases in 2003 amounts to 169 police investigations on trafficking, while the maximum number of *persons* only comes to 11 persons convicted. The same is true for **Sweden**, where 22 investigated cases by the Swedish National Council for Crime Prevention compares with 6 indicted perpetrators in 2003.

In all of the three years, **Belgium** accounts for the highest number of cases with 1,207 trafficking cases investigated in 2007. This value, quoted by the US Department of State (2009), which does not make reference to any primary source, seems to be exceptionally high when compared to the figures from previous years; furthermore, it relates to a minimum of 196 cases registered by the Federal Police in the same year and 342 persons arrested for offences related to THB and human smuggling.

Also, comparing data on cases and on persons reveals some inconsistencies for the example of **Spain**. In 2007, the only year for which data on cases is available, a maximum of 1,870 *persons suspected of offences related to trafficking in persons* (CICO quoted by UNODC 2009) compares with only 102 *trafficking cases prosecuted by government officials* (US Department of State 2009). This significant difference points to gaps in the national data collection system and inconsistencies in what is actually represented as trafficking data by different institutions and in different years.

Overall developments regarding the extent of Trafficking in Human Beings: Number of Identified Perpetrators

When looking at the highest overall numbers on trafficking **perpetrators** available in 15 countries, the following trends can be observed:

In **9 countries**, the number of trafficking perpetrators **increases** between 2003 and 2007 (AT, BG, CZ, DK, ES, NL, PT, RO, SE). In **Bulgaria**, the **Czech Republic**, **Denmark**, **Portugal** and **Romania**, the numbers continuously increase throughout all three years. In **Romania**, for example, the maximum number of investigated perpetrators increases by 1,1667 persons between 2003 and 2007. In **Denmark**, the number increases from 7 persons charged for human trafficking in 2003 to 52 persons in 2007. In **Bulgaria**, similar to the Czech Republic, the value for 2003 refers to indicted persons, while the value for 2007 refers to offenders investigated, yet still between 2005 and 2007 the number of investigated offenders increases from 159 to 209 persons.

In **6 countries**, the number of trafficking perpetrators **decreases** between 2003 and 2007 (BE, DE, HU, IT, PL, UK). In **Italy**, the decrease by 1,888 persons between 2003 and 2007 can be explained by the fact that the values for 2003 and 2007 refer to different primary sources compiled by the *Osservatorio Tratta* and the *National Antimafia Bureau*. In **Germany**, by contrast, the decrease by 325 persons is based upon data on investigated perpetrators in 2003 and 2007 reported by the Federal Criminal Police Office. Interestingly, in **Belgium** the decline by 59 persons seems to be twofold, as 401 *convicted* perpetrators for trafficking and smuggling in 2003 compares with 342 persons *arrested* for the same offences in 2007.

Assessing the extent of Trafficking in Human Beings in selected EU countries: Number of Identified Perpetrators

Comparative Analysis

In light of these considerations, the minimum and maximum extent of trafficking by perpetrators in 15 EU countries on the basis of the data provided by each country can be presented as follows:

In the **minimum scenario**, based upon the minimum values available in each country as presented in Chart 6,¹⁷ three main country clusters can be distinguished:

In 7 out of 15 countries the number of trafficking perpetrators in 2003, 2005, and 2007 lies on average **below 50 persons** (AT, BG, CZ, DK, HU, SE, UK). For **Hungary, Austria, Sweden** and the **UK**, data on persons (THB offenders) is very limited, while the number of trafficking cases (mostly investigations) is considerably higher.

In the **Netherlands, Poland** and **Portugal** the minimum number of trafficking perpetrators lays **between 51 and 100 persons** on a yearly average (NL, PL, PT).

In 5 countries, the minimum number of trafficking perpetrators amounts to **over 100 persons** on average per year (BE, DE, ES, IT, RO). These countries equally display the highest maximum values on trafficking perpetrators (see below). Interestingly, **Belgium** accounts for the highest values in this category with more than 200 trafficking perpetrators convicted in 2005 and in 2007 (reported by the US Department of State 2009). As mentioned above, Belgium is also the country with one of the lowest differences between its minimum and maximum values.

Summarizing, the minimum scenario on trafficking perpetrators presents a rather homogenous picture, with more than two thirds of the countries accounting for less than 100 perpetrators per year.

In the **maximum scenario** based on the highest available values on trafficking perpetrators per country, again three main groups of countries can be distinguished:

In 8 countries the maximum number of trafficking perpetrators in 2003, 2005, and 2007 on average amounts to **less than 100 trafficking perpetrators** each year (AT, CZ, DK, HU, PL, PT, SE, UK). It is important to note that in Austria, Denmark, Hungary, Portugal and the UK for certain years the minimum and maximum values were the same (see data availability);

In **Belgium, Bulgaria** and the **Netherlands**, the maximum number of perpetrators ranges between **101 and 400** on average per year.

In **Germany, Italy, Romania** and **Spain**, the maximum number of trafficking perpetrators **exceeds 800 persons** prosecuted on average per year. These four countries clearly stand out against all other countries with constantly more than 600 trafficking perpetrators prosecuted per country per year. In 2007, for example, the maximum values reported in these countries range from 736 persons reported in **Italy**, up to 2,235 persons in Romania. Italy, with 2,624 persons investigated for trafficking and slavery in 2003 (*Osservatorio Tratta*), published the highest figure in this category.

Compared with the minimum scenario, the maximum scenario presents a much more diverse picture. More than half of the countries still record a maximum of less than 100 perpetrators on average per year (compared to two thirds of the countries in regard to the minimum values). This can also be explained by the fact that in 5 countries only one value was available for certain years, which was equally used as minimum and as maximum value. Furthermore, in the minimum scenario, the highest category differs from the lowest by at least 50 persons, while this difference extends to at least 700 persons in the maximum scenario.

¹⁷ Spain is not considered here, as all values reported clearly have to be categorized as maximum values.

Summing up the different minimum and maximum values publicly available in each country, the **total minimum scenario** on trafficking perpetrators in the 15 EU countries declines from **931** perpetrators in 2003 to 865 persons in 2005, but then rises significantly to **1,128 persons in 2007**. The **total maximum scenario**¹⁸ on trafficking perpetrators starts from **7,574** persons in 2003, declines to 7,342 persons in 2005, and further decreases to **6,915 persons in 2007**. The minimum and maximum scenarios hence display two contradictory trends: while the minimum values available increase between 2003 and 2007, the maximum values available decline (see Chart 8).

Assessing the extent of Trafficking in Human Beings for the purpose of Sexual Exploitation: Number of Identified Perpetrators

As is true for victims of trafficking, for perpetrators data is in general very scarce regarding the **different types of trafficking**. Data on trafficking offenders for sexual exploitation is available in 8 countries (in descending order: DE, ES, BG, AT, CZ, DK, SE, NL). As in Austria, the Czech Republic, Denmark, Germany, Spain and the United Kingdom, only one figure was available in certain years, no minimum and maximum scenario was created for these countries but only the numbers available were considered.

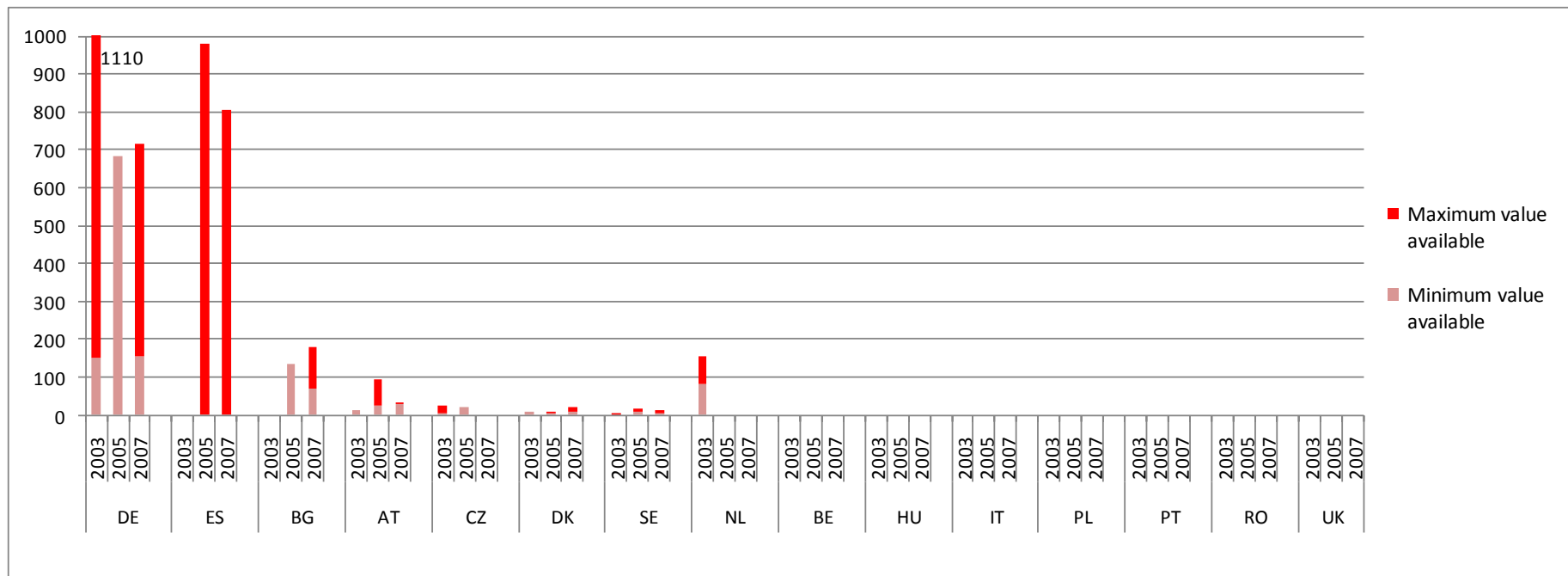
In all 8 countries, a close relation to the total numbers of perpetrators can be observed in data on THB for sexual exploitation: in 6 countries, data on perpetrators of trafficking for sexual exploitation is the same as the overall number of THB offenders in some years (AT, CZ, DE, NL, SE). In **all countries** except for Spain (in the entire time period), Sweden (in 2005) and Denmark (in 2007), the proportion of traffickers prosecuted for the purpose of sexual exploitation exceeds 80% of the total of prosecuted perpetrators in all years for which data was available. This can be attributed to the fact that many countries put focus on combating THB for sexual exploitation and have only recently, after the changes in the European policy framework, broadened their THB approach to include also other forms of trafficking e.g. trafficking for labour exploitation.

In regard to all 8 countries taken together, the **share of offenders for sexual exploitation in the total number of trafficking offenders** ranges from **41.8% in 2003**, to **63.6% in 2005** and **54% in 2007**. In absolute numbers, the figure on trafficking perpetrators for sexual exploitation increased from 1,314 persons in 2003 to 1,933 in 2005, and thereafter slightly decreased to 1,767 perpetrators in 2007; but generally the respective **extents increased in the period from 2003-2007**. Hence, while the number of perpetrators for sexual exploitation increases, the overall amount of trafficking perpetrators decreases between 2003 and 2007. A main reason for this development can be found in the fact that countries increasingly implemented legislations on different types of trafficking.

¹⁸ In those countries displaying only a minimum value, this value was also used to calculate the total maximum (AT; DK; HU in 2005 and 2007; PT in 2007; and UK in 2003).

Comparative Analysis

Chart 9: Minimum and maximum extent of THB for sexual exploitation in 15 EU countries for 2003, 2005, 2007 – number of identified perpetrators



Source: For underlying statistical data see Annex B to this report.

Assessing the extent of Trafficking in Human Beings for Labour Exploitation: Number of Identified Perpetrators

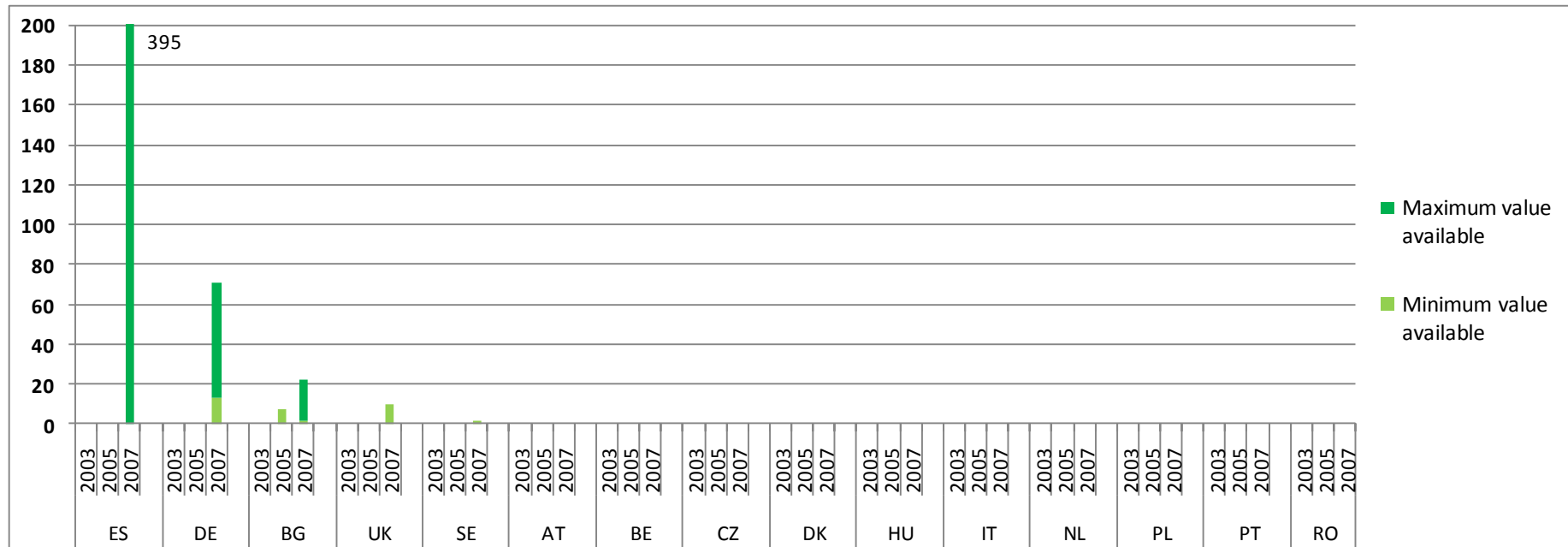
In regard to traffickers prosecuted for the purpose of **labour exploitation** figures are available only for 5 countries (ES, DE, BG, UK, and SE; in descending order). **Spain**, **Sweden** and **UK** only report one figure for all of the three years. In addition, data on trafficking cases for labour exploitation available for **Belgium**, **the Czech Republic**, and **Portugal** indicate that this type of THB is also prosecuted in these countries.

Generally, data on THB for labour exploitation only started improving in the last few years, reflecting changes in the legal framework as well as increasing awareness by the responsible authorities. Thus, only for 2007 are sufficient statistics on perpetrators of trafficking for labour exploitation available to compare between countries. In 2003, not one perpetrator for THB for labour exploitation was recorded in any of the countries. In 2005, 7 offenders were reported in **Bulgaria**, and finally in 2007, **500 perpetrators** were identified in the 5 countries covered.

In 2007, the share of offenders of THB for labour exploitation in the overall number of THB-offenders ranges from 5.9% in **Portugal** to 21.1% in **Spain** (BG: 10.5%, DE: 9%, SE: 15.4%, UK: 12.2%). These relatively small proportions, as well as the general low figures, point to difficulties in identifying and prosecuting cases of trafficking for labour exploitation in all of the analysed countries.

Comparative Analysis

Chart 10: Minimum and maximum extent of THB for labour exploitation in 16 EU countries for 2003, 2005, 2007 – number of identified perpetrators



Source: For underlying statistical data see Annex B to this report.

Assessing the extent of Trafficking in Children and Minors: Number of Identified Perpetrators

As for the other categories of specific forms of THB, data on perpetrators for trafficking in children and minors is particularly limited. The main reason behind this is the fact that child trafficking in almost all countries is not defined as a separate legal category, but constitutes a specification integral to the general provision on trafficking in human beings for sexual, labour and other forms of exploitation. Given this general problem, systematically collected data on perpetrators of child trafficking are only available in **Germany, Italy and the Netherlands**. In addition, the **Czech Republic and Portugal** provide some figures on investigations on child trafficking or on crimes against minors.

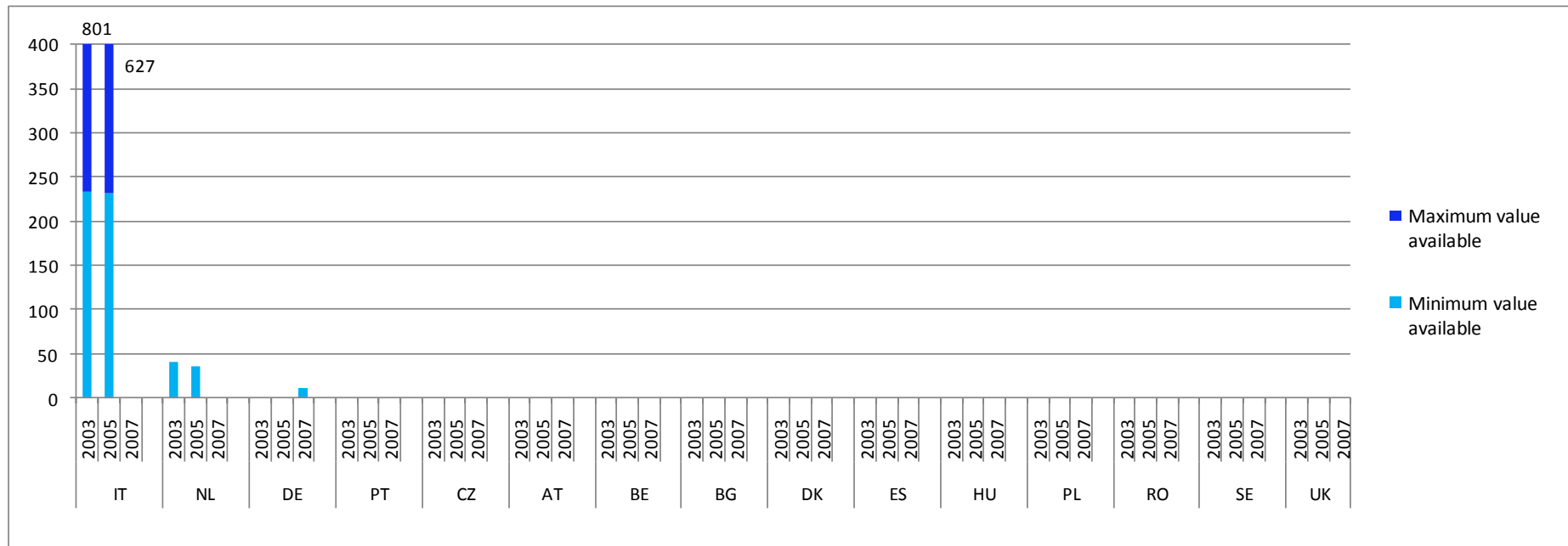
Adding up all available maximum values, in 2003, **842 offenders** were prosecuted for child trafficking in **Italy and the Netherlands** and **663** in **2005**. In Italy and the Netherlands, the share of perpetrators for child trafficking in the total number of trafficking perpetrators ranges between 24.7% and 30.5%. Following this, the share of trafficking in children amounts to almost one third of the total of THB cases.

The significance of trafficking in children is also supported by data provided on **Germany**. Although only reporting 11 suspects identified for child trafficking in 2007 (1.4% of the total number of identified THB suspects), it is important to remark that this number only refers to *children* which, according to German law are defined as persons under the age of 14. In contrast to this, trafficking in *minors*, defined as trafficking of persons under the age of 21, makes up about half of the total of all THB victims. However, as only trafficking in *children* (under 14 years old) is specified in an extra paragraph of the German Criminal Code, statistics do not enumerate the number of offenders in regard to minor victims of trafficking.

Similarly, in Italy, the minimum and maximum values available on perpetrators for child trafficking actually refer to child prostitution as defined in Article 600-bis CC, but no perpetrator is identified in regard to trafficking in minors under the anti-trafficking article (Art. 601CC). One reason may be that the Italian anti-trafficking article refers to both adults and minors and does not contain a specific section on minors. Consequently, the number of perpetrators for trafficking in children remains partial also in these countries where data on trafficking in children and/or minors is generally available.

Comparative Analysis

Chart 11: Minimum and maximum extent of THB in children and minors in 16 EU countries for 2003, 2005, 2007 – number of identified perpetrators



Source: For underlying statistical data see Annex B to this report.

2.2.4. Trafficking in Human Beings According to Different Stages in Legal Proceedings

Description of the Data

In the majority of the countries covered by the present study, the legal proceedings develop along similar lines. They typically start with a police investigation subsequent to a police operation or a notification by a civil person or an NGO. In the course of the investigation, victims and perpetrators are identified, and evidence is collected. After the police conclude the investigation, usually by identifying a perpetrator, the case is handed over to the public prosecutor who further investigates and then either dismisses the case or files an indictment that is decided upon in a court proceeding.

As the country reports and the comparative sections on the extent of THB by victims and perpetrators document well, THB data has rather limited comparability on the national level (much of the data is dispersed among different sources instead of centralised in a common database; it lacks common statistical definitions; there is a lack of common data collection methods and standards; little inter-institutional co-operation on data collection and sharing; and there are different reporting periods or temporal discontinuity of data etc.). For this reason, data comparability at the European level is even more limited. An additional complication is that some data refers to *persons* and some to *cases*, which means that sometimes the numerical differences between different stages of the legal process in the same country or between countries might also be accounted for by the fact that data counting cases may involve more than one victim or one perpetrator.

Nonetheless, by looking at the overall picture that the *publicly available* data generates in each country¹⁹ for all the stages of the legal proceedings (victim identification, investigation, indictment and conviction), there are several observations that can be made regarding the rapport between said stages, as well as regarding the extent of THB.

A preliminary note is that, with the exception of the data on victims identified and perpetrators investigated, the figures between different stages cannot be compared on a year by year basis, due to the length of the judicial proceedings (e.g. if the number of investigations increases dramatically one year, the impact on the number of indictments and convictions will be gradual and shared out throughout the next years rather than visible in the respective year). Therefore, the following analysis refers to patterns observed over more years and in more countries.

Two further recurrent problems have to do with (1) the way data is processed (i.e. whether THB data is mixed with data on something else, for instance with smuggling of persons as in BE or with facilitated illegal migration in ES); and (2) the fact that the data we employ is primarily collected for administrative purposes and therefore refers to a piece of legislation which, if changed, modifies which data is collected and how, thus interfering with the comparability of data across the years.

Comparative Analysis of Data on Legal Proceedings

Where available, data shows that generally it is the **victims that represent the largest category of persons** (AT, BG, CZ, DE, DK, ES, NL, PL, RO). Exceptions to this rule can be observed for **Belgium** (number of investigations and convictions higher than the number of victims), **Italy** (number of investigations higher than the number of victims),

¹⁹ This analysis refers to 16 countries only. No data on trafficking was publicly available in France as, although there is a specific THB legislation in place, THB cases are, in practice, processed under other articles. Also note that there are no yearly figures from the UK, rather only data on specific law enforcement operations.

Comparative Analysis

Hungary (the data does not form constant patterns), **Poland** (with the exception of two years, all the other figures are higher than those on victims) and **Sweden** (only for two years data on victims is publicly available, and in those years the number of investigations are higher).

In most countries, the **smallest figures are usually for convicted perpetrators** (AT, BG, CZ, DE, IT, NL, PL with some exceptions, RO, SE, UK). Furthermore, most commonly **the number of perpetrators decreases as the legal procedure follows its course** (AT, BG, DE, ES with exceptions and data is not available for all categories all years, HU with exceptions for some years, IT, NL, RO, SW, UK with the exception that indictments are higher than convictions). However, several countries do not fit this pattern: BE (until 2006 convictions represent the highest values), CZ (no clear pattern), DK (no clear pattern), PL (indictments constantly higher than investigations; convictions usually are the smallest value, with the exception of the first two years that data on convictions are available, when it is the highest value), PT (indictments are usually highest value).

Whether the number of **persons investigated is higher than the number of victims identified** might depend, in addition to the factors related to the mechanisms of data collection and processing (see for instance the Belgium country report), on the approach adopted by the authorities in a specific country to fight trafficking in human beings and on where the priorities lie (see for instance the Swedish country report). Given the limited resources, particularly human resources, that law enforcement can dedicate to THB operations, it makes a difference whether the priority is to find and punish the perpetrators or to identify and protect the victims. A balanced approach, where a compromise is reached between the need to offer aid and protection to the victims on the one hand, and the need to fight against the persons and networks involved in THB on the other hand, is also reflected in close values for identified VoTs and investigations (see for instance the Romanian country report).

An interesting observation is that among all categories of data, the figures for **investigations and victims tend to fluctuate the most**, while those on **indictments and convictions tend to exhibit more stable patterns**. For instance, in Romania, the data on victims fluctuates from a minimum of 163 persons in 2003 to a maximum of 2,428 in 2006 (2,265 variation), and the data on investigations from a minimum of 375 in 2008 to a maximum of 1,648 in 2004 (1,273 variation); alternatively, the number of persons indicted ranges from a minimum of 94 in 2002 to a maximum of 479 in 2006 (385 variation), and that of persons convicted from a minimum of 49 in 2003 to a maximum of 188 in 2007 (139 variation). A similar situation exists in other countries too (AT, BG, PL) and might be explained by the fact that the figures are more intimately linked to policy and legislation, and thus more easily affected by any changes thereof. On the other hand, indictments and even more so convictions depend on the workings of the legal system, with its intrinsic rules and time-lags, which makes it that any sudden fluctuation in the "input data" of investigations and/or identified victims are translated into much less abrupt changes in the "output" of indictment and ultimately convictions, and also diffused among different years, according to the duration of individual cases.

Moreover, in a number of countries there are **significant gaps between the data on identified VoTs and investigations** on the one hand, and **indictments and convictions** on the other hand (AT, BG, DE, ES, NL but only with respect to identified victims vs. other categories, RO, SE but only with respect to investigations vs. other categories). A possible explanation is that investigations are easier to start, usually at the initiative of law enforcement, a person or an NGO, than to conclude and move forward in the proceedings due to the difficulty in finding evidence to prove such a complex crime as THB. Furthermore, as the latency of the crime and the complexity of the legal definition for THB makes it difficult to gather proofs and to build up a legal THB case, in many countries the perpetrators end up being **prosecuted under different**

legislation than the one specifically on THB, for instance under such as procuring, pandering etc. (AT, BE, CZ, DE, FR, IT, PL). As a consequence, THB-specific prosecution figures are kept lower than what they are in reality.

Regarding gaps between the number of persons **indicted** and those **convicted** (e.g. BE, BG, CZ, IT, NL, PL, PT, RO, SW, UK), possible explanations include the withdrawal or rejection of accusation, the change of articles on which the offence is based, the difficulty in providing evidence, acquittal, the withdrawal of testimony, as well as the need to deal with pending proceedings from previous years.²⁰

However, in some cases, if **number of indictments is higher than that of investigations** or the **number of convictions is higher than that of indictments** (or any similar rapport contrary to the logic of well-functioning judicial proceedings) as a pattern manifested over a longer period of time (i.e. not connected to the same year, which, as discussed in the beginning of this section would be a misleading way of reading the data), then this might be an indication of some problems with the way data is collected and/or processed in the respective country. For instance, data collection is not co-ordinated between different institutions with responsibilities in this field (e.g. police, prosecutor and courts) and/or is not centralised (for instance by the National Rapporteur or equivalent body), the data on THB might be mixed with data on other offences (e.g. in BE with smuggling of persons, in ES with facilitated illegal migration) or might be available only for some articles in some years (see for example Austria where THB data is available only for “transborder prostitution” in some years). Especially if the latter applies to some categories of data but not others, the picture provided by the available data for one country can become rather distorted from the actual situation on the ground (e.g. over-estimated/under-estimated, trends are either not recognisable anymore or they appear different than in reality, and the rapport between the different stages of the legal proceedings is not accurately reflected).²¹

From the data at hand, we can draw **three main observations** regarding the overall extent of THB in the countries covered by this study, as revealed by the general picture of the progress of legal proceedings in any given country from 2000-2008, as well as by the way different procedural stages relate to each other.

Firstly, changes in legislation, policy and institutional setting **are**, as a rule, **reflected by variations in the available data**, which in turn is a quantifiable illustration of their effect on the ground. For instance, the amendment of the legislation to include a clear definition of THB in compliance with the Council Framework Decision 2002/629/JHA, the establishment of a National Rapporteur or equivalent mechanism, the adoption of an inter-institutional co-operative approach at both the policy making and the operational level, the set up of a National Referral Mechanism or a nationally co-ordinated system to assist and protect victims in collaboration with NGOs, the homogenisation and centralisation of data from different institutions, etc. all lead to quantifiable changes in the available data output (e.g. the Netherlands or Portugal). Similarly, training programmes on THB issues for judges, prosecutors and law enforcement are reflected by the availability of better data and a higher number of cases concluded at the respective stages of the proceedings (e.g. Bulgaria and Romania). Also it is observed that, once the authorities start or improve their co-operation with NGOs, the figures on identified victims tend to register an upward shift as victims that otherwise might not have been reached directly by the authorities are now captured in official statistics (ex. see the country report on the Netherlands).

²⁰ Such explanations were most often quoted in the replies received to the ICMPD questionnaire developed for this study from public institutions and NGOs from the countries included in the report.

²¹ A case in point is Belgium, where there is neither a uniform system for collecting data on human trafficking, nor a common database.

Comparative Analysis

The graphs found in the country reports are revealing in this matter. For instance, in Romania, as experience in applying the 2001 anti-trafficking legislation was building up after an initial threefold increase in 2003 of the number of persons indicted (from 94 in 2002 to 270 in 2003, see Romania Country Report), the numbers picked up again in 2005 (360 persons see Romania Country Report) following the reorganisation of the IGRP (Inspectorate General of the Romanian Police) and IGBP (Inspectorate General of the Romanian Border Police) (see section on perpetrators in the Romanian Country Report). Another example is provided by the transposition of the Framework Decision 2002/629/JHA and Directive 2004/81/EC: in most of the countries investigated, the period 2004-2006 is a momentous time for amending national legislations and establishing new Action Plans, which is reflected in higher figures and a general improvement in the quality of the data (e.g. Bulgaria, the Netherlands). Also the impact of international projects aimed at improving data collection mechanisms, providing training and technical support, etc., such as those conducted by the ICMPD, leave tangible results on the ground, which are then captured in the data (see e.g. Bulgaria, Romania, Portugal).

The fluctuations in data are noteworthy in that they indicate that such legislative/policy/institutional/administrative changes tend to have a reasonably quick effect on the practice of investigations and victim identification (i.e. typically higher values the same or next year), while only much later do they bear an impact also on indictments and convictions, as these take longer to be reached and depend on additional factors other than just efficient implementation of governmental prescriptions.

Secondly, if data is systematically collected on a regular basis, harmonised and co-ordinated between different institutions (i.e. it is comparable and reliable), then a certain pattern of **progress of the legal developments** and, implicitly, of **the overall extent of THB** in the respective country becomes apparent. As the legislation, policy, institutional and administrative frameworks are developed, data on all categories (VoTs identified, investigations, indictments and convictions) increases for a while, after which it starts decreasing. This pattern is observed in several countries (AT, BE, BG, DK, HU, RO, SE) and can have two different explanations. (1) A first possible explanation is that as the topic at hand becomes a priority on the political agenda and structural changes take place, then at the operational level the said prioritisation will also be reflected by increased prioritisation and allocation of resources in the direction of fighting THB. Thus follows a period when data for all categories increases, albeit in a rhythm specific to each country. However, after a while, as interest starts decreasing and the topic loses priority, resources allocated to it are also reduced and on the whole the action taken to combat THB is not as intense as before. As a consequence, the data indicates a downward trend, which nonetheless is not a reflection of a decrease in the extent of THB as such. (2) The alternative explanation is that publicly available data both on victims and perpetrators is constantly improved as a result of the policy, institutional and legislative developments. Thus, after an initial increase in figures for all the categories (which does not necessarily reflect the extent of THB in the respective country, but rather it is more likely to reflect the progress in establishing a coherent legal/policy/institutional/administrative framework), the data eventually starts stabilising itself to comparable and reliable standards. In this context, the observed decrease in data values more likely reflects the real extent of the phenomenon, which is lower as a result of the policy, institutional and legislative developments. For instance, in the case of Romania, publicly available data on both victims and perpetrators has been constantly improved since 2004 and, starting with 2006, a downward trend is visible for all categories of data. Given that this decrease takes place during a period characterised by a lot of momentum (National Action Plans are adopted and implemented, a National Referral Mechanism and a centralised data collection system were implemented, new pieces of legislation on the protection of victims and afferent programmes have been approved, etc.), it seems that they are genuinely the positive result of co-ordinated efforts to combat trafficking in persons,

catalysed by the establishment of the National Agency against Trafficking in Persons (National Rapporteur) and the adoption of the National Strategy in 2006.²²

Thirdly, based on the fluctuations registered by the data following a certain legislative, policy or institutional measure, it is possible to identify the **main factors**, which, if implemented, tend to have the biggest and most positive impact first on the **quality of the data** and possibly also on **reducing the extent** of THB: Numerical evidence shows that it is essential to have an **adequate legislative framework** that enables both the protection of the victims and the prosecution of the perpetrators; co-ordinated policy and **inter-institutional co-operation** are also crucial in ensuring that all efforts are directed in a coherent way; **nationally co-ordinated data collection** and processing is a condition without which good-quality data (comparable and reliable) cannot exist; developing a **coherent criminal investigation and prosecution policy** is necessary to ensure the perpetrators' side is duly tackled, while on the victim's side it is essential to establish nationally co-ordinated referral mechanisms and adequately ensure that their special needs are satisfied, especially those for assistance and protection.

For instance, the Romanian example shows that concrete results in fighting THB are achieved only by a continuous and consolidated effort from all actors involved. As the first years following the adoption of the anti-trafficking Law 678/2001 illustrate, setting up a legal framework in line with international standards is a necessary precondition, but not sufficient to ensure results on the ground. Equally important is to develop adequate institutional arrangements, which must benefit from proper funding and well trained personnel. Ensuring inter-institutional dialogue and co-operation is also essential, under the co-ordination of a single body, the National Rapporteur. National Action Plans that derive from a coherent and integrated approach need to be adopted and implemented, whereby responsibilities and tasks are clearly divided. Moreover, they should set clear benchmarks for subsequent monitoring and evaluation and, last but not least, there has to be enough flexibility and political will to ensure that the recommendations resulting from such policy evaluations are put into practice. For instance, following criticism and recommendations (see for instance US Department of State 2005 TIP Report), Romania improved its victim identification methods and established a victim referral system in 2007, as well as improved its assistance to VoTs and its funding to NGOs. Regarding the participation of victims in civil suits, this is an important point as data indicates that better treatment of the victims tends to encourage them to co-operate more with the authorities, which in turn leads both to better data and contributes to reducing the extent of THB in a country. Related to this, it is interesting to note that there is hardly any data available on civil suits in the countries analysed for this report, which nonetheless also bears an impact on the number of VoTs in a country, via the action victims themselves are able to take to redress their situation (in addition to the compensation to which they are entitled in some countries, as part of the criminal process). Where anecdotal data on civil suits exists, it confirms that currently they are only marginally sought by the victims. For instance, in Belgium, in 2005, 81 victims of trafficking or smuggling in persons were parties in civil suits, which represents slightly more than half (56%) of the total number of victims reported by the Immigration Office (UNODC 2009:238).²³ In the Netherlands, in 13 cases (22%) in 2004 victims have filed for compensation through civil proceedings or joining a claim for civil damages in the criminal proceedings. In previous years, the number of investigations where one or more of the victims lodged a claim for compensation was much smaller each year: 2 (2000), 10 (2001), 4 (2002) and 3 (2003) (Dutch National Rapporteur 2007:129).

²² However, the decreasing values might also be explained by Romania's accession to the EU. It is observed that since 2007 fewer Romanian victims of THB were returned to Romania. This might be a result of the increased mobility rights and legal status of Romanians as European citizens.

²³ Specifically, 36 victims were parties in civil suits for THB for sexual exploitation and 17 for labour exploitation. Furthermore, 24 victims were parties in civil suits for smuggling and sexual exploitation combined and 4 victims for sexual and labour exploitation combined (CEOR 2007:118).

3. Further Areas of Investigation

With regard to assessing the extent of trafficking in human beings in Europe, the previous chapters described and analysed official data on THB, evaluating data quality, data coverage and related shortcomings. However, due to the illegal nature of the phenomenon, the scope of THB is best explored by using a multiple-source approach, gathering information beyond official statistics and data-related publications. In this chapter we will thus concentrate on legal areas other than THB, identified by the investigated countries as being related to the phenomenon of trafficking in human beings. With this, we are entering new grounds, exposing ourselves to a multitude of conceptual and methodological challenges.

Further areas of investigation can be distinguished between “grey areas”, constituted by the respective anti-trafficking legislation of the 17 EU Member States investigated, and “specific risk areas”. Both are, directly and indirectly, linked to the anti-trafficking legislation in place in a specific national context: while “grey areas” refer directly to the national definition of THB, its scope and the implementation, which affects data collection in one specific national context; “specific risk areas” consists of other legal areas identified by EU Member States as being particularly related to the phenomenon of trafficking in human beings, such as “prostitution” or “forced labour”. Within this study, the **relevance of “grey areas”** for the data situation in the EU Member States investigated has been highlighted already on several occasions: As shown in Chapter 2, a broad definition of trafficking might lead to an increase in trafficking numbers (persons and cases) but also to difficulties in applying anti-trafficking legislation. In Belgium, for instance, labour trafficking is defined as “working and living conditions incompatible with human dignity”, leaving wide room for interpretation. Besides, there are countries which apply a wide scope of THB legislation to include additional areas deemed relevant for the fight against trafficking in human beings. This is the case for the Czech Republic and Romania where, respectively, “child trafficking for adoptions” and “begging” are included in the domestic THB legal framework. Furthermore, the way anti-trafficking legislations are implemented is decisive for identifying and reporting acts of trafficking. In France, where a specific anti-trafficking legislation exists, no data on THB is publicly available. Official statistics are not disaggregated by trafficking in human beings but THB is included in broader categories such as “prostitution” or “labour exploitation”, from which they cannot be distinguished. Thus, it is currently not possible to assess the extent of THB in France. It is clearly shown that the definition of THB, the scope of the legislation and the way Member States implement THB legislation in a specific national context contribute to the relevance of “grey areas”, which need to be further explored if we want to better understand what is identified, counted and published as trafficking in human beings and what is not.

Besides these “grey areas”, “specific risk areas” of trafficking in human beings exist in European Member States in which acts of trafficking might occur. These “specific risk areas” require some methodological reflections. The first consideration regards the identification and definition of “specific risk areas” which are interlinked with the phenomenon of trafficking in human beings in one way or the other. The second one concerns the collection of accurate data. With regard to the first, some conceptual reflections are needed to understand what characterises **“specific risk areas”** or “THB-related areas”. Besides the anti-trafficking legislation described in several parts of this study, there are other legal areas which Member States identify to be directly linked to

THB and where persons might be particularly exposed to becoming victims of trafficking. These areas might also be an alternative for prosecuting cases of THB, because related offences might be less difficult to prove than trafficking in human beings. Prostitution, for instance, might constitute a context where acts of trafficking occur. In consequence, legislation on prostitution might be applied to acts of trafficking which are not identified and/or not processed as such. In this sense, we will refer to prostitution as a “specific risk area”.

In this chapter, we define as “specific risk areas” all those areas that do not form part of the national legislation on THB but are identified as particularly related to trafficking in human beings in the respective national context.

3.1. How are “Specific Risk Areas” identified?

“Specific risk areas” are, first of all, not easily identified as such. Integrating different research methods, this study applies a binary approach to detect relevant “specific risk areas” by, on the one side, reviewing national literature as well as official documents from each of the countries investigated. On the other side, a questionnaire-based survey was carried out to gather assessments and estimations of cases of THB which may be “hidden” in the various “specific risk areas”. In particular, the questionnaire asked for an assessment of the share of potential victims of trafficking in human beings expected, e.g. premises such as women and asylum shelters, detention shelters and shelters for underage homeless, or in statistics on people smuggling, repatriations and petty crime. In view of the differences between the countries investigated, the questionnaire was adapted to the specific national situation in each of the 17 countries, translated into English, French and Italian, and sent out to competent institutions and civil society organisations working in the field of THB. Unfortunately, the responses to the questionnaire did not provide comprehensive information on potentially hidden acts of trafficking in “specific risk areas”.

The review of existing literature and official documents on THB was much more effective and allowed for identification of several “specific risk areas” related to the phenomenon of trafficking in human beings. The indications on “specific risk areas” from literature and official documents were used to establish clusters of countries that show a **common concern for hidden acts of trafficking** in certain areas. Why some areas are deemed to hide acts of trafficking in certain countries and not in others remains unclear. One can assume that indications on “specific risk areas” derive from legal proceedings, i.e. investigations, indictments or convictions, where trafficking was investigated and/or processed, together with other crimes, as is the case with multiple offences. A multiple perpetrator, for instance, may be charged with the offence of slavery under the respective provision in Criminal Code, while being simultaneously charged with the offence of trafficking under the provisions referring to THB. If the lawsuit is filed with slavery as the prime offence and trafficking as the secondary offence, this case will enter the official crime statistics on slavery and may not be included in statistics on THB. In certain circumstances a lawyer may also advise to file a lawsuit for a reason other than trafficking, as there are better chances of success, i.e. of winning the lawsuit and sentencing the perpetrator.

As no official data on legal proceedings dealing with THB as a secondary/minor crime is available, it cannot be used for assessing the extent of trafficking in legal areas other than THB. But this knowledge is not lost. It entered political-administrative documents as well as literature on THB, which was carefully reviewed for the purpose of this study. Based on this documentation and the indications on THB-related areas, **thirteen “specific risk areas”** could be identified that do not form part of the national

Further Investigation

legislation on THB but are directly linked to it. These “specific risk areas” will be presented in the following section.

It has to be mentioned, however, that this way of identifying “specific areas” might be problematic from two aspects. First, it concerns the actuality of the “specific risk areas” and the overall political approach to THB. As changes of social reality normally require time before they become common law, the legislation under scrutiny runs the risk of being outdated with regard to showing new areas affected by THB in European countries. Second, official documents on THB reflect the linkages that political actors establish between THB and other legal topics. Hence, the following analysis is informed by both a historical dimension in linking THB to other legal areas and the overall political framework in which THB is situated.

3.2. “Specific Risk Areas” of Trafficking in Human Beings in Europe

For each of the investigated EU Member States, national literature and official documents identified several laws and legal provisions as being intrinsically related to the phenomenon of trafficking in human beings. An overview of the legislative framework related to trafficking in human beings, is provided in the following table.

Table 3: Legal provisions indicated as being related to trafficking in human beings in the respective national contexts

Country	Relevant legislation
AT	<p>CC 2009: Slavery (Art. 104).</p> <p>CC 2004: Adoptions of minors (Art. 194); Negligence of care, education or supervision (Art. 199).</p> <p>CC 1998/2004: Prostitution (Art. 74); Paid negotiation of sexual contacts with minors (Art. 214); Promotion of prostitution and pornographic presentation of minors (215 and 215a); Procuring income through prostitution (Art. 216).</p> <p>Aliens Police Law 2005: People smuggling (Art.114); Exploitation of an alien (Art. 116).</p> <p>Krankenhaus- und Kuranstaltengesetz 2005: Removal of organs and parts of organs from decedents for the purpose of transplantation (Art. 62 a-c).</p>
BE	<p>Aliens Act 1980/2005/2006: Smuggling (Art. 77bis); Aggravating circumstances such as authority over VoT (Art. 77ter), minority of VoT (Art. 77qua), criminal organisation or unintentional death of VoT (Art. 77quin); marriage of convenience (Art.79bis).</p> <p>Preliminary title of the Code of Criminal Procedure 1999: sexual exploitation or sex abuse against children (Art.10ter).</p> <p>Penal Code 2007: Soliciting prostitution (Art. 380bis); Pandering (Art. 380); Incitement of minors to immoral behaviour, corruption or prostitution (Art. 379, art 380, par1 und par3); child pornography (Art. 383bis).</p>
BG	<p>CC 2002/2007: Internet adverts for sexual activities or prostitution with/of children (Art. 155a); Forcing a child to crime or prostitution (Art. 188).</p> <p>CC 2006: Persuasion to/procuring of prostitution (Art. 155, par1); Disposal of premises for sexual intercourse (Art. 155, par2); par1+par2 with venal goal (Art. 155, par3); Use of drugs for sexual exploitation (Art. 155, par4).</p> <p>CC 2002/2004: Persuasion to abandon a child and forced adoption (Art. 182a, par1); Persuasion of children (14-18) to consent with adoption (Art. 182a, par2); Mediation of adoption with the purpose of illegal benefit (Art. 182, par3); Women giving consent to child sale in BG and abroad (Art. 182b, par1); Women consenting to child sale before delivery (Art. 182b, par2).</p> <p>CC 2002: Hiding and holding a child under 14 without notification of competent warden (Art. 185, par2); Use of child for begging (Art. 189, par1), Use of children for begging with parent perpetrator (Art. 189, par2).</p> <p>CC 1997: Violating rules on organ or tissue transplantation (Art. 349a).</p>
CZ	<p>Penal Code 2007: Child pornography (Art. 205); Incitement to sexual intercourse or similar act for payment (of a person under the age of 18) (Art. 217c).</p> <p>Penal Code 2004: Pimping/organisation of prostitution (Art. 204); Sexual abuse of others (Art. 242).</p>

ES	<p>Law 54 2007: International adoptions (Art. 4 par16).</p> <p>CC OL 13 2007: Inducement or facilitation of immigration to a foreign country by using deception (Art.313).</p> <p>CC OL 11 1999: Inducement, promotion, facilitation of prostitution of minors (Art. 187); Forced prostitution (Art. 187).</p> <p>CC OL 10 1995: Removal or disablement of a major organ or bodily member of another person (Art. 149); Minor organs (Art. 150); Null and void declaration of consent of a minor or his/her legal representative to any physical harm incl. removal of organs (Art. 156); Use of minors or unfit persons for exhibitionist or pornographic aims (Art. 189, 1a); Production, sell, distribution or exhibition of pornographic material (Art. 189, 1b); Possession of pornographic material with minors (Art. 189,2); Intermediation or delivery of a minor to a third party without own relationship or authorisation (Art. 221); Child begging (Art. 232); Abuse of the vulnerable situation of workers (Art. 311).</p>
DE	<p>CC 2005: Sexual abuse of children (Art. 176); Serious sexual abuse of children (Art. 176a); Sexual abuse of children resulting in death (Art. 176b); Sexual coercion and rape (Art. 177); Sexual coercion and rape resulting in death (Art. 178); Sexual abuse of persons incapable of resisting (Art. 179); Führungsaufsicht (supervision of conduct) und erweiterter Verfall (intensified decline) (Art. 233b); Menschenraub (kidnapping) (Art. 234).</p> <p>CC 2002: Procuring (Art. 181a); Exploitation of prostitutes (Art. 180a).</p> <p>Prostitution Act 2001: Claims for pre-agreed remuneration of sexual services legally binding (Art.1); Between customer and service provider (Art. 2); Right to social security (Art. 3).</p>
DK	<p>Aliens Act 2007: Illegal work (25a, subsection 2, 1); Illegal migrants (section 26a): if VoT are 3rd country nationals not expelled but sent out after reflection period; Assistance in unlawful entry and stay (section 59, subsection 5).</p> <p>Aliens Act 2005: Migrant smuggling (section 59, subsection 7).</p> <p>CC 2005: Sexual intercourse with a child (Art. 222); Child pornography (Art. 230, 235); Unlawful coercion (Art. 260); Deprivation of liberty (Art. 261).</p> <p>Act 928/2004: Providing children for adoption by other than authorised agencies (Art. 31, par1).</p> <p>CC 1999/2003: Intercourse with persons under 18 as customer (Art. 233a).</p> <p>CC 2002: Abuse of subordinate position (Art. 220); Procuring, aggravated if person under 21 (Art. 228); Acting as intermediary in prostitution (Art. 229); Incitement to prostitution (Art. 233).</p>
FR	<p>Penal Code 2003/2007/2008: Procuring (Art. 225, par5); Earning a living from or exploiting prostitution (Art. 225, par6); Procuring with aggravated circumstances-minority of age (Art. 225, par7); Simple procuring (Art. 225, par9-10); Child prostitution (Art. 225, par12, sec1); Principle of extra-territoriality of Art. 227, par22 and Art. 225, par12, sec1 (Art. 225, par12, sec3); Abuse of vulnerability or dependence for having unpaid services (Art.225, par13); Abuse of vulnerability or dependence for ignoble living and working conditions (Art. 225, par14); Sexual corruption of minors (Art. 227, par22).</p>
HU	<p>Act 121 1998/2001: Coercion (Art. 174); Violation of personal freedom (Art. 175/2-3); Endangering children (Art. 195); Forbidden pornographic recordings (Art. 204); Compelling or promoting prostitution (Art. 205); Pandering (Art. 207).</p> <p>CC 1978: Violation of right of autonomy concerning medical procedures (section 173/H); Illegal use of human body (section 173/I).</p>
IE	<p>Sexual Offences Jurisdiction Act 1996: Sexual offences committed outside the State, also incl. Children (Art. 2);</p> <p>The Children Act 2001: Begging (Art. 247); Allowing a child to be in brothel (Art. 248).</p>
IT	<p>Criminal Code 1998/2006: Child prostitution (Art. 600bis); Child pornography (Art. 600ter); Acquisition and possession of child pornographic material (Art. 600quater); Touristic activities aiming at the exploitation of child prostitution (Art. 600 quinquies);</p> <p>Criminal Code 1998/2003: Organised crime (Art. 416, par6); Placing or holding a person in condition of slavery or servitude (sexual exploitation, coerced labour, forced begging, any other kind of exploitation), aggravating circumstances if victim is minor under 18 (Art.600); Sales and purchase of slaves (Art. 602).</p> <p>Law 75/1958: Prostitution (Art. 3).</p>
NL	<p>Penal Code 2005: Child prostitution (Art. 148b); Slavery (Art. 274); Smuggling (Art. 197a).</p>
PL	<p>Criminal Code 1997/2004: Deprivation of liberty (Art. 189); Threat (Art. 190); Use of violence or threat to compel another person (Art. 191); Forced sexual intercourse (Art. 197); Abuse of relationship of dependence for sexual intercourse (Art. 199); Sexual intercourse with minors under 15 (Art. 202); Presentation of pornographic content (Art. 202); Forced prostitution (Art. 203); Impelling/facilitating, gaining benefits, abducting in prostitution (Art. 204).</p> <p>Labour Code 1974/1997: Prohibited employment under 16 (Art. 190, par2).</p> <p>Petty Offences Code 1971/1994: Inducement to begging (Art. 104).</p> <p>Act on Taking, Storing and Transplanting Cells, Tissue and Organs 2005: (Art. 43-46).</p>

Further Investigation

PT	Penal Code Law 99/2001 : Sexual coercion (Art. 163, par1); Rape (Art. 164, par1); Pimping (Art. 169); Pimping of minors (Art. 175); Pornography of minors (Art. 176, par1-2); Criminalisation of slavery (Art. 159).
RO	Criminal Code 2004 : Subjection to labour (Art. 203); Living on prostitution (Art. 328); Encouragement of prostitution (Art. 329). Law No. 678/2001 : Exploitative labour, exploiting prostitution, harvesting of human organs, violating fundamental rights and liberties (Art. 2, par2).
SE	Criminal Code 2006 : Adoptions (chap. 7, section 2). Criminal Code 2005 : Purchase of sexual acts from child (chap. 6, sec. 9). Criminal Code 1999 : Procuring and aggravated procuring (chap. 6, sec. 12).
UK	Sexual Offences Act 2003 : Causing or inciting prostitution for gain (Art. 52); Controlling prostitution for gain (Art. 53); Interpretation of Art. 52 and Art. 53 (Art. 54); Keeping brothels (Art. 55); Gender specific prostitution offences (Art. 56). Immigration Act 1971 : Breach of immigration law (Art. 25).

Based on this legislative framework identified by national sources as being related to the trafficking in human beings, **13 thematic areas** could be identified that are officially considered particularly exposed to acts of trafficking in human beings in the 17 EU Member States investigated:

- **Prostitution;**
- **Criminal acts against minors;**
- **Begging;**
- **Organ transplantation;**
- **Deprivation of liberty;**
- **Smuggling;**
- **Slavery;**
- **Adoptions (of minors);**
- **Forced labour;**
- **Immigration;**
- **Organised crime;**
- **Rape; and**
- **Marriages of convenience.**

In the field of “**prostitution**”, legal provisions, which were indicated as relevant for the phenomenon of trafficking in human beings, ranged from procuring, inciting, mediating, and using prostitution as a bribe, promoting, organising and exploiting prostitution, providing premises and forced prostitution (see Table 3). Equally broad is the range of legal provisions with regard to “criminal acts against minors”. They comprise sexual exploitation, incitement to sexual intercourse, prostitution, procurement, pornography, forced prostitution, sexual abuse, sexual corruption, child abandonment, neglect of supervision, child sale before delivery, hiding and holding children, sex tourism as well as placing or holding minors in conditions of slavery or servitude. From the broad legislation on minors indicated as related to the phenomenon of trafficking in human beings in the various national contexts, the areas of “**begging**” and “**adoptions**” are

listed separately as they are particularly relevant for exploring new developments in the field of THB. The area of “**forced labour**” covers the exploitation of labour and the abuse of vulnerable workers, while “**deprivation of liberty**” comprehends the violation of fundamental rights (see Table 3).

Interestingly, not all countries identify the same “specific risk areas” as relevant for combating trafficking in human beings. While some countries indicate legislation on slavery as relevant for the phenomenon of THB, other countries focus on human smuggling or facilitated illegal immigration. In fact, the seventeen countries investigated can be clustered according to the differences between “specific risk areas” they deem relevant for hidden acts of trafficking (see Table 3).

Table 4: “Specific risk areas” targeted by EU Member States

Legislation	Countries (reference to legislation in force to date*)
Prostitution	AT (1998/2004), BE (2007), BG (2006), CZ (2004), ES (1999), DE (2002), DK (2002), FR (2008), HU (2001), IT (1958), PL (2004), PT (2001), RO (2004), SE (1999), UK (2003)
Criminal acts against minors	AT (2004, 1998/2004), BE (2007, 2006, 1999), BG (2002/2007, 2002/2004, 2002), CZ (2002), ES (2007, 1999, 1995), DE (2005), DK (2005, 2004, 2003, 2002), FR (2008), HU (2001), IE (2001), IT (2006, 2003), NL (2005), PL (2004, 1997, 1994), PT (2001), SE (2005)
Begging	BG (2002), ES (1995), IE (2001), IT (2003), PL (1994)
Transplantation of organs	AT (2005), BG (1997), ES (1995), PL (2005), RO (2001)
Deprivation of liberty	DK (2005), HU (1998/2001), PL (1997/2004), RO (2001)
Smuggling	AT (2005), BE (2006), DK (2005), NL (2005)
Slavery	AT (2009), IT (2003), NL (2005), PT (2001)
Adoptions	AT (2004), BG (2004), ES (2007), SE (2006)
Forced Labour/Abuse of workers	ES (1995), FR (2008), RO (2004 and 2001)
Immigration	DK (2007), UK (1971)
Organised crime	IT (1998/2003)
Rape	PT (2001)
Marriage of convenience	BE (2006)

*For complete reference of respective legislation see Table 3.

Austria, Bulgaria, Poland, Romania and Spain, for instance, seem particularly concerned with **organ transplantation**, while **adoptions of minors** are indicated as playing a potential role for THB in Austria, Bulgaria, Spain and Sweden. Whether a “specific risk area” is considered relevant for THB in a specific national context or not depends on a multitude of factors. The next section outlines some of the topics covered by clusters of countries:

With regard to “**begging**”, it is interesting to notice that the countries referring to “begging” are either new immigration or new accession countries, located at the EU external borders. In the past years, three of the countries of this group - namely Ireland,

Further Investigation

Italy and Spain - have experienced fundamental changes and developed from being a country of emigration to being a country of immigration. In comparison, the immigration rates for Bulgaria and Poland are still low. Migration studies show, however, that the European Union is increasingly attracting international migration movements since the 1990s. For some countries such as Ireland, Italy or Spain the membership in the European Union resulted in an increase in prosperity which went along with the immigration of foreign workers. Similar developments might be expected for the new accession states like Bulgaria and Romania. Among them, the Czech Republic is already experiencing a progressive growth of foreign citizens (Canek and Čížinský 2009).

As another peculiarity, each of the countries of this group is marked by specifically vulnerable ethnic minorities living in their territory, the ethnic minority of Roma being one of them. However, Hungary, with a considerable share of ethnic Roma in their minority populations, does not refer to "begging".

The geographic location at EU external borders also appears to play a significant role with regard to the group of countries referring to **"organ transplantation"** as a potential area of trafficking in human beings. Bulgaria, Poland, Romania and Spain are all located at the external borders of Europe and are, in addition, marked by a strong informal economy. Even if Austria is not (any longer) situated at the EU's external border, one might argue that the geographical vicinity and the long-standing relationships with Eastern EU Neighbouring countries form part of Austria's economic and political life, but may also concern criminal networks. Interestingly, though, "organ transplantation" is not a concern in other countries with EU externality and a strong informal economy, such as Italy. An explanation for this might be the Italian legislative framework. Article 600 of the Criminal Code 1998/2003 criminalizes placing or holding a person in condition of slavery or servitude for all kinds of exploitation. This article is not part of the official anti-trafficking legislation, but it is integrated in the overall legislative framework to combat THB in Italy and included in official statistics to show the extent of trafficking in the country. In this sense, a wider legislative framework for anti-trafficking policies might impact the relevance of related "specific risk areas".

In short: the broader the legislative framework on THB, the less relevant are "specific risk areas" indicated as being related to the phenomenon of trafficking in human beings in the respective national context.

With regard to the group of countries targeting **adoptions** as an area affected by hidden acts of trafficking, it becomes obvious that the related legislative framework regards a relatively "young" **awareness within** this legislation, starting from 2004 onwards. One explanation for this might be given by an increased concern for victims' protection in national law in the aftermath of the ratification of the EU council framework decision of 19 July 2002.

Most countries, however, indicate **prostitution** as an area that is expected to maintain strong links with THB: 15 of the selected 17 European Member States highlight the relevance of national legislation on prostitution for investigating, prosecuting and convicting trafficking in human beings (see Table 4). With regard to assessing the extent of THB, this might be considered an indication that the area of prostitution is particularly exposed to acts of trafficking or that there is, at least, an increased political awareness of hidden trafficking in prostitution. The relevance of **marriages of convenience** as a legal field to combat trafficking in human beings is limited to Belgium.

The extent of "hidden" trafficking is, however, best explored by gathering qualitative and, where possible, quantitative indications on acts of trafficking that occur outside the anti-trafficking legislation and that are not identified and counted as such. The following sections will focus on four fields of policy interventions that are assumed to maintain

strong interlinkages with the phenomenon of trafficking in human beings and that are particularly relevant for the focus of this study. For each of these fields we will present information gathered from available official statistics, literature and reports as well as newspaper articles to shed light on the question to what extent these “specific risk areas” may be exposed to trafficking: prostitution, forced labour, begging and the removal of organs.

3.2.1. Trafficking in Human Beings in the area of “Prostitution”

While “prostitution” has been identified by 15 of the selected 17 European Member States as being related to trafficking in human beings, concrete and verifiable information on the extent of trafficking in this particular area is still missing. Our analysis of available statistics shows that information on victims of trafficking for sexual exploitation is still fragmented and rare, while official data on registered and non-registered sex workers is barely available.

Austria is an exception to this rule, as national data exists for all three categories. This data shows that the estimated number of sex workers was five to six times higher than the number of registered sex workers. The Netherlands and Germany also have data for all three categories. However, official information regarding the national number of registered sex workers is not available for either country, as sex workers are registered by municipality. Furthermore, for Germany, there is no separate occupational code for sex workers and brothels. Rather, they register in the same category as restaurants, bars and hotels (FMoFSWY 2007). National information on registered sex workers in Hungary is not yet available although prostitution is legal. Sex workers in Hungary are able to register as of August 2007.²⁴

With regard to assessing the extent of the phenomenon of THB in “prostitution”, it is particularly relevant that Italy and Spain indicate a share of 90% foreigners among the total number of sex workers, while Romania and Bulgaria indicate a share of 2% foreigners. The share of foreigners, in this context, is deemed to be a potential indication for acts of trafficking. For the United Kingdom, a recent study suggests that there is a hidden trafficking problem in the UK several times greater than that which can be documented. The report identifies London as the centre of trafficking in human beings, estimating that the scale of trafficking in women into and within the UK lies within the range of 142 and 1420 persons. Furthermore, the study identifies the limited knowledge of police forces and the limited attention given to the phenomenon of trafficking, which could unintentionally signal a climate of toleration, as a major obstacle to gathering accurate information (Kelly and Regan, 2000).

²⁴ <http://prostitualtak.hu/>.

Further Investigation

Table 5: Victims of THB for sexual exploitation and the sex work industry

Country	VoT for sexual exploitation (2007) ²⁵	Registered sex workers	Estimated total sex workers ²⁶ (share of immigrants)
AT	166 identified victims	5,150 and 710 brothels (2007) ²⁷	27,000 – 30,000 (ca. 78% migrant)
BE	168 criminal cases investigated	-	15,000 – 20,000 (ca. 51% migrant)
BG	179 criminal cases investigated		6,000 – 10,000 (ca. 2% migrant)
CZ	Between 15 and 48 identified victims	-	10,000 – 13,000 (ca. 41% migrant)
DE	Between 689 and 791 identified victims	ca. 5,000 sex workers in Hamburg (2005) and 2,424 sex workers registered with the Munich police (2009) ²⁸	400,000 (ca. 65% migrant)
DK	250 identified victims	-	Minimum 5,560 (ca. 65% of female sex workers are migrants)
ES	1,618 identified victims		No reliable estimate (ca. 90% migrant)
FR	-	-	30,000 (ca. 61% migrant)
HU	14 criminal cases with conviction	- ²⁹	10,000 – 15,000 (ca. 20-25% migrant)
IE	-	-	-
IT	-	-	50,000 (ca. 90% migrant)
NL	382 identified victims	ca. 1,270 licensed sex establishments (2006) (Daalder 2007)	10,000 – 25,000 ³⁰ (ca. 60% of female sex workers are migrants)
PL	-	-	10,000 (ca. 34% migrant)
PT	7 identified victims (2008)	-	No reliable estimate; 9,695 contacts with TAMPEP (56% of which were migrants)
RO	Between 658 and 724 identified victims	-	No reliable estimate (ca. 2% migrant)
SE	15 criminal cases investigated	-	-
UK	225 identified victims	-	80,000 (ca. 41% of female sex workers are migrants)

²⁵ Figures taken from Annex B.

²⁶ Figures taken from TAMPEP (2009), Sex Work in Europe: A mapping of the prostitution scene in 25 European countries. Amsterdam: TAMPEP, 2009.

²⁷ <http://www.frauen.bka.gv.at/DocView.axd?CobId=31425>.

²⁸ <http://www.genderstudies-hamburg.de/index.php?id=281>; <http://www.tz-online.de/aktuelles/muenchen/sperrbezirk-vorm-aus-tz-872450.html?cmp=defrss>. Numbers only available at the local level.

²⁹ Since August 2007 prostitutes are registered as taxpayers.

³⁰ The Red Thread, a sex workers rights organization in the Netherlands, estimates the total number of sex workers in the Netherlands at 25,000. See <http://www.rodredraad.nl/>.

3.2.2. Trafficking in Human Beings in the area of "Forced Labour"

According to the International Labour Office (ILO) there are 12.3 million victims of forced labour worldwide, of which 2.4 million results from human trafficking (ILO 2008:3). It has to be noticed, though, that the definition of trafficking applied by the ILO is broader than the UN Trafficking Protocol definition. According to the ILO, trafficking in human beings violates the most basic rights of any person, specified in the ILO Declaration on Fundamental Principles and Rights at Work (1998)³¹. Two other ILO conventions are concerned with the phenomenon of trafficking in human beings, i.e. the Worst Form of Child Labour Convention (No. 182) and the Forced Labour Convention (No. 29) of 1930. According to the latter, forced labour is a situation where a person is not free to leave his or her work because of threats, debts or other forms of physical or psychological coercion. Precisely, this includes "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered him/herself voluntarily".³² ILO remarks that in most affluent countries the concept of labour exploitation has been explained little in detail. Until today, the concept of exploitation is first and foremost linked to the sex industry. The Dutch National Rapporteur on Trafficking identifies the lack of freedom as a constant factor in all types of exploitation. In addition, excessive working conditions and the abuse of a vulnerable position, which is so severe that the victim has no other choice but to suffer exploitation, has been determined as being relevant for all types of exploitations (Dutch National Rapporteur on THB 2007:14). Till today, however, no common definition of labour exploitation has been established; yet the relation between trafficking in human beings for labour exploitation and "forced labour" is widely recognized. The **German** Federal Criminal Police Office, for instance, suggests that the actual number of VoT is certainly higher than the statistical figures indicate and that THB is closely related to labour exploitation in illegal employment (BKA 2008:12). Acts of trafficking are expected to occur specifically in the catering and the domestic sector (BKA 2008:11).

Empirical research conducted in the course of this study, in fact, shows that forced labour is often associated with the phenomenon of human trafficking within the European Union. From the 16 countries investigated that publish data on trafficking in human beings, 8 confirm acts of THB processed under other forms of labour exploitation such as forced labour or slavery. Only a few of them provide concrete numbers.

In **Belgium**, a broad definition of labour trafficking is applied that includes the exploitation of human beings in conditions that are contrary to human dignity. Due to the broader legislative framework, the Belgian Criminal Policy reports 283 cases of trafficking for economic exploitation in 2007. Further insight is provided by the NGO *Payoke* which specifies that victims assisted in China are subject to both *exploitative smuggling* and *forced labour*, while their Romanian, Polish and Brazilian clients fall under forced labour only. However, as the NGO's data base does not differentiate between *exploitative smuggling* and *forced labour*, data is available only for victims of *economic exploitation*. For 2008, *Payoke* reported that 50 victims of economic exploitation were provided counselling by the organisation. Besides Belgium, three other countries provided data on forced labour hiding potential acts of trafficking: **Portugal, Romania** and the **UK**. The Portuguese National Rapporteur on THB referred to 19 acts of trafficking in human beings processed as forced labour in 2008. The Romanian National Agency for the Prevention of THB reported 716 THB acts that fell under forced labour in 2008. The UK Human Trafficking Centre (UKHTC) reported 10 cases of labour trafficking processed as slavery and forced labour under the Asylum and Immigration Act 2004 (Treatment of Claimants, etc.). Other countries, such as the **Czech Republic, Germany, Italy** and **Poland**, did not provide concrete numbers but stressed in their

³¹ See http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_095898.pdf.

³² See <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>.

Further Investigation

responses that forced labour might include acts of trafficking. For the Czech Republic, the NGO *La Strada* provided assistance to ca. 60 presumed victims of forced labour, slavery, illegal employment or exploitative smuggling in 2008. In Germany, no verified data on acts of trafficking in forced labour are available but the Federal Ministry of Labour and Social Affairs is working on the issue. In Italy, both the NGO "On the Road" and the National Antimafia Bureau confirmed that labour migration might include acts of trafficking that are not recognised as such. Another source for hidden acts of labour trafficking is constituted by judicial data gathered by the National Antimafia Bureau. This data does not differentiate between sexual and labour trafficking and might thus include hidden acts of THB. For Poland, an interviewed researcher suggests that acts of trafficking in human beings occur in *exploitative smuggling, forced labour, slavery and illegal employment*. The Polish Unit for Trafficking in Human Beings of the Migration Policy Department (MoI) stated that there are several cases concerning THB for the purpose of forced labour, but that the biggest operations regarded Polish citizens forced into agricultural work in Italy and Spain.

3.2.3. Trafficking in Human Beings and "Begging"

Lately, the European Union Agency for Fundamental Rights published a report on Child trafficking in the European Union (2009), informing about the relevance of the phenomenon in the European Union. Besides the legislative action in this field (see Chapter 6), there is evidence that **unaccompanied minors** are vulnerable to trafficking. This is, for instance, the case for **Romania**, where disaggregated THB data on different types of exploitation are available. According to "Save the Children", 166 children were trafficked externally and 127 (116 girls and 11 boys) were victims of internal trafficking. With regard to the cases of **internal trafficking**, the highest share of girls (91%) were forced to practice prostitution, 4 girls were exploited for the purpose of child pornography, 2 girls for internet pornography and 5 girls were forced to beg. The forms of exploitation of the boys included begging and forced labour (Save the Children 2008:25). Episodic data is also available for the years 2002 and 2004 regarding returned children who declared being victims of trafficking. In addition, **some European Member States** collect and publish data on unaccompanied minors who are considered to be vulnerable to trafficking in human beings. In **Italy**, for instance, the figures on unaccompanied minors are constantly rising: while the *Associazione Nazionale Comuni Italiani* reported 6,629 unaccompanied children in 2004, their number amounted to 7,870 in 2006 (Associazione Nazionale Comuni Italiani 2008). Indications that unaccompanied minors might be subject to trafficking in human beings derive from different situations. In May 2009, *the Guardian* newspaper published details of a leaked internal report from the **UK** Border Agency, which suggested that a care home near Heathrow airport was being used by traffickers as a "clearing house" for trafficked children: the intelligence report from the Border and Immigration Agency, obtained by *the Guardian*, showed how a 59-bed local authority block was used as a clearing house for trade in children, stretching across four continents. At least 77 Chinese children have gone missing since March 2006 from the home, operated by the London borough of Hillingdon. Only four have been found. Two girls returned after a year of exploitation in brothels in the Midlands. One was pregnant, while the other had been surgically fitted with a contraceptive device in her arm. Others are coerced with physical threats to work as street-sellers of counterfeit goods. It is thought that many work in cannabis farms. The report by the immigration agency's national intelligence unit was passed to the *Guardian* by a source concerned that too little action was being taken to tackle the problem. It says Chinese children arrive alone on flights to Heathrow before they are picked up by border officials and taken into local authority care. In two thirds of the cases, they disappear quickly – most within a week and many within 24 hours. Many flee during fire drills and 10 have jumped out of windows. Others simply walk out of the front

door into waiting cars (Robert Booth 2009).³³ According to (the ICMPD questionnaire of) the national Service for Criminal Policy in **Belgium** there were 11 cases of trafficking for the exploitation of begging in 2007 (Service for Criminal Policy 2009).

3.2.4. Trafficking in Human Beings and "Organ Transplantation"

There is anecdotal evidence from newspaper articles or medical journals about organ transplantations that are affected by acts of trafficking.

Some indications from Israeli medics suggest that a number of Israeli transplant patients go by charter plane to Turkey where they are matched with kidney sellers from rural Moldova and Romania and transplanted by a team of surgeons – one Israeli and one Turkish (Friedlaender 2002; Scheper-Hughes 2003).

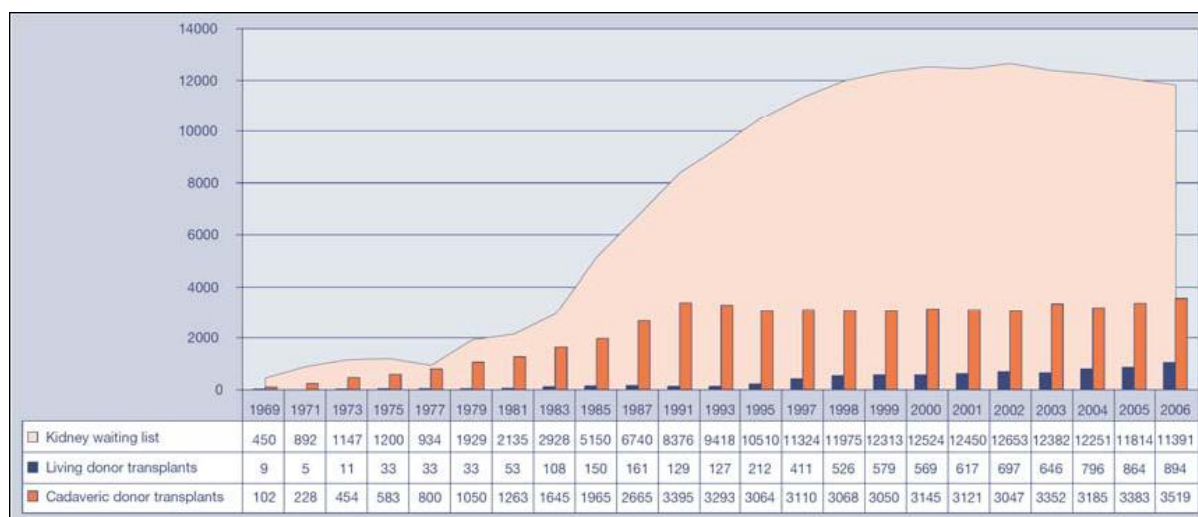
Evidently, this event happened to occur outside the European Union. However, it shows a potential sphere of human trafficking, i.e. for the transplantation of organs. Another article from *The Lancet*, a general medical journal with specialisations in Oncology, Neurology and Infectious Diseases, suggests that organ trafficking has been a thriving trade in **Romania** for several years. There have been no prosecutions for this practice so far, but in 2003 a routine medical examination in a Romanian prison revealed that a Romanian citizen sold his kidney in 2001 for more than £10,000. Under Romanian legislation governing transplants, it is illegal to donate tissue or organs in exchange for money and anyone found to have done so faces charges of organ or tissue trafficking. Police investigators said that the donor had met a woman from Cluj who, when she heard that the donor was short on money, offered to sell one of his kidneys to a man in **Austria**. She then contacted the donee who came to Cluj in 2001 and agreed to pay the donor £10,500 for his kidney following tests to verify that he was a suitable donor. The transplant, the article continues, was carried out on 5 November 2001 at the Vienna General Hospital's transplant clinic, which marked down the Romanian citizen as a "relative donor". After surgery, the Romanian donor received the money. However, at the time the article was published, it was unclear whether the Romanian donor had been approached by people working as part of an organ trafficking network (Ionescu 2005).

Empirical research conducted within this study highlighted the relevance of the national legislative framework for identifying acts of trafficking in the area of organ transplantation. According to the Romanian National Transplant Agency, which was interviewed within the context of this study, there are no acts of organ trafficking on the grounds of the definitions stipulated by the Declaration of Istanbul from May 2008. The Agency stresses that all Romanian stipulations in the transplant field apply to Romania only. In this sense, no acts of organ trafficking occurred in the country as Romanian authorities are not responsible for organ donation from Romanian citizens outside of Romania as described in the above-mentioned article.

The EC Directorate General for Health and Consumers highlights, however, that there is an increasing demand for organs which exceeds their availability in all EU Member States. The demand for organs in Europe is in fact increasing faster than the organ donation rates in most Member States (EC Directorate General for Health and Consumers, 2008). Besides, statistics from Eurotransplant show that in Europe the amount of cadaver donor transplantation remained more or less stable since the 1990s, while the number of living donor transplantations increased (Eurotransplant 2006; see chart provided below). How many of these living donor transplantations are related to acts of human trafficking remains unclear.

³³ See also <http://www.parliament.uk/commons/lib/research/briefings/snha-04324.pdf>.

Chart 12: Demand for organ transplantation 1969-2006



Source: Eurotransplant, 2006.

3.3. Analysis of “Specific Risk Areas” related to Trafficking in Human Beings

Due to the illegal nature of the phenomenon, victims of trafficking in human beings are difficult to identify. Many VoT find themselves in a grey zone, and neither governmental nor non-governmental actors find it easy to distinguish between voluntary and forced cases, since living and working situations of persons vulnerable to trafficking may change throughout their stay in the foreign country (Bak Riiskjaer and Nielsson 2009).

Due to the difficulties in identifying VoT, there is a certain awareness and particular attention for “specific risk areas” of trafficking in human beings in various European Member States. Several political-administrative documents refer, more or less explicitly, to the relevance of areas that do not form part of the national legislation on THB but that are identified as being particularly related to trafficking in human beings. In the **UK**, the Home Affairs Committee conducted an inquiry into human trafficking in the country during 2008 and 2009, which highlighted the lack of accurate statistical information on THB. It estimated that there are at least 5,000 trafficking victims in the UK, even if neither NGOs nor government agencies were willing even to guess the total number of trafficking victims in the UK. Chief Constable Maxwell, Programme Director of the United Kingdom Human Trafficking Centre (UKHTC), whose main responsibility is to obtain accurate information about the scale of the problem, admitted that “at the minute I do not think we have got a real handle on what the figures are” (Home Affairs Committee 2009).

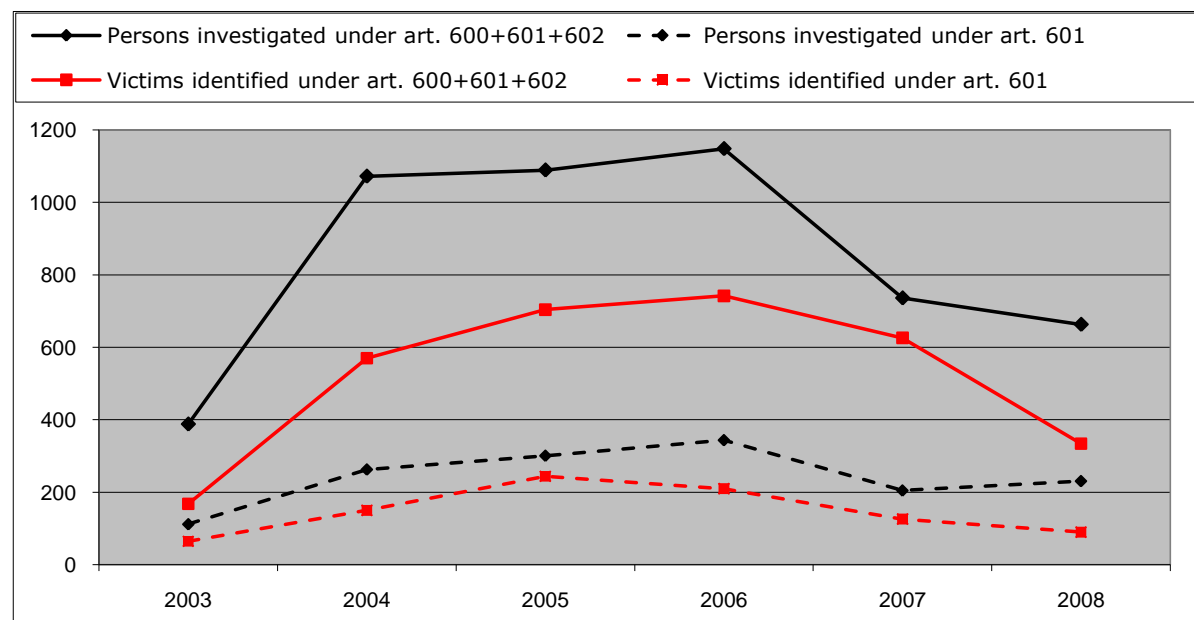
From this first structured exploration of “specific risk areas” identified by EU Member States as being related to the phenomenon of THB, four preliminary conclusions can be drawn.

The existence and relevance of “specific risk areas” to combat trafficking in human beings seems to be informed by how domestic anti-trafficking legislation is administered in the countries investigated. In countries with a broader scope of the national anti-trafficking legislation, other legal areas might be less relevant for identifying victims and perpetrators of THB. On the contrary, the relevance of “specific risk areas” to contrast

the phenomenon of trafficking in human beings might increase in countries, where THB is processed in a more restrictive way. In the case of the Czech Republic, for instance, the offence of child trafficking for adoptions is integrated in the national legal framework to combat trafficking in human beings (Art. 216a Penal Code 2004). Unsurprisingly, adoptions of minors are not indicated as a "specific risk area" affected by hidden acts of trafficking in the country. While in Austria, Bulgaria, Spain and Sweden, adoption is mentioned as an area of specific attention for "hidden" acts of THB. However, further investigation is needed to understand the interactions between "formal" anti-trafficking legislation and other legislation applied to THB to gather information on the extent of phenomenon.

The domestic approach and normative system of the individual country has a major impact on assessing the extent of trafficking. In **Italy**, for instance, Art. 601 of Law No. 228 1998/2003 Criminal Code criminalizes trafficking in human beings, including minors under 18, for sexual exploitation, prostitution and the removal of organs. As part of the Italian approach towards trafficking, Italian institutions make frequently use of additional legal instruments to build up official statistics that show the extent of the phenomenon in the country, namely Art. 600 of Law No. 228 1998/2003 Criminal Code on "placing or holding a person in condition of slavery or servitude" and Art. 602 on "sales and purchase of slaves" of the same law. While Italian statistics, based on all 3 articles mentioned (Art. 600, Art. 601, Art. 602), accounted for 128 identified victims of trafficking in 2003, 704 VoT in 2005 and 626 VoT in 2007, identified victims of trafficking under Art. 601 only amounted to 65 persons in 2003, 244 persons in 2005 and 126 persons in 2007. The following chart illustrates the differences between a more restrictive (Art. 601 CC) and a more generous interpretation (Art. 600 CC, 601 CC and 602 CC) of the phenomenon of trafficking based on available data. Data on Art. 600 CC and Art. 602 CC is, however, not disaggregated for cases of trafficking in Italy.

Chart 13: Assessing the Extent of THB in Italy



Source: National Antimafia Bureau.

NOTE: Data for 2003 covers the time period from the 7th of September to the 31st of December 2003.

Similar provisions can be found in **Spain** and **Belgium**. The Spanish anti-trafficking legislation does not distinguish between THB and facilitated illegal migration. This means

Further Investigation

that available data on trafficking in human beings in Spain potentially includes cases of facilitated illegal migration. The same applies to Belgium where statistics on THB contained a mix of data on THB and human smuggling. Since 2006, however, the situation is slowly changing as the database from the Board of Prosecutor General started to distinguish between the two categories. The criminal justice statistics, however, are still mixed.

In the case of **France**, data on trafficking in human beings is not available at all. This admittedly particular case shows the intrinsic relevance of “specific risk areas” to identify victims and combat trafficking in European Member States.

4. Conclusions and Recommendations

The frequently cited global increase in trafficking in human beings (see, for instance, Europol 2007), is not easily confirmed or quantified for the 17 European Member States investigated, our study suggests. One of the reasons for this lies in the contemporary data situation. In Europe, institutions collecting data on trafficking in human beings are primarily authorities working in the area of criminal investigations and criminal law. Another important source is non-governmental organisations (NGO) supporting victims of trafficking in human beings (VoT). Besides questions of availability, there are strong concerns regarding data reliability and the comparability of data within and across European Member States (see Chapter 2.1). Data on different types of trafficking is particularly scarce. As emerging from data collection, our study shows relatively rich data on THB for sexual exploitation, while data on THB for labour exploitation and trafficking for the removal of organs is particularly poor. The same applies to in-country or inner-European trafficking.

Assessing the extent of (different types of) trafficking in human beings has consequently proven to be a particularly difficult exercise. As statistics on trafficking in human beings are primarily collected for administrative purposes, the data situation in most EU Member States largely depends on the legislative, institutional and political framework in place. Elements determining THB vary considerably across EU Member States. This is due to the following reasons: on the one hand, the Council Framework Decision does not require the Member States to define trafficking, but rather to make all of its constitutive acts criminally punishable. On the other hand, the transposition of the European Council Framework Decisions 2002/629/JHA and 2004/68/JHA and the Council Directive 2004/81/EC into domestic policy lies within the responsibility of the Member States. It is for this reason that the elements determining THB vary considerably across EU Member States: in some cases, national legislations may go beyond the scope of the Framework Decision definition, while in other cases national legislation might fall short of criminalising certain specific acts constituting trafficking in human beings. As emerges from our analysis, the way the Council Framework Decision is ratified and applied in a country has a strong impact on what is identified, counted and published as data on trafficking in human beings in the respective EU Member State.

A **first conclusion** thus concerns the **impact of the national legal framework on defining categories** for data collection, while the established categories determine **data availability, data reliability and data comparability** in each of the countries investigated. Depending on the overall legislative-institutional-political approach towards THB, data on THB might be available only for specific types of trafficking or unspecified, on a project-related or annual basis and for different categories (e.g. identified victims, assisted victims; preliminary investigations, police investigations). It might be available at the national or regional level and be disaggregated by age, sex and nationality or not disaggregated for THB at all (for more detailed information see Chapter 2.2).

Besides the differences in data coverage and quality at the national level, EU Member States vary greatly with regard to establishing legal frameworks and data collection systems etc. All these factors potentially impact the awareness of THB, rendering statements and generalisations about the extent of THB for one country and across Europe extremely difficult.

Conclusion

The **second conclusion** of this study regards the **relative (contextualised) extent of THB** in Europe: in order to assess the extent of (different types of) trafficking in human beings, data on THB needs to be contextualised and national peculiarities and conditions of the data collection systems need to be taken into account.

As shown in the case of Italy, the nationally recorded extent of trafficking in human beings changes significantly depending on which legal categories are used for the assessment. THB statistics, which are based on the national anti-trafficking legislation in the strict sense (Art.601 of Law No. 228 1998/2003 Criminal Code), are significantly lower than statistics from other but THB-related areas, such as offences related to slavery (Art.600 and Art.602 of Law No. 228 1998/2003 Criminal Code). In fact, in official statistics, which are based on a broader THB legislation (including Art. 600, Art. 601 and Art. 602), figures are two times higher for the years 2003 and 2005 and four times higher for the year 2007 than the number of identified victims under trafficking Article 601. Similarly, in Belgium and Spain, statistics on THB refer to broader categories and include a mix of both data on THB and other areas e.g. *facilitated immigration* in Spain.

Considering the lack of accurate and comparable data available on THB and the relateness of national statistics across Europe, we can, **thirdly**, conclude that there are particular areas of informal or criminal activities identified as directly related to the phenomenon of trafficking in human beings on the national and/or European level. These **"special risk areas"** are identified as of specific importance for improvements regarding the identification of potential victims of trafficking in human beings. The relevance of "grey areas" varies between the EU Member States investigated: while some countries are particularly concerned with **organ transplantation** (AT, BG, ES, PL, RO), **adoption of minors** are indicated as playing a potential role for THB in other EU Member States (AT, BG, ES, SE). Whether or not a "special risk area" is deemed relevant for THB in a specific national context depends on a multitude of factors. Nevertheless, there are some areas that are identified by most countries as areas deserving special attention with the aim to combat the phenomenon of trafficking in human beings such as "prostitution" or "forced labour".

Thus, we can **fourthly** conclude that **cases of THB might be dealt with under different legislation** following the overall national approach and reasoning on trafficking in human beings. Particularly, "forced labour" has lately come to the fore in most of the countries investigated. According to our empirical research, 9 out of 17 EU Member States confirm that acts of trafficking are largely processed under other forms of labour exploitation such as forced labour or slavery. However, only a few of them provided concrete numbers on the extent of THB among offences related to labour exploitation (see also Chapter 3).

Taking into account these basic conditions of THB data (the difficult THB data situation, the contextuality of available data and the existence of hidden acts of trafficking in THB-related areas), this study explored the scope of trafficking in human beings in 17 EU Member States by developing scenarios of the minimum and maximum extent of trafficking by victims and perpetrators. The minimum and maximum scenarios were developed by taking the *lowest* and *highest* figures on *victims* and *perpetrators* of trafficking (overall and specific types) that are *publicly available* in each country. Based on these scenarios the following conclusions can be drawn:

Conclusion on legal proceedings

- According to national data available, there are considerable **differences between legal categories** (identified victims, investigations, indictments and convictions) which **remain high** throughout the years. This might be explained partly by the fact that some data on legal proceedings refers to persons (VoT) and some to cases (e.g. investigations). Differences between number of cases and number of persons are also accounted by the fact that a case may involve more than one victim or perpetrator. Nevertheless, there is a significant drop out rate of trafficking in human beings in European legal proceedings.
- Available data shows that generally it is the **victims** that represent the **largest category**, followed by the categories on suspects investigated and prosecuted. This trend can be observed in Bulgaria, the Czech Republic, Germany, the Netherlands, Romania and Spain. Exceptions from this rule can be observed for Belgium and Italy where in some years the **number of investigations is higher** than number of identified victims. High numbers of investigations in these countries appear to be linked to the national data situation (BE) and national data source (IT). In the case of Belgium, figures on identified victims are based on victims who received residence permits. These figures are generally lower than statistics on victims identified and assisted by NGOs. In the case of Italy, high numbers of investigations might be related to conditions of data collection for organised crimes administered by the Italian National Antimafia Bureau.
- Evidence indicates that there is a considerable **“fall out” rate** between suspects investigated, perpetrators charged with an offence and the achievement of a conviction of the offence. In many countries, the number of **perpetrators** becomes smaller in the course of the **criminal proceedings**. This is the case for Austria, Bulgaria, Germany, Italy, Portugal, Romania and Spain. Also, for most countries the smallest category is the one on convicted perpetrators, as in Austria, Bulgaria, the Czech Republic, Germany, Italy, the Netherlands, Romania and Spain. Possible explanations for this drop out rate in legal proceedings include the withdrawal or rejection of accusation, the difficulty in providing evidence and the withdrawal of testimony. Moreover, empirical findings suggest that perpetrators of trafficking in human beings are prosecuted under other charges, such as procuring or forced labour due to difficulties in gathering proof (see Chapter 3).
- The high fall out rate in legal proceedings questions the efficiency of procedures against perpetrators of trafficking in human beings and leads to the situation that cases of trafficking currently **cannot be pursued** in European **juridical proceedings**. Also, in countries running a victim-centred database, like Romania, it is not possible to follow-up on the development of the cases within the existing juridical statistics. This difficulty is aggravated in cases where trafficking is not the prime offence but multiple offences are filed and thus THB vanishes from related juridical statistics.
- The highlighted **differences between the various stages** of the legal proceedings on THB affect considerably the assessment of the available extent: figures are noticeably lower at the end of a legal process (i.e. convictions) than at its beginning (i.e. identified victims, investigations). It is for this reason that the minimum scenario on perpetrators developed within the study is generally based on the data on convictions, while the maximum scenario on perpetrators includes data on investigations.
- The lack of transparency in legal proceedings on THB particularly affects the **trafficking in children**: trafficking in persons under the age of 18 is an integral

Conclusion

part of the Framework Decision definition and has been incorporated into the majority of the legislative European frameworks on THB. Even if this specifically defined group of persons is identified as victims of trafficking, it is often not represented in data on juridical proceedings. This hampers the effective evaluation of successful interventions as well as existing shortcomings or failures in related anti-trafficking legislation and policies.

- Data on the **compensation of victims** of trafficking is especially scarce either because compensation is not granted or because data is not collected.

Conclusion on the extent of THB by identified victims

- The available **minimum number of identified victims** of trafficking (VoT) **increased** between 2003 and 2007 for 8 (Austria, Belgium, Bulgaria, Hungary, Denmark, Netherlands, Poland and Romania) of the 13 EU countries (France, Ireland and Sweden were excluded due to poor or unavailable data; Spain was excluded as its broad data coverage does not allow for calculating minimum scenarios).³⁴ Romania experienced the highest increase in absolute numbers (+842), followed by the Netherlands (+459) and Denmark (+134).
- The available **maximum number of VoTs increased** between 2003 and 2007 for 7 of the 14 EU countries. These countries were almost the same as for the **minimum numbers** with the only exception of Belgium.³⁵ The highest increase in absolute numbers experienced again Romania (+1,376), followed by Poland (+760) and the Netherlands (+449).
- In total, the available **minimum numbers** on identified victims of trafficking in the 13 EU countries investigated for which a minimum number could be calculated increased from 2,303 in 2003 to 4,167 in 2005 and decreased to 3,669 in 2007. The total **maximum numbers** on VoT available in 14 countries **increased** steadily from 8,139 victims of trafficking in 2003, to 9,057 in 2005 and 9,389 in 2007. Following this, both scenarios display a clear **increase** in the number of victims of trafficking regarding the entire period of 2003 to 2007.
- **Sexual exploitation:** Data on victims of trafficking for sexual exploitation is publicly available for 11 countries (ES, RO, DE, NL, CZ, UK, AT, DK, BE, BG, HU, in descending order according to extent).
- **Labour exploitation:** 8 countries publish figures on victims of THB for labour exploitation (ES; RO, DE; BE, CZ, BG, UK, HU; in descending order according to extent).
- 14 countries specify whether the trafficking victims were adults or **minors** (DE, RO, UK, IT, CZ, BG, NL, DK, PL, ES, HU, BE, AT, SE, in descending order), only in Portugal³⁶ such data is missing.

³⁴ While AT, BG, DK, HU and NL experienced a constant increase, figures in BE and PL decreased in 2005 and rose in 2007. Romania was the only country where minimum numbers of VoT increased between 2003 and 2005 (+2,136), and decreased in 2007 (-1,294).

³⁵ While AT, BG, DK, HU and NL experienced a steady increase, numbers in PL decreased between 2005 and 2007. Romania was the only country where maximum numbers of VoT increased between 2003 and 2005 (+1,855), and decreased in 2007 (-479).

³⁶ Portugal decisively improved its victim identification and assistance system in 2008; hence, these improvements are not reflected in the data tackled here.

Conclusion on the extent of THB by perpetrators (persons)

- The available **minimum number** on perpetrators **increased** between 2003 and 2007 for eight (Austria, Belgium, Bulgaria, Denmark, the Netherlands, Romania, Portugal and Sweden) of the 15 EU countries (without France and Ireland).³⁷ Romania experienced the highest increase in absolute numbers (+139), followed by Portugal (+97) and Bulgaria (+67). For the remaining seven EU countries the minimum number available on perpetrators decreased.
- In 7 out of 15 EU countries the available **maximum number** on perpetrators **increased** between 2003 and 2007. The countries were almost the same as for the minimum number on perpetrators (BG, DK, ES, NL, RO, PT), with the only exception of Austria, which made room for the Czech Republic.³⁸ Among those, Romania experienced the highest increase in absolute numbers (+1,167), followed by Bulgaria (+196) and the Czech Republic (+97). For eight of the countries investigated, the maximum number on perpetrators **decreased**.
- In total numbers, the available **minimum numbers** on trafficking perpetrators in the 15 EU countries declined from 931 perpetrators in 2003 to 865 persons in 2005 and rose to 1,270 perpetrators in 2007. The available **total maximum numbers** on trafficking perpetrators, instead, decreased from 7,574 persons in 2003 to 7,342 perpetrators in 2005, and declined to 6,915 persons in 2007. The minimum and maximum scenarios hence display two contradictory trends: while the total minimum values available increase between 2003 and 2007, maximum values available decrease.
- While the overall maximum number available on perpetrators decreased, the absolute numbers on perpetrators of trafficking for sexual exploitation increased. Data on trafficking offenders for sexual exploitation is available in eight countries investigated.³⁹ In all eight countries taken together, the share of **offenders for sexual exploitation** in the total number of trafficking offenders ranges from 41.8% in 2003, to 63.6% in 2005 and 54% in 2007. In absolute numbers, the figure on trafficking perpetrators for sexual exploitation increased from 1,314 persons in 2003 to 1,933 in 2005 and thereafter slightly decreased to 1,767 perpetrators in 2007.
- Available data on traffickers prosecuted for the purpose of **labour exploitation** is limited to the year 2007 and available only for five countries⁴⁰. In all these five countries taken together, 500 perpetrators for labour exploitation were identified. The share of offenders for THB for labour exploitation in the available overall number of THB offenders in 2007 ranges from 5.9% in Portugal to 21.1% in Spain (BG: 10.5%, DE: 9%, SE: 15.4%, UK: 12.2%). These relatively small proportions, as well as the general low figures, **point to difficulties in identifying and prosecuting cases of trafficking for labour exploitation** in the EU Member States investigated.
- There are some countries among the 17 EU Member States investigated where available data on both **identified victims of trafficking and perpetrators increased** between 2003 and 2007 for minimum and maximum scenarios. These

³⁷ While AT, BG, NL and RO experienced a steady increase, the minimum number on perpetrators in DK and PT declined between 2003 and 2005, while it increased in 2007. In BE and SE the numbers increased in 2005 and decreased in 2007.

³⁸ While BG, CZ, DK, RO and PT experienced a steady increase, this was not the case for the Netherlands. The maximum number on perpetrators in NL decreased between 2003 and 2005 (from 156 to 146), it increased in 2007 (to 221). In ES the number increased between 2003 and 2005 and declined in 2007.

³⁹ These countries were AT, BG, CZ, DE, DK, ES, NL, SE. In 6 of these countries, no minimum or maximum value was available, but only one figure was available in certain years (AT, CZ, DE, DK, ES, UK).

⁴⁰ These countries are BG, DE, ES, SE, and the UK.

Conclusion

countries are Bulgaria, Denmark, the Netherlands and Romania. This increase of data might be linked to an improvement in the respective data collection system. Some of the countries, like Bulgaria, Romania and Portugal, participated in specific programmes aiming at improving anti-trafficking data collection (ICMPD 2008). However, further investigation and in-depth analysis is needed to better understand the impact of policy interventions on the availability, reliability and comparability of data and eventually on the nationally recorded extent of THB.

Observations on factors influencing the availability, reliability and comparability of THB data

- The availability of data on trafficking essentially depends on the **establishment of appropriate mechanism** for identification and counting.
- With the intent to better accommodate the needs of the victims of trafficking, some countries (i.e. The Netherlands, Portugal) assign **civil society organisations** the responsibility of registering supposed VoT that they assist at this early stage.

For two reasons the structural involvement of non-governmental actors indirectly has a positive effect on evaluation: 1) persons who might be later confirmed as VoTs are assisted and registered already at a very early stage; and 2) civil society organisations usually reach other (and potentially more) persons than the public services, who might otherwise not even enter the identification process. However it should also be considered that victim support organisations might take record of support provided and not necessarily of the individuals supported. In these cases, multiple counting is to be considered.

- Data on THB for labour exploitation and THB for the removal of organs are particularly scarce. Possible explanations for this are provided by the given **institutional landscape**: institutions collecting data on trafficking in Europe are primarily authorities working in the area of criminal investigations and criminal law. Other bodies such as the Ministry of labour and/or social affairs, public health institutions, etc. are underrepresented among the institutions collecting data on THB. Furthermore, in many of the countries, THB for labour exploitation was only very recently addressed.
- In general, the availability of data on trafficking in human beings improves where national sources **collaborate and share data** with a **national focal point** responsible for compiling and publishing periodic reports on THB. Some countries' assessments have improved considerably since the establishment of a national co-ordinating body (e.g. National Rapporteur).
- Statistics may also be influenced by **specific political programmes**: In the UK, for example, the number of women identified as VoT increased significantly for the specific time period of the so-called "operation Pentameter", which was specifically targeted to identify cases of THB.
- **Training** programmes on THB issues for **judges, prosecutors and law enforcement** also seem to positively affect data availability and data quality. In addition, it seems that higher numbers of cases are concluded at the respective stages of the proceedings.

- With the entering into force of the **Council Framework Decision** 2002/629/JHA and **Directive** 2004/81/EC and their transposition in domestic law, the legislation and data situation has improved. Since then, the majority of the countries covered in this study have changed their legislation accordingly to account for different types of trafficking, including THB for labour exploitation and the removal of organs.

4.1. Recommendations

1. Distinction between trafficking and trafficking-related offences

As shown above, unclear legislative frameworks in the field of THB can lead to confusion regarding the understanding of the scope of THB by law enforcement agencies. Evidence shows that trafficking for sexual exploitation and prostitution (pandering) conflates in some Member States. This also regards child trafficking and other criminal acts against children. Clear distinctions between THB and other offences will help to improve the identification, prosecution and reporting of trafficking cases.

2. Protecting victims of trafficking

Among others, this study highlights that the assistance to trafficked persons in terms of long-term recovery and reintegration, including effective access to **compensation**, needs to be improved. As shown above, only in very few cases a victim of trafficking successfully filed a charge for compensation. Also, acts of **internal trafficking** are largely not considered relevant by EU Member States, and it remains unclear if EU citizens and nationals who are victims of trafficking are deprived of the required assistance. Specifically the **protection of children**, who are particularly vulnerable to all forms of exploitation, needs to be further improved. For Romania, where data is disaggregated for different types, including "begging", national data sources reported that 166 children were trafficked externally and 127 were victims of internal trafficking. Evidence from other EU Member States suggests that unaccompanied minors seem to be particularly exposed to trafficking. Details published by an internal report from the UK Border Agency showed that a care home near Heathrow airport was being used by traffickers as a "clearing house" for trafficked children from China (see also Chapter 3). However, more systematic comparative research is needed to evaluate the vulnerability of unaccompanied minors to traffickers in Europe, to identify practices and mechanisms of this type of crime and define strategies to assist its victims.

3. Strengthening local networks

To improve the identification of victims of both THB and THB-related areas ("special risk areas"), the collaboration of local actors in trafficking in human beings needs to be further structured. In some countries the assignment of civil society organisations to register and assist (supposed) victims of trafficking like in the Netherlands and Portugal had a positive effect on victim identification and evaluation of the extent of trafficking in human beings. Data on victims from the "special risk area" of forced labour in France, for instance, derive mainly from the NGO Centre Against Modern Slavery (CCEM) which receives incoming "alerts", assist victims and monitors the opening and development of files on "forced labour". In this sense, awareness-raising and **local partnerships** between governmental and non-governmental organisations, as well as other institutions,

Conclusion

could significantly improve the identification of victims of trafficking in general and in “special risk areas”.

The **training of local officials** in public institutions that are not primarily related to the fight against trafficking in human beings, like hospitals, schools, etc., as well as training and **support of local NGOs** working in the area of trafficking in human beings and/or immigrants’ rights, would also contribute to identifying and prosecuting acts of trafficking that are not or not primarily related to sexual exploitation but to other types, such as the removal of organs or labour exploitation. In this context, personnel working in children’s shelters, women’s shelters and social services should be targeted for awareness-raising campaigns to further improve the identification of victims of trafficking.

The establishment of a **local reporting mechanism** to which officials, non-governmental organisations or private persons can turn for advice and for reporting persons or cases of trafficking in human beings, would further add to identifying, registering and prosecuting acts of trafficking of the various kind. In some countries investigated, for example Austria, data provided by a local actor is the only information available to assess the extent of THB by identified victims in the whole country. Anonymous local reporting mechanisms on trafficking in human beings would cover a larger area of the respective country, while the risk of double counting would be contained by the triangulation of sources. The latter adds to the improvement of the reliability of data, contributing thus to improving the data situation at the national level.

4. Establishing a National Contact Point on THB

This study clearly emphasises the positive affects that derive from establishing a **National Contact Point on THB**. Currently, 11 out of 17 EU Member States investigated have established a National Rapporteur on THB or equivalent (see Table 1). For some countries, the availability of data on trafficking in human beings has improved considerably since the establishment of a national co-ordinating body. As shown above, data is currently dispersed among various administrative bodies and/or available only on the local level. But harmonised national data is needed to assess the extent of (different types of) trafficking in human beings within each EU Member State and across Europe. By establishing National Contact Points on THB, the evaluation of the impact of counter-measures against THB and of given shortcomings and progresses made in the implementation of laws and policies will improve.

5. Training for law enforcement officials

In ensuring successful prevention, detection, prosecution and punishment of trafficking, it is essential to build the capacity of the national law enforcement officials in this area, i.e. prosecutors, police, judges, border guards and officers of related fields. According to nationally reported data on THB, there are considerable differences between legal categories (i.e. identified victims, investigations, indictments and convictions). In all the 17 countries investigated, these differences between categories remained high throughout the years. Specific **training** programmes on THB issues, particularly **for judges and prosecutors**, will contribute to a decrease in the drop out rate of trafficking in human beings in European legal proceedings.

6. Establishing Transnational Referral Mechanisms for Trafficked Persons

As the majority of human trafficking cases are trans-border, it is crucial that not only national, but also cross-border referral, assistance and support mechanisms are in place that pay due respect to the protection of personal data and privacy of victims. The key challenge to a victim-centred anti-trafficking response is to ensure that all trafficked persons have access to comprehensive assistance and protection schemes. In order to ensure comprehensive and effective assistance and protection for victims of trafficking, **institutionalized co-operative transnational frameworks**, including all concerned governmental and non-governmental actors, are indispensable. Such institutionalized co-operative transnational frameworks should focus on the process management of individual trafficking cases and cover the entire sequence of case measures, from identification, assistance and protection, participation in and support during legal proceedings and legal redress, to reintegration of victims in their destination, origin or third country. While institutionalized, these transnational systems must at the same time be flexible enough to respond to the individual circumstances and needs of victims of trafficking crimes.

7. Institutionalisation of THB victim's protection and data availability at the European level

Reliable data on THB is essential for political interventions aiming at fighting the phenomenon of trafficking in human beings in Europe. Our study highlights that data on THB in Europe is currently fragmented, marginally reliable or not available at all. France, where (as of yet) no data in trafficking in human beings is nationally reported, is an exemplary case in this regard.

Simultaneously, our study shows that policy programmes and the national legislative-political framework exert a major impact on the nationally reported extent of trafficking in human beings in the analysed EU Member States. A centralised European institution, which would benchmark methods of data collection in line with the Open Method of Co-ordination, could positively influence the availability and quality of data on THB in Europe and the unconditional assistance of THB victims. Inspired by evidence, the evaluation of counter-measures against trafficking in human beings, related shortcomings and progresses made would significantly contribute to the development of effective anti-trafficking legislation and policies that respect the common need for both action at the European level and customized local responses in the Member States.

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6. Country Reports

Austria

Domestic Policy and Institutional Setting

Trafficking in human beings in Austria became an important field of political action in the beginning of the new millennium, when specific measures to combat the phenomenon were first taken. In the 1990s and the early 2000s, human trafficking was mentioned in a number of documents and action plans relating to violence against women, sexual exploitation and children rights,⁴¹ but there was no action explicitly targeting this phenomenon. This changed in 2004, when the Austrian Criminal Code introduced a section on human trafficking (Article 104a CC) and a Task Force on Human Trafficking was established. Official documents associate the phenomenon of THB with other phenomena, specifically illegal migration, human smuggling, and prostitution. Today, European standards are fully implemented in Austrian legislation, yet the institutional setting, especially in regard to victim protection and co-ordination of the different bodies dealing with THB, are still to be improved.

In November 2004, the Task Force on Trafficking in Human Beings (TF-THB) was established by a Ministerial Council Resolution under the lead of the Federal Ministry of European and International Affairs (FMEIA) and was charged with co-ordinating measures taken by Austria in combating trafficking in human beings. Representatives of all competent ministries, outsourced agencies, the federal provinces and NGOs attend regular meetings.

Besides the competent Ministries (European and International Affairs; Health, Family and Youth; the Interior; Justice; Social Affairs and Consumer Protection; Economics and Labour; Women's Affairs and Civil Service), the NGO Intervention Centre for Migrant Women Affected by Human Trafficking (LEFÖ-IBF) is the only NGO holding permanent member status in the Task Force. Moreover, it was assigned a special status by the government to protect and care for victims of human trafficking on a nation-wide basis. However, until today the NGO's only branch office is in the capital city of Vienna.⁴² Following a Ministerial Council Resolution⁴³, the Task Force (TF) submitted the first national action plan against THB in March 2007. In the same year, two specialised working groups were established, namely the Working Group on Child Trafficking under the lead of the Federal Ministry of Health, Family and Youth, and the Working Group on Prostitution headed by the Women's Directorate at the Federal Chancellery (*BKA Frauensektion*).

Since 2009, the TF-THB is headed by the National Coordinator on Combating Human Trafficking, who represents and co-ordinates all issues related to THB in Austria and is responsible for preparing annual reports on past and future measures.⁴⁴

⁴¹ See for example the 1997 Ministerial Council Resolution on Violence in society and the family, child abuse, sexual abuse of children, violence against women, amongst youth, and in the media (*Ministerratsbeschluss betreffend Gewalt in der Gesellschaft, Gewalt in der Familie, Kindesmisshandlung, Sexueller Kindesmissbrauch, Gewalt gegen Frauen, Gewalt unter Jugendlichen, Gewalt in den Medien*); the 1998 Action Plan against Child Abuse and Child Pornography on the Internet; and the 2004 National Action Plan for the rights of children and teenagers in Austria.

⁴² See <http://www.lefoe.at/design/content.php?page=a&lang=en&content=181> (23.9.2009).

⁴³ See *Bericht der Bundesministerin für auswärtige Angelegenheiten über in Aussicht genommene Maßnahmen zur Bekämpfung des Menschenhandels aufgrund der Entschließung des Nationalrates vom 12. Juli 2006*, E 203/XXII. GP.

⁴⁴ See <http://www.mvcr.cz/mvcren/article/austria.aspx> (23.9.2009).

The composition of the Members of the Task Force on Human Trafficking and the focus of the two specialised working groups reflect the focus of Austrian anti-trafficking policy.

Special attention is paid to prostitution and more particularly trans-border prostitution of women and girls and crime prevention in countries of origin. Since 2005, combating THB also constitutes a priority area for the Austrian Development Agency (regularly attending meetings of the TF-THB) and the Austrian Development Cooperation (ADC) which provides funding for a number of projects carried out in South-Eastern European countries. The area of prevention activities include the further sensitising of law enforcement and border management officers to the issue of THB as well as intensified co-operation with Austrian-based foreign representations of countries of origin (FMEAI 2009b:3).

Austria is actively involved in international co-operation in the area of combating THB, organising and participating in a number of events aimed at increasing international co-operation in this field. Of mention here are the 2008 Vienna Forum to Fight Human Trafficking in the framework of UN.GIFT (United National Global Initiative to fight Human Trafficking) and the joint initiative of IOM, ICMPD, Europol and the Federal Ministry of Interior to develop guidelines for the collection of comparable data on THB (IOM and FMoI 2009).

The second National Action Plan for the years 2009-2011⁴⁵ identifies nine priority areas that represent a continuation of past measures taken in the field of action against THB (co-ordination, prevention, identification, victim protection and support, criminal prosecution, compensation, improving data collection, international co-operation, and evaluation and monitoring) (FMEAI 2009a). At the same time, updated situation reports prepared by the TF-THB, the Working Group on Child Trafficking and the Working Group on Prostitution were published.

Currently, the involvement of the provinces in all measures against THB, the lack of a national referral mechanism for child victims of trafficking and the lack of reliable data can be considered the main concerns in Austria's current anti-trafficking approach.⁴⁶

Legal Framework

In 2004, Article 104a CC on "Trafficking in Human Beings" was introduced to the Criminal Code in the framework of a broader reform of the entire legislation covering sexual offences, particularly in regard to minors.⁴⁷ The previously applied article on "Trafficking in Women" (Article 217 CC), criminalising the recruitment and directing of persons into prostitution across state borders remained unchanged in its content, but was renamed to "cross-border dealings in prostitution" (*Grenzüberschreitender Prostitutionshandel*). By introducing Article 104a CC on "Trafficking in Human Beings", anti-trafficking legislation was brought in line with the definition provided in the Council Framework Decision 2002/629/JHA covering adults *and* minors for the purpose of sexual *and* labour exploitation as well as for organ trafficking.⁴⁸ Most importantly, the new Article 104a CC (Trafficking in Human Beings) includes the differentiation between action, means and purpose, while Article 217 CC (cross-border dealings in prostitution) lacks the element of "means" and only penalises cross-border recruiting and directing persons into prostitution (see also Planitzer 2007:110).

⁴⁵ FMEIA (2009a) National Action Plan against Human Trafficking, covering the period from 2009-2011, prepared by the Republic of Austria, coordinated by the Federal Ministry for European and International Affairs, TF-THB, Vienna, 26 May.

⁴⁶ See for example: Working Group on Child Trafficking (2009) Child Trafficking in Austria. Report prepared under the aegis of the Federal Ministry of Economy, Family and Youth, Vienna: February.

⁴⁷ StRÄG 2004 BGBl I 2004/15.

⁴⁸ Federal Law Gazette (*BGBl.*) Nr. 60 / 1974, last amended by BGBl. I Nr. 15/2004.

In addition, Article 104a CC (Trafficking in Human Beings) also introduced specific provisions if the victim of the crime is a child (under 18 years of age). Currently, both laws are used to prosecute trafficking in human beings.

However, according to the NGO LEFÖ-IBF, with the official mandate for assisting victims of THB, Article 217 CC (cross-border dealings in prostitution) is more frequently applied in cases of THB for the purpose of sexual exploitation than Article 104a CC (Trafficking in Human Beings) due to the fact that offences are easier to prove under this provision.⁴⁹

In 2005, Austria ratified the "Palermo Protocol"⁵⁰ and in 2006, the Council of Europe Convention on Action against THB⁵¹.

With the implementation of the Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third-country nationals who are victims of THB and who co-operate with the competent authorities,⁵² Austria introduced a reflection period of 30 days for victims of trafficking during which the obligation to leave the country is suspended.

Although de jure independent of the willingness of the victims to testify in court, the Austrian contribution to the European Project "Human Rights and Trafficking in Women and Young People" (under the Daphne Programmes II), highlights that in practice only those persons who co-operated with the authorities were granted the full reflection period (University of Padua et. al 2007:29).

Until 2009 VoT could be granted a residence permit on humanitarian grounds for at least 6 months only on special award by the Ministry of Interior (see Kraller and Hollomey 2010). This practice was reformed in April 2009 to grant all victims of trafficking (Article 104a CC) and victims of cross-border dealings in prostitution (Article 217 CC) a provisional residence permit for a minimum period of 6 months in order to guarantee criminal prosecution or the enforcement of claims by civil law.⁵³ Furthermore, the Ministry of Interior operates a witness protection programme which also accepts victims of trafficking and, under specific conditions, their close relatives.

According to the Crime Victims Act (*Verbrechensopfergesetz*) victims of trafficking are entitled to compensation for the impairment of their earning capacities due to the physical and health injuries they have suffered. Actual eligibility is limited however, as EU/EEA citizens are entitled to compensation only if the act was committed in Austria, and third country nationals only if they were staying legally in Austria at the time the incident took place (see FMEIA 2009b).

Data Availability

Data on trafficking in human beings is available since 2000, but until 2004 only referred to "cross-border dealings in prostitution" (CC Article 217 CC) and therewith was limited to trafficking for the purpose of sexual exploitation. With the introduction of Article 104a CC into the Criminal Code in 2004, statistics are also available for "trafficking in human beings" according to the international definition. However, they are not disaggregated by the purpose of exploitation (labour exploitation, THB for the removal of organs), nor by the age of the victims (child trafficking – except for identified victims).

⁴⁹ Telephone interview, LEFÖ-IBF, 21 September 2009.

⁵⁰ Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organised Crime.

⁵¹ See: <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=1&DF=2/26/2007&CL=GER>.

⁵² Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (2004/81/EC of 29. April 2004).

⁵³ Settlement and Residence Act: Article 69a (1)2 (Federal Law Gazette I Nr. 29/2009, of 31 March 2009).

Austria

The most important institutions and organisations involved in data collection on THB are

- the Ministry of Interior publishing the Crime Reports which are based on data published in the Police Crime Statistics by the Federal Criminal Police Office;
- Statistics Austria which annually publishes the Judicial Crime Statistics, based on data from judicial authorities (e.g. the *Strafregisteramt*);
- on a regional level, the Youth Welfare Organisations which collect data on minor victims of trafficking. However, it should be mentioned that due to the fact that there is no centralised database and that awareness on child trafficking in Youth Welfare Organisations is still rather low, available data are de facto limited to the Viennese child protection and crisis centre (*Drehscheibe*); and
- the NGO responsible for victim protection, LEFÖ-IBF, which collects data on victims assisted by the organisation in Vienna.

The following table provides an overview of available data on trafficking in human beings in Austria:

Table 1: Data availability in Austria

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Federal Ministry of Interior Youth Welfare Organisations of the federal provinces The NGO with official mandate for assisting victims of THB (LEFÖ-IBF)	Data available for 2005-2008. Data available on child trafficking are limited to data from the <i>Drehscheibe</i> Crisis Centre which collects data on child victims of trafficking and unaccompanied minors assisted in Vienna. Data collection is limited to victims of trafficking supported by the organisation in Vienna.
Cases investigated	Federal Ministry of Interior, Federal Criminal Police Office	
Cases with indictment	N.A.	
Cases with conviction	Courts, Statistics Austria	Data available for 2005-2007.
VoT claiming compensation in civil suits	N.A.	
VoT receiving legal or psychosocial assistance during proceedings	N.A.	
VoT accepted in witness protection programme	N.A.	
VoT granted short-term residence	N.A.	
VoT granted continued residence	N.A.	
VoT returned to home country	N.A.	

Data Analysis

The extent of Trafficking in Human Beings according to different stages in Legal Proceedings

Legal proceedings on trafficking in Austria typically start with a police investigation following a notification by a civil person or a police operation or an organisation counselling or assisting victims. In the course of the investigation, victims and perpetrators are identified and the necessary evidence is collected. After the police has concluded its investigations, normally by identifying a perpetrator, the case is handed

over to the public prosecutor who further investigates and then files an indictment that is decided upon in a court proceeding.

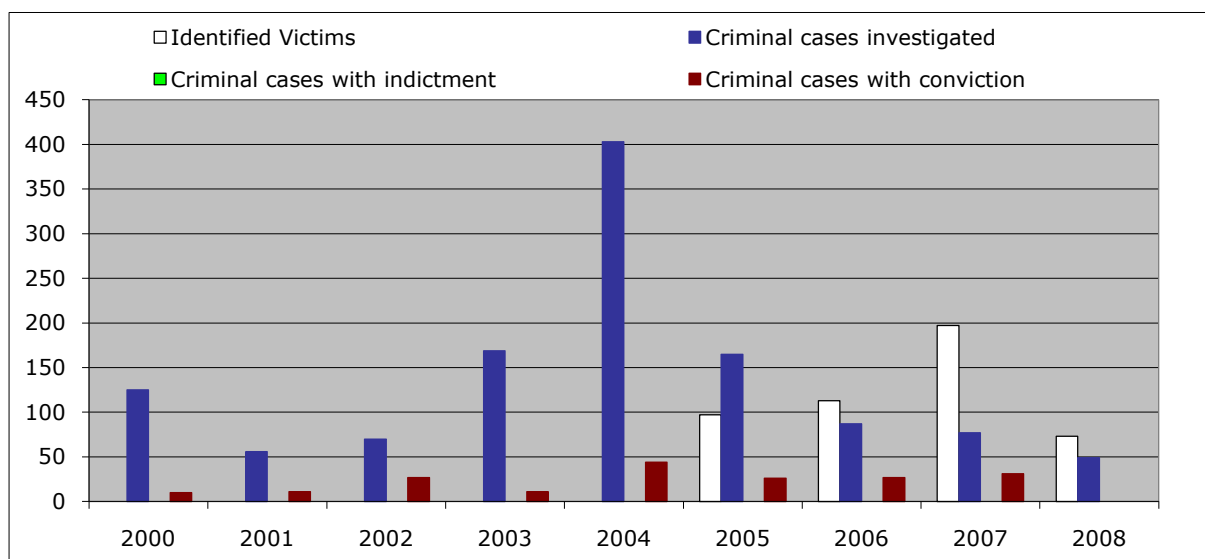
In regard to the reporting period for this report, data is available on victims identified in the course of police investigations (2005-2008), investigated cases by the police (resolved cases), and on convicted persons (2000-2008), but not on indictments. In addition, there is data available on victims identified by victim support organisations (however, limited to the local level), suspects identified by the police (for 2005 and 2006 only), and sentences issued by the court (see Annex B).

For comparison, it is important to note that data published before May 2004 only refer to Article 217 CCCC (cross-border dealings in prostitution), which exclusively deals with recruiting and directing persons into prostitution across national borders (see legislative framework Chapter 1.2). As of May 2004, trafficking data refers to two articles: Article 217 CC (cross-border dealings in prostitution), which is more frequently applied in cases of THB for sexual exploitation, and the more recently introduced Article 104a CC (Trafficking in human beings) which includes all form of exploitation and provides special provisions for minors, but is less frequently applied, especially on THB for sexual exploitation. Hence, data for the period 2005-2008 in Chart 1 below presents the sum of proceedings under both laws.

Furthermore, the categories “identified victims” and “criminal cases with conviction” refer to *persons*, while “criminal cases investigated” by the police refer to *cases*, more precisely to the number of closed cases – according to the definition of the police, a case can be considered as closed if the suspect has been identified and sufficient evidence for a conviction was found (e.g. confession) (see Ministry of Interior 2005:A4). As one case may involve several suspects, data on police investigation does not correspond with the number of suspects identified.

In order to make viable statements about the development in legal proceedings, data selected for Chart 1 below does not include averages, but is based on the most consistent and relevant sources only.⁵⁴

⁵⁴ There are still some limitations to the interpretation and comparability of the data presented: for 2000 to 2004, data referring to the Police Crime Statistics (identified victims) and the Judicial Crime Statistics (convictions) could only be obtained from a secondary source (University of Padua et al. 2007) but were used as primary data sources as of 2005. Cross-comparisons (e.g. for the year 2005) suggest that the quoted data for 2000 to 2004 is reliable. Regarding data on convictions, it must be noted that the Judicial Crime Statistics do not provide data disaggregated by Article 104a CC (THB). Thus, respective data were only available from the First Austrian Report on Combating Trafficking in Human Beings, which publishes data from the “court automation system”, which records the number of sentences issued (FMEIA 2009b).

Chart 1: Legal proceedings on THB in Austria in total, 2000-2008

Source: Data on identified victims refers to the Federal Ministry of Interior (2009), response to inquiry 1534/AB XXIV.GP. Data on criminal cases investigated refers to Federal Criminal Police Office, Crime Reports 2005 and 2006 and Police Crime Statistics (unpublished) for 2007 and 2008. Criminal cases investigated and convictions from 2000-2004 are based upon University of Padua et al. (2007) referring to data from the Police and the Judicial Crime Statistics; as of 2005 data on convictions is based upon Task Force Human Trafficking (2008) for Article 104a CC publishing data from the "court automation system" and The Judicial Crime Statistics for Article 217 CC. For underlying statistical data see Annex B to this report.

Note: As of 2005 the figures refer to the sum of data of Article 104a CC and Article 217 CC, from 2000-2004 only to Article 217 CCCC.

When looking at the years 2000-2008, there is no uniform development observable for the different stages of the legal proceeding on THB (taking together Article 104a CC and Article 217 CC), but rather several, partly contradictory trends can be noticed:

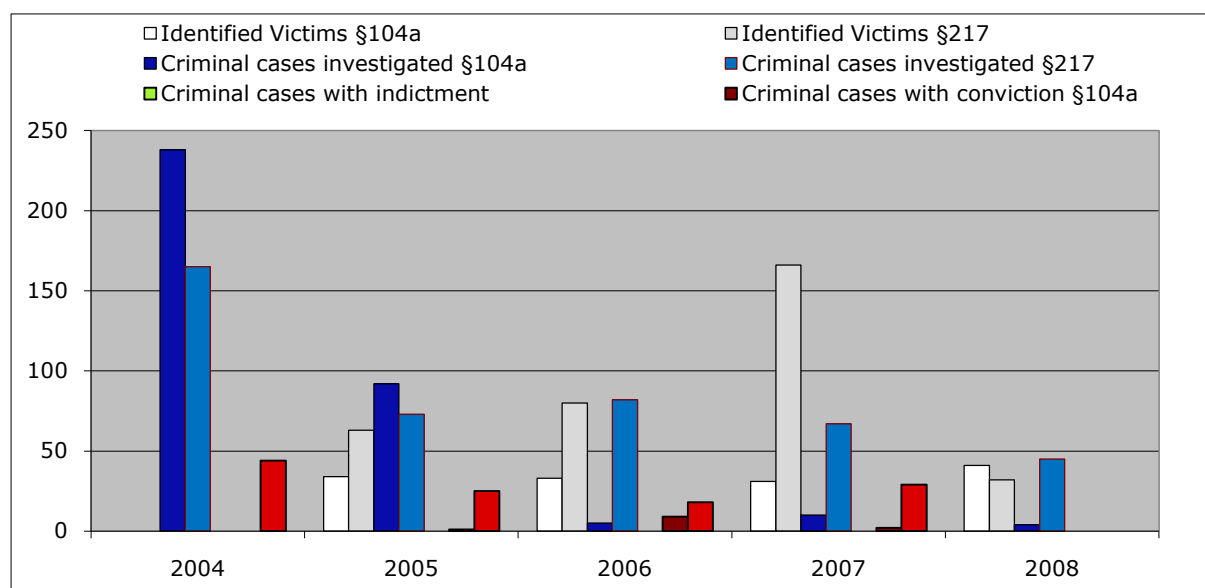
From 2001 onwards, the number of **criminal cases investigated** by the police steadily increased, reaching its extraordinary peak with a total of 403 investigations in 2004, when in May of the same year the anti-trafficking legislation was substantially amended. After this exceptional year, the numbers again adapted to the level before 2004 and steadily decreased until 2008.

In contrast, the number of **identified victims**, only available as of 2005, continuously increased between 2005 and 2007, from 97 persons identified in 2005 to 197 persons identified in 2007.

In 2008, both categories **criminal cases investigated** and **identified victims** reached their lowest level ever since 2000, with only 49 investigated cases and 73 identified victims reported by the Federal Ministry of Interior.

While the numbers of **criminal cases investigated** decreases significantly after its first peak in 2004, when the new legislation came into force, the number of **criminal cases with conviction** remained relatively stable but on low level (e.g. 10 convictions in 2000, 31 in 2007), with the highest number of 44 persons convicted in 2004. Thus, the prosecution process on THB seems to improve as the share of investigations leading to convictions increases in the last 3 years. Whether this trend will continue remains to be seen.

Chart 1.1: Legal proceedings on THB in Austria, specified by Article 104a CC (THB) and Article 217 CC (cross-border dealings in prostitution), 2004-2008



Source: see Chart 1 above

Another interesting set of insights can be gained when disaggregating the data according to **Article 104a CC (THB)** and **Article 217 CC (cross-border dealings in prostitution)** for the period 2004 – 2008.

Some important differences can be observed in relation to the two anti-trafficking statutes:

In absolute numbers, there are generally more identified victims, more criminal cases investigated and more criminal cases with conviction referring to cross-border dealings in prostitution (Article 217 CC) than compared to Trafficking in Human Beings (Article 104a CC).

Hence, even after introducing “Trafficking in Human Beings” (Article 104a CC) to the Criminal Code in 2004, Article 217 CC (cross-border dealings in prostitution) is more frequently applied in cases of THB for sexual exploitation.

Secondly, while the numbers of identified victims, criminal cases with conviction and, to a lesser extent, criminal cases investigated by the police remain relatively stable with regard to Article 104a CC (e.g. 31 to 41 persons identified), data on cross-border dealings in prostitution (Article 217 CC) shows considerable alternations. This is mainly attributable to an outstandingly high number of identified victims in 2007 under Article 217 CC (166 identified victims compared to 31 identified victims under Article 104a CC).

Thirdly, the data clearly reflects the consequences of the amendment to the Criminal Code in May 2004 and the new experiences in implementing Article 104a CC on trafficking in human beings. In the first 2 years after the new provision entered into force, the numbers of police investigations were extraordinarily high: in 2004 the police investigated in 238 criminal cases in regard to Article 104a CC and “only” 165 in relation to Article 217 CC.

Numbers of investigations in relation to Article 104a CC sharply dropped to 92 investigations recorded in 2005 and again to only 5 investigations in 2006. Since then,

the number of investigations stabilised at this low level and never exceeded 10 in the following years.

It is further remarkable that the high numbers of police investigations are not equally reflected in the number of identified victims or convictions. Neither in 2004, nor in 2005 was a perpetrator convicted on the basis of Article 104a CC (Statistics Austria 2005).

In her evaluation of the transposition of the Palermo Protocol and the Council of Europe Convention on Action against THB into national legislation, Planitzer (2007) analysed the effects on the application of the newly introduced article on "Trafficking in Human Beings" (Article 104a CC) and the former article on "Trafficking in Women" now renamed "cross-border dealings in prostitution" (Article 217 CC). She concludes that the introduction of Article 104a CC to the Criminal Code in 2004 did not have any substantial effect on the application of Article 217 CC as no cases seem to have "moved" from Article 217 CC to Article 104a CC. Thus, Article 217 CC has remained the main instrument to prosecute THB for sexual exploitation across borders, even if cases would comply with the criteria laid down in Article 104a CC (Planitzer 2007:110). This confirms the experience of NGOs mentioned above that Article 217 CC is indeed more frequently applied in cases of THB for the purpose of sexual exploitation due to the fact that offences are still easier to prove under this provision. In this context, investigations with regard to Article 217 CC regularly translate into convictions, while this is less the case in regard to Article 104a CC (Planitzer 2007).

Furthermore, the overall low numbers of prosecutions recorded on Article 104a CC also indicate that forms of exploitation other than sexual exploitation are not equally addressed in the Austrian context.

The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

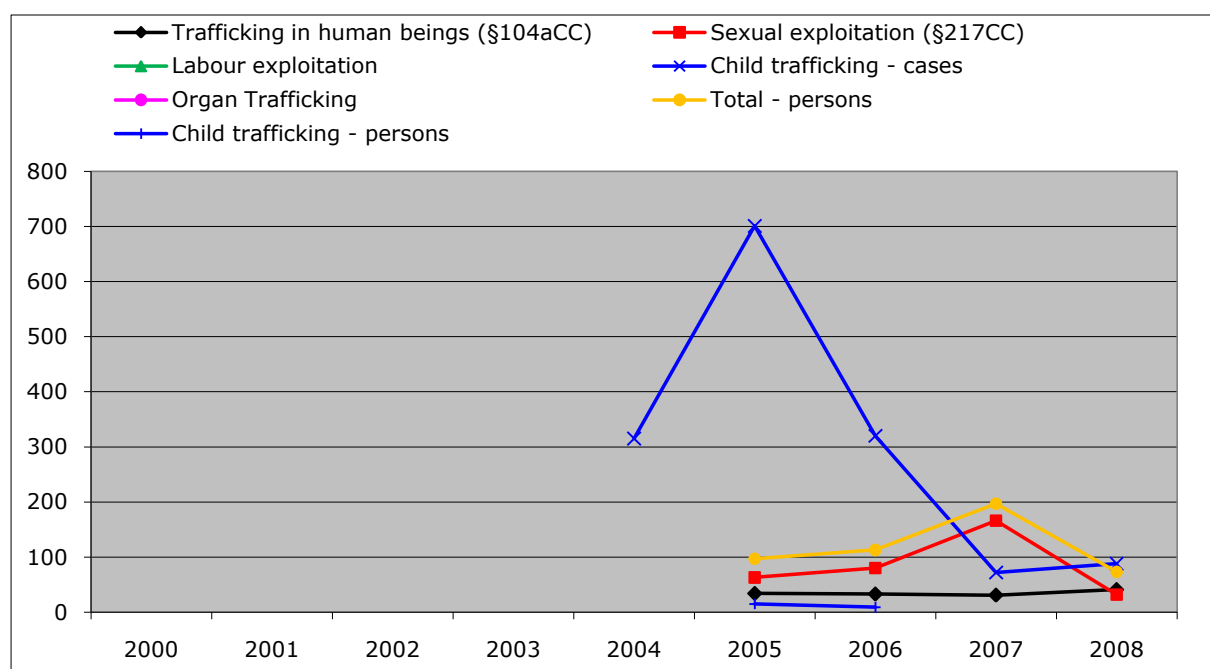
Data on identified victims of trafficking in Austria are available from two major sources: the police and victim support organisations. However, as organisations supporting victims of THB collect data for their own purposes, it is limited to the local/regional and only covers their specific clientele (e.g. women and girls, unaccompanied minors). Thus, the use of this data for comparative purposes is rather limited.

The Crime Reports 2005 and 2006 published by the Ministry of Interior on identified victims in the course of police investigations are disaggregated by sex and age. For the period of 2005 to 2008, data on how many cases and victims of trafficking have been detected are provided by a response of the Ministry of Interior to a parliamentary inquiry (2009). Although both sources refer to the **Police Crime Statistics**, they differ in regard to the number of identified victims: with respect to Article 104a CC (THB) the Crime Reports only present 10 identified victims in 2005 and in 2006 respectively, while in the response to the parliamentary inquiry the Ministry of Interior talks about 34 identified victims in 2005 and 33 in 2006. Thus, for compiling Chart 2, only the more recent figures on Article 104a CC provided by the Ministry of Interior in its response to the parliamentary inquiry were used.

Data on **child trafficking** as presented in Chart 2 are based on a survey sent to the Austrian provinces by the *Working Group on Child Trafficking* in order to assess the identification and protection mechanisms of child victims of trafficking in the country. Youth Welfare Organisations in seven of the nine Austrian federal provinces responded to the national survey. But, except for the year 2006, when one case of child trafficking was reported by the federal province of Salzburg, figures exclusively refer to the city of Vienna reported by the *Drehscheibe* crisis centre. All other provinces did not register any

case of child trafficking in the requested period of time. This points to a very **low level of awareness** and a **lack of resources** within the competent institutions, especially the Youth Welfare Organisations. Data provided by the Vienna-based youth crisis centre *Drehscheibe* assisting “abducted children forced to become thieves and prostitutes” refers to the number of *enrolments* of unaccompanied children who were brought to the crisis centre by the police, and may thus result in multiple counting of persons. Hence, data provided by the youth crisis centre *Drehscheibe* is not comparable with any other data presented in Chart 2.⁵⁵ Chart 2 below attempts to offer a visualisation of the trends regarding the number of identified victims of trafficking in human beings in Austria during 2004-2008 both according to Art. 104a CC and Art. 217 CC and, where available, disaggregated by type of trafficking.

Chart 2: Number of identified THB victims identified per year for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs 2000 – 2008



Source: Data on Trafficking in human beings (Article 104a CC) and sexual exploitation (Article 217 CC) is based on the response to inquiry 1534/AB XXIV.GP by the Federal Ministry of Interior (2009); data on child trafficking is based on Working Group on Child Trafficking (2009) publishing data of the Youth Welfare Organisations of the federal provinces; Data on “child trafficking – persons” is based on the crime reports 2005 and 2006. For underlying statistical data see Annex B to this report.

Note: The total number of identified victims is the sum of the number of victims for THB (unspecified) and victims for THB for sexual exploitation (*persons*), but do not include the figures on child trafficking as they refer to *cases*.

Contextualising and Analysing the Data

In 2008 the total number of victims of trafficking identified in the course of police investigations was 73 persons, the lowest value since 2005. In 2007 the number was more than double the number provided for 2008 with 197 persons identified as victims of trafficking, of which 166 persons were identified as victims of cross-border dealings in

⁵⁵ Figures provided by non-national sources such as the US Department of State (2009) are considered of rather poor quality. They exceed data provided by national sources by far and do not provide any reference to primary sources and were thus not included in this analysis.

prostitution (Article 217 CC) and 31 as victims of trafficking in human beings (Article 104a CC).

Only in 2008 did the number of identified victims of human trafficking (Article 104a CC) exceed the number of identified victims of cross-border dealings in prostitution (Article 217 CC).

Figures provided by the two main Austrian organisations supporting victims of THB, the Intervention Centre for Migrant Women Affected by Human Trafficking (LEFÖ-IBF) and the youth crisis centre, *Drehscheibe*, suggest that the number of **victims of trafficking** identified by these organisations was outstandingly high in 2005 when LEFÖ-IBF assisted 151 victims of trafficking in *Vienna* alone (compared to 28 in 2006 and 36 in 2007), and the *Drehscheibe* between 250 and 270 children.⁵⁶ Interestingly, in the same year, also the number of police investigations, specifically in regard to Article 104a CC is exceptionally high. This underlines the importance that victim support organisations have in identifying victims of trafficking and initiating police investigations. In addition, limited information is available on **child trafficking** from the police: according to the Crime Reports 2005 and 2006, the number of under-age victims of trafficking was 15 in 2005 (13 relating to Article 217 CC, and 2 relating to Article 104a CC), and 9 in 2006 (8 relating to Article 217 CC and 1 relating to Article 104a CC). All children were between 14 and 18 years of age.

As mentioned above, these numbers stand in stark contrast to data provided by youth crisis centre *Drehscheibe*, which, according to their own account, in 2005 received 250-270 children (number of persons) who were identified as **potential victims of trafficking** in *Vienna* alone. This number decreased sharply after 2005, which Norbert Ceipek, the head of the *Drehscheibe*, attributes to the fact that in March 2006 Austria signed readmission agreements for unaccompanied children with Romania and Bulgaria. In 2007 and 2008 70 to 100 under-age victims of trafficking were supported by the organisation following a rising trend.⁵⁷ Austrian data only allows for the differentiation between specific **types of trafficking** by distinguishing between records in relation to Article 217 CC (cross-border dealings in prostitution) and Article 104a CC (THB). Although Article 104a CC covers all forms of THB, respective data is not disaggregated by the types of exploitation involved. Hence, it remains unclear to what extent forms of exploitation other than sexual exploitation are prosecuted in Austria. However, several indicators point to the fact that in practice only cases of trafficking for the purpose of sexual exploitation are identified and/or prosecuted: the analysis of data on identified victims provided by the police and by victim support organisations (for minors and adults) suggests that the majority of cases investigated refer to **trafficking for the purpose of sexual exploitation** (also reflected in the high share of cases referring to Article 217 CC). In regard to **child trafficking**, experience of the youth crisis centre *Drehscheibe* shows that, although the main purpose for child trafficking is **exploitation for organised theft and begging**, hitherto only those cases of child trafficking which involved **sexual exploitation** had a chance to be brought before court.⁵⁸ In this regard, also the Working Group on Child Trafficking highlights that supposed cases of **child trafficking for the purpose of labour exploitation** are virtually not identified but children are identified as criminally active individuals (Working Group on Child Trafficking 2009:17). In this line, the ban on **child begging** (in force in the city of Vienna since June 2008) was heavily discussed due to the fact that violations of the law may be punished with a fine of up to 700 Euros.

The orientation of Austrian anti-trafficking policies on **sexual exploitation** is furthermore demonstrated by the fact that the only NGO with the official mandate for

⁵⁶ Interview with Norbert Ceipek, head of the Drehscheibe Vienna, 23 June 2009.

⁵⁷ Ibid.

⁵⁸ According to Norbert Ceipek at the time of the interview, 3 court proceedings were pending for trafficking in children for the purpose of sexual exploitation involving 8 perpetrators (ibid.).

supporting victims of THB, LEFÖ-IBF, as a women's organisation clearly focuses on migrant women trafficked for the purpose of sexual exploitation.⁵⁹ Thus, data available on victims of trafficking in human beings must be regarded as a minimum value as victims of other forms of exploitation remain undetected. Evidence collected for this study suggests that this concerns particularly children where labour exploitation and criminal activities seems to be the primary purpose of child trafficking.

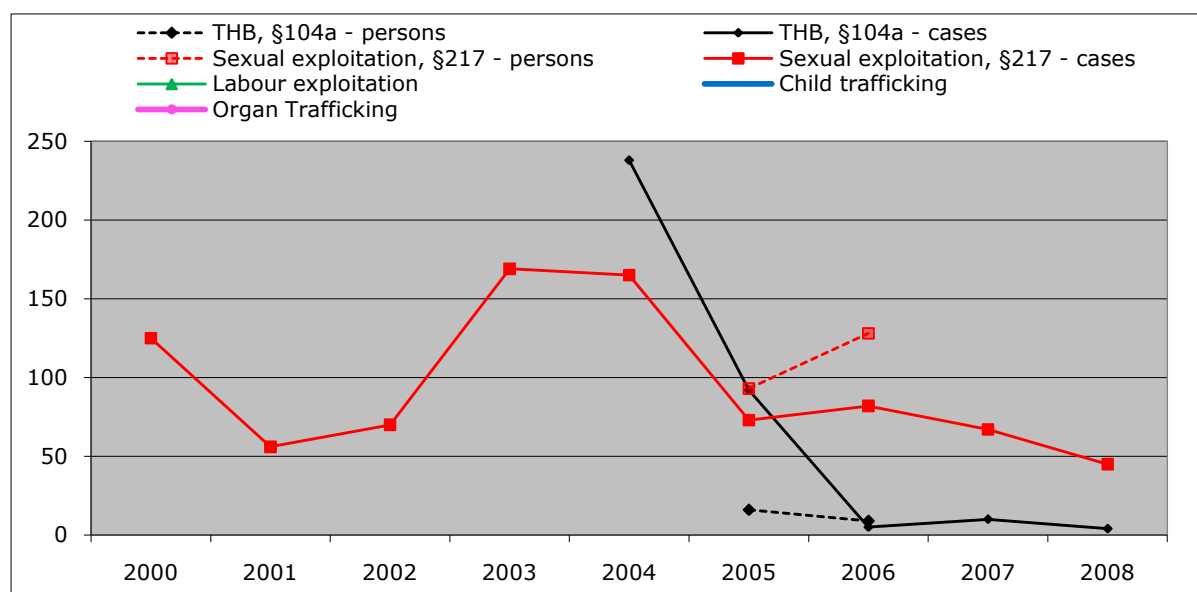
The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

Data on perpetrators of trafficking are enumerated in the course of **police investigations (identified suspects)** and **court proceedings** (convicted, dismissed, and acquitted perpetrators). Chart 3 presents an overview on **registered police investigations** (2000-2004), and on **closed police investigations** (as of 2005). The primary sources for both categories are the Police Criminal Statistics and the Crime Reports 2005 and 2006. According to the definition of the police, "closed" cases are cases in which a suspect has been identified and sufficient evidence was found for an indictment (e.g. confession of the suspect) (see Ministry of Interior 2005:A4). However, one case can involve several suspects; that is, data on cases investigated by the police do not correspond with the number of **identified suspects**. The crime reports 2005 and 2006 also provide the number of **perpetrators** involved in **closed police investigations**. Court statistics list the number of **convicted persons for a certain offence** (as published in the Judicial Crime Statistics) or the number of **sentences issued** (as collected in the court automation system). Due to the fact that statistics are produced for administrative purposes they only refer to offences related to Article 104a CC (THB) and Article 217 CC (of cross-border dealings in prostitution) but are not disaggregated by type of trafficking.

⁵⁹ See: <http://www.lefoe.at/design/content.php?page=a&lang=en&content=181> (28.9.2009)

Chart 3: Number of identified Perpetrators of THB, cases and persons in police investigations, 2000 – 2008



Source: Data from 2000-2005 is based on University of Padua et al. (2007), which published data from the Police Criminal Statistics; data for 2005 and 2006 is based upon the Police Crime Reports (Ministry of Interior 2005 and 2006); data for 2006 and 2007 is based upon the Police Criminal Statistics 2008 (Federal Criminal Police Office 2008, unpublished). For underlying statistical data see Annex B to this report.

Note: Data on **cases** (solid line) refer to the number of “closed” cases. One case may involve several suspects. The data on **persons** (dashed line) refer to the number of **identified suspects** in the course of police investigations (Crime Reports 2005 and 2006). One suspect may be involved in several cases.

Contextualising and Analysing the Data

The overall development of data shows the highest number of **police investigations** (cases) on cross-border dealings in prostitution (Article 217 CC) and trafficking in human beings (Article 104a CC) in the years 2003 to 2005, reaching a peak of 403 investigations in 2004, the year in which the anti-trafficking legislation was amended. After 2004 the number of investigations decreased sharply, to 168 investigations in 2005 and further to 92 in 2006. This decreasing trend continued until 2008, when the number of investigations reached its lowest level since 2000 (only 50 investigations for both Art. 217 and 104a CC).

Available data on persons in relation to police investigations suggests that one case may involve several suspects (see also definition for “closed” case above). The only data available on identified suspects for THB refers to the years 2005 and 2006. In regard to Article 217 CC for example, in 2005 93 suspects were identified in relation to 73 cases, in 2006 128 suspects compared to 82 closed cases.

A different picture is presented when looking at Article 104a CC (THB): In 2004 and 2005 the number of **police investigations** was extraordinarily high and even exceeded the number of investigations for Article 217 CC, while the number of **identified suspects** was extremely low (and no conviction was registered) with 92 **closed investigations** and only 16 **identified suspects** in 2005, for example. Due to the decline of **police investigations** by more than 90%, this gap was closed in 2006, recording 5 closed investigations and 9 identified suspects.

Thus, the very high number of investigations and a comparatively low number of identified suspects in 2004 may be explained by new police actions in connection with

the introduction of Article 104a CC into the Criminal Code rather than by an actual increase of trafficking in human beings.

The low figures relating to Article 104a CC point to the serious difficulties in finding evidence for the crime of trafficking in human beings requiring a proof of means, action and purpose while this is not the case in offences covered by Article 217 CC.

Based on these observations it can be assumed that for the following years the number of identified suspects slightly exceeds the number of resolved cases. Hence, data on resolved cases can serve as minimum indicator for perpetrators of trafficking in human beings.

Data on convictions can serve as another indicator pointing to perpetrators of trafficking in human trafficking. For this report, two sources on convictions for human trafficking were available:

First, data from the court automation system refer to **sentences issued** in accordance with Article 104a CC or Article 217 CC (registered in the automation system). Secondly, the Judicial Crime Statistics publish the number of **persons who have been issued with a final sentence**.⁶⁰

While the court automation system registered 76 **sentences issued** for Article 217 offenses in 2005, 75 sentences in 2006, and 85 in 2007, the Judicial Crime Statistics present 25 **convicted persons** in 2005, 18 in 2006, and 29 in 2007.

For Article 104a offences, the difference between sentences issued and convicted persons is much smaller, as are the absolute numbers: in 2005, the only year for which records on both categories are available, 1 sentence issued compares to 0 convicted persons, a result which is contradictory in itself.

For the other years, only **sentences issued** for Article 104a offences are available from the automation system, which recorded 9 sentences in 2006 and 2 in 2007.

Even if taking into consideration that **sentences issued** are case-centred data while **convicted persons** are person-centred data the significant differences between these two categories remains totally unclear.

As Chart 1 above shows, the number of **convicted persons** is always lower than the number of **closed police investigations**, especially so in regard to Article 104a CC offences. Thus, data on convictions may be inappropriate for assessing the extent of perpetrators of trafficking in human beings simply because convictions refer to the very end of the prosecution process and many cases have already dropped out at this stage.

Data collected in the court automation system reveal (see Annex B) that about half of the total number of court proceedings on trafficking in human beings (referring to both Article 104a CC and Article 217 CC) are dismissed. Thus, the total number of **initiated court proceedings** might be the better indicator of identified perpetrators. According to the court automation system, in 2007 a total of 524 cases on Article 217 CC-related offences were processed by the courts, out of which only 85 resulted in a sentence and 232 were dismissed. However, given the great differences of data compared to other available sources and the lack of clear definitions, data recorded in the automation system should in the end not be used for analyses.

⁶⁰ "Die Gerichtliche Kriminalstatistik erfasst alle rechtskräftigen Verurteilungen durch österreichische Strafgerichte" (See Statistics Austria 2006).

Conclusions: Assessing the Extent of Trafficking in Human Beings in Austria

Regarding the **availability of data** on trafficking in human beings there are two main constraints:

First, not all data and categories available are regularly published. For example, police and courts enumerate data on the age of victims and perpetrators identified, the number of persons involved in one case, or the type of trafficking involved. However, respective data are only occasionally published or are not systematically collected (e.g. information on type of trafficking).

Secondly, some information is either not collected or data available has to be considered unreliable since systematic data collection is missing. The example of data on child trafficking shows that the lack of a national referral mechanism for victims of trafficking, as well as of victim assistance organisations all over the country, together with low awareness of the competent institutions, and the lack of a national data processing system result in unreliable or completely missing data on identified child victims of trafficking.

In general, the establishment of victim support organisations, and professionalization of their data collection should be regarded as central in order to improve data reliability in the area of identified victims. Police data on identified victims, although the most transparent data currently available, is expected to underestimate the actual extent of victims of trafficking. Although only available for specific regions and clienteles, data provided by victim support organisations is much higher than data provided by the police. This is easily explained by their different approach towards victims in their role as service providers and the identification and definition of victims of trafficking in human beings (no factual evidence but contextual information has been decisive).

With these differences in mind, statistics on identified victims provided by the police should be regarded as representing "minimum values" of the number of identified victims. On the other hand, data collected by victim support organisations, if collected more systematically, could be an important source for a "high-range" scenario.

The focus of Austrian anti-trafficking policies on sexual exploitation is also reflected in the institutional setting and the legislative framework. This leads to a bias in the data on trafficking available, as others forms of exploitation apart from sexual exploitation are rarely identified and thus cannot appear in the statistics on trafficking. The most obvious example mentioned in this context is trafficking in children. Although the primary purpose of trafficking in children is recognised to be labour exploitation (begging, petty crime, theft), these cases are usually not identified and hence not prosecuted. As a result, available data on trafficking rather provides an **underestimation** of the extent of this crime.

On the other hand, the inclusion of directing and recruiting persons into prostitution across borders into the definition of trafficking for sexual exploitation results in a possible **overestimation** of the phenomenon of trafficking for sexual exploitation. At the same time, the prosecution of trafficking cases was much more successful under the broader definition as trafficking cases (Article 104a CC) are rather processed under Article 217 CC.

In regard to the number of perpetrators of trafficking, the most reliable of the available data is on identified suspects collected by the police. Unfortunately, these figures are only available for the two years 2005 and 2006. For the remaining years it can be suggested that the number of suspects is slightly higher than the number of closed police investigations. In addition, the available data on convictions must be considered

insufficient for indicating the extent of perpetrators of trafficking for two reasons: First, there is no court data published on the total number of persons involved in all court proceedings on trafficking, including persons issued with a dismissal, acquittal and conviction. Second, the share of cases that are discontinued at an earlier stage of the procedure is comparatively high and hence data on convicted THB perpetrators only displays a small part of all prosecuted offenders.

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Domestic Policy and Institutional Setting

In Belgium, the anti-trafficking system in place is the result of a compromise between the need to offer aid and protection to the victims on the one hand, and the need to fight against the persons and networks involved in THB on the other hand. In both in the *Framework Document on Integral Security* (2004) and the *National Security Strategy* (2008), the fight against trafficking and smuggling in human beings is highlighted as a priority crime issue. Furthermore, the *Belgian National Anti-Trafficking Plan 2008-2011* directs the action in the fight against trafficking in persons around two main objectives: reducing demand and prevention of THB.

The body responsible for **policy-making** with respect to THB in Belgium is the Interdepartmental Cell for the Coordination of the Fight against Trafficking and Smuggling in Human Beings (ICC), which was established in 1995 and boosted by the Royal Decree of 16 May 2004 on the fight against trafficking and smuggling in human beings. The Cell co-ordinates and subsequently evaluates the various initiatives taken within the framework of the fight against trafficking and smuggling in human beings. As it meets only a couple of times each year, a Bureau has been set up to prepare and carry out the decisions, recommendations and initiatives of the Cell. The Bureau comprises the main federal actors operationally or politically responsible in the area, namely the Federal Public Service (FPS) Justice (Service for Criminal Policy), FPS External Relations, Immigration Office, State Security, the Central Service "Trafficking in Human Beings" of the Federal Police, FPS Employment, FPS Social Security and the Centre for Equality of Opportunities and Opposition to Racism (CEOOR).

The last of these actors, the CEOOR, holds de facto status as the National Rapporteur in Belgium. The Centre was established in 1993 and since 1995 its role has been to **boost, co-ordinate and follow up** the fight against trafficking in human beings.⁶¹ In 2004, this assignment was also extended to smuggling in human beings.⁶² (CEOOR 2008:38) Among its core tasks are to co-ordinate the co-operation between the three specialised centres for victims' reception and assistance (Pag-Asa, Sürya and Payoke) and to publish annual reports on trafficking in human beings. So far, seven such reports have been produced.⁶³ The Centre also develops a database on victims of THB together with the three reception centres, though it is currently under revision.⁶⁴ Furthermore, the CEOOR may enter into litigation in trafficking and human smuggling cases. (CEOOR 2008:42).

At an operational level, the fight against trafficking and smuggling in human beings is a priority for the **Federal Office of the Public Prosecutor**, which is responsible for public legal action at the national level, as well as for facilitating the flow and exchange of information between the different Public Prosecution Authorities, investigation magistrates and police services. The issue of trafficking in human beings was handed to the Prosecutor General of Liège, who is assisted in this task by an *Expertise Network "Trafficking and Smuggling in Human Beings"*, which was set up in 2001. The Expertise Network comprises of members of the Office of the Public Prosecutor, of the Service for Criminal Policy, of the Central Service "Trafficking in human beings" of the Federal Police, as well as of members from outside who are invited, depending on the subject that is on the agenda: CEOOR, inspection services, representatives of the academic world, etc. (Kingdom of Belgium n.a.:15-16). Furthermore, the **Board of Prosecutors**

⁶¹ Royal Decree of 16 June 1995 on the mission and competences of the Centre in the fight against international trafficking in human beings, M.B. (Belgian Monitor) 14 July 1995.

⁶² Article 1 of the Royal Decree of 16 May 2004 on the fight against trafficking and smuggling of human beings, M.B. 28 May 2004.

⁶³ The reports are available online on the website of CEOOR, www.diversite.be.

⁶⁴ It has been centring files from Pag-Asa and Payoke since 1999 and from Sürya since 1 January 2003.

General was set up in 1997 in order to ensure a coherent implementation and co-ordination of the criminal policy laid down by the directives of the FPS Justice.

In most cases, victims of trafficking in human beings are detected by police and labour inspection services, which regularly receive training within the framework of the fight against trafficking in human beings.⁶⁵ Contributing to the harmonisation of victim identification practices, a series of indicators to determine whether the offence of THB has been committed were provided in the Ministerial Directive Col 01/2007 related to the investigation and prosecution policy. (CEOOR 2008:13).

These services have to direct each potential victim to one of the three registered specialised reception centres and to make sure that they are correctly informed on the protection status to which they are entitled. (Kingdom of Belgium n.a.:10). Regarding the provision of assistance and protection to victims of THB, both the federal government and the decentralised administrations have recognised, approved and funded since 1995 three specialised reception centres that shelter and offer comprehensive assistance services: **Pag-Asa** (Brussels), **Sürya** (Liège) and **Payoke** (Antwerp). The government's capacity to identify and protect VoTs was most recently boosted by a new **Interagency Directive** on the implementation of multidisciplinary co-operation with respect to victims of THB and/or aggravated forms of trafficking in human beings (ICC reply to ICMPD questionnaire), which included procedures on identification of victims and their referral to shelters. (US Department of State 2009).

However, in Belgium, only victims who co-operate with the authorities are granted the special status of "victims of human trafficking", and thus have access to the various forms of aid provided for within this framework (mainly short-term residence status, accommodation, psychosocial help and legal aid). In addition, the Law of 26 March 2003 stipulates that the **Commission for financial aid for victims of deliberate acts of violence** shall grant, under certain conditions,⁶⁶ financial aid to a person that holds an unlimited residence permit from the Immigration Service in the context of an inquiry into trafficking in human beings. (Kingdom of Belgium n.a.:13) Furthermore, the VoTs may also obtain permanent residency after their traffickers have been sentenced. On the other hand, if the trafficker is not convicted, the law stipulates that they may have to return to their countries of origin, after a rigorous review by immigration authorities. However, according to the US Department of State, all the victims who were identified in 2007 were able to remain in Belgium. (US Department of State 2008).

With regard to **trafficking in children**, in Belgium, foreign minor victims are received in special centres for unaccompanied minors, which co-operate with the other three specialised reception centres for VoTs. (Kingdom of Belgium n.a.:11, 21-22) Furthermore, the Belgian government identifies **child sex tourism** as a significant problem and has an extraterritorial law that allows for the prosecution of its nationals for child abuse crimes committed abroad.

Last but not least, the government **funds websites and conducts campaigns** to increase prevention and reduce demand for THB. "Stop Child Prostitution" is a particularly noteworthy ongoing campaign sponsored by the government-funded NGOs Child Focus, ECPAT, FIT, the Federal Police, and the FPSs of Defense and Foreign Affairs. The Royal King Baudouin Foundation has funded campaigns aimed at the situation of diplomatic household personnel. The government also provides specific anti-trafficking

⁶⁵ The Social Inspection Services of the FPS Employment and the Labour and Social Dialogue and of the FPS Social Security which carry out controls in "(high)-risk" sectors such as prostitution, exotic restaurants, agriculture and horticulture, clothing factories and the building sector.

⁶⁶ The victims must satisfy three basic requirements: break all contact with the presumed perpetrators of their exploitation, be supported by a specialised reception centre and, within the possible 45 day period of reflection, make statements or file a complaint against their exploiter. (CEOOR 2008: 65-66).

training to Belgian troops before they are deployed on international peacekeeping missions. (US Department of State 2009).

Legal Framework

In 2005, in order to comply with the Palermo Protocol and the EU Framework Decision on THB, Belgium amended its 1995 **Act Containing Measures to Repress Trafficking in Persons**. The new law, from 10 August 2005, provided a clear definition of trafficking in human beings (see Article 433, section five of the Penal Code), thus introducing for the first time a legal distinction between THB and smuggling of human beings. Importantly, the new law goes beyond the requirements of the EU Framework Decision and extends the criminalisation of THB to include all victims, independent of the sector of exploitation. (CEOR 2008:9). Moreover, the new provisions do not consider the means of trafficking to be constitutive elements of the basic offence, but only aggravating circumstances. (European Parliament 2005:79). The minority age of the victim is also an aggravating circumstance resulting in imprisonment from 10-15 years and a fine from 1,000 EUR - 100,000 EUR.⁶⁷

On the other hand, the new law restricts the forms of trafficking for sexual exploitation to the crimes of prostitution and child pornography. Concerns that this limitation might pose practical problems were raised in the context of two cases in which the CEOR appeared as civil plaintiff (see CEOR 2008:11-12). As for trafficking for labour exploitation, the law stipulates that it has to take place in "conditions contrary to human dignity". Furthermore, Article 433 section 5 targets two additional forms of exploitation which are not mentioned either in the European or international instruments but which are currently appearing in Belgian jurisprudence,⁶⁸ namely exploitation through organised begging and the commission of infractions against a person's will.⁶⁹

The provisions of the Law of 10 August 2005 were reflected also in the **Ministerial Directive COL 01/2007**,⁷⁰ which develops a coherent criminal investigation and prosecution policy concerning trafficking in human beings and which includes in its annex a list of indicators designed to help detect cases of human trafficking and to aid in identifying victims. (CEOR 2008:13; Kingdom of Belgium n.a.:7-8). Moreover, the directive also provides a co-ordination structure involving the Belgian prosecution bodies at various levels: federal level, First Instance, Labour Attorneys General and Labour Attorneys. Another important aspect is that the directive also insists on using the existing legal financial and patrimonial means in the fight against trafficking in human beings. The Directive will be the subject of a yearly assessment.

Also related to victim identification and protection, the draft of a new **Ministerial Circular**,⁷¹ presented in 2008, deals, inter alia, with measures to be taken once a person has been identified as a potential victim, notably including the delay for reflection accorded them and the different procedural phases linked to their status as a victim of human trafficking. (CEOR 2008:13-14).

⁶⁷ <http://www.legislationline.org/documents/action/popup/id/4099>.

⁶⁸ However, this might change if the new Proposal for a Council Framework Decision on preventing and combating trafficking in human beings and protecting victims, which would repeal the Framework Decision 2002/629/JHA, is adopted.

⁶⁹ For instance, in 2006, 23 dossiers were opened by the public prosecution offices for exploitation consisting of forcing a person to commit an offence. With regard to the exploitation of beggars, 2 dossiers were opened in 2006. (CEOR 2008: 11).

⁷⁰ Adopted by the Ministry of Justice and entered into force on 1 December 2007.

⁷¹ Circular relative to the establishment of multidisciplinary cooperation concerning victims of human trafficking and certain aggravated forms of human smuggling.

Data Availability

In Belgium, there is neither a uniform system for collecting data on human trafficking, nor a common database. (CEOOR 2008:43). Instead, each institution builds up its own database for the legal purposes that it was designed. (GDISC questionnaire 2008:18). As a result, the existing data is rather fragmented and difficult to compare. An additional complication is that, given that until recently there was no legal distinction between THB and smuggling of persons, some data refers (or may refer) to both trafficking in persons and smuggling of migrants, but this is not always clarified by the publishing source. For instance, the criminal justice statistics gathered by the FPS Justice aggregate the data for both categories and the same was true about the Board of Prosecutor's General database until 2006, after which a clear distinction between the two has been applied. (ICC response to ICMPD questionnaire)

The publicly available data in Belgium is dispersed among different publishing sources, and several are also discontinuous in terms of time period they cover. The main national publishing sources are the Annual Reports of the Federal Police (data on investigations related to THB, including financial investigations, from 2003 to 2007) and the annual reports on trafficking from the CEOOR (data on victims from 1995-2005). The most relevant international sources are the UNODC (victims of overall THB, including minors, for 2004-2006 and persons convicted for THB and smuggling of migrants from 2003 to 2005) and the US Department of State (discontinuous data on potential victims registered by the NGOs, assisted victims and investigations, as well as data on convictions from 2002-2007). However, these reports generally quote data from three main primary sources: the three specialised reception centres and the Immigration Office of the FPS Home Affairs on victims, the Federal Police on investigations, and the FPS Justice on convictions.⁷² In Belgium, there is very limited publicly available information on indictments and hardly any disaggregated data per type of trafficking.

And yet, according to official sources, a great deal of data is collected, though it is mostly confidential. (European Parliament 2005:80). Indeed, in its reply to the ICMPD questionnaire for this study, the Bureau of the ICC released complete data for 2006 covering all stages of the legal process,⁷³ also disaggregated per type of exploitation⁷⁴ and age of the victims. Furthermore, the database developed by the CEOOR since 2003 is currently under revision and as a consequence, the only available data for the time being are aggregated values for the time range 1995-2005.

Regarding inter-institutional data-sharing in Belgium, the setting provided by the Interdepartmental Cell enables the participating institutions to share non-operational data on THB. Indeed, in its reply to the ICMPD questionnaire, the ICC confirmed that it shares data on THB with the FPS Home Affairs (Immigration Office), FPS Justice (Service for Criminal Policy), FPS Foreign Affairs, the CEOOR, the Board of Prosecutors General, the Ministry of Employment and Equality of Chances, and the Ministry for Social Affairs and Health.⁷⁵ Operational data is exchanged only under special conditions, observing the framework of the directive of 31 October 2008 on the implementation of multidisciplinary co-operation with respect to victims of THB and/or aggravated forms of trafficking in human beings. (ICC reply to ICMPD questionnaire).

⁷² The Centre for Information and Analysis on Smuggling of and Trafficking in Human Beings was set up in 2004 with the aim of producing integrated statistical analyses based on the data furnished by all relevant services and to contribute to the evaluation activities conducted by the Interdepartmental Cell within the framework of the fight against trafficking and smuggling in human beings. (European Parliament 2005:80)

⁷³ Including on returns of VoTs to countries of origin.

⁷⁴ Including on trafficking for removal of organs and for the purpose of begging.

⁷⁵ According to the information received from the ICC, it is also possible to share information with other institutions too, if such a request is made.

Table 1: Data availability in Belgium

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Centre for Equality of Opportunities and Opposition to Racism (CEOOR); Immigration Office (FPS Foreign Affairs)	Data available since 2003, dispersed among more publishing sources and discontinuous in terms of period covered. Analysis of the overall data from the CEOOR available for 1999-2005.
Cases investigated	Federal Police; Board of Prosecutors General	Data available at least since 2000, discontinuous.
Cases with indictment	Board of Prosecutors General; CEOOR	Data publicly available from US Department of State for 2006. Released by the ICC for the ICMPD only for 2006. From the CEOOR aggregated values available for 1999-2005.
Cases with conviction	FPS Justice	Data available since 2002; data covers convictions for offences of both THB and smuggling of migrants.
VoT claiming compensation in civil suits	CEOOR; FPS Justice	Data available from Payoke only for 2005.
VoT receiving legal or psychosocial assistance during proceedings	CEOOR; Immigration Office	From the CEOOR, aggregated values available for 1999-2005. Data on assisted victims from the Immigration Office is derived from the number of documents of residence awarded.
VoT accepted in witness protection programme	FPS Justice	
VoT granted short-term residence	Immigration Office	
VoT granted continued residence	Immigration Office	
VoT returned to home country	Immigration Office	

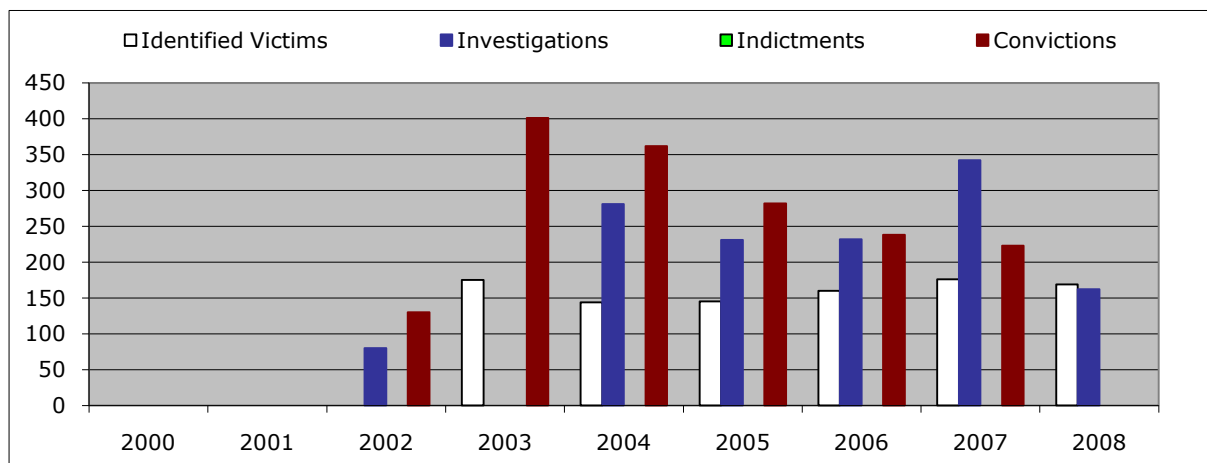
Data Analysis

The extent of Trafficking in Human Beings according to different stages in Legal Proceedings

In Belgium, the majority of cases being **investigated** have been launched following controls conducted by the Police or by Employment Inspection Services. In addition, investigations may be started by complaints of civil persons. Data on investigations, as well as on convictions, is available since 2002. On the other hand, no data is available for indictments.

However, when analysing the discrepancy between the figures illustrated in the chart below, it must be kept in mind that the data for different categories is not fully comparable, because of different sources, different categories being counted, and general data collection difficulties. A case in point is the practice of mixing the data on THB with that on smuggling in human beings by some of the sources for all or just a number of years, which is not always made clear in the description of the data (see previous section on data availability).

Chart 1: Legal proceedings on THB in Belgium, 2000-2008



Source: CEOOR; Federal Police; US Department of State (data from FPS Justice, NGOs and an unspecified official primary source); ICC (data from the FPS Justice and the Board of Prosecutors General); UNODC (data from the FPS Justice and the Immigration Office, FPS Home Affairs). For underlying statistical data see Annex B to this report.

Note: Data for all categories refers to persons. The data on convictions counts both THB and smuggling of migrants.

One of the first observations that can be made from this graph is that, with the exception of 2008, the number of victims is constantly lower than that of perpetrators investigated and convicted, with a notable difference of around 100 persons. However, this can be explained by the fact that the figures on victims presented in Chart 1 represent victims assisted and/or with residence permit, which is an under-evaluation of the total number of identified victims (see next section on the extent of VoTs). Also, according to information provided by the ICC directly to ICMPD, from the total amount of cases opened by the Office of the Public Prosecutor a relatively large number of files are closed, while other files are being requalified and end up not counted as cases of human trafficking anymore. Consequently, victims of these offences are not automatically registered as THB victims since THB qualification has not been kept or proved. (ICC response to ICMPD questionnaire for this study).

Moreover, it can be noted that for the first years for which data is available, the data on convictions is higher than the data on investigations, which is an atypical situation.⁷⁶ However, following the boost received by the ICC 2004, as the co-ordination between the different actors involved in combating THB improved, it can be observed that the distance between the two categories (investigations and indictments) decreased the next years, until reaching similar values in 2006: 232 persons arrested (Federal Police 2007:27) and 238 persons convicted (US Department of State 2009). In 2007, for the first time the number of investigations surpasses that of convictions (342 persons arrested), most likely also an effect of the newly adopted Ministerial Directive COL

⁷⁶ Also note that both the data on investigations and on convictions mixes the categories of THB and smuggling, so the data is comparable with regard to this aspect.

01/2007, which was aimed precisely at developing a coherent criminal investigation and prosecution policy for THB. Unfortunately there is no data on convictions for 2008 to further confirm the development of this trend. Though not captured in the chart above, it is also relevant to note that in Belgium no data is systematically collected on civil suits, as judicial databanks do not register information related to victims. Only qualitative information is available about judicial rulings (partly collected by the CEOOR) in the database administered by the CEOOR, which, however, cannot be currently accessed as it is being updated. (See previous section on the extent of victims).

The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

The data on victims originates mainly from the three specialised reception centres (centralised by the CEOOR)⁷⁷ and from the Immigration Office at the FPS Home Affairs, and it is available from a number of publishing sources.⁷⁸ Regarding the quality of the data, at least one publishing source, the UNODC, specifies that the figures from the Immigration Office stand for victims of THB and smuggling in persons.

Yearly figures from the NGOs are available since 2003⁷⁹ and refer mostly to potential victims registered;⁸⁰ therefore, they can be considered to reflect the high-range extent of victims. Alternatively, the database of the Immigration Office provides data on victims who have been granted a document of residence and were assisted.⁸¹ As some identified THB victims refuse to participate in the THB procedure, this data available since 2003 can be taken to reflect the low-range extent of victims. This data appears in Chart 2 below for overall victims of THB, as showing the data on potential victims would have reduced the visibility of trends for the other graph lines. Data on victims of trafficking for labour exploitation is available from the CEOOR, UNODC and Payoke (one of the three specialised reception centres) for the whole reporting period with the exception of 2007. Data on victims of trafficking for sexual exploitation is available only for 2005-2006 from the UNODC and for 2008 from Payoke. The UNODC publishes data from the Immigration Office on minor victims of trafficking for 2004-2007. No data is available on victims of THB for removal of organs.

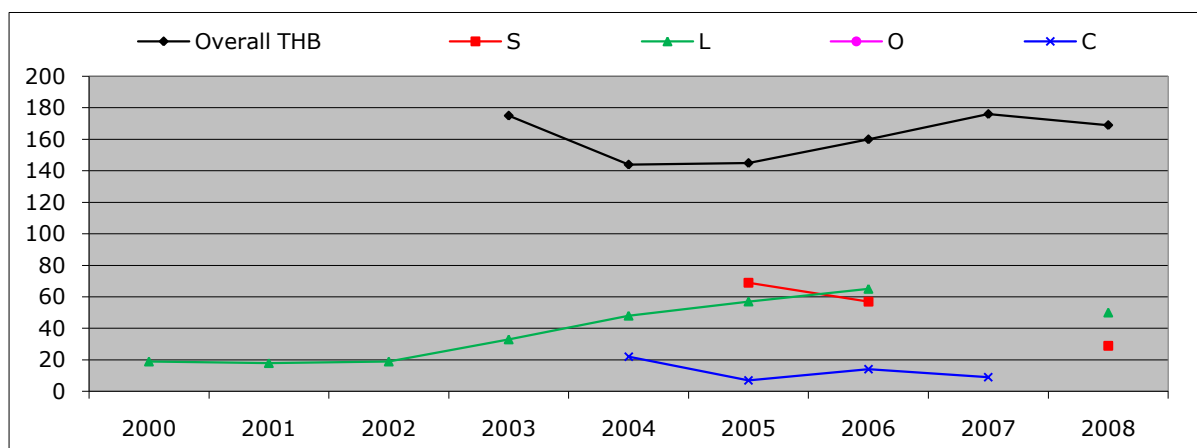
⁷⁷ Given that the CEOOR was tasked in 2004 also with monitoring trends in smuggling of persons, it might be the case that the data it centralises from the NGOs does not exclusively refer to victims of THB.

⁷⁸ Namely the 2004 Annual Report on THB from the government, the UNODC and the US Department of State.

⁷⁹ The data contained in the CEOOR database goes back to 1995 but, as the database is currently under revision, only aggregate values covering the period 1995-2005 are available at the moment.

⁸⁰ For 2003 and 2004, figures are also available from the CEOOR for the number of assisted victims.

⁸¹ See also the note above.

Chart 2: Number of Identified THB victims, 2000 – 2008

Source: Immigration Office; FPS Home Affairs; CEOOR; US Department of State (data from the NGOs). For underlying statistical data see Annex B to this report.

Contextualising and Analysing the Data

With the exception of the more sudden change registered in the first years for which data is available, namely 22% variation from 175 victims in 2003 to 144 in 2004 (CEOOR data quoted in n.a. 2005:40), the graph line representing overall victims of THB denotes gradual upward shifts until 2007 (176 victims; US Department of State 2009). These developments can be interpreted in connection with the policy and legal updates registered during those years, particularly the boost received by the ICC in 2004 and the amendments brought to the anti-trafficking legislation in 2005. However, this trend is reversed in 2008 when, following the adoption of the Ministerial Directive COL 01/2007, which includes a list of indicators to help identify victims of trafficking, a slight decrease to 169 victims was registered. (US Department of State 2009).

However, as this data referring to VoTs who have accepted assistance and/or received residence permits denotes minimum figures on victims, we can supplement it with available data on potential victims registered by the NGOs (maximum figures), in order to approximate the extent of VoTs in Belgium. Though the latter data is too scarce to enable us to talk about a trend, it nonetheless seems to point towards parallel developments to the former set of data. In 2003, the three reception centres registered 667 potential victims, a value which decreased to 586 in 2004 (n.a. 2005:40). A gap exists until 2007, when 619 potential victims are registered (US Department of State 2009), a slight increase from the previously available value.

Regarding data disaggregated per type of exploitation, the graph shows an ascending trend in THB for labour exploitation registered over the period 2000-2006, from 19 victims in 2000 (CEOOR 2005:71) to 65 in 2006 (Immigration Office data quoted in UNODC 2009:238). Data is lacking for 2007, while for 2008 only a partial value from Payoke is available. Therefore, though it may look like the trend is starting to decrease, it might in fact be just the visual result of incomplete data. Similarly, it is difficult to assess the extent and spot trends regarding victims of THB for sexual exploitation, as the data for this category is available only for three years (2005-2006 and 2008). And yet, even with such incomplete data an important observation can be made, namely that it appears that in recent years the extent of victims of THB for sexual exploitation is slowly being overtaken by that of victims of THB for labour exploitation. In 2005, the Immigration Office recorded 69 victims of THB and smuggling for sexual exploitation and 57 victims of THB and smuggling for labour exploitation, but a shift between the two categories took place by 2006, when 57 victims of sexual exploitation and 65 of labour exploitation were recorded. (UNODC 2009:238). The next available data for both

categories is for 2008,⁸² when the pattern from 2006 of higher figures for labour exploitation than from sexual exploitation is still observed (50 victims of labour exploitation vs. 29 victims of sexual exploitation; Payoke response to ICMPD questionnaire for this study). As will be discussed in the next section on perpetrators, such a trend is also confirmed by the data on investigations.

According to the available data on minor victims illustrated in Chart 2, the extent of trafficking in children has remained at rather constant levels during 2004-2007, namely in the range of ten-twenty victims, with higher figures alternating with lower ones and thus without describing a particular increasing or decreasing trend. The highest figure was registered in 2004, 22 victims, and the lowest in 2005, 7 victims (both data stand for minor victims of THB and smuggled migrants; Immigration Office data quoted by UNODC 2009:238). As indicated by both Payoke and the ICC in their responses to the ICMPD questionnaire, the main reasons for trafficking in children are for begging and organised theft.⁸³

Some limited data is also available on civil suits, which also bear an impact on the extent of VoTs in a country; via the action, victims themselves are able to redress their situation. Specifically, in 2005, 36 victims were parties in civil suits for THB for sexual exploitation and 17 for labour exploitation. Furthermore, 24 victims were parties in civil suits for smuggling and sexual exploitation combined and 4 victims for sexual and labour exploitation combined. (CEOR 2007:118). Altogether this amounts to 81 victims, which represents slightly more than half (56%) of the total number of victims reported by the Immigration Office (UNODC 2009:238).

The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

In Belgium, there are two main databases on perpetrators: one on prosecutions from the Board of Prosecutors General and one on convictions from the FPS Justice, the latter counting both cases of trafficking in persons and smuggling of migrants. However, both sets of data are not directly available, but some data from the convictions databank is published by the UNODC (data for 2003-2005) and the US Department of State (data for 2002-2007). In addition, the FPS Justice directly provided ICMPD some data on convictions (for 2004 and 2005) and investigations (for 2006 and 2007). As for indictments, the only yearly figure available refers to 451 cases prosecuted in 2006 (US Department of State 2007). The only other indication as to this stage in the legal process is an aggregate value of 1074 indictments registered during the time period of 1995-2005, provided by the CEOR. (CEOR 2007:90)

Regarding investigations, the Annual Reports of the Federal Police represent a continuous source of data for both persons and cases (since 2003 and 2004, respectively). However, in this instance too, at least some of the data from the Police seems to be mixed for both trafficking and smuggling in persons.⁸⁴ Additional data for 2002 is available from the US Department of State, also for both persons and cases.

Regarding data disaggregated per type of exploitation, figures are available only for investigations on trafficking for sexual exploitation and labour exploitation in 2003 (US

⁸² Though only partial data from one of the three reception centres, Payoke.

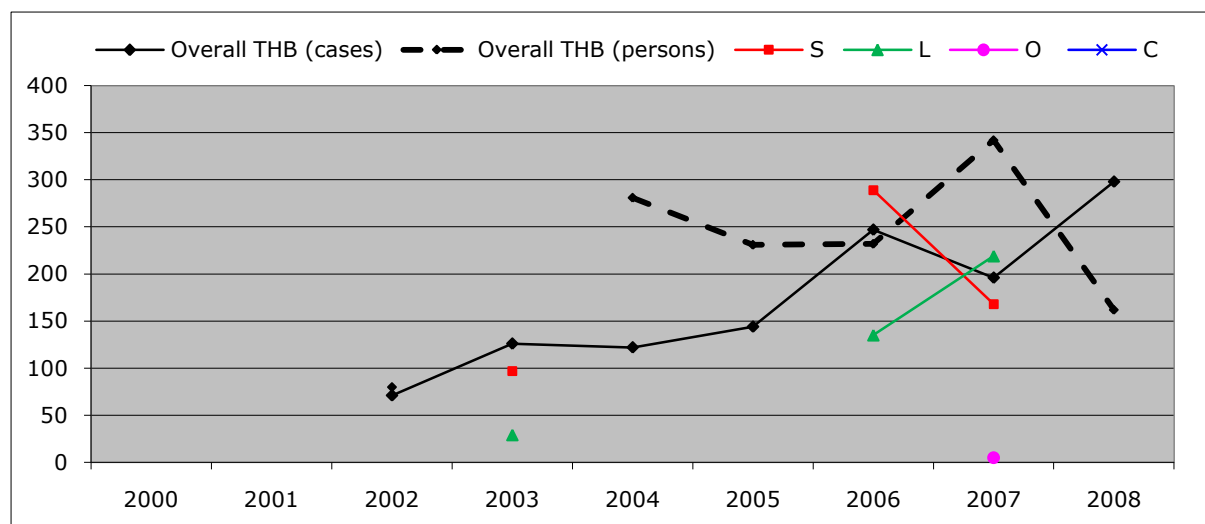
⁸³ Payoke also mentions sexual exploitation as the third major reason for trafficking in children.

⁸⁴ Regarding the number of persons, the data for 2004-2007 refers to persons arrested on the grounds of trafficking and smuggling of human beings. (Federal Police 2007: 27). Regarding the number of cases, the data quoted for 2006 refer to files linked to trafficking and smuggling of human beings registered by the Federal Police. (Federal Police 2006:51).

Department of State), 2006 and 2007 (FPS Justice). No disaggregated data is available for indictments and convictions.⁸⁵ Some information on investigations for removal of organs was made available to ICMPD by the FPS Justice and the ICC. There is no data on perpetrators against minor victims.

Given the lack of data on indictments, the extent of perpetrators in Chart 3 is illustrated with respect to the existing data on investigations.

Chart 3: Number of Identified Perpetrators of THB, 2000 – 2008



Source: Federal Police; US Department of State (unspecified official primary source); ICC (FPS Justice database and Board of Prosecutors General database). For underlying statistical data see Annex B to this report.

Note: The data for THB per type of exploitation refers to cases.

Contextualising and Analysing the Data

In Chart 3 above, the line representing overall cases of THB indicates a general increasing trend, from 71 files pending investigations (US Department of State 2003) to 298 (files registered by the Federal Police in 2008). The only exception from this trend was noted in 2007, after the remarkable increase of more than 70% following the amendment of the Act Containing Measures to Repress Trafficking in Persons in 2005 (from 144 cases in 2005 to 247 in 2006; Federal Police 2006:51 and Federal Police 2007:16, respectively), when the data seemed to take a deep plunge and reached the value of 196 in 2007 (cases registered by the Federal Police). However, the year 2007 also brought along the new Ministerial Directive COL 01/2007 aimed at developing a coherent criminal investigation and prosecution policy and which includes a list of indicators designed to help detect cases of human trafficking. This might be one explanation for the reason the data picks up again in 2008, reaching an all-time high value of 298 investigation cases (Federal Police 2008:72).

And yet, the graph line representing the overall number of persons investigated for THB shows a different and rather contradictory pattern, even if the data comes from the same source as that for cases investigated (the Federal Police).⁸⁶ For instance, the figure for 2004 is much higher than that for cases (281 persons compared to 122 cases;

⁸⁵ The ICC provided to ICMPD complete data for 2006 for all categories (investigations, indictments and convictions) and disaggregated per type of exploitation, but such data has so far not been publicly available.

⁸⁶ It must be noted that the data on persons counts both offences of THB and of smuggling of persons, while it is not clear whether the data on cases does the same for all years or only for 2006, the only year for which this is made explicit by the publishing source.

Federal Police 2007:27 and Federal Police 2005:56). This difference can be explained by the fact that a case can refer to more than one person. However, all the fluctuations illustrated by the data on cases are now reversed: in 2006, as the data on cases increases, that on persons does not; in 2007, as the data on cases drops, that on persons registers a sharp increase to a maximum value of 342 (Federal Police 2007:27); in 2008, as the data on cases reaches its maximum, that on persons drops to an all-time low value of 162 (Federal Police 2007:27).

Data disaggregated by type of trafficking exists only for three years. In 2003, more cases of THB for sexual exploitation are registered than for labour exploitation (97 vs. 29; US Department of State 2004). However, we cannot discuss a trend, as afterwards there is a gap in data until 2006. Nonetheless, what we can observe is that in 2006 there are still more investigations for THB for sexual exploitation (289) compared to those of THB for labour exploitation (135), and on the whole much higher values for both than in 2003.⁸⁷ Yet the data for the next year, 2007, shows a sudden change: the cases of THB for sexual exploitation drop considerably to 168, fewer than the cases for THB for labour exploitation which, on the other hand, increase to 219.⁸⁸ If sustained by data in the years to come, this might point towards a trend observed in other countries as well, namely, of an overall increase in the extent of THB for labour exploitation and a decrease in THB for sexual exploitation.

Regarding other types of exploitation in line with the Belgian legislation, there is unfortunately only little statistical evidence publicly available. 25 offenders were investigated in 2006 for begging and/or for committing offences against the will of the victim. Similarly, the only information available for THB for removal of organs refers to 5 investigations conducted for this purpose in 2007 (information provided by FPS Justice to ICMPD) and none in 2006 (ICC response to the ICMPD questionnaire for this study).

Interestingly, some data exists on financial investigations related to eventual benefits from trafficking or smuggling ("*enquêtes patrimoniales*") from the Annual Reports of the Federal Police. From 2003 to 2006, there is a constant increase in the number of financial investigations registered: 18 in 2003, 54 in 2004, 58 in 2005 and 76 in 2006. The remarkable threefold increase registered in 2004 might also be related to the boost that the Interdepartmental Cell for the Coordination of the Fight against Trafficking and Smuggling in Human Beings received in the same year. Furthermore, it is expected that this aspect will be further enhanced following the Ministerial Directive COL 01/2007, which emphasises the need to make full use of legal financial and patrimonial means in the fight against trafficking in human beings.

Also impacting the extent of perpetrators are the most common prison sentences, which range from 1 to 5 years (269 persons received it in 2003, 235 in 2004, and 202 in 2005 (FPS Justice data quoted in UNODC 2009:237), versus the less common sentences of more than 10 years (1 person in 2003, none in 2004, and 1 in 2005). 65 persons received sentences of 5-10 years in 2003, 66 in 2004, and 33 in 2005. (UNODC 2009:237) Alternatively, sentences of less than one year were received by 41 persons in 2003, 47 in 2004, and 29 in 2005. (UNODC 2009:237)

Conclusions: Assessing the Extent of Trafficking in Human Beings in Belgium

From the available data on victims and perpetrators, it appears that during the reporting period 2000-2008 the overall extent of THB in Belgium has been exhibiting first a

⁸⁷ The data refers to investigations opened by the Prosecutor's Offices. Information provided directly to ICMPD by the FPS Justice.

⁸⁸ Ibid.

gradually increasing and then in the recent years a decreasing trend, reflecting a typical cycle of adjustments to changes in the legislative, policy and institutional setting. Moreover, evidence shows that in the recent years the extent of THB for labour exploitation has been surpassing that for sexual exploitation, and both confirm the general decreasing pattern.

Examining the available data for a broader time-frame allows establishing correlations between legislative, policy and institutional changes and variations in the data, which indicate the effects that, in time, these measures have on the ground level. Thus we can see for instance how the strengthening of the ICC in 2004 and the adoption of the Ministerial Directive COL 01/2007 in 2007 had an impact on the extent of investigations and convictions, as well as modified the rapport between the two. Examples such as this, which can be found throughout the country report, point to the conclusion that inter-institutional co-operation and more coherent criminal investigation and prosecution policies have practical effects on the general attempt to curb trafficking in human beings.

Furthermore, the analysis of the data pointed towards two areas that, if improved, would contribute to a better understanding of the extent of THB in Belgium: data collection and victims' assistance. Publicly available data on victims that is currently available is either over-estimated (potential victims) or under-estimated (victims assisted, with residence permits), while there seems to be no available figures on how many persons were identified as VoTs at one point. However, the quality of the data on victims is expected to increase once the CEOOR database will be revised. Similarly, an analogous mechanism for co-ordinating and/or centralising data on perpetrators would improve the comparability of the data on different stages of the legal process and ensure that they are harmonised as to what is counted (i.e. THB data separated from that on smuggling of persons).

Regarding the assistance and protection offered to VoTs, a study released in 2007 by the University of Ghent that analysed the significant gap between the number of victims first registered by the NGOs and those who receive protection (Vermeulen et al 2007) concluded that between 1999-2005, 75% of the files analysed were interrupted prematurely. The main reasons for this were: the disappearance of the victim after the registration (42.4% of the cases); the classification of the file as "closed without further pursuit" by the Public Ministry, usually because of insufficient evidence (18.1%); the interruption of the accompaniment by the reception centres, mostly due to the systematic non-respect of house rules or the return of the victim to the exploitation milieu (17.3%). (CEOOR 2008:39-40) The same study also highlighted that the reflection period was in practice hardly used and that numerous victims remained in the reception centres only for a short while, especially the victims of THB for sexual exploitation, who tended to return to the milieu of exploitation more than other type of VoTs. (CEOOR 2008:40-41) However, the interagency directive of 31 October 2008 on the implementation of multidisciplinary co-operation with respect to victims of THB and/or aggravated forms of trafficking in human beings (ICC reply to ICMPD questionnaire) should further increase the government's capacity to identify and protect VoTs. In turn, this will more than likely be reflected in the improvement of the quality of data on victims and in the overall impact on the extent of VoTs.

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Domestic Policy and Institutional Setting

In Bulgaria, the issue of combating trafficking in human beings has gained political importance over the past decade. In March 2004 the Bulgarian government acknowledged the need for an integrated approach to effectively combat human trafficking and approved the *Combating Trafficking in Human Beings Act*. The Act obliged the government and the municipalities to establish national (NCCTHB) and local commissions (LCCTHB) for combating THB, shelters for temporary housing and a centre for protection and support of victims of THB.⁸⁹

The **National Commission for Combating Trafficking in Human Beings** is the leading actor that manages, co-ordinates and controls the national policy and strategy for prevention and counteraction of trafficking in human beings, as well as protection of victims. The NCCTHB is chaired by the Deputy Prime Minister of Bulgaria and is composed of high-level officials from several ministries (e.g. Interior, Labour and Social Policy, Foreign Affairs, Justice, Health, and Education and Science) and state institutions (Supreme Cassation Court, Prosecution General's Office, National Investigation Service, State Agency "National Security", State Agency for Child Protection, and Central Commission on Juvenile Delinquency). By 2008, the National Commission has set up *Local Commissions for Combating Trafficking in Human Beings*, which are responsible for the co-ordination and implementation of anti-trafficking measures on a local level. In order to ensure the co-operation with non-governmental actors, the NCCTHB has established an *expert group* that also involves three major NGOs primarily dealing with victim protection.

Since 2005, the NCCTHB has prepared five annual national programmes for **"Prevention and Counteraction to Trafficking in Human Beings and Protection of Victims"**. They are adopted as a part of the implementation of the Combating Trafficking in Human Beings Act⁹⁰ and the foreseen measures in the annual programmes are almost identical. The most important areas of action identified in the *2009 National Programme* are: a) institutional and organisational measures (building the administrative structures provided for by the Combating Trafficking in Human Beings Act at national and local levels and ensuring their effective functioning); b) prevention (raising public awareness on the problem of human trafficking and developing mechanisms for its confinement); c) training and qualification of staff; d) protection, rehabilitation and reintegration of VoTs (overcoming the consequences of human trafficking and reintegrating the victims into society through assistance and support of the victims and protection of their rights); e) international co-operation; and f) legislative measures (contemporising the legislative measures, harmonising Bulgarian anti-trafficking legislation with international standards).⁹¹

Bulgarian anti-trafficking policies have been largely concerned with combating **trafficking for the purpose of sexual exploitation**. Specific measures refer to the protection and support of VoTs who have *become victims of trafficking within the country* or have been *returned to Bulgaria*. Regarding internal trafficking, the target group of awareness-raising campaigns consists mostly of women and girls and also members of minority groups such as the Roma minority who are considered to be one of the most vulnerable among the at-risk groups. In relation to victims returned to Bulgaria, there is a particular focus on child protection. In 2005, was established a *Coordination*

⁸⁹ Combating Trafficking in Human Beings Act Promulgated, State Gazette, No. 46/20.05.2003, amended SG 86/28.10.2005, effective 29.04.2006, supplemented, SG No. 33/28.03.2008: http://antitrafficking.government.bg/files/normativna_uredba/bg/zbth/zbth_2008_en.pdf

⁹⁰ http://antitrafficking.government.bg/index.php?option=com_content&task=view&id=197&Itemid=152.

⁹¹ <http://antitrafficking.government.bg/m/2/cat/17/id/23/lang/en/>.

Mechanism for Referral, Care and Protection of Repatriated Bulgarian UAM, jointly developed by the State Agency for Child Protection (SACP) and the International Organization for Migration (IOM).⁹² The Centre provides protection to *Bulgarian unaccompanied minors (UAM)* who have been repatriated to Bulgaria, also including child victims of trafficking. In 2007 the focus of victim protection on children was broadened, when a specific transnational referral mechanism for victims of trafficking (TRM) was created.⁹³ Currently, a **national referral mechanism** for persons who have become victims of internal trafficking is being developed.

Legal Framework

Already in 2002 criminal provisions relevant to THB were introduced in Bulgarian Criminal Code. **Article 159a-c, CC** (as amended in 2009) prohibits trafficking in human beings for the purpose of “sexual activities, forceful labour, dispossession of bodily organs”, or holding persons in “forceful subjection”⁹⁴. The law statute was introduced in full accordance with the relevant international regulations that Bulgaria had ratified the preceding years. **Article 159a** mainly deals with **human trafficking within the country**. In the general case, the punishment is deprivation of liberty from two to eight years. It is elevated from three to ten years where the act of human trafficking has been committed “with regard to an individual who has not turned eighteen years of age; through the use of coercion or by misleading the individual; through kidnapping or illegal deprivation of liberty; through abuse of a status of dependency; through the abuse of power; through promising, giving away or receiving benefits” (Article 159, paragraph 2). The punishment is further elevated from three to fifteen years where trafficking is committed “in respect to a pregnant woman to the purpose of selling her child” (Article 159a Paragraph 3). **Article 159b** deals with **human trafficking across national borders**: “An individual who recruits, transports, hides or admits individuals or groups of people and guides them over the border of the country with the objectives under Art. 159a, par. 1, shall be punished by deprivation of liberty from three to twelve years.”⁹⁵ Summarising, sentences are highest for cross-border trafficking and trafficking involving children.

In March 2004, the Council of Ministers approved the **Combating Trafficking in Human Beings Act**. The Act defines trafficking in human beings as “the recruitment, transportation, transfer, concealment or acceptance of human beings, regardless of their own will, by means of coercion, abduction, deprivation of liberty, fraud, abuse of power, abuse of a state of dependence, or by means of giving, receiving or promising benefits to obtain the consent of a person who has control over another person, when it is carried out for the purpose of exploitation”.⁹⁶ In this context, exploitation is defined as “the illegal use of human beings for debauchery, removal of physical organs, forced labour, slavery or servitude”.⁹⁷ Upon identification, VoTs are granted a 30 days reflection period, during which they have to decide on eventual collaboration with authorities. During this period the victims are accommodated in state shelters (Article 26). If they declare willingness to collaborate with authorities, victims are granted a *special protection status*, including permission to foreign nationals for long-term stay in the country and/or extension of the accommodation period in the shelters (Article 25).

In April 2007 Bulgaria ratified the Council of Europe Convention on Action against Trafficking in Human Beings of 2006.

⁹² <http://www.mvcr.cz/mvcren/article/bulgaria.aspx>.

⁹³ <http://www.mvcr.cz/mvcren/article/bulgaria.aspx>.

⁹⁴ Criminal Code, State Gazette No. 92/2002 as amended by State Gazette No 27/2009 http://antitrafficking.government.bg/images/info_files/1251896607.pdf.

⁹⁵ http://antitrafficking.government.bg/images/info_files/1251896607.pdf.

⁹⁶ Additional provisions, http://antitrafficking.government.bg/images/info_files/1257338415.pdf.

⁹⁷ Additional provisions, http://antitrafficking.government.bg/images/info_files/1257338415.pdf.

Data Availability

Following the introduction of the relevant criminal provisions on THB in 2002, data on trafficking in human beings is available as of 2003. Pre-2003 data is available from IOM reports and relates to *Bulgarians trafficked within the country, Bulgarians trafficked abroad* who either voluntarily returned through organised return programs or were identified upon extradition and to *foreign victims trafficked and primarily assisted within Bulgaria* and thereafter voluntarily returned to their countries of origin. Data specified according to the different types of trafficking are only available for some selected years and categories. Most of the data remains unspecified and it is referred to as overall number of acts of THB.

The most important actors collecting and publishing data on THB in Bulgaria are:

- **National Commission for Combating Trafficking in Human Beings** – it is responsible for recording data on trafficking for the purpose of research.⁹⁸ The NCCTHB, however, does not collect data directly, but receives general information on human trafficking from the Ministry of Interior, the Prosecution General's Office and the National Investigation Service. The Commission publishes annual reports on all activities that were implemented in accordance with the national programmes. So far statistics on the extent of THB in Bulgaria have not been published systematically.
- **National Service for Combating Organized Crime (NSCOC)** – it is a specialised police operation and investigation service of the Ministry of the Interior; in 2001 a Security Centre was established which co-ordinates the information on trafficking and trade in human beings (Bulgarian Government 2004:13).
- **National Investigation Service and National Border Police Service** – they compile data on cases investigated for human trafficking. If the suspicion on human trafficking is well-founded the case is then handed over to the public prosecutor who may file an indictment. The police, however, do not directly publish the data, nor do other governmental bodies in a regular way.
- **Prosecution General's Office and Supreme Cassation Court** – compiles data on persons indicted and persons convicted.
- **State Agency for Child Protection**⁹⁹ – it controls child rights protection in Bulgaria and acts in co-operation with ministries, agencies and NGOs. The Agency also compiles data related to offences against child rights including the area of trafficking in children. Corresponding data is available from the answers of SACP provided to the UN Questionnaire regarding the preparation of a study on violence against children.¹⁰⁰
- **NGOs** – data is collected only on a local level.
- **IOM** - it is operating the voluntary return programme and gathers the respective data.

⁹⁸ By virtue of Article 7 of the Combating Trafficking in Human Beings Act.

⁹⁹ Established under the Child Protection Act with an Ordinance of the Council of Ministers No.226 from 30 October 2000 and started its activity on 1st of January, 2001.

¹⁰⁰ http://www.stopech.sacp.government.bg/?sid=professional_eng&pid=0000000037.

Bulgaria

The following table provides an overview of available data on trafficking in human beings in Bulgaria:

Table 1: Data availability in Bulgaria

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Ministry of Interior; National Commission for Combating Trafficking in Human Beings; State Agency for Child Protection; NGOs; IOM	Publicly available data on the overall number of victims from 2003 to 2008. Data on VoTs for sexual exploitation available for 2003-2005; Data on VoTs for labour exploitation available for 2003-2004; Data on child trafficking available for 2002-2008.
Cases investigated	Supreme Cassation Prosecutor Office; National Service for Combating Organised Crime	Publicly available data on the overall number of investigation from 2004 to 2008.
Cases with indictment	Supreme Cassation Prosecutor Office.	Publicly available data on the overall number for 2003-2007.
Cases with conviction	Supreme Cassation Prosecutor Office.	Publicly available data on the overall number for 2003-2008.
VoT claiming compensation in civil suits	Supreme Court of Cassation; National Commission for Combating THB; National Council for Support and Compensation of Victims of Crimes	Data available on cases initiated in 2006 and 2007.
VoT receiving legal or psychosocial assistance during proceedings	N.A.	
VoT accepted in witness protection programme	N.A.	
VoT granted short-term residence	N.A.	
VoT granted continued residence	N.A.	
VoT returned to home country	Ministry of Interior; NGOs; IOM	No publicly available data.

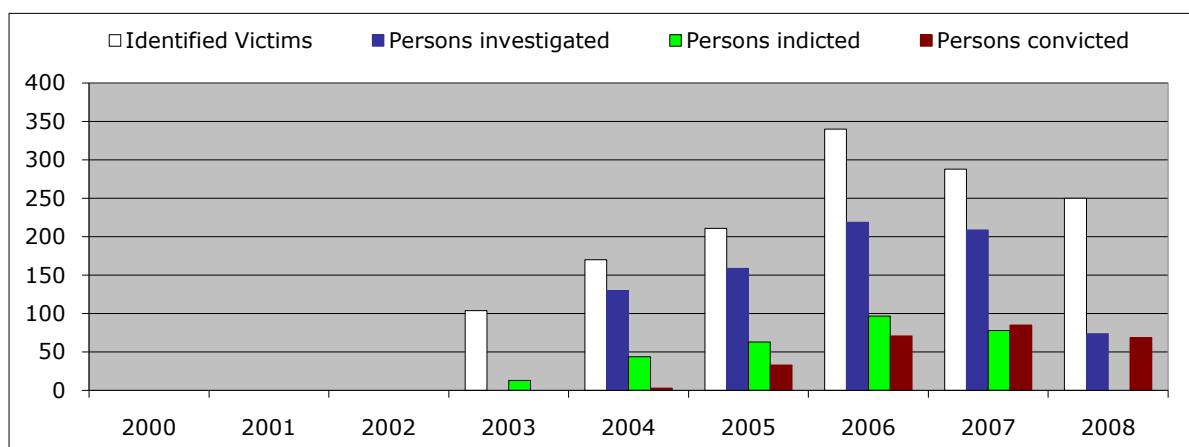
Data Analysis

The extent of Trafficking in Human Beings according to different stages in Legal Proceedings

In Bulgaria data on the different stages of the legal procedure of human trafficking (victim identification, investigation, prosecution and conviction) is publicly available since 2003. It should be taken into consideration that comparability of the respective data is limited **over time** – the whole process of victim identification, investigation, indictment and conviction may not necessary happen in one and the same year. That means that annual data may include old and new cases of trafficking. In this context, Chart 1 is build on the presumption that although the prosecution of a trafficking case may take longer

(it could develop over a couple of years), the differences between the various stages of the legal procedure remain constant.

Chart 1: Legal proceedings on THB in Bulgaria in total, 2000-2008



Source: 1) Data on identified victims for 2003 is quoted by the US Department of State (the primary sources are not specified); National Commission for Combating Trafficking in Human Beings data for 2004-2008 (data for 2004-2007 is quoted in the UNODC 2009 report); 2) Data on persons investigated for 2004-2008 refers Supreme Cassation Prosecutor Office data (quoted in the UNODC 2009 report); 3) Data on persons indicted for 2003-2006 refers to Supreme Cassation Prosecutor Office data (quoted in the UNODC 2009 report); data for 2007 is quoted by the US Department of State (the primary sources are not specified); 4) Data on persons convicted for 2003 refer to IOM data; Supreme Cassation Prosecutor Office data for 2004-2007 (quoted in the UNODC 2009 report) and data for 2008 is quoted by the US Department of State (the primary sources are not specified). For underlying statistical data see Annex B to this report. No averages are used.

Throughout the period between 2003 and 2008 we observe some **uniform developments** in the different stages of the legal proceedings on THB. Since 2003, the number of identified victims, persons investigated, persons indicted and persons convicted has steadily increased due to the legal changes in 2002 and 2004. After reaching its peak, the values for the different stages have begun to drop gradually.

Highest values are observed at the stage of **victim identification**. In 2003 authorities identified 104 VoTs; in 2004, 170 victims; and in 2005, 211 victims of THB. The number of identified victims reached its peak in 2006 (340 VoTs) and since then it decreased gradually to 288 victims in 2007 and to 250 victims in 2008.

The stage of the **investigation** shows values closest to that of victim identification. In 2004, 130 persons were investigated and in 2005, 159 persons. In 2006 the number of persons investigated reached its peak (219) and then it dropped down to 209 persons in 2007 and to 74 persons in 2008¹⁰¹.

Compared to the previous stages, the stage of **indictment** has comparatively lower values, which are closer to the values of the stage of conviction. In 2003, 13 persons were indicted. This number increased to 44 persons in 2004 and 63 persons in 2005. Of note is that the peak at this stage was also reached in 2006 (97 persons). Since 2006, the number of persons indicted dropped to 78 in 2007.

An interesting observation regarding the stage of **conviction** is that it reached its peak one year later (2007) than the peaks reached at the other stages (2006). In 2003 there are no persons convicted on THB, in 2004 courts convicted 3 persons, in 2005 the

¹⁰¹ Data for 2008 covers the period January-October 2008.

Bulgaria

number increased to 33 persons and in 2006 to 71 persons. The highest value of persons convicted was 85 in 2007 and then it dropped down to 69 persons in 2008.

In addition to the criminal proceeding, victims of trafficking may also claim compensation for the suffered crime in a **civil proceeding**. According to the National Commission for Combating Trafficking in Human Beings, two civil suits for compensation of victims of trafficking were initiated and completed with convictions in 2006, and one such case was completed successfully in 2007 (NCCTHB 2007:23-24). The comparatively low number of civil suits may point to a lack of awareness and information on the respective victims' rights.

The Extent of Trafficking in Human Beings: Number of Identified Victims

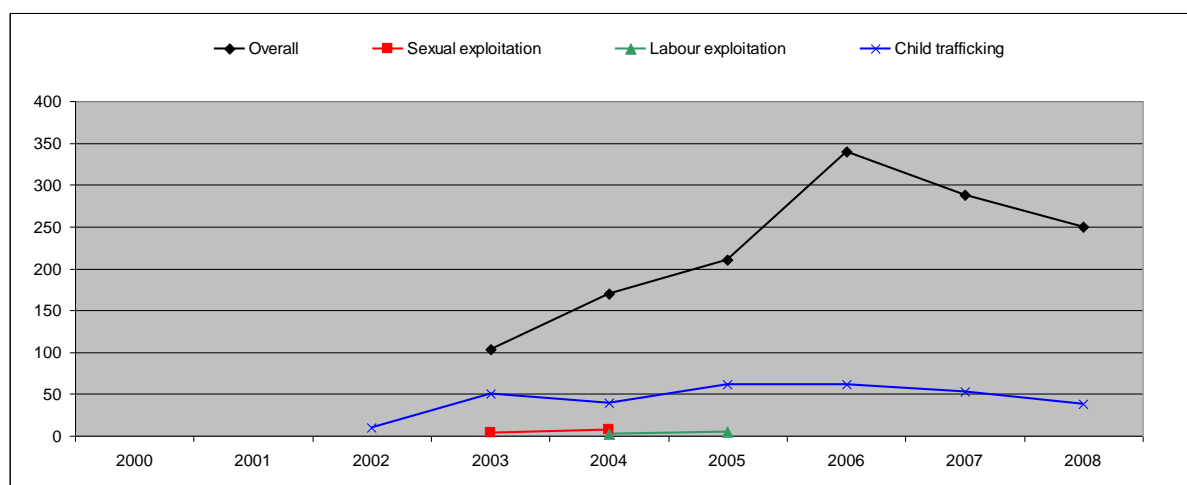
Data Availability

Victims of trafficking in Bulgaria do not constitute a **uniform group** and that is reflected in data collection. For example, **pre-2002 data**, available from the *Second IOM Annual Report on Victims of Trafficking in South-Eastern Europe* (2005a), differentiates between Bulgarian VoTs trafficked within the country and abroad¹⁰² and foreign VoTs, trafficked and primarily assisted within Bulgaria and thereafter voluntarily returned to their countries of origin. Throughout the period between 2000 and 2004 the share of cross-border trafficking of foreign nationals assisted in Bulgaria is considerably lower than the share of internal and external trafficking of Bulgarians assisted in the country and abroad. The number of assisted foreign trafficking VoTs fluctuates as follows: in 2000, 24 foreign VoTs were assisted in Bulgaria, in 2001 – 41 VoTs, in 2002 – 4 VoTs, in 2003 – 6 VoTs and in 2004 – 11 VoTs (IOM 2005a:199). In comparison, the number of assisted Bulgarian trafficking victims changes as follows: in 2000, 46 Bulgarian VoTs were assisted in Bulgaria and/or abroad, in 2001 – 96 VoTs, in 2002 – 164 VoTs, in 2003 – 172 VoTs and in 2004 – 142 VoTs (IOM 2005a:169). This data is not represented in Chart 2 as the category of victims includes different groups compared to the category of victims available from 2003 on.

Throughout the period between 2003 and 2008, data on the **overall number** of victims is available from the National Commission for Combating Trafficking in Human Beings (quoted in the 2009 UNODC report) and from the US Department of State (which does not specify a primary source). Under one statistical category are summarised victims of internal and cross-border trafficking. This data refers to VoTs identified by state authorities (Chart 2).

¹⁰² Bulgarians trafficked abroad refer to VoTs that either voluntarily returned through organised return programs or were identified upon extradition.

Chart 2: Number of THB victims identified per year for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs 2000 – 2008



Source: 1) US Department of State – data on the overall number of victims for 2003 (the primary sources are not specified); 2) National Commission for Combating Trafficking in Human Beings (NCCTHB) data on overall number of victims and on child trafficking for 2004-2008 (data for 2004-2007 is quoted in the UNODC 2009 report); 3) IOM data on victims for sexual and labour exploitation (quoted in the "Second Annual IOM Report on Victims of Trafficking in South-Eastern Europe 2005"); 4) State Agency for Child Protection data on child trafficking for 2002; 5) UNDP – data on child trafficking for 2003 (the primary sources are not specified). For underlying statistical data see Annex B to this report. No averages are used.

Contextualising and Analysing the Data

In the years immediately following the introduction of THB to the Bulgarian Criminal Code (2002), we observe a gradual increase in the number of identified victims. In 2003, authorities identified 104 VoTs in 2004 – 170 victims. This upward trend becomes even more remarkable in the years following the introduction of the *Combating Trafficking in Human Beings Act* (2004) and the implementation of the first national programme combating THB (2005). In 2005, authorities identified 211 VoTs and in 2006, the trend reached its peak – 340 identified victims of human trafficking. An interesting fact is that for the same year, the number of VoTs who testified was only 11 persons (US Department of State TIP Report). Since 2006 a downward tendency is observed. In 2007, authorities identified 288 victims and in 2008 - 250 victims; furthermore, among the 250 identified victims in 2008, only one person was a foreign national (National Commission for Combating Trafficking in Human Beings). That means that in Bulgaria the share of internal trafficking is still considerably higher than the share of cross-border trafficking.

Taking into consideration the particular focus of Bulgarian anti-trafficking policies on **trafficking in children**, corresponding data is available since 2002. It is compiled by NCCTHB (quoted in the 2009 UNODC report), the State Agency for Child Protection and the 2005 UNDP Report on Trafficking in Human Beings in South Eastern Europe 2004 (which does not specify primary sources). The developments in the number of victims of child trafficking are similar to the developments in the overall number of VoTs. Since 2002 the number of victims of child trafficking has increased. In 2002 authorities identified 10 children VoTs, in 2003 – 51 children, in 2004 – 40 children and in 2005 – 61 children. In 2006, the upward trend reached its peak – authorities identified 62 children and since then the number gradually dropped to 53 VoTs in 2007 and to 38 children VoTs in 2008. According to the 2009 UNODC report, the victims of child trafficking are in their majority girls under the age of eighteen.

Data on trafficking for sexual and labour exploitation is available only for separate years from the Second IOM Annual Report on Victims of Trafficking in South-Eastern Europe (2005a). Therefore, it is difficult to detect any development trends. An important observation, though, is that trafficking of Bulgarians (internal and abroad) for sexual exploitation has been the principal type of THB characteristic for the Bulgarian case. In 2003, 159 Bulgarians were trafficked for sexual exploitation compared to 122 Bulgarians in 2004. These figures relate to 4 foreign nationals trafficked for sexual exploitation in 2003 and to 7 foreign nationals trafficked in 2004 (IOM 2005a:199). Regarding trafficking for labour exploitation, in 2003, 13 Bulgarians were trafficked for labour exploitation and in 2004 – 12. In comparison, in 2003 there were no foreign victims trafficked for labour exploitation and in 2004 only 3 (IOM 2005a:201).

The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

In Bulgaria, data on perpetrators (e.g. investigations, indictments and convictions) is available since 2003. Data on the overall number of **investigations** refers to *persons investigated*. Data for the period from 2004 to 2008 is available from the Supreme Cassation Court (quoted in the 2009 UNODC report). Of note is that data for 2008 covers the period from January to October 2008 only and it is not directly comparable with data from preceding years. Data disaggregated by type of trafficking is available for the period from 2005 to 2008 from the US Department of State TIP reports (which do not specify the primary sources). According to these, the number of persons investigated for THB for sexual exploitation reached its peak in 2006, a development identical to developments at other stages of the legal proceedings.¹⁰³ In 2005, 134 persons were investigated for human trafficking for sexual exploitation, in 2006 – 202 persons, in 2007 – 179 persons and in 2008 – 187 persons (Annex B). Regarding THB for labour exploitation, we observe that its extent has slightly increased since 2005 – e.g. in 2005, 7 persons were investigated for human trafficking for labour exploitation, in 2006 – 6 persons, in 2007 – 22 persons and in 2008 – 25 persons (Annex B). Regarding trafficking for the removal of organs, “there was only one preliminary investigation in 2007 instituted by virtue of Art. 349a¹⁰⁴ of the Penal Code and, according to the reports of European media, Bulgaria holds one of the first places in the export of human organs and tissues for transplantation” (NCCTHB 2007:16).

Data on the overall number of **cases with indictment** refers to *persons indicted* and is available from the Supreme Cassation Court (quoted in the 2009 UNODC report) for the period from 2003 to 2006 and from the US Department of State for 2007.

Data on the overall number of **convictions** refers to *persons convicted* and is available from the Supreme Cassation Court (quoted in the 2009 UNODC report) for the period from 2004 to 2008,¹⁰⁵ except 2007. Data for 2007 is available from the US Department of State TIP report. Data on persons convicted, disaggregated by type of trafficking is available for 2007 and 2008. According to the US Department of State, in 2007 authorities convicted 71 persons for THB for sexual exploitation and in 2008 – 66 persons. In comparison, in 2007 only 2 persons were convicted for human trafficking for labour exploitation and in 2008 – 3 persons (Annex B).

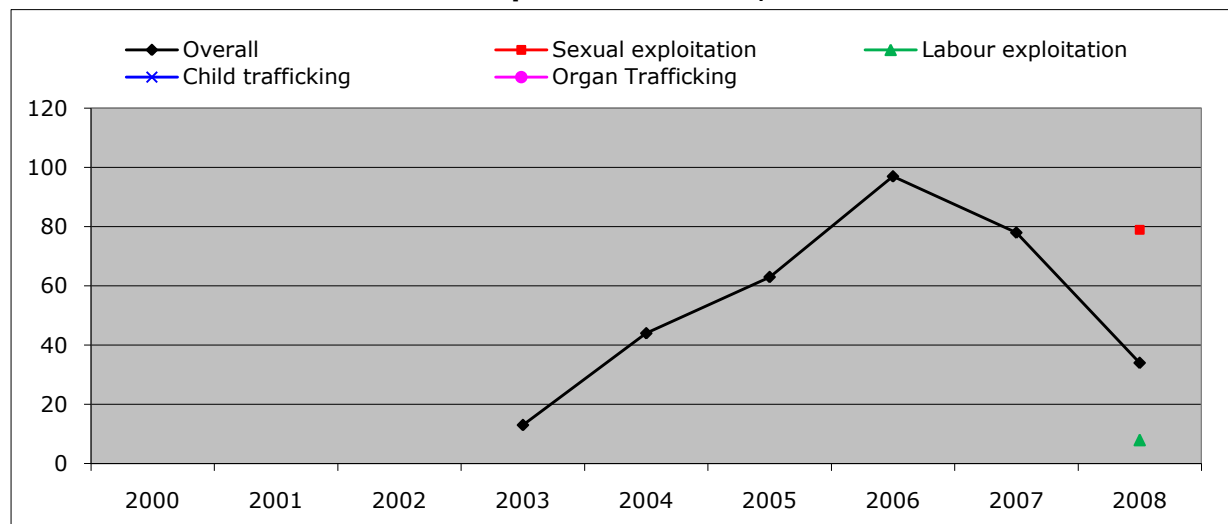
¹⁰³ See Section on Legal Proceedings.

¹⁰⁴ According to Article 349a, CC, SG 62/1997: a person who violates rules established for obtaining and providing human organs or tissues for transplantation is punished by imprisonment for one to three years.

¹⁰⁵ Data for 2008 covers the period from January to October 2008 only and is not directly comparable with data from the preceding years.

Chart 3 illustrates the extent of perpetrators of THB in Bulgaria according to the number of *persons indicted*. The selection of this stage of the legal proceedings is based on the following reasons. Data on persons investigated and persons convicted for 2008 is not directly comparable with data on preceding years. Moreover, data on persons convicted includes all types of convictions e.g. imprisonment as well as suspended offences.

Chart 3: Number of Identified Perpetrators of THB, 2000 – 2008



Source: 1) Supreme Cassation Prosecutor Office data on the overall number of persons indicted for 2003-2006 (quoted in the UNODC 2009 report); 2) US Department of State – data on the overall number of persons indicted for 2007 and on the number of persons indicted for sexual and for labour exploitation for 2008 (the primary sources are not specified). For underlying statistical data see Annex B to this report.

Contextualising and Analysing the Data

As illustrated by Chart 3, since 2003 the number of persons convicted is steadily increasing. In 2003, 13 persons were indicted, in 2004 – 44 persons and in 2005 – 63 persons. The peak at this stage was reached in 2006 (97 persons) and thereafter the values have gradually dropped to reach 78 persons indicted in 2007. Data on persons indicted by type of trafficking is available only for 2008 and from the 2009 US Department of State TIP report. In 2008, 79 persons were indicted for THB for sexual exploitation, while only 8 for THB for labour exploitation (Annex B).

The developments in Chart 3 relate to the introduction of specific trafficking legislation in 2002 and 2003 respectively, after which awareness and knowledge on the phenomenon, the institutional setting and data collection practices started to change and improve. Since the implementation of the first national programme combating THB (2005), data collection has become more detailed and specified by type of trafficking.

Conclusions: Assessing the Extent of Trafficking in Human Beings in Bulgaria

Since the entering into force of the national legislation to combat human trafficking (in 2002 and in 2004) and the establishment of a domestic policy framework, data collection has improved. That is reflected in the uniform developments for the different stages of the legal proceeding on human trafficking – since 2003 the number of identified victims, persons investigated, persons indicted and persons convicted has steadily increased. After reaching its peak (in 2006 or in 2007), the values for the different stages have begun to drop gradually. The available figures suggest that the majority of identified victims are victims of internal trafficking. In addition, most trafficking cases detected in Bulgaria are for the purpose of sexual exploitation, while trafficking for labour

Bulgaria

exploitation seems to be a marginal phenomenon. This picture may also reflect a bias of Bulgarian anti-trafficking policies, which focus predominantly on sexual exploitation and consider women and girls to be the most important target group.

Generally speaking, the improvements in data collection do not mean that the publicly available data represents the real extent of THB in Bulgaria, but that since 2003, data has become more complete and consequently closer in describing the actual extent of THB in Bulgaria.

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Domestic Policy and Institutional Setting

Being a country of origin, but also a transit and more recently a destination country, the Czech anti-trafficking policy is focused on both supporting the victims of trafficking in human beings and preventing THB. The first official document addressing the issue of trafficking in human beings is the 2003 **National Strategy of the Fight against Trafficking in Human Beings for the Purpose of Sexual Exploitation in the Czech Republic**.¹⁰⁶ The Strategy referring to the years 2003-2005 was designed to implement the international instruments regarding trafficking into the Czech national policies. This strategy assigned the role of a **national rapporteur** to the **Ministry of Interior (MoI)**. Its main tasks include monitoring the situation on THB, co-ordinating national policies, publishing reports and policy papers, as well as training the police forces. The Ministry is also responsible for co-ordinating the **Programme to Support and Protect the Victims of Trafficking in Human Beings**.

The **National Plan [on] Combating Commercial Sexual Exploitation of Children** (for the period 2006 – 2008)¹⁰⁷ reaches back to 2002, when the first National Action Plan against the Commercial Sexual Exploitation of Children was elaborated. These Action Plans created the institutional and conceptual framework for co-ordinated action of government authorities and ministries (ECPAT 2006:13). Moreover, some of the tasks of the National Action Plans included legislative changes such as making human trafficking and human trafficking for purposes other than sexual exploitation within the Czech Republic a criminal offence.¹⁰⁸

The **second National Strategy of the Fight against Trafficking in Human Beings** (for the period of 2005 – 2007) addressed the issue of trafficking from a broader perspective, as it is adopted after the amendment of the Criminal Code (Act no. 537/2004 Coll.). The current **National Strategy to Combat Trafficking in Human Beings** (2008 – 2011)¹⁰⁹ reorganized the national co-ordination system and focused on improving data collection at the national level.

The **Inter-ministerial Coordination Group for Combating Trafficking in Human Beings**¹¹⁰ (**IMCG**) was set up in order to co-ordinate the inter-ministerial co-operative and preventive activities. Before 2008 these tasks were dealt with by different units within the Ministry of Interior, such as the **round tables** (designated to implement the National Strategy) and the **Interdisciplinary Working Group on Support and Protection of Victims of Trafficking in Human Beings** active in the framework of IMCG. The Inter-ministerial Coordination Group brings together the Minister of the Interior (who is the chair of the Group), the Deputy Minister of the Interior for Internal Security (as executive vice-chair), the Director of the Security Policy Department (secretary), representatives of different ministries and representatives of non-governmental and non-profit organisations. Along with IMCG, other institutions and units are involved in preventive activities.

¹⁰⁶ Approved by the Czech Government through the resolution no. 849 of 3 September 2003 (MoI 2005, 6).

¹⁰⁷ Some of its tasks include: "prevention, research, awareness raising [...]; removing causes of commercial sexual exploitation of children; improving the efforts against commercial sexual exploitation of children; alleviating negative consequences of the commercial sexual exploitation of children; systemic and organisational measures; financial provisions" (MoI, Combating Commercial Sexual Exploitation of Children. National Plan 2006:37).

¹⁰⁸ This task was fulfilled once the Criminal Code was amended in 2004 and purposes other than just sexual exploitation were included in the definition of human trafficking (MoI, Combating Commercial Sexual Exploitation of Children. National Plan 2006:27).

¹⁰⁹ Approved by Governmental Resolution No. 67 of 23 January 2009.

¹¹⁰ Established by the Government Resolution 1006/2008 (MoI 2009:5).

Within the Ministry of Interior, the **Crime Prevention Department (CPD)** deals with part of the measures designated to support and protect the victims of trafficking. Additionally, every year this department releases a special programme for NGOs involved in victim assistance¹¹¹. Moreover, the **Ministry on Foreign Affairs**, the **Ministry of Health**, and the **Ministry of Education, Youth and Sports** are all involved in preventive actions together with **NGOs** and **IOs**.

In the Czech Republic victims of THB are identified by the Police in collaboration with various NGOs (e.g. La Strada, Czech Catholic Charity Association, Pleasure without Risk). The **Refugee Facility Administration (RFA)**, a subordinated unit of the Deputy Minister of the Interior for Public Order and Security, which provides accommodation and other services to asylum seekers, recognised refugees and detained foreign nationals also identifies victims of trafficking in the **asylum facilities, reception centres or detention centres**. Since the adoption of the "**Act No 273/2008 Coll. on the Police of the Czech Republic**" the police officers can enter any business facility even after the working hours in order to search for victims of trafficking.

Regarding the support and protection of victims of trafficking, the Czech Republic has, since 2005, an institutionalised **Programme of the Ministry of Interior on Support and Protection of Victims of Trafficking in Human Beings**¹¹² (**Victim Protection Programme**). In 2008 the Programme was subjected to several changes: the director of the Crime Prevention Department can include and exclude victims from the Programme;¹¹³ the **reflection period** was extended from 30 to 60 days; other institutions were included in the Programme (e.g. the Refugee Facility Administration); and in order to provide assistance to victims who are not able to collaborate with the police (i.e. due to high psychological distress), an exception from the condition of co-operation was introduced (MoI 2009:30). Victims may also be assisted by NGOs outside of the Programme and therefore with other financial sources. In this framework a software database titled "**Trafficked Person Information System**" was approved in 2008. This database, which was declared to be launched in summer 2009 (MoI 2009:32), is meant to collate information on victims of trafficking in human beings supported by the Programme or persons included in the voluntary return projects.

Based on the victims included in the Programme, the MoI prepared a list of countries that are most likely to be countries of origin or target countries for victims of trafficking. Czech embassies and consulates present in these countries were then asked to obtain information on trafficking in human beings from public administration authorities of these countries.

Although most of the information published by the Czech Ministry of Interior in 2009 refers to the Czech Republic as a **country of origin**, some concrete cases of trafficking into the Czech Republic were also registered. It is important to mention that more information on supposed countries of origin is being gathered in 2009. An analysis of this data will be used for future prevention and information activities.

Traffickers are being identified by the National Police of the Czech Republic through the **Unit for Combating Organised Crime of the Criminal Police and Investigation Service of the Czech Police**, which documents criminal groups involved in trafficking in human beings and also gathers evidence for the criminal cases against offenders, as well as information on the area of action of the criminal groups. Furthermore, the **Unit for Combating Organised Crime (UCOC)** was established in 2006 in order to deal with

¹¹¹ Titled "Prevention of Trafficking in Human Beings and Assistance for Victims of Trafficking" (MoI 2009, 7).

¹¹² The Programme is based on the "Model of Support and Protection of Victims of Trafficking in Human Beings for the Purpose of Sexual Exploitation", financed through a project of the UNODC Between March 2003 and December 2004 (MoI 2009, 30)

¹¹³ Before this was decided by the first Deputy Minister of the Interior.

trafficking in human beings. UCOC is directly involved in the implementation of the Victim Protection Programme, organises and participates in specialised trainings and participates in international meetings. Moreover, within the UCOC a **specialised programme for combating forced labour** was established.

The **Office of the Criminal Police and Investigation Service of the Police Presidium of the Czech Republic** has a co-ordinating role regarding the procedures that are to be followed by experts from several special units, as well as from the UCOC. This Office also gathers information on different cases of trafficking in order to provide input for further development and relevant measures.

Also, the **Alien Police Service Directorates** and **Territorial Alien Police Service Directorates** deal with the issue of trafficking in human beings. In particular, they are involved in the examination "of criminal offences for which the law sets out a sentence of imprisonment not exceeding three years and imposed for cross-the-border crime, especially criminal offences of trafficking in human beings where the element of criminal conspiracy is not present" (MoI 2009:8). The **Alien Police Service (APS)** has specific tasks regarding assistance to non-national victims within the Victim Protection Programme. In joint checks with the State Labour Inspection Office, which are focused on illegal employment and illegal residence, victims of trafficking for the purpose of labour exploitation may be detected.

Regarding data collection on trafficking, specific tasks are shared among different institutions. As the **national rapporteur**, the Ministry of Interior support ongoing sociological research of the phenomenon of trafficking in human beings in the Czech Republic. The **Ministry of Justice (MJ)** gathers and processes statistical information from public prosecutors and courts, and organises trainings for their personnel on the issue of trafficking. The **Institute for Criminal Sciences and Social Prevention (ICSSP)**, a research unit within the Ministry of Justice, also addresses the issue of trafficking and has a representative role in the Inter-ministerial Coordination Group.

The first **Status Report on Trafficking in human beings in the Czech Republic** has been published by the Ministry of Interior in 2009. The report provides an overview of the institutional framework involved in combating THB in the Czech Republic as well as the structure of criminal activities of THB and the assistance provided to victims, gathering the most updated information on trafficking in human beings in the Czech Republic.

Legal Framework

In the Czech Republic, the definition and criminalisation of trafficking in human beings is stipulated in **Sec. 232a of the Penal Code**¹¹⁴ in effect, introduced by the amendment **Act No. 537/2004** which replaced Art. 246 (trafficking for the purpose of sexual intercourse). Although otherwise in line with the Council Framework Decision 2002/629/JHA,¹¹⁵ Czech legislation does not yet consider trafficking in persons for the purpose of **removal of organs**.

In 2004, the **definition of trafficking**¹¹⁶ was enlarged by introducing the elements of slavery and forced labour along with sexual intercourse (which was at that time the only type of trafficking recognised by the Czech law). Moreover, from 2004 the **sentences for trafficking in children** were modified to minimum two years (from three) and to maximum ten years (from eight) of imprisonment. For trafficking in adults the sentences

¹¹⁴ The Penal Code was amended by the Act No. 40/2009 Coll. and the changes will come into effect from 1st of January 2010.

¹¹⁵ http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/l33137_en.htm (02.09.2009).

¹¹⁶ <http://www.antitrafficking.md/legs/Cehia%20eng.pdf> (02.09.2009).

were raised from minimum two years (from one) to maximum ten years (from five) of imprisonment. The aggravating circumstances and the sentences imposed for such circumstances were also modified, imposing a time imprisonment between five years (from three) and 15 years (from eight).

The Penal Code in effect at the time of this research has been changed through **Act No. 40/2009 Coll.** and will enter into force from the beginning of 2010. The definition of trafficking in human beings will be comprised by **Sec. 168** which introduces several changes: trafficking in human beings for the purpose of **removal of organs** and forcing into the production of pornography become part of the definition. Imprisonment sentences for aggravating circumstances¹¹⁷ are increased from 8 to 15 years and up to 16 years for causing the death of the victim. Furthermore, the preparation of a THB act is also punishable (MoI 2009:52-54, 66). The 2010 Penal Code maintains the distinction between trafficking in persons under 18 years old and trafficking in persons over this age. In line with international standards, the element of coercion or abuse is not necessary for proving the existence of trafficking in persons under the age of 18.

Regarding victim protection and assistance, this is done either through the state-financed Programme of the Ministry of Interior on Support and Protection of Victims of Trafficking in Human Beings, or by NGOs which do not co-operate with the state within the Programme but have other financial resources. In 2005, **Act No. 326/1999 on the Residence of Foreign National in the Czech Republic** was amended by the inclusion of **Sec. 42e**, which transposed into the Czech law the **Council Directive 2004/81/EC** "on residence permits issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities" (MoI 2009:26). In this framework, a 30-day reflection period for victims of THB was introduced, which was extended to 60 days with the 2008 modifications of the management acts regulating the Victim Support Programme (MoI 2009:30). However, **Sec. 78** of the amended **Act 108/2006 on Social Services** makes it possible for victims of trafficking, at least theoretically, to be provided with social assistance regardless their willingness to co-operate with the competent authorities.

From January 2009, the Register of Social Services Providers counted 110 social service providers which have a focus on victims of trafficking in human beings in Czech Republic (MoI 2009:27). **Act No. 382/2008 Coll.**, which came into effect on 1 January 2009, expanded the provisions of Sec. 42e on residence permits to "all persons who have been the subject of an action to facilitate illegal immigration or persons who have been assisted to illegally reside in the Czech Republic and whose testimony is important for exposing an offender or an organised group involved" in illegal immigration or unlawful residence (MoI 2009:52). It should be mentioned that in regard to THB for sexual exploitation, also Sec. 204 of the Criminal Code on "Procuring" is applied to prosecute trafficking-related offences due to the fact that offences are easier to prove under this provision.

Data Availability

In 2004, Sec. 246 on trafficking for the purpose of sexual intercourse was replaced with Sec. 232a of the amended Penal Code. The change was meant to enlarge the definition of the term in order to also comprise trafficking for forced labour or other types of exploitation. Since 2005, when the amended Penal Code entered into effect, data is **available for different types of trafficking** (sexual exploitation and forced labour),

¹¹⁷ Aggravating circumstances are if the offence is committed by a member of an organized group or "in relation to an organized group operating in several countries", it causes aggravated bodily harm, or is committed "with the aim of acquiring a substantial benefit for him/herself or for any other person" (MoI 2009:66).

mainly on victims. Data on **child trafficking** is available due to the fact that both sections 246 and 232a have special provisions regarding the trafficking of persons under 18 years of age.

The most important actors collecting and publishing data on THB are:

- the **Ministry of the Interior** which, as national rapporteur, since 2003 publishes every 2 years the National Strategies of the Fight Against Trafficking in Human Beings;
- The Czech **Police** (Unit for Combating Organised Crime of the Criminal Police and the Investigation Service of the National Police);
- the **Ministry of Justice**, which processes data from public prosecutors and courts;
- **IOM**; and
- Various **NGOs** involved in supporting victims of THB.

Czech Republic

The following table provides an overview of available data on trafficking in human beings in the Czech Republic

Table 1: Data availability in the Czech Republic

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Police NGOs IOM	Data is available for identified victims and victims assisted through the Programme from 2003 on. IOM database only collects data on victims supported by IOM.
Cases investigated	Police Public Prosecutor Ministry of Justice	Data on cases and persons is available for the whole time frame under research – from 2000 to 2008.
Cases with indictment	Police Public Prosecutor Ministry of Justice	Data on persons is available for the whole time frame under research – from 2000 to 2008.
Cases with conviction	Courts; data are published by the Ministry of the Interior	Data on persons is available for the whole time frame under research – from 2000 to 2008.
VoT claiming compensation in civil suits	N.A.	
VoT receiving legal or psychosocial assistance during proceedings	Ministry of Interior (through the Programme on Support and Protection of victims of Trafficking in Human Beings)	Data is available from 2003 to 2008.
VoT accepted in witness protection programme	N.A.	
VoT granted short-term residence	Data is available from international organisations, but has no reference to a primary source.	Data is available from 2005 to 2006 and 2008.
VoT granted continued residence	Data is available from international organisations, but has no reference to a primary source.	Data is available for 2007 and 2008.
VoT returned to home country	IOM Prague through the Programme of Voluntary Returns; data is published by the Ministry of Interior.	Data is available for 2003, for 2008 and for the time frame 2003 – 2008.

Data Analysis

The extent of Trafficking in Human Beings according to different stages in Legal Proceedings

Investigations on trafficking in human beings are started by the National Police of the Czech Republic through its individual units and specialised services. The **Police** collaborate with the **Public Prosecutor Office** who decides either to pursue the case

into the next level of the criminal proceedings (indictment) or to dismiss it. Data on cases investigated is available from 2000 to 2008.

Data on **perpetrators**, available for the entire timeframe, is based on Police statistics and published by the Ministry of Interior under the category “**investigated and prosecuted persons**”. From the Public Prosecutor’s Office, if the required conditions are met,¹¹⁸ the case goes to court, where a final decision is reached. Data on **persons convicted** for acts of THB is available for the whole timeframe under review. The number of persons sentenced to an unconditional sentence every year is decreasing from 6 in 2000 and 8 in 2005, to 3 in 2008. All these persons were sentenced to an imprisonment term from one to five years.

Victims of trafficking are indentified by the Police, the Refugee Facility Administration, International Organisations, NGOs that co-operate with the State’s institutions in the Programme, or NGOs that work independently in the area of THB. Data on **victims** is available from 2002 onward, when victims of THB for the purpose of sexual exploitation and labour exploitation were offered assistance by the International Organisation for Migration (IOM).

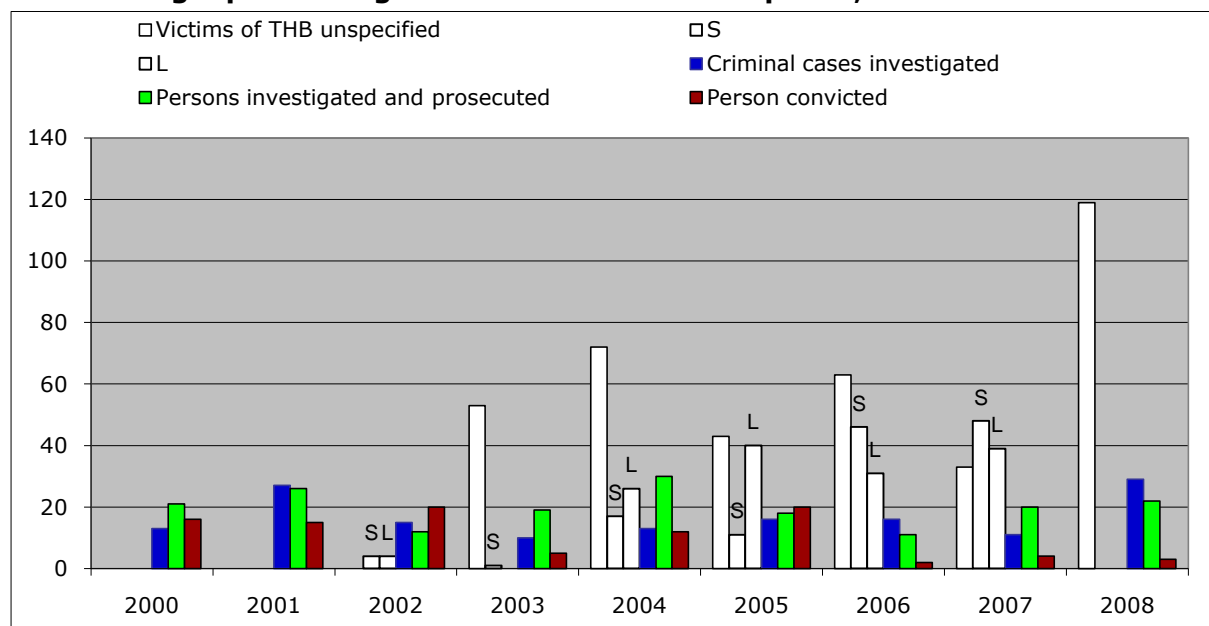
Where available, data shows that in general, **victims** comprise the largest category of persons. The next category in terms of size is the one referring to **persons investigated and prosecuted**, the smallest category for most of the years under review is the one of **persons convicted**. The number of perpetrators gets smaller once we go further within the criminal proceeding for at least two reasons: first, it is difficult to gather proof and to build up a legal case. Therefore, the perpetrators might be prosecuted under other charges where proof is easier to demonstrate. Second, the Police record individual cases investigated when these cases opened, while the courts record them when they are closed. Furthermore, cases on trafficking take much longer until a final decision is reached than the ones dealing with other but related crimes.¹¹⁹

Chart 1 below presents the legal proceedings on THB in the Czech Republic. Apart from cases and persons investigated and prosecuted, regarding victims of THB the chart presents the number of **victims identified by the Police** (for which there is no specification regarding the different types of THB) and the number of **victims identified and assisted by IOM** (victims of THB for the purpose of sexual exploitation and victims of THB for the purpose of labour exploitation). It is important to mention that the IOM-maintained database exclusively contains information on victims identified and assisted by IOM.¹²⁰ Therefore, this data refers to victims of trafficking assisted by the IOM on Czech territory only, and thus the numbers only represent a share of victims supported in the Czech Republic. The reason for separately presenting data on victims identified by the Police and data on victims assisted by the IOM is that it remains unclear whether numbers refer to totally different persons.

¹¹⁸ See “The Czech Republic – The Current Organisation and Functions of the Prosecution Service in the Criminal Process”, http://dissertations.ub.rug.nl/FILES/faculties/jur/2008/t.p.marquary/08_c8.pdf (04.09.2009).

¹¹⁹ “The average length of legal proceedings from the idea to the day of the sentence coming into force with crimes prosecuted pursuant to Section 246 of the Penal Code [in force at that time] was 1556 days in 2004, while the average length of prosecution of all the other crimes was 275 days, which evidences the extraordinary difficulty and complexity of cases of human trafficking” (MoI 2005:13).

¹²⁰ http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring_protection_070909/pres_aghazarm.pdf (04.09.2009).

Chart 1: Legal proceedings on THB in the Czech Republic, 2000-2008

S: victims of THB for the purpose of sexual exploitation, assisted by the IOM.

L: victims of THB for the purpose of labour exploitation, assisted by the IOM.

Source: All data is published by the Ministry of Interior. The Police are the primary source of the following data: data on victims (of unspecified THB), criminal cases investigated, investigated and prosecuted persons. Data on victims of THB for the purpose of sexual exploitation (S) and for the purpose of labour exploitation (L) are from the IOM database. Data on persons convicted is published by the Ministry of Interior and refers to "persons sentenced by a final and conclusive judgement" (MoI 2009:19).

Note: The charts were made with national coverage data, mainly from state institutions. Data that could not be crosschecked with other sources, that refers to local/partial data or that comprise other crimes apart from THB were not included in the charts. This is the case of the US Department of State data, which frequently included in the amount of cases of THB other crimes as well, like the crime of procuring.

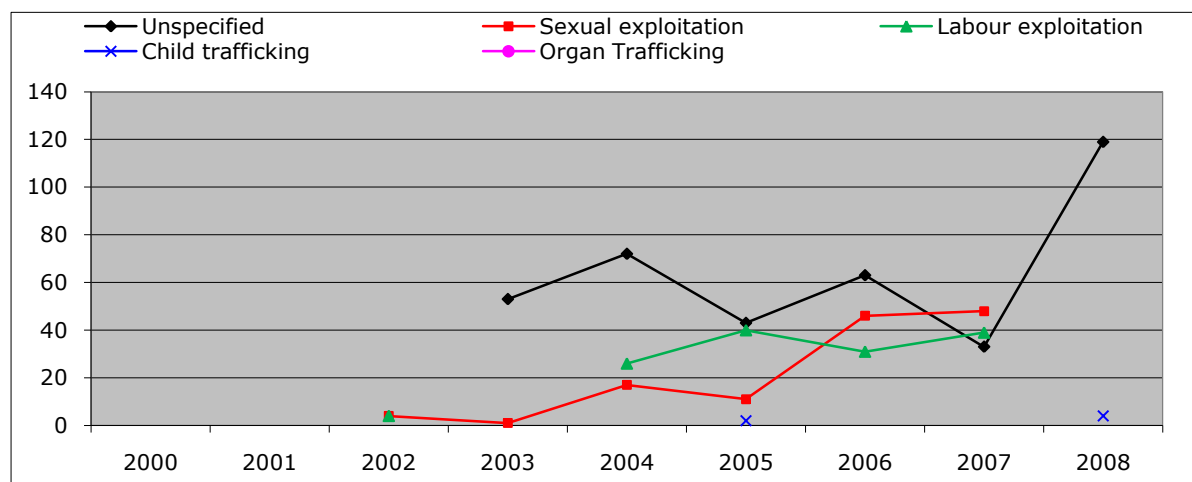
The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

Statistics on victims of trafficking in the Czech Republic are published by several national and international sources: Ministry of Interior (MoI), La Strada Czech Republic, United Nations Committee on the Elimination of All Forms of Discrimination against Women (UN CEDAW), United Nations Office against Drugs and Crime (UNODC), International Centre for Migration Policy Development (ICMPD), US Department of State, and European Union Agency for Fundamental Rights (FRA).

Altogether, data on victims of trafficking are available from 2002 to 2008 (see Chart 2). Data published by national actors are mainly not specified according to the different types of trafficking, except for the years 2005 and 2008, when data on child victims of trafficking are available. Data on sexual exploitation and labour exploitation are reported mainly by international organisations, however, without providing reference to a primary source. There is no data available on victims of trafficking for the purpose of removal of organs.

Chart 2: Number of THB victims identified for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs, 2000 – 2008



Source: All data on victims of trafficking are published by the Ministry of Interior. The primary source of the data on victims of unspecified THB and on victims of child trafficking is the Police. Data on victims of THB for the purpose of sexual and labour exploitation is from the IOM database.

Note: The chart presenting the amount of identified victims between 2000 and 2008 in the Czech Republic has been created using published data for which the primary source was provided and that is a reliable source. Data provided by some of the publishing organisations differ significantly from the data provided by others that use the same primary source. This is mainly because of a different definition of the term "identified victims of trafficking", which can be in some cases potential victims, assisted victims, or victims of other related crimes, such as procuring. Moreover, for most of the years, more than one number of victims is provided, depending on the publishing organisation (Annex B) Therefore, the data used for presenting the amount of victims of trafficking in the Czech Republic is data that refers only to victims of trafficking and data that could be crosschecked (by being reported by more than one publishing institution), or, in the case that this was not possible for every year, the primary source is a reliable one (e.g. Police provides reliable data on identified victims and cases investigated).

Contextualising and Analysing the Data

In general, the development of the extent of **identified victims** (especially victims of trafficking for the purposes of sexual and labour exploitation) follows an increasing trend. Data on victims identified by the Police is available since the appointment of the Ministry of Interior as the National Rapporteur in 2003. Statistics available do not refer to specific types of trafficking (represented in Chart 2 as the black line "unspecified"), however, until 2004 sexual exploitation was the only type of THB tackled within the national legislation at the time. When comparing the numbers of identified victims registered by the police and victims included in the Victims Support Programme, remarkable differences occur in every year. In 2003, when the Police recorded 53 identified victims, only 5 victims were recorded by the Victims Support Programme. In 2005, 43 were identified while only 17 victims were assisted. In 2007, when the number of identified victims reaches the lowest level of 33 persons, 18 were provided assistance under the Programme. With the considerable increase in 2008 to 119 recorded identified victims, 24 were assisted under the Victims Support Programme.

Although the growing rate of victims assisted under the Victim Support Programme is smaller than the growing rate of identified victims, there still is an increasing trend of the numbers of assisted victims under the Victim Support Programme. Moreover, in 2003, the victims supported by the Victim Support Programme are equal to 9% of those identified. In 2007, with the lowest number of identified victims, the share of victims assisted reaches 54%, and drops again in 2008 to 20%. These differences in the numbers of identified victims and assisted victims may be explained by the fact that, in

general, the participation in the Programme is voluntarily and is conditional on co-operation with authorities.

Victims who do not wish to co-operate are offered assistance outside the Victim Support Programme. In 2008, one of the leading NGOs offering assistance to victims of THB (La Strada) provided comprehensive services to 27 victims of THB and only counselling to other 42 persons.

National statistics disaggregated by the **purpose of exploitation** (sexual exploitation or labour exploitation) are only available since the definition of trafficking for the purpose of labour exploitation was introduced in the amendment to the Czech Criminal Code in 2004. In 2007, 15 and in 2008, 8 victims of THB for the purpose of **sexual exploitation** were assisted under the Victim Support Programme. In regard to **labour exploitation**, 3 victims of THB for the **purpose of labour exploitation** were supported under the Victim Support Programme in 2007 and 16 in 2008.

In addition, data disaggregated by **type of THB** is also available from the IOM database since 2002 already. However, numbers strictly refer to the **victims identified and assisted by the IOM** (red and green line Chart 2). This explains why data is already available before the definition of trafficking for the purpose of labour exploitation was introduced in the amendment Czech Criminal Code in 2004. As data in this regard is generally scarce and fragmented, this is also why this source was chosen to create Chart 2, aiming to provide a picture on the general trend in development over the years.

Victims of THB for **sexual exploitation supported by IOM** follow an increasing trend. In 2002, IOM supported 4 victims; in 2003, 1; in 2007, 17; in 2005, 11; in 2006, 46; and in 2007, the organisation identified and supported 48 victims of trafficking for the purpose of sexual exploitation. In regard to THB for **labour exploitation**, IOM supported 4 victims in 2002, 26 in 2004, 40 in 2005, 31 in 2006, and 39 in 2007.

Data on victims of **child trafficking** is scarce, although the difference between under-18 victims and over-18 victims of trafficking was stipulated in the legislation even before the 2004 Criminal Code's amendment. In 2005, 2 child victims of "vice crimes of trafficking" were identified (out of which one was under the age of 15), and in 2008 there were 4 child victims identified (out of which one was under the age of 15). Data on child victims of trafficking is published also by international organisations; The European Union Agency for Fundamental Rights (FRA) published data on "trafficked children [who are] receiving full health care services, including psychosocial care and rehabilitation" and on "trafficked children receiving education/training, in particular secondary education and vocational training". (Sturma & Honuskova 2008, 44). Since no primary source of this data is provided, and thus, numbers cannot be analysed or crosschecked, this data is presented in the Annex B only.

Data on numbers of **repatriations** and **residence permits granted** to victims of trafficking is equally scarce and is mainly published by international organisations. For 2003, the US Department of State highlights that the "Ministry of Justice extradited 117 persons" (2005). In regard to **residence permits** granted to victims of THB, the same institution talks about 2 residence permits that were granted to victims of THB in 2005 and only 1 victim of THB who received a residence permit in 2006. In 2007, there were 3 **permanent residence permits** granted to victims of THB, and in 2008, 1 **permanent residence permit** and 19 **temporary residence permits**.

At the same time, for the year 2008, the Ministry of Interior published that there were 10 **voluntarily returns** and 15 VoTs extended **residence permits**. The differences between the numbers provided by the US Department of State and the Ministry of Interior can be explained by the different reporting periods. Although covering 12

month, the reference period of the US Department of State is not with the beginning of the year but from April to March the following year.

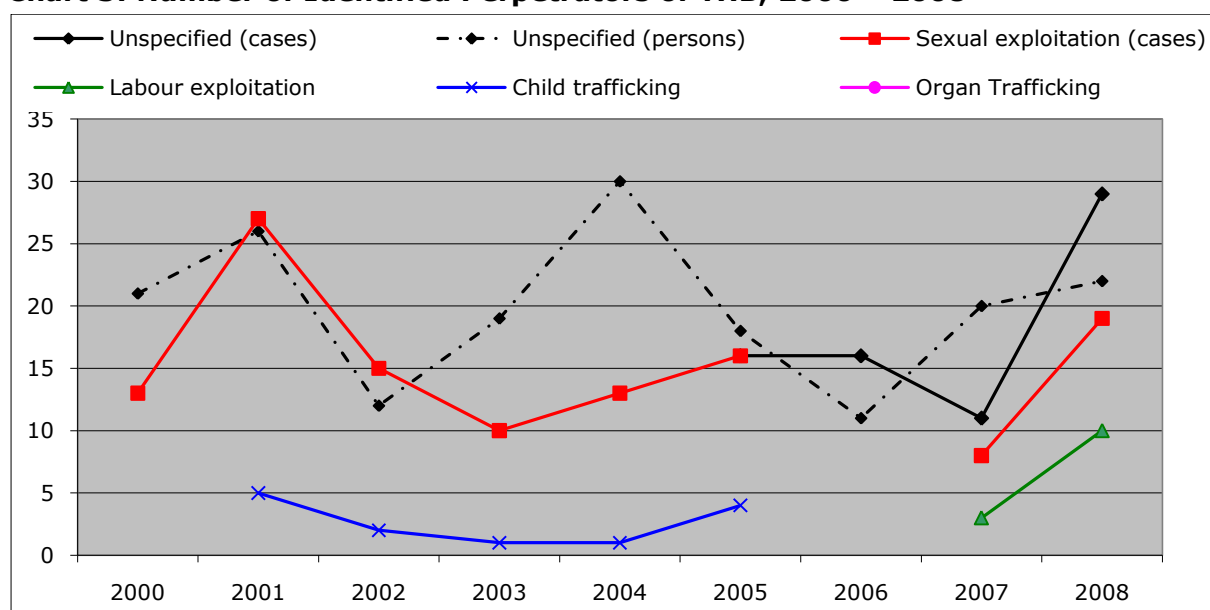
The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

Data on traffickers is collected by the Ministry of Interior resp. the Police (investigations and indictments) and by the Ministry of Justice resp. the Public Prosecutor's Office and Courts (convictions). In the Czech Republic, data published on **cases investigated** reaches back to 1998 as published by the Ministry of Interior; Police data refers to "**detected cases**" and "**investigated and prosecuted persons**". As data from the Public Prosecutor's Offices is not available for the entire timeframe under review, Chart 3 has been made with Police data. However, due to different report periods, there is conflicting data (See Annex B).

Data on *cases* or *persons* investigated specifying the type of trafficking is only available since 2007, after the establishment of the specialised programme for combating forced labour within the Unit for Combating Organised Crime (UCOC) of the National Police (MoI 2009:17).

Chart 3: Number of Identified Perpetrators of THB, 2000 – 2008



Source: All data published by the Ministry of interior, quoting the Police of the Czech Republic, with the exception of data on cases investigated for sexual exploitation in the year 2003 (published by La Strada, quoting the Ministry of Interior).

Note: Data on cases refers to "detected cases" or "crimes" (cases investigated).¹²¹ Data on persons refers to "investigated and prosecuted persons". Data on child trafficking refers to "crimes against minors under the age of 18". The Police collect data on cases detected and cases solved. As some of the cases solved in the current year could have been detected the year before, the chart has been made with data on detected cases.

Contextualising and Analysing the Data

¹²¹ "The data gathered in 2008 demonstrates that the amount of detected crime of trafficking in human beings under the provision of Section 232a of the Criminal code increased. In total 29 crimes (in 2007 altogether 11 crimes) were detected. However, solved crimes of trafficking in human beings also saw moderate growth. In 2008 in total 13 cases were solved (11 crimes were solved a year before). Of 13 solved *crimes*, one was detected in 2007 and one was solved in 2008 (so called additionally solved crimes)" (MoI 2009:16).

The number of **cases investigated** (for unspecified trafficking) fluctuates between the years 2000 and 2002, maintains an increasing trend until 2006, after which the number drops close to the lowest value of the time frame with 11 cases in 2007, of which 8 were cases investigated for sexual exploitation and 3 were cases for labour exploitation. The number of cases investigated reaches its highest value in 2008 with 29 cases investigated of which 19 referred to sexual exploitation and 10 to labour exploitation.

On the other hand, the number of **persons investigated and prosecuted** fluctuates in the beginning of the time frame in the same way as the *cases investigated*, reaches a maximum in 2004 (30 *persons*) and drops to 11 investigated and prosecuted *persons* in 2006 (when 16 *cases investigated* were reported). The number grows again to 22 investigated and prosecuted persons in 2008, corresponding to 29 cases investigated in the same year. Analysing the above chart, it appears that in the years until 2005, when the amended Penal Code entered into effect, cases of THB refer to sexual exploitation only. This is due to the fact that for this time period Czech legislation on THB exclusively referred to THB for the purpose of sexual exploitation.

Data on cases of **child trafficking** dropped from 5 cases investigated in 2001 to 1 case in 2003 and in 2004 and 4 cases in 2005.

Conclusions: Assessing the Extent of Trafficking in Human Beings in Czech Republic

Data on victims and perpetrators are published by the Ministry of Interior, since its appointment as a national rapporteur in 2003. The number of victims supported generally follows an increasing trend; between 2003 and 2008, 89 victims of trafficking were included in the Victim Support Programme (MoI 2009:31). With the establishment of the **specialised programme for combating forced labour** within the Unit for Combating Organised Crime (UCOC) of the National Police, in 2006 attention is also given to THB for **labour exploitation**.

The newly adopted Criminal Code will become effective from January 2010. This is expected to bring changes also in regard to data collection. The definition of trafficking in human beings is more specific in regard to different types of exploitation and includes THB for the purpose of "taking tissue, cells or an organ from [the victim's] body" (MoI 2009:65). Moreover, in regard to THB for the purpose of sexual exploitation, some specific provisions are included, such as "forcing into the production of pornography". In addition, the age of criminal liability is decreased from 15 to 14 years of age, as well as the age for sexual consent, which will have effects on child trafficking. Several new criminal acts are introduced, such as the illegal employment of foreigners. Finally, the new legislation introduced the "restriction of the possibility of an accused person to remain un-arrested or to be released on bail, namely in cases of prosecution for a criminal act of serious injury or human trafficking" (NWD Legal Update, January 2009).

The extent of trafficking in the Czech Republic can be assessed by analysing the data on **identified victims** and **investigated perpetrators**. In general, where data is available, the number of victims is much higher than the number of perpetrators.

Moreover, the number of perpetrators decreases along with the process of criminal procedure, reaching the smallest value when it comes to convicted perpetrators. One of the explanations is that the Police register **cases at their inception** (investigated) while court statistics refer to **cases closed**. Another explanation is given by the fact that many perpetrators are being convicted under other provisions of the law most prominently under the sexual offences Sec. 204 of the Criminal Code on "Procuring". The problem of the overlapping of Sec. 204 with the one on THB is being solved by the new Criminal Code: as regulated by Sec. 189(2) "procuring" will no longer include "under

violence, threats of violence or any other serious conduct detriment to another person or abuse of another person's distress or dependency". Moreover, this adapted section on "procuring" will no longer apply to persons under the age of 18, as they will be already protected by the respective section on trafficking in human beings (MoI 2009:53).

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Domestic Policy and Institutional Setting

In Denmark, domestic policies on trafficking in human beings put priority on the sexual exploitation of women as is reflected in the *Government's action plan to combat trafficking in women* (2002-2006). The action plan set out the development of support measures with special regard to the *repatriation* and return of victims of trafficking including a) establishment of co-operative agreements between relevant parties; b) development of international networks between relevant NGOs; c) development of embassy networks; and d) shelters for "victims of trafficking in women will have their situation clarified and their return prepared".¹²² In order to ensure co-ordination and cross-sectoral collaboration, an **inter-ministerial working group** has been established composed of the Danish Ministry of Justice; Department of Gender Equality; Ministry of Social Affairs; Danish Immigration Service; Ministry of Refugee, Immigration and Integration Affairs; the Danish National Police; prosecutorial authorities and the implementing social organisations. The working group is responsible for monitoring developments in the area of THB and, since October 2004, holds regular meetings with NGOs supporting victims of trafficking in women.

NGOs strongly criticised the narrow focus of the first action plan, as it had not taken into consideration the specific situation of children as victims of human trafficking (Save the children 2003:4).¹²³ Subsequently, in September 2005, the First National Action Plan was amended in order to bring greater attention to trafficking in children.¹²⁴ The amendment included greater NGO support to minors and the appointment of a guardian for each minor.

Under the auspices of the Ministry of Social Affairs and Gender Equality (co-ordinating role) and in co-operation with the Ministry of Justice; the Ministry of Refugees, Immigration and Integration Affairs, the Ministry of Interior and the Ministry of Health, the government launched its second anti-trafficking national **Action Plan to Combat Trafficking in Human Beings 2007-2010**¹²⁵ in March 2007. With the second Action Plan, coverage of THB has been extended, as it includes separate sections for trafficking in women, child trafficking, and trafficking for forced labour. Special focus is put on the context of prostitution and irregular migration.

In accordance with the action plan, in 2007 a **Coordination Centre against Human Trafficking** was established, an equivalent to a National Rapporteur which, among other things, is responsible for the co-ordination of nation-wide action and for centralised collection of data on THB. The Centre shares information with the Ministry of Interior and Social Welfare; the Ministry of Justice; Danish Immigration Service; the Ministry of

¹²² Ministry of Social Affairs and Gender Equality (2002): The Danish Government's action plan to combat trafficking in women, <http://ligeuk.itide.dk/Default.asp?Id=235>.

¹²³ A study of Save the Children revealed that there are two primary areas in which trafficking in children to Denmark is taking place: 1) children trafficked for the purpose of commercial sexual exploitation and 2) children trafficked for the purpose of economic crime such as theft such as shoplifting, pick-pocketing, etc.; combinations of these two areas can also occur (Save the Children 2003:3).

¹²⁴ In the same year, ethnic Roma children from Romania had been identified as specifically vulnerable to THB to Denmark for involuntary servitude in the form of forced begging and petty crimes (US Department of State TIP Report 2005).

¹²⁵ Department of Gender Equality (Minister for Ligestilling) (2007) Action Plan to Combat Trafficking in Human beings 2007-2010, http://ligeuk.itide.dk/files/PDF/Handel/Menneskehandel_4K.pdf.

Foreign Affairs; the inter-ministerial working group; Border National Police, local National Police forces and NGOs¹²⁶ such as The Nest International, Pro Vest, Danish Prostitution Centre, Danish Red Cross and Save The Children. Also, the second national action plan puts strong emphasis on safe return measures. Victims of trafficking shall be offered a "prepared return-programme" and the Coordination Centre against Human Trafficking was given responsibility for safe returns and network building in the receiving countries.¹²⁷

Legal Framework

Until 2002, the Danish justice system did not specifically deal with trafficking in human beings, but referred to related acts such as *imprisonment and kidnapping, procuring or grievous bodily harm, or human smuggling* and, in regard to prostitution, to soliciting, procuring and promoting "sexual immorality" (Articles 228 CC, 229 CC, 233 CC).¹²⁸

The specific offence of trafficking in human beings came into effect in June 2002; the provisions of **Section 262a** (Danish Penal Code) comply with the 2000 Palermo Protocol,¹²⁹ the EU Council Framework Decision 2002/629/JHA on combating trafficking in human beings and the 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. **Section 262a** states: "anyone who recruits, carries, transfers, houses or subsequently receives a person, resorting to or having resorted to illegal coercion under section 260, deprivation of liberty under section 261, threats under section 266, unlawful inducement, consolidation or exploitation of a deception or any other undue method will be punished with imprisonment for a term of up to eight years, where the act was committed with a view to exploitation of the victim by sexual indecency, forced labour, slavery or conditions similar to slavery or removal of organs. If the victim is a person below the age of 18 years, an offender may be punished for human trafficking under section 262a subsection 2, even if the means of coercion referred to in section 262a subsection 1 have not been used. This will also apply if, by providing payment or any other benefit, the perpetrator obtains consent from a person with custody rights over the victim, according to subsection 2 (2). In such cases the maximum penalty is also imprisonment for a term of up to eight years".

In 2007, the **Danish Aliens Act** was amended. By passing the Bill, the Danish Parliament gave consent to ratifying the **Council of Europe Convention** on Action against Trafficking in Human Beings. The amendment implements important legislative changes as foreseen in the second National Action Plan 2007-2010:

With regard to victims of trafficking in human beings the amended Alien Act¹³⁰ foresees:

- a) A **30-day period for leaving the country**, unless this is, for exceptional reasons, considered inappropriate. All other unlawfully staying immigrants are, in general, ordered to leave the country immediately after apprehension. Furthermore, a foreigner who had been exposed to trafficking in human beings is offered a **prolonged time limit for departure**, a "reflexion period" lasting up to

¹²⁶ The government has no formal witness protection program; it funds NGOs that provide victim outreach and identification, rehabilitative counselling, shelter, and public awareness (US Department of State TIP Report 2007).

¹²⁷ See <http://nordicbaltic-assistwomen.net/spip.php?article35>.

¹²⁸ In Denmark, prostitution and other forms of sex work are not illegal as long as they do not involve any third parties (e.g. such renting out rooms, running a brothel, pimping etc.).

¹²⁹ Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime entered into force in 2003.

¹³⁰ Information on the amendment to the Aliens Act is based on answers of the Danish Ministry of Refugee, Immigration and Integration Affairs to the ICMPD questionnaire.

100 days in case of co-operation with authorities, in preparation and planning for the **victims' return** to the home country. During the reflexion period, legal and psychological assistance, health and social-pedagogical support are provided. The foreigners may stay in safe shelters that suit their situation.

- b) A **prepared repatriation to the home country** for a foreigner who had been exposed to trafficking. Besides the above-mentioned reflexion period, prepared repatriation also includes that the reception of the victim by a victim protection organisation in the country of origin will be arranged if possible. Reception can imply offer of a temporary shelter, medical care, psychosocial care and counselling, small business start-up, "on the job" training, education, etc., depending on the individual needs of the person.¹³¹
- c) An **intensive case management** provided by a social worker for unaccompanied minor victims of trafficking.

Data Availability

As there was no legal definition for the crime of THB before 2002, for this period of time crime statistics refer to soliciting and procuring and promoting "sexual immorality" (228 CC, 229 CC, 233 CC).¹³² Cases covered under these categories may include cases of trafficking in human beings, but cannot be distinguished from other crimes prosecuted in relation to these provisions and were thus not taken into consideration for the purpose of this report.

Generally, data on **victims of trafficking in human beings** is collected by the National Police, victim support organisations and reception centres and may refer to both **identified victims** and/or **assisted victims**. Data on **perpetrators** is collected by the National Police (identified suspects), the public prosecutors (indictments) and courts (convicted perpetrators, dismissals and acquittals).

Since 2007, data is compiled by the Danish Immigration Service and the Danish Coordination Centre against Human Trafficking on a national level and made public in the annual report prepared by the inter-ministerial working group. The latest annual report covers the period March 2007-April 2009 and is just about to be published.

The most important institutions and organisations involved in data collection on THB are the following:

- **The Danish Coordination Centre against Human Trafficking** compiles and manages data on victims of trafficking according to name, age, sex and country of origin as collected by state bodies and non-governmental organisations as well as on "prepared returns" collected by the Danish Immigration Service (see response to ICMPD questionnaire).
- **The Department of Gender Equality**. In its co-ordinating role on a ministerial level, it does not handle information on individual persons or cases but compiled statistics on all types of trafficking and domestic servitude (see response to ICMPD questionnaire).
- **The Danish Immigration Service (DIS)** collects data on VoTs for all types of THB and on "prepared returns" referring to the Aliens Act. Thus, not all immigrant victims of trafficking fall under the competence of the immigration authorities, but rather, only VoTs identified in course of an investigation related to

¹³¹ Based on a contract signed with the Danish Immigration Service (DIS) in March 2008, the International Organisation for Migration (IOM) has the official mandate to carry out repatriation and the necessary activities in the home countries.

¹³² In Denmark, prostitution and other forms of sex work are not illegal as long as they do not involve any third parties (e.g. renting out rooms, running a brothel, pimping etc.).

the Aliens Act (e.g. illegal residence, asylum procedure, etc.). After referral of the supposed victim of trafficking by the Danish National Police the DIS determines whether the immigrant can be considered VoT. So far, the DIS had only decided positive where the case of trafficking in human beings involved sexual exploitation (ICMPD questionnaire).

- **The Inter-ministerial working group for combating THB.** Publishes a status report (Statusrapport 2007/2008 for Handlingsplan til bekæmpelse af handel med mennesker 2007-2010 2008) based on the data collected by the Danish Coordination Centre against Human Trafficking and the Danish Immigration Service.
- **The Danish National Police records data on victims and on offenders.** The National Investigative Support Centre (NEC) was established to collect information regarding trafficking networks and observations of the milieus surrounding the prostitution of foreign women in Denmark; Figures are published in the report on National Police action against prostitution ("Beskrivelse af politiets indsats mod prostitutionens bagmaend i 2007" March 2008).
- **The Public Prosecutor** records data on decisions, fines and dismissals which are published in the report on National Police action against prostitution ("Beskrivelse af politiets indsats mod prostitutionens bagmaend i 2007", March 2008).
- **Save the Children Denmark** collects and publishes data on children victims of trafficking disaggregated by age, sex and country of origin.

The following table provides an overview of available data on trafficking in human beings in Denmark.

Table 1: Data availability in Denmark

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Danish Coordination Centre against Human Trafficking; Danish Immigration Service; NGOs (the Nest International, Pro Vest, Danish Prostitution Centre, Danish Red Cross, Save The Children); Danish National Police	Information collected by the Danish Centre against Human Trafficking refers to: a) how many VoTs are met by the social outreach workers, b) type of assistance provided to VoT, 2007, 2008, 2009; Data available from the Danish Immigration Service is available on an annual basis and published by the inter-ministerial working group; NGOs collect data on victims supported.
Cases investigated	Danish National Police; Danish National Statistical Office	Crime Statistics
Cases with indictment	Danish National Police; Office of the Public Prosecutor	Published by UNODC.
Cases with conviction	Danish National Police; Office of the Public Prosecutor	
VoT claiming compensation in civil suits	Office of the Public Prosecutor (information on the compensation for VoTs); Ministry of Justice	No data available.
VoT receiving legal or psychosocial assistance during proceedings	Danish Coordination Centre against Human Trafficking	Information for 2008 available.
VoT accepted in witness protection programme	N.A.	
VoT granted short-term residence	Inter-ministerial working group for combating THB	Available data is published in the status report and refers to the period August 2007 - April 2009.
VoT granted continued residence	N.A. (There are no such cases in Denmark)	
VoT returned to home country	Inter-ministerial working group for combating THB; Danish Coordination Centre against Human Trafficking	Data is published in the status report and refers to the period August 2007 - April 2009.

Data Analysis

The extent of Trafficking in Human Beings according to different stages in Legal Proceedings

Since the implementation of the legislation on trafficking in human beings entered into force, data is theoretically collected on all stages of a legal proceeding of THB (victim identification, investigation, indictment and conviction). It is important to note that until

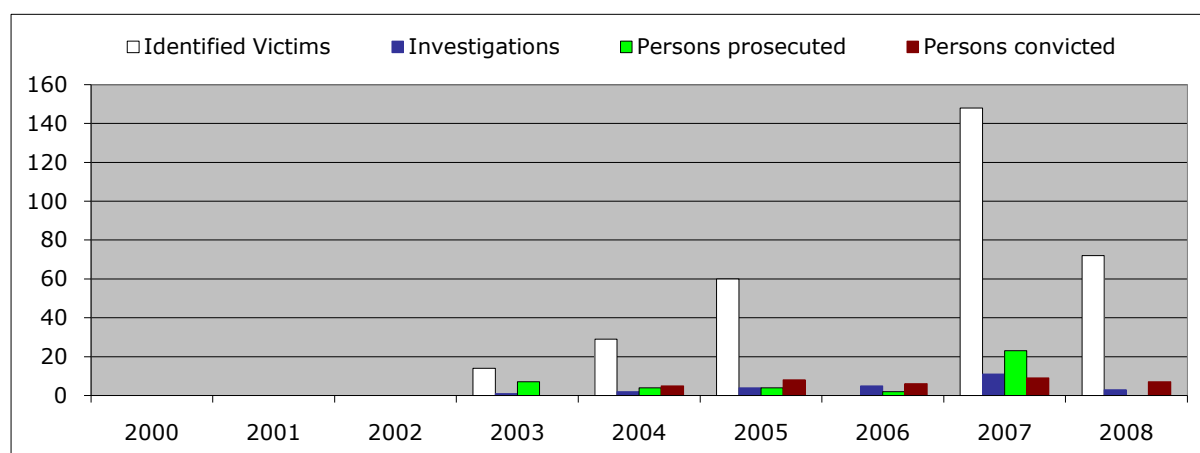
Denmark

today all acts of trafficking in human beings recorded in the Danish context only cover acts of **trafficking in human beings for the purpose of sexual exploitation**.

In regard to **victims of trafficking**, statistics referring to the years before 2007 are only available from the US Department of State TIP Reports which, unfortunately, do not provide any reference to the primary sources. As of 2007, more systematically collected statistics on victims of trafficking are also available from Danish governmental sources.

Data on **investigations** refers to reported trafficking *offences* and are provided by Danish national statistical office (Statistics Denmark) while data on **indictments and convictions** as compiled by the National Police refers to *persons*.

Chart 1: Legal proceedings on THB in Denmark in total, 2000-2008



Source: 1) National Police data (quoted by UNODC), 2) Statistik Denmark, 3) Interministerial working group Status Report 2007-2008 and 4) US Department of State. For underlying statistical data see Annex B to this report. No averages have been used.

As illustrated by Chart 1, since 2003 numbers of victims steadily increased, with its peak in 2007, while **investigation, indictment and conviction** have remained stable: in the period 2003-2008, the number of reported trafficking offences ranges from 1 to 11; the number of **prosecuted traffickers** ranges from 2 to 23 and the number of **convicted traffickers** from 4 to 9 (Annex B).

For the period between 2003 and 2006, a total of 78 **identified victims** of trafficking for sexual exploitation were **offered protection by the state**, while only 11 **investigations** on THB for sexual exploitation were recorded.

According to Department of Gender Equality, these differences can be explained by the fact that a person may be identified as a VoT and receive protection but may not co-operate in starting an investigation against their traffickers (ICMPD questionnaire).

In 2007, when important institutional and legislative measures were taken (launch of the second national action plan; establishment of the Danish Coordination Centre against Human Trafficking; the amendment of the Aliens Act), the highest values for all stages of the procedure can be observed: 148 **identified victims** relate to 11 **reported trafficking offences**, to 23 **persons prosecuted** and to 10 **persons convicted**.

The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

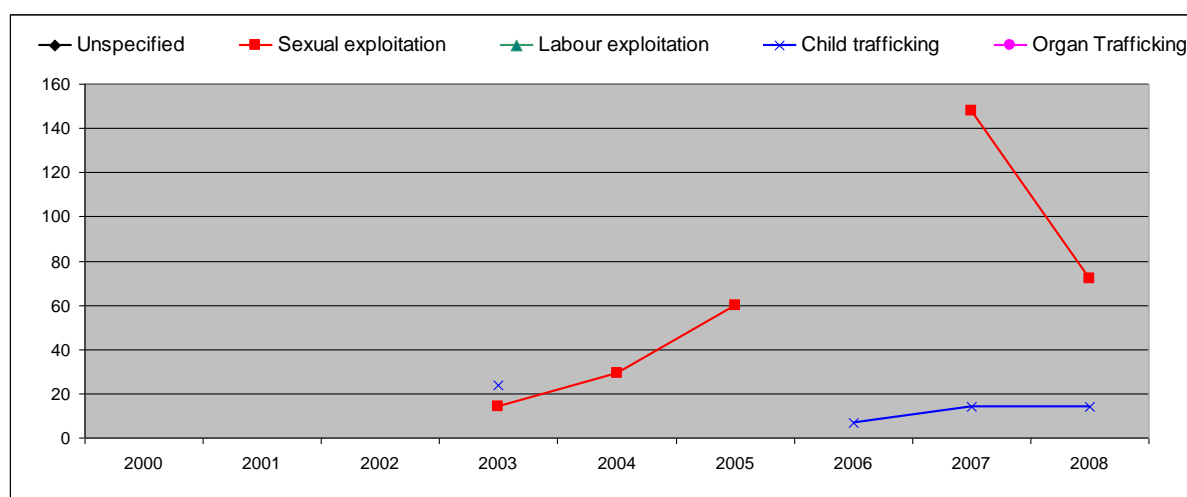
The most comprehensive statistics publicly available relate to trafficking in human beings for the purpose of **sexual exploitation**. According to the Danish Coordination Centre against Human Trafficking, sexual exploitation is the main form of exploitation in cases of THB and is estimated at around **90%** of all cases of THB in Denmark (see response to ICMPD questionnaire).

Data on victims referring to the years before 2008 is only available from **international sources** and shows significant gaps. The major weakness of these statistics is that they do not refer to primary sources nor do they distinguish between the different categories **victims identified** by the National Police and **victims assisted** by NGOs for the years covered. In this context, the establishment of the Danish Coordination Centre against Human Trafficking in 2007 is expected to improve availability and quality of data on victims of trafficking by systematically integrating the information provided by both the National Police and NGOs.

For the purpose of this report the **Department of Gender Equality** provided unpublished data on different types of trafficking registered by Danish authorities and victims supported by NGOs.

Chart 2 below attempts to offer a visualisation of the trends regarding the number of identified victims of trafficking in human beings in Denmark during the 2003-2008 period, disaggregated by type of trafficking.

Chart 2: Number of THB victims identified per year for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs 2000 – 2008



Source: 1) Danish Coordination Centre against Human Trafficking (data for 2003 on child trafficking and for 2008 on trafficking for sexual exploitation); 2) Unspecified national authorities quoted by US Department of State (data on THB for sexual exploitation for 2003-2005 and for 2007); 3) Save the Children Denmark (data on child trafficking for 2003); 4) National Board of Social Service - the Danish Focal Point of the Child Centre for Children at risk in the Baltic Sea Region (data on child trafficking for 2007). For underlying statistical data see Annex B to this report.

Contextualising and Analysing the Data

In 2007, the Danish Aliens Act was amended. By passing the Bill, the Danish Parliament gave consent to ratifying the Council of Europe Convention on Action against Trafficking in Human Beings.

In accordance with the action plan, in 2007, the Danish Coordination Centre against Human Trafficking was established, the equivalent to a National Rapporteur, which is responsible for the co-ordination of nationwide action and for the centralised compilation of data on THB.

Regarding data on **different types of trafficking**, the Department of Gender Equality affirms that all victims of trafficking registered by Danish authorities are so far **only victims of THB for the purpose of sexual exploitation**. There have not been any cases of **labour exploitation** in Denmark so far, since "Denmark has very regulated labour market" (see response to ICMPD questionnaire).

In the period 2003-2005, statistics on identified victims of **THB for sexual exploitation** report 14 VoTs identified by the National Police in 2003, while NGOs recorded 29 victims in 2004 and 60 victims in 2005 whom they had assisted.

In 2007, important institutional and legislative measures were taken, including the launch of the second national action plan, the establishment of the co-ordinating Danish Centre against Human Trafficking and the amendment of the Aliens Act. The impact of the newly implemented approach towards THB is also reflected in data collection, recording the exceptionally high number of 148 **victims of trafficking assisted by the government** in 2007. In 2008, the social organisations with an official mandate to assist victims of trafficking came into contact with 431 prostitutes suspected to be victims of trafficking out of which 72 (or approximately 17 per cent) were identified as **VoTs for the purpose of sexual exploitation**.

The generally increasing trend, with its exceptional peak in 2007, is assumed to reflect improvements in data collection rather than an increase in the de facto extent of victims of trafficking in human beings for sexual exploitation.

In general, the number of **victims who used the reflection period** and the number of victims who **returned** to their countries of origin is generally higher than the number of VoTs who **co-operated** with the authorities and victims who had **applied and/or received asylum**: in 2008, 12 VoTs **used the reflection period**, only 1 person **co-operated** with the authorities, only 1 person identified as VoT applied for and **received asylum** in Denmark. Between August 1, 2007 and June 12, 2009, 6 VoTs were **returned to their home country** or to another country where they had received permission to stay in the course of a "prepared return" (see response to ICMPD questionnaire).

Numbers for **minors identified as victims of trafficking** are comparatively low: in 2003, Save the Children Denmark identified 24 children as victims of trafficking. In 2006, the authorities registered 7 children and in 2007 and 2008 the number increased to 14 **cases of suspected child trafficking** for each year (Annex B).

In contrast to this, for the years 2007 and 2008, the NGO Save the Children talks about 69 **suspected child VoTs** exploited in organised begging and theft. However, none of these children had been officially identified as VoTs because cases were not investigated in this regard (see response to ICMPD questionnaire). Save the children Denmark points out that the relative low rate of documented **child trafficking** may be partly explained by the fact that identification of minors is particularly difficult. "Minors are often

equipped with false papers indicating they are more than 18 years of age. The victims rarely come to the attention of the authorities” (Save the children 2003: 3). According to the NGO Save the Children Denmark, however, the **share of child trafficking** is approximately six per cent of the total (see response to ICMPD questionnaire).

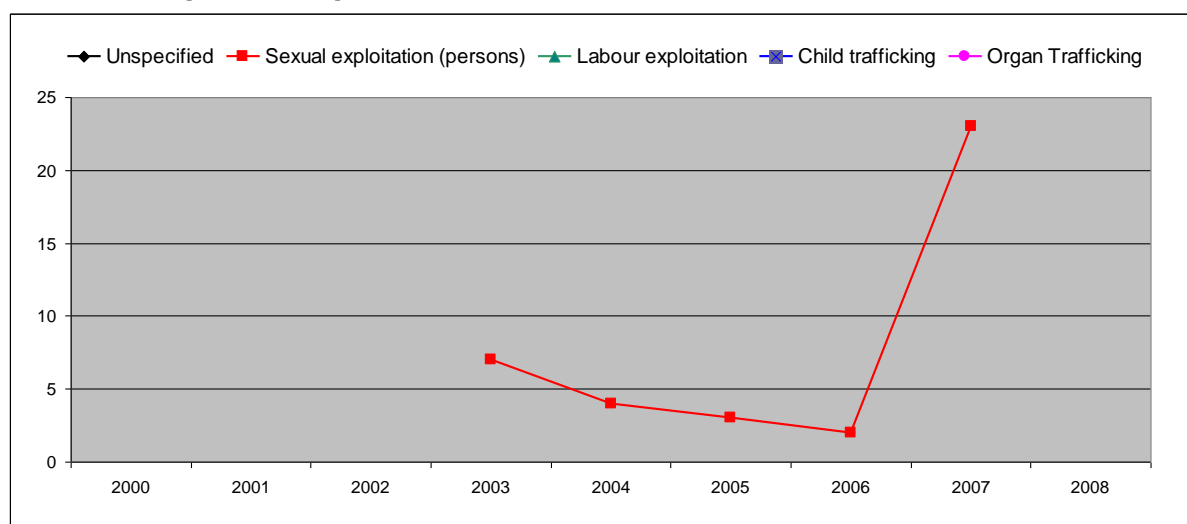
The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

Publicly available data on perpetrators include data on **reported trafficking offences** (investigations), **persons prosecuted** and **persons convicted**. Principal sources are the National Police and the national statistical office.¹³³

Chart 3 illustrates the extent of perpetrators of THB in Denmark as reflected by the publicly available data on persons charged for trafficking in persons. Preference has been given to this category (and not to data on investigations or convictions) due to the fact that information provided on reported trafficking offences do not necessarily refer only to cases of THB, while information provided on indictments was considered most transparent in order to assess the number of perpetrators.

Chart 3: Perpetrators prosecuted for THB, 2000 – 2008



Source: 1) National Police data quoted by UNODC. For underlying statistical data see Annex B to this report and response to ICMPD questionnaire.

Contextualising and Analysing the Data

With the introduction of THB as a specific offence in the Danish Penal Code (Article 262a, CC) in 2002, figures in the period 2003-2006 show a descending tendency. In 2003, 7 persons were charged for THB for sexual exploitation; in 2004, 4 persons; in 2005, 3 persons; and in 2006, only 2 persons (Annex B). In 2007, when important institutional and legislative measures in the area of THB were taken, figures increase significantly, with 23 persons **prosecuted**.

¹³³ As figures presented by the US Department of State TIP-Report do not separate between anti-trafficking offences and offences prosecuted under the provisions regulating sexual procurement, these were not taken into consideration in Chart 3. However, the US Department of State TIP Report suggest that trafficking cases are more often prosecuted under provisions regulating sexual procurement than under anti-trafficking legislation.

The **low number of prosecutions** in general can be referred to the fact that trafficking cases are more often prosecuted under the provisions regulating sex procurement than under anti-trafficking law.¹³⁴ In 2006, 11 persons were prosecuted for offences related to the provision on procuring and promoting sexual immorality (Article 228, Article 229, Article 233 CC), while only 2 persons were charged for trafficking in human beings. In 2007, figures referring to both legislative provisions have increased and at the same time approximated, with 29 persons prosecuted for offences related to the provision on procuring and promoting sexual immorality, whereas 23 for offences under anti-trafficking legislation.

Data on **convictions** have similarly low values (Annex B). According to National Police data, in 2004, 4 persons were **convicted for human trafficking for sexual exploitation**; in 2005 and in 2006, 8 persons; and in 2007, 10 persons (Annex B). The reason for the low values is the same as in case of prosecutions. Traffickers are more often convicted under the provisions on sex procurement than under anti-trafficking legislation. According to the US Department of State, in 2006, only 3 offenders were convicted under the anti-trafficking law versus 30 for offences relating to the sex procurement provisions. In 2007, 10 offenders were convicted under anti-trafficking statute and 21 under the sex procurement law, while in 2008, 7 offenders were convicted under anti-trafficking statutes and 12 for offences regulated under sex procurement regulation. The general conclusion is that since 2006, the differences between persons convicted under both offences have decreased. Consequently, the implementation of Section 262a CC on trafficking in human beings has improved.

Conclusions: Assessing the Extent of Trafficking in Human Beings in Denmark

In Denmark, THB legislation has been applied rather narrowly. Most of the documented acts of human trafficking refer to *trafficking in women for prostitution*. Consequently, conclusions on the extent and the development of the extent of THB in Denmark can only be drawn for human trafficking for the purpose of sexual exploitation. According to publicly available data, since 2003, numbers of victims steadily increased, reaching its peak in 2007, while **investigation, indictment and conviction** have remained stable through the whole period of time covered.

Although there is no significant increase in the numbers on perpetrators, observed figures nevertheless point to the changes in the principal approach, the legislative framework and the related improvements in data collection practices in 2003 and 2007, notably the introduction of Article 262a on trafficking in human beings into the Danish Penal Code, followed by the elaboration of two national action plans, the involvement of NGOs in the process of victim identification and support, the establishment of the Coordination Centre against Human Trafficking and the relevant amendments to the Aliens Act.

However, the data explored in this report suggest that until today, Danish efforts have given priority exclusively to **trafficking for the purpose of sexual exploitation and child trafficking**, and show a rather low level of prosecution of trafficking cases and persons.

¹³⁴ See: <http://prostitution.procon.org/sourcefiles/denmark.pdf>;
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[US Department of State Trafficking in Persons Reports.](#)

Overview

In this study, a sample of 17 countries was investigated to assess the extent of trafficking in human beings in Europe. Among them, France constitutes an exceptional case. Despite a specific anti-trafficking legislation which came into force in 2008, at the time this study was conducted, France applied a broader approach to cases of trafficking in human beings. In official statistics, data was not disaggregated by THB cases, but THB was included in broader categories such as "prostitution" or "labour exploitation", from which it could not be distinguished. As a consequence, no official data on THB as such was available for France.

Nevertheless, within this study, several data sources could be identified as relevant to assessing the extent of trafficking in human beings in France. These sources are:

- Data on "soliciting prostitution";
- Data on "pimping";
- Data on "rape of minors";
- Data on "human smuggling";
- Data on "voluntary return";
- Data on the "regularisation of victims of domestic slavery"; and
- Data on assisted victims by NGOs.

Literature and official documents identify these areas as potentially affected by acts and cases of trafficking.

As no official data was made available that distinguishes THB from these broader categories, it was generally difficult to assess the extent of trafficking in France. According to French authorities, the number of cases of trafficking in persons prosecuted through the offence of trafficking in human beings (art 225, par4, sec1) is very limited. Human trafficking cases were mostly prosecuted through other offences such as "soliciting prostitution", for cases of sexual exploitation, and "labour and living condition against human dignity", for cases of trafficking for forced labour (UNODC TIP Report 2009:250).

In the absence of disaggregated data on trafficking in human beings, data on these areas was collected and will be presented in the following sections. Particularly, we will focus on categories such as "soliciting prostitution" and "labour and living condition against human dignity", to give an indication of the overall evolution of the phenomenon of THB in France. Both categories were indicated as being related to the phenomenon of trafficking in human beings in France. Accurate data on THB in France, however, was not available at the time this study was conducted.

In the following section, we will analyse the given legal-institutional framework on THB in France and demonstrate the lack of data sources in this regard. Secondly, we will provide an overview of the legal framework and data availability of areas related to the phenomenon of trafficking in human beings. Thirdly, we will analyse available data on these areas in the perspective of gathering indications on the extent of THB in France within the evident limitations that derive from such an approach.

Domestic Policy and Institutional Setting

Trafficking in human beings in France became a field of political action in the beginning of the new millennium, when the first specific measures to combat the phenomenon were taken. In December 2001, a Parliamentary Mission Report on the fight against modern forms of slavery and trafficking was launched which led to the unanimous vote in the Assemblée Nationale (National Assembly) for a new law to combat trafficking in human beings by suppressing slavery-related offences. In the following years, a comprehensive legal framework on THB was developed in France, while the implementation of the law, the protection of victims of trafficking and the publishing of THB-related data of the different bodies involved lagged behind.

In France, strategies to combat the phenomenon of trafficking in human beings are not centralized. Consequently, the landscape of institutions engaged in anti-trafficking policies is broad. Different bodies have initiated and undertaken measures to combat trafficking in human beings. These institutions often follow their own institutional perspective, while activities lack co-ordination between them. Both the variety of different actors in the field and the lack of co-ordination between them have contributed to the fragmentation of anti-trafficking policies in France.

In 2004, the Ministry of Parity and Professional Equality, together with the Ministry for Social Affairs, Labour and Solidarity, acted as key institutions in developing the Equality Charter (**Charte de l'égalité**) for mainstreaming gender equality in all policy fields. The charter also included a section on social assistance for prostitutes and victims of THB, and referred to the number of temporary residents permits (titres de séjour) issued for prostitutes who denounced their prostitution. In France, a **temporary residence permit** may be issued to a foreign person who presses charges or testifies against persons who s/he accuses of pandering or THB. In 2003, almost 150 residence titles were issued to prostitutes who accepted to testify against panderers or who registered for a reintegration programme. Data on residence permits under Article 76 of the anti-trafficking act are not disaggregated for victims of trafficking, though (Ministry of Social Affairs, Labour and Solidarity & Ministry of Parity and Professional Equality 2004:138-140).

In 2005, an Interministerial Delegation to Fight Against Illegal Work (DILTI) was created, which focused on reinforcing the national and local co-operation of the governmental agencies against illegal immigrant employment, which was suspected to also hide acts of trafficking. In the same year, the **Interministerial Committee for the Control of the Immigration** (CICI) was created by authority of the French Prime Minister. This committee, in which most French ministries were represented, was in charge of determining priorities in migration control and to present a yearly report of action to the Parliament. These reports are essential documents for indicating the extent of trafficking in human beings in France, as they include data on "specific risk areas" of THB in France.

In 2006, the French **Tourism Minister** presented an action programme against the **sexual exploitation of children in tourism** to the Council of Ministers. In addition, **Circular DPM/ACI3/2006/522** was launched, which constituted the basis for organising the repatriations of **unaccompanied foreign minors** and of **identified victims of THB**. Repatriations were executed by the National Agency for the Reception of Foreigners and for Migrations (**ANAEM**) (Agence Nationale de l'Accueil des Etrangers et des Migrations) which had carried out specific repatriation programmes of victims of THB with Bulgaria and Romania. In partnership with specialised agencies in Sofia, ANAEM offered emergency accommodation and special assistance (medical, psychological, administrative issues assistance, etc.) to Bulgarian VoT since 2004. This mechanism was used for 5 Bulgarian citizens in 2006 and 6 Bulgarians in 2005. ANAEM also established a mechanism for repatriating unaccompanied Romanian minors, based

on a bilateral agreement between the Government of the French Republic and the Government of Romania, regarding the co-operation in protection of Romanian minors in difficulty on the territory of the French Republic and their return to their country of origin, as well as the fight against exploitation networks (Decree No. 2003-220 of 2003). In total, ANAEM organised the return of 13 unaccompanied minors (10 Romanians, 1 Albanian, 1 Guinean and 1 Ecuatorian) in 2006 and of 22 minors (18 Romanians, 2 Bulgarians, 1 Angolan and 1 Cameroonian) in 2005. The share of victims of THB within this total figure is not available.

In 2007, the French institutional anti-trafficking landscape was re-modified with the establishment of the Ministry of Immigration, Integration, National Identity and Solidarity Development (Ministère de l'immigration, de l'intégration, de l'identité nationale et du développement solidaire) by the French President, Nicolas Sarkozy. Among the ministry's priorities is the fight against "illegal immigration" and the "denunciation of all the people who are exploiting other human beings". The Office of Immigration and Integration (**OFII**) (Office française de l'immigration et de l'intégration), which replaced the ANAEM, is responsible for visas, border management, residence and work permits and the fight against smuggling, while the **Strategy Department** is in charge of co-ordinating the statistical production. The **Central Office for the Repression of Trafficking in Human Beings (OCRTEH)** (l'Office Central de Répression du Trafic des Etres Humains), which is part of the French Ministry of Interior, is responsible for a) finding and punishing any offences related to procuring; b) centralizing all information that could facilitate the search for human trafficking for prostitution; and c) co-ordinating all operations for the suppression of THB throughout the country. However, so far no data on the trafficking in human beings in France has been published. Consequently, in the aim to assess the possible extent of THB, we will rely on data that French institutions released on areas related to the trafficking in human beings.

Legal Framework

With the start of the new millennium, several legislative measures were undertaken to combat the phenomenon of human trafficking in France. In 2002, the National Assembly agreed unanimously to the Law more severely suppressing the offences related to slavery (**Loi réprimant plus sévèrement les délits constitutifs de l'esclavage**), in order to fight modern forms of slavery and trafficking in human beings. Hence, the Ministry of Interior, Internal Security and Local Liberties (Ministère de l'Intérieur, de la sécurité intérieure et des libertés locales) reinforced its activities to combat crimes related to procuring and THB by, for example, doubling the effectiveness of specialised services and instructing the responsible police and gendarmerie to strengthen their services in the fight against prostitution and procuring. These strong policy interlinkages between the trafficking in human beings and prostitution are characteristic for the French approach towards THB. This approach was further consolidated by the **Governmental Programme to fight prostitution and human trafficking** presented by the Ministry of Parity and Professional Equality, which became effective in autumn of 2002. The governmental programme aimed at combating prostitution, punishing procuring and THB for the purpose of sexual exploitation, protecting the victims and assisting their social reintegration, as well as prevention of THB. The programme led to the establishment of the **Inter-ministerial Coordination Unit** (cellule) charged with ensuring the implementation of this programme. Since 2003, the **Penal Code** was amended several times. It currently includes the definition of trafficking in human beings for sexual exploitation, labour exploitation and the trafficking in children, specifies aggravating circumstances and sets specific penalty levels for the crime (Art. 225-4-1 to 225-4-7).

Data Availability

Despite the comprehensive legal framework on trafficking in human beings in France and the institutional capacities to identify and monitor the phenomenon, no official data on THB is available. Both public authorities and civil society organisations, contacted for this study stressed that there is a lack of organized and accurate data collection on THB in France.

Indications on the extent of the phenomenon of trafficking in human beings in France derive from related areas such as “**soliciting prostitution**” or “**forced labour**” (UNODC TIP Report 2009:250). Moreover, statistics on residence permits granted under Article 76 of the anti-trafficking act include **potential victims of trafficking**. As described above, victims of pimping or trafficking might apply for a temporary residence card if they co-operate with French authorities by testifying or filing a complaint. The number of granted temporary residence permits in 2003 were 172 (plus 190 renewals) and 180 (plus 212 renewals) in 2004. Data on the number of residence cards issued for victims of trafficking is not available. Experts from public authorities and civil society organisations contacted in course of this study suggest that the identification of victims of trafficking in France is marked by structural shortcomings: According to these experts, there is a large gap between the number of potential victims assisted by NGOs, the number of victims identified by OCRTEH which only refers to victims of prostitution, and the number of victims recognized (for both prostitution and THB), who receive specific legal aid, public services or temporary and full residence permits.

The lack of data becomes even more articulated with regard to the legal proceedings. Only 1 conviction for THB has been announced in France, which regarded trafficking babies for adoption.¹³⁵ This does not mean that France is less affected by THB. On the contrary, acts of trafficking are processed under other, more frequent offences, which are easier to prove, due to the greater possibilities of success, interviewed French experts state.

Legal Framework on “Specific Risk Areas” for THB in France

Due to the lack of official data available on THB in France, in this section we will refer to areas indicated as being more frequently applied to cases of trafficking in human beings by French authorities and organisations.

In France, there are 3 laws that criminalize **forced labour exploitation**, 1 law specifically criminalizing the recruitment, trafficking in and lodging of the victim, and 2 separate laws criminalizing the exploitation of the individual for forced labour, including domestic servitude in France. In all 3 laws, forced labour is defined narrowly. Under Article 225, par4, which penalizes trafficking in persons, *forced labour* is defined as “conditions of work or living contrary to his or her dignity.” Under Article 225, par13, *forced labour* is defined as “unpaid services or services against which a payment is made which clearly bears no relation to the importance of the work performed”, while under Article 225, par14, *forced labour* is understood as “working or living conditions incompatible with human dignity” (EUROPOL 2005:45). According to official documents, data on forced labour refers to the last two articles.

In France, particular attention is dedicated to the area of prostitution. In 1996, the French Court of Appeal defined **prostitution** as paying a fee for physical contact of any kind to satisfy the sexual needs of others (“La prostitution consiste à se prêter moyennant une rémunération à des contacts physiques de quelque nature qu’ils soient

¹³⁵ This information is based on the feedback of French experts from governmental and non-governmental organisations contacted for this study.

afin de satisfaire les besoins sexuels d'autrui") (Ac.Sé).¹³⁶ According to Hancilova and Massey (2009), prostitution in France is not defined as such today. There are, however, several offences in relation to benefiting from prostitution. Since 2005, "soliciting prostitution" is defined as "the fact, by any means including by an attitude even passive, to publicly perform soliciting of others with a view to incite them into sexual intercourse in exchange for remuneration or a promise of remuneration" (Hancilova and Massey 2009:286). Soliciting is criminalized and punished with two months imprisonment, a fine and deprivation of certain rights (Art. 225.10 and 225.20CC). "Pandering" includes aiding or protecting others' prostitution or making profit out of others' prostitution, or inciting or recruiting into prostitution, as well as mediating or facilitating a pimp's money laundering, living with a prostitute while not being able to justify revenues matching one's standards of living, or hindering law enforcement in relation with prostitution (Art. 225.5 CC). It is punished with 7 years imprisonment and a fine (Art. 225.5 CC), and deprivation of certain rights, including political, civil or family rights, and a professional ban (Art. 225.5 CC). Aggravated pandering (against minors or vulnerable persons, at an international scale, against several persons, within family relations, with use of coercion, in a group, with advertisement through telecommunications) is punished with 10 years and a fine (Art. 225.7 CC). Against a minor under 15, pandering is punished with 15 years imprisonment and a fine (Art. 225.7.1 CC). Within an organised criminal group, it is punished with 20 years imprisonment and a fine (Art. 225.8 CC). However, prosecuting pandering is often difficult. Providing or managing premises is also criminalized (Art. 225.10 CC), as is the use of sex services of a minor (Art. 22.12.1 CC). These offences are also punished with a ban from the territory for foreigners.¹³⁷

Data Availability on "Specific Risk Areas"

As stated above, no official data on THB is available in France. Indications on the extent of trafficking in human beings derive from THB-related areas such as "soliciting prostitution" and "labour exploitation". However, this data is not disaggregated for THB.

Data on the aforementioned areas is made available by French institutions since 2000. Among those are the **Committee for the Control of Modern Slavery** (CCEM), the **Interministerial Committee for the Control of the Immigration** (CICI), the **Central Directorate of the Judicial Police** (DCPJ), the NGO **ECPAT** (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) in France, the **Ministry of Social Affairs, Labour and Solidarity** and the **Ministry of Parity and Professional Equality**. Besides these national sources, there are publications from the international institutions such as the International Organization for Migration (IOM), the European Commission (EC), UNICEF, UNODC and the US Department of State.

Data Analysis

As human trafficking cases in France are mostly prosecuted under other areas related to the phenomenon of trafficking in human beings, this section presents available data on "soliciting prostitution" and "forced labour", including domestic slavery, to provide an indication of the extent of trafficking in France. It must be stressed, however, that the available data is not disaggregated by trafficking in human beings. Thus, the share of THB within the field of "soliciting prostitution" and "forced labour exploitation" remains largely unknown.

¹³⁶ <http://www.acse-alc.org/index.php?id=2007&subid=2034>.

¹³⁷ Information on the Penal Code can be found at: <http://www.acse-alc.org/index.php?id=2007&subid=2034>.

"Forced labour" in France

The following sections provide an overview of the development of the phenomenon of "forced labour" in France. Data on "forced labour" is made available by the French Central Office for the Fight against Illegal Labour (OCLTI) cited in the UNODC report (b, in the white row) the French NGO Centre Against Modern Slavery (CCEM) (f, in the light grey row) and the international organisation UNODC (g, in the dark grey row). The sign † is used to symbolize references to *persons* and not to *cases*.

Table 1: "Forced Labour in France"

Data on "Forced labour", incl. domestic slavery									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
									98 (b)
Identified victims		24 (f)	26 (f)	33 (f)	32 (f)	33 (f)	17 (f)	95 (f)	
Criminal cases investigated			27 (f)	18 (f)	23 (f)	16 (f)	21 (f)		
							100 (g)	100 (g)	32 (g)
Criminal cases with indictment						16 † (f)	14 † (f)		
Criminal cases with conviction	4 (f)	6 (f)	2 (f)	5 (f)	4 (f)	11 (f)	13 (f)		

Source: CCEM 2001-2007, UNODC 2009.

Overview of Developments in Legal Proceedings on "Forced Labour"

Data on **investigations** of "forced labour" derive from the Centre Against Modern Slavery (CCEM), which monitors the opening and development of files on labour exploitation, including the number of mediations with employers started in the course of the proceedings. Data on investigations is published in CCEM's annual activity reports. In the annual activity report it is not specified who conducted the so-called "preliminary investigations": whether the French police forces or the juridical authorities initiated investigations remains unclear. Thus, it is difficult to assess the extent of "forced labour" in France: while CCEM reports 21 investigations for 2006, UNODC informs about 100 investigations on "forced labour", a number which is five times higher than the figure provided by CCEM. This difference might be caused by differences in **categories included in the statistics (police investigation, judicial investigations)**, but no reference is made to the primary source collecting such data.

Data on **indictments** for **labour exploitation** in France are rarely published. CCEM provides statistics for the years 2005 and 2006 for which numbers are under 20. Figures relate to *persons* who had their files discussed in criminal hearings.

On **convictions**, CCEM provides more substantial information. Convictions for labour exploitation increased in France from 4 in 2000 to 13 in 2006. This increase might be explained by the fact that the figures for 2005 and 2006 include sentences from both criminal and civil proceedings.

To Conclude, 4 aspects need to be highlighted on legal proceedings for **labour exploitation** in France: first, there are more investigations than indictments and convictions.¹³⁸ This difference remains constant over several years and corresponds to the standard drop out of THB cases between the various stages of criminal proceedings in other Europe countries (see Chapters 2 and 6). Secondly, there are higher numbers of victims than investigations. Thirdly, figures are higher in later years (particularly since 2006). This might be explained by the impact of recent policy interventions on data availability in France. Fourthly, figures on **investigations and indictments for labour exploitation** are lower than shown by correspondent statistics on trafficking in human beings in other European countries investigated in this study.

Identifying Victims and Perpetrators of "Forced Labour"

Since 2001, the juridical service of the CCEM started to employ a rigorous methodology regarding cases of "forced labour". All indications of labour exploitation that come to their attention are registered in the organisation's files. CCEM monitors the processing of these files (e.g. how many victims they assisted, how many persons involved hold immunity) and their outcomes (e.g. how many investigations were conducted, how many mediations, indictments and convictions were achieved, etc.). Generally, the number of these "alerts" is much higher than the number of **victims assisted** by CCEM: while 261 "alerts" for "forced labour" were registered by CCEM in 2001, only 24 victims were assisted. In 2007, 334 "alerts" resulted in the assistance of 95 persons. According to the data available, the number of **identified victims** for labour exploitation is generally higher than the number of cases investigated, indicted or convicted for "forced labour". This difference remains stable over several years. However, it remains unclear, how victims are identified and included in data collection.

The number of **perpetrators** of "forced labour" is generally difficult to present. The rare data available on convictions builds upon *cases* rather than *persons*. Hence, it is difficult to show how many persons were involved in labour exploitation in France as one case may include multiple perpetrators. Data on mediations with employers suspected of exploiting employees can give additional information on the extent of perpetrators involved, but this data is not integrated in the chart shown above.

Some indications on victims of THB in the field of labour exploitation derive from the **French overseas territories**: according to the US Department of State, there is evidence that some Chinese labourers in French Guiana may be in conditions of forced labour (US Department of State 2009).

"Soliciting prostitution" in France

The following sections provide an overview of the development of the phenomenon of prostitution in France. Data on "soliciting prostitution" is made available by the French governmental authorities, i.e. the Ministry of Social Affairs, Labour and Solidarity together with the Ministry of Parity and Professional Equality (a, in the white row); the Central Office for the Repression of Trafficking in Persons (OCRTEH) (c, in the light grey row), and the Central Directorate of Judicial Police (DCPJ) (d, in the dark grey row), cited in the UNODC report. The symbol **‡** marks data references to *persons*.

¹³⁸ It must be stressed that numbers between different stages in legal proceedings generally do not correspond to the same year; an investigation that starts in 2003 might lead to an indictment in 2004 and a conviction in 2005, for instance.

Table 2: "Soliciting Prostitution" in France

Data on "Soliciting prostitution"							
	2002	2003	2004	2005	2006	2007	2008
Identified victims			150 (a)				
		900 (c)	999 (c)	1,189 (c)	1,218 (c)		
Criminal cases investigated							
		1,609 † (c)	1,716 † (c)	2,059 † (c)	1,963 † (c)		
						455 (d)	
Criminal cases with indictment							
		709 † (c)	717 † (c)	880 † (c)	745 † (c)		
Criminal cases with conviction							
						2 (c)	

Source: Ministry of Parity and Professional Equality 2004, UNODC 2009.

Overview of developments in legal proceedings on "Soliciting prostitution"

Generally, available figures on prostitution in France exceed numbers of labour exploitation published by governmental and non-governmental authorities: while the French NGO CCEM assisted 33 victims of labour exploitation in 2003, OCRTEH identified 900 **victims** of prostitution in 2003.

Unlike in the area of labour exploitation, there are more **criminal cases investigated** for "soliciting prostitution" than identified victims. For some years, the number of investigations is nearly 1.5 times higher than the number of assisted victims. This mismatch is characteristic of the relation between investigations and identified victims of trafficking for sexual exploitation in many other European countries (shown in Chapters 2 and 6). In the case of prostitution in France, data on investigations for "soliciting prostitution" refers to *persons* investigated. For 2007, for which the Central Directorate of Judicial Police (DCPJ) published data on pimping *cases*, the figures are much lower.

Data on **indictments** for prostitution in France regards *persons* prosecuted for "soliciting prostitution" under Article 225, par5-par12 during the years 2003 and 2006. Showing a similar trend as with labour exploitation, the number of persons prosecuted for prostitution is constantly lower than the number of investigations carried out.

Interestingly, almost no data seems to be available on **convictions** for "soliciting prostitution". This is surprising for at least two reasons: the high number of persons prosecuted for "soliciting prostitution", which range between 709 and 880 in the years 2003 and 2005 respectively, and the availability of data on convictions for labour exploitation in France. The lack of data on convictions for "soliciting prostitution" hints to potential shortcomings of the French legal system to sentence acts of sexual exploitation, not only with regard to the trafficking in human beings.

Identifying Victims and Perpetrators of "Soliciting Prostitution"

The only data available on **victims** of prostitution in France is published by the Central Office for the Repression of Trafficking in Persons (OCRTEH). Similar to trends observed

regarding THB in other Europe states (see Chapter 2), numbers increased particularly between 2004 and 2005, after the Council Framework Decisions 2002/629/JHA, 2004/68/JHA and 2004/81/EC were introduced. With regard to assessing the extent of the phenomenon, it would be crucial to understand how OCRTEH identifies victims of sexual exploitation in France (and why there are no victims of trafficking registered among them), but no information was provided in this regard. Another potential area of investigation concerns the **French overseas territories**. According to the US Department of State, there are a number of young women in prostitution from Haiti and the Dominican Republic in French Guiana, some of whom may be vulnerable to trafficking. French authorities in French Guiana reported that they regularly investigate sex work cases to identify potential trafficking victims, though none have been identified (US Department of State 2009). Unlike the constant increase of identified victims of "soliciting prostitution", the number of **minors identified as victims of "soliciting prostitution"** decreased. Between 2003 and 2006 the percentage of minor victims dropped from approx. 7,3% (2003), to 6,7% (2004), 5,4% (2005) to approx. 2,2% (2006). Data on **perpetrators** with regard to "soliciting prostitution" is not available.

Conclusions: Assessing the Extent of Trafficking in Human Beings in France

France prohibits trafficking for both sexual and labour exploitation through Article 225 of its penal code, which prescribes penalties that are sufficiently stringent. France demonstrates political awareness in its efforts to combat trafficking in human beings. However, the investigation, prosecution and conviction of trafficking offenders, as well as the protection of victims of trafficking, may be improved. According to the US Department of State, the French Ministry of Interior dismantled 30 trafficking networks in France in 2008, and the Ministry of Justice reported that 19 individuals were convicted in France under the anti-trafficking legislation in 2007. This is, however, not shown by official statistics. French officials continued to rely almost exclusively on anti-pimping provisions of the country's penal code to investigate and prosecute suspected sex trafficking offences. Simultaneously, offenders of labour trafficking are prosecuted under other statutes, "forced labour" being one of them (see also US Department of State 2009).

Currently, it is not possible to assess the extent of trafficking in human beings in France as no official data on THB is available. The establishment of a formal national referral mechanism as well as procedures for victim identification among vulnerable populations, such as those in prostitution, domestic and other labour sectors would contribute to improving the situation of data availability on THB in France. A more victim-centred approach to THB in France, including measures to ensure that victims who co-operated with authorities in identifying their traffickers are provided with adequate safety and support, would further add to tracking the scope of the phenomenon of THB and enhance the protection of victims. In addition, the fight against THB in France would benefit from a customized training of French juridical organs (judges and lawyers) to identify and prosecute acts of trafficking and investigations of potential trafficking cases in France.

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Overview

In Germany, first policy initiatives to combat human trafficking reach back to the late 1990s, when Germany established a Working Group on Trafficking in Women in 1997, and shortly after introduced two articles in the Criminal Code dealing with trafficking in human beings for sexual exploitation. Since 1999, the Federal Criminal Police Office compiles the annual Situation Report on Trafficking in Human Beings (*Bundeslagebild Menschenhandel*), which contains detailed statistics on THB collected by regional and federal police offices.

Domestic Policy and Institutional Setting

Germany's institutional setting in the area of anti-trafficking initiatives is very broad. The co-ordination of THB-related policies as well as data collection are distributed among the relevant ministries (mainly the Federal Ministry of Interior, FM of Justice, FM for Family Affairs, Senior Citizens, Women and Youth, FM of Labour and Social Affairs) and the regional and federal police. Following a de-centralised approach, anti-trafficking policies are not specified in one specific national action plan, but Germany situates respective measures in the broader framework of action against gender violence and the protection of children. Thus, the inter-ministerial **Working Group on Trafficking in Women** is a key actor in the implementation of the second **Action Plan to Combat Violence against Women**, which also includes a variety of measures against trafficking in women.¹³⁹ Similarly, measures to combat child trafficking are situated within the framework of the two national action plans: **A Germany Fit for Children, 2005 – 2010** and **for the Protection of Children and Young People from Sexual Violence and Exploitation**.¹⁴⁰ Currently, an equivalent inter-ministerial working group is being established for combating labour exploitation and THB by the Federal Ministry of Labour and Social Affairs.¹⁴¹

So far the **Working Group on Trafficking in Women** (*Bund-Länder-Arbeitsgruppe Frauenhandel*), under the lead of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is the only nationally co-ordinated inter-ministerial THB task force assembling all major governmental and non-governmental actors on a **national and local level**. Major NGOs involved are the "Nationwide activist coordination group combating trafficking in women and violence against women in the migration process (KOK)"¹⁴² gathering 41 NGOs, and the Co-ordination group of the German Welfare Organisations. The aim of the Working Group is to provide comprehensive policy recommendations on federal and *Länder* level and to formulate and co-ordinate specific actions in the area of Trafficking in Women.

Among the **major achievements** of the Working Group on Trafficking in Women are the introduction of a legal entitlement to compensation according to the **Victim Compensation Act** (*Opferentschädigungsgesetz*) for victims of trafficking even if they entered the country illegally,¹⁴³ the introduction of a **4-week reflection period** for victims of trafficking, as well as the establishment of a **co-ordination plan between police and non-governmental victim support organisations** (see FMoFSWY 2007b)

¹³⁹ See: <http://www.bmfsfj.de/bmfsfj/generator/BMFSFJ/gleichstellung.did=101002.html> (28.10.2009).

¹⁴⁰ <http://www.childcentre.info/10777> (28.10.2009).

¹⁴¹ The Ministry of the Interior of the Czech Republic, 2008: Joint Analysis, Joint Action. Germany, <http://www.mvcr.cz/mvcren/article/germany.aspx> (28.10.2009).

¹⁴² Bundesweiter Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess: <http://www.kok-buero.de/index.php?idcat=31&lang=1> (28.10.2009).

¹⁴³ By verdict of the Federal Ministry for Labour and Social Affairs of 05.03.2001: "Zugang für Opferzeuginnen zu Leistungen nach dem Opferentschädigungsgesetz".

in order to guarantee victims of trafficking the professional legal and psycho-social support they are, as victims of crime, legally entitled to.

Given this context, the focus of Germany's anti-trafficking policies still lies on trafficking in women and girls for the purpose of sexual exploitation. Since the legal framework has been brought in line with international THB standards in 2005 by acknowledging all forms of trafficking, the institutional and policy framework is gradually changing.

Legal Framework

In Germany, trafficking in human beings is a criminal offence since 1998, when the first articles explicitly referring to trafficking in human beings were introduced in the Criminal Code (Art. 180b Trafficking in Human Beings, and Art. 181- Serious Trafficking in Human Beings). These articles, however, only dealt with trafficking for sexual exploitation. In the same year an article on child trafficking (Art. 236 of the Criminal Code) was introduced that dealt with cases of gross negligence of care and procurement of adoptions of a child under the age of 18.

The current state of legislation reaches back to the amendment to the Criminal Code in February 2005, when forms of exploitation other than sexual exploitation in THB were recognised: **Art. 232 of the Criminal Code** now defines the crime of "Trafficking in Human Beings for the purpose of sexual exploitation", **Art. 233** deals with **Trafficking in Human Beings for the purpose of labour exploitation** and **Art. 233a** defines the "Promotion of Trafficking in Human Beings" in regard to trafficking for sexual and labour exploitation. By referring to **Trafficking in persons under 21 years of age**, these articles also extended the legal definition of child trafficking to sexual and labour exploitation and set the respective age limit from 18 to 21 years of age (see Annex A for more details).

In addition, since 1997, Germany has a separate **Transplant Act**, which was last amended in 2001 and, under **Art. 17** and **Art. 18**, prohibits trade in tissues and organs.

A **reflection period of at least 4 weeks** was introduced in October 2000 (Art. 50, 2a of the German Residence Act), in which foreign victims of crime whose residence rights have expired may remain in the country in order to decide whether they want to co-operate with the police in clearing up the offence. In accordance with the 2005 Council of Europe Convention on Action against Trafficking in Human Beings, during a reflection period persons are provided with accommodation, legal, medical and psycho-social assistance. If the victim agrees to testify in court, a **residence permit on humanitarian grounds** for the time of the court proceedings is granted (**Residence Act, Art. 25, par.4**). It is important to note that this regulation only applies to persons who had entered the country *legally*. Others may be issued a "suspension of deportation" (*Duldung*) (**Art. 60a Residence Act**), if they were accepted in a witness protection programme (see IOM 2005, KOK 2006).

In addition, victims of trafficking may **claim compensation** from the state in a civil proceeding (Victims Crime Compensation Act), or from the perpetrator by initiating an Adhesion Procedure within the criminal proceeding.

Data Availability

Since the first law on human trafficking came into force in 1998, Germany systematically and on a **national level** collects data on **victims and perpetrators** of trafficking for the **different stages of the criminal procedure** (identified victims, cases investigated and suspects identified, and persons with a conviction). Since 2005, when the legislative framework on THB was extended to labour exploitation (Art. 233 CC) data is collected according to the purpose of trafficking involved (either **sexual or labour exploitation**).

Germany

So far only data on identified victims and investigated cases/persons is disaggregated by type of trafficking. For selected years very detailed statistics on victims of trafficking are available that also include the **number of persons who have been accepted in the witness protection programme**, the number of persons who have **returned voluntarily** or have been **repatriated** to their country of origin (see BKA 2000:15, BKA 2004).

Data on **child trafficking** was enumerated since the very beginning of the data collection process and refers to the number of minors (persons under 21 years of age) out of the total number of persons/cases **identified or investigated**.

The **most important agencies collecting and publishing data on THB** are:

- The Federal Criminal Police Office which, since 1999, publishes an Annual National Situation Report on THB (*Bundeslagebild Menschenhandel*), presenting data on identified victims, suspects identified, and cases investigated in regard to complex proceedings;
- The Federal Criminal Police Office, which operates the Police Crime Statistics (*Polizeiliche Kriminalstatistik – PKS*), a statistical dataset collecting all investigations on single criminal acts registered and concluded by the police, and the number of victims and suspects identified;

These two publications follow a different purpose: while the National Situation Report on THB serves to analyse and monitor the phenomenon of THB in Germany, the Police Crime Statistics is a statistical dataset that documents all criminal acts investigated and solved by the police in one year. Figures provided in the Police Crime Statistics are generally higher than those in the National Situation Report THB. This can be explained by the different ways of enumeration: the National Situation Report THB refers to “complex” cases (cases with THB as primary offence), while the Police Crime Statistics enumerates all single criminal acts registered, irrespective whether they are considered a minor or primary offence.

- The Public Prosecutors Office collects data on indictments in the Public Prosecutors Statistics (*Staatsanwaltschaftsstatistik*), which are published by the German Federal Statistical Office *destatis*. Data, however, are only available in aggregated form and are not specified by the crime of THB;
- The Ministry of Interior and Ministry of Justice jointly publish the Periodic Security Report (*Periodischer Sicherheitsbericht* 2001 and 2006), which is based on the Prosecution Statistics (*Strafverfolgungsstatistik*) and contains the number of convicted *persons* in relation to cases with multiple charges with THB as primary statutory offense;
- The Ministry of Justice which operates a Federal Judicial Register (*Bundeszentralregister, BZR*), which documents all legally binding court decisions (cases). Respective data are only available publicly for 2000;
- The Federal Office for Migration and Refugees which documents all data on victims of trafficking granted a residence permit or have been returned (voluntarily or forced) to their home country.

In addition, NGOs collect data on **assisted victims** by their own organisations. Thus these statistics do not cover the national level and are primarily collected for the organisation’s own administrative purposes.

Table 1: Data availability in Germany

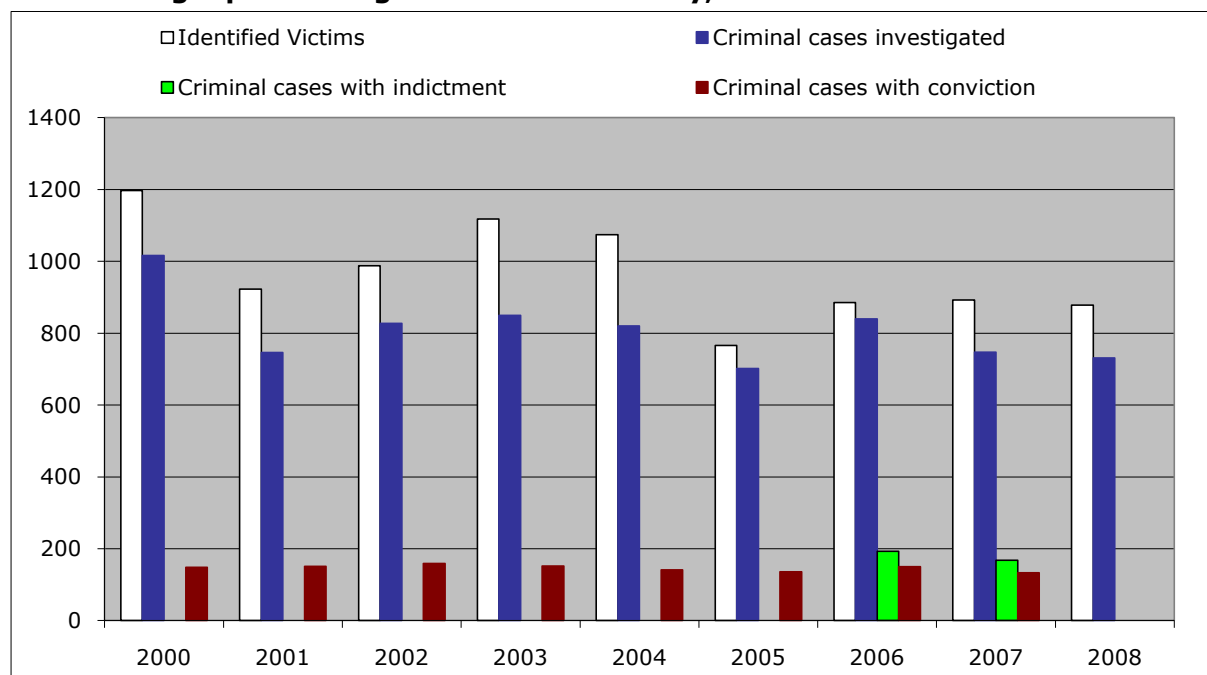
	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Ministry of Interior/ Federal Criminal Police Office	
Cases investigated	Ministry of Interior/ Federal Criminal Police Office	
Cases with indictment	Public Prosecutors Office	Data is published by the Federal Statistical Office in aggregated form only.
Cases with conviction	Federal Ministry of Interior, Federal Ministry of Justice	
VoT claiming compensation in civil suits	Maintenance Councils (<i>Versorgungsämter</i>), Public Prosecutor	Data is not publicly available.
VoT receiving legal or psychosocial assistance during proceedings	N.A.	
VoT accepted in witness protection programme	Federal Criminal Police Office	
VoT granted short-term residence	Federal Office for Migration and Refugees, Federal Criminal Police Office	
VoT granted continued residence	Federal Office for Migration and Refugees, Federal Criminal Police Office	
VoT returned to home country	Federal Office for Migration and Refugees, Federal Criminal Police Office	

Data Analysis

The extent of Trafficking in Human Beings according to different stages of Legal Proceedings

Data on the different stages of the criminal proceedings on trafficking are available on identified victims, cases investigated and cases with conviction. Data on indictments are scarce and only published by international sources, which do not always have reference to a primary source. Although several agencies publish statistics on different categories (see Annex B), for reasons of transparency and comparison, only one source per category where possible was used to produce Chart 1: data on identified victims and cases investigated refer to the Police Crime Statistics; data on convictions are taken from the Periodic Security Report published by the FM of Interior and the FM of Justice, except for the years 2005 and 2007 where figures were taken from statistics produced by UNODC and the US Department of State.

This provides for a high longitudinal comparability of data displaying the same category. At the same time, data is considered reliable as it mostly derives from the primary sources directly.

Chart 1: Legal proceedings on THB in Germany, 2000-2008

Source: Federal Criminal Police Office (Police Crime Statistics, identified victims and cases investigated); US Department of State 2009 quoting unspecified official source (indictments, convictions for 2007); Ministry of Interior and the Ministry of Justice (convictions); UNODC 2009 quoting unspecified source (convictions for 2005). For underlying statistical data see Annex B to this report.

Note: As of 2005, data on identified victims and police investigations present the sum of THB for sexual and labour exploitation. Data on criminal cases investigated refer to cases, criminal cases with conviction to persons.

The processing in trafficking cases in regard to the different stages of the criminal proceeding in Germany can be described as rather coherent. The categories on **identified victims** and **criminal cases investigated** by the police largely proceed in parallel as both categories refer to police investigations as recorded in the Police Crime Statistics.

In both categories two main waves can be identified:

Starting off with the highest values of 1,197 **victims identified** during 1,016 **police investigations** in 2000, both categories decline by more than 270 persons/cases in 2001. Between 2001 and 2003 the number of **criminal cases investigated** by the police and hence of identified victims increases again to 1,118 victims identified and 850 investigated cases in 2003. It is important to note that the high number of identified victims in 2003 can partly be explained by the fact that for the first time also **German victims of trafficking** were considered. Before 2003 trafficking legislation only referred to foreign victims. Interestingly, in 2005, one year after the latest legal amendment, both categories reached their lowest values with 766 identified victims and 702 cases investigated. This development points to difficulties in implementing the new legislation specifically in regard to THB for labour exploitation (Art. 233 CC), for which only 3 investigations and 3 identified victims were recorded in 2005. In 2006 these numbers had already risen to 78 investigations and 83 identified victims. Finally, although the number of **investigated cases** has decreased by more than 100 cases between 2006 and 2008, the number of **identified victims** has remained relatively stable at around 900 victims identified each year.

Conversely, the number of convictions for THB-related offences seems to proceed unaffected by the other categories as numbers range at a stable but low level with a maximum of 159 persons convicted in 2002 (FMOI/FMOJ) and a minimum of 133 persons convicted in 2007 (US Department of State).

The fact that data shows a significant difference between figures relating to **police investigations** (cases investigated and victims identified) and **court data** can partly be explained by the fact that in contrast to the Police Crime Statistics, the Criminal Prosecution Statistics only register the primary statutory offence: Thus, "in cases where perpetrators were convicted on multiple charges, statistics only include convictions under the charge which has the highest possible maximum sentence" (US Department of State 2009). However, the different ways of enumerating cannot sufficiently explain a difference between police investigations and convictions constantly amounting to over 550 cases between 2000 and 2008.

Data available on **indictments** demonstrates that the biggest drop in numbers of THB cases occurs between the stages of police investigations and indictments filed by the public prosecutor. The US Department of State, which does not provide reference to a primary source, reports 193 indictments in 2006 and 168 indictments in 2007, which contrast with 840 and 747 investigated cases reported by Police Crime Statistics.

For the year 2004, the Federal Ministry of Interior and Federal Ministry of Justice (2006) report that in 2004 the **public prosecutor discontinued** 1 in 4 **investigations** on the alleged perpetrators due to insufficient evidence. For the remaining cases, only 50% were filed with **indictment**, which were then forwarded to the criminal court (see FMOI/FMOJ 2006:535). Similarly, the Federal Statistical Office concludes that since 1995 between 53% and 55% of all cases processed by the public prosecutor were **discontinued**.¹⁴⁴

A similar argument is derived from a study analysing 49 proceedings under the provisions of the law prior to 2005. The authors show that the average success rate of trafficking proceedings lies at the comparatively low level of 20%, mainly due to difficulties in finding sufficient evidence (Herz and Minthe 2006).¹⁴⁵ Thus, in 2004 1,110 **identified suspects** (annual Situation Report THB, statistics in UNODC 2009) compare to 141 **persons convicted** for THB-related offences only (Federal Statistical Office). In this regard, the Federal Ministry of Interior and the Federal Ministry of Justice (2006:464) conclude that the number of **discontinued procedures** in regard to THB is particularly high but perpetrators are convicted for other related offences that are easier to prove.

Another interesting conclusion is put forward in the annual Situation Report of THB 2004, which demonstrates that there is a causal relation between **legal assistance provided to victims** and **temporary residence permits issued** to persons who act as witnesses. The number of victims provided a residence permit or "toleration of stay" is generally low. However, it was observed that victims who received legal counselling have much better chances to receive such a status.

Main conclusions thereof are that despite improvements in the legislative framework, the **judicial prosecution** of trafficking in human beings, as well as the framework of victim protection still have gaps in the process of recognising victims of trafficking.

¹⁴⁴ Federal Statistical Office, http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/EN/Content/Statistics/Rechtspflege/Aktuell_templateId=renderPrint.psmi (28.7.2009).

¹⁴⁵ In regard to the total of prosecuted crimes in general in 2004, 31 out of 100 alleged perpetrators ascertained by the police were convicted. This amounts to a general success rate of 31% (FMOI/FMOJ 2006:536).

The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

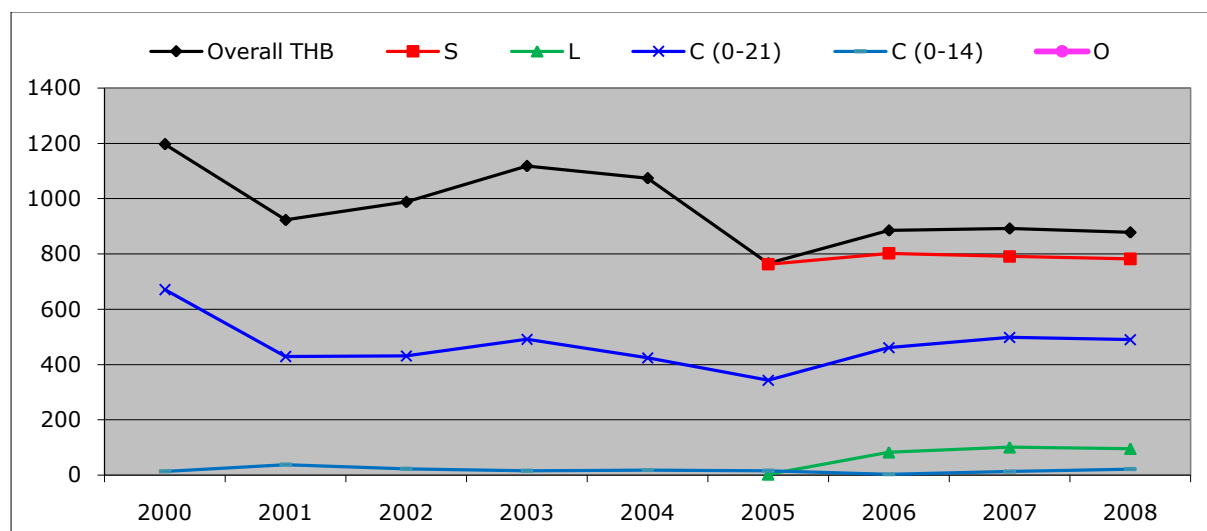
Victims of trafficking in human beings are identified by federal or local police and/or by NGOs that provide assistance and shelter to victims of crime. In case of NGOs, statistics are primarily produced for their own administrative purposes and are limited to those persons they assisted. Thus, the Federal Criminal Police Office is the only institution that systematically collects data on **identified victims on a national level**. THB-related data are published in two different documents: the annual National Situation Report on THB, and the Police Crime Statistics (PKS), which refer to **identified victims in regard to investigations** on either complex cases or **single offences**. Since 2004, the number of **victims of THB identified in regard to complex cases** (annual Situation Report, statistics in UNODC 2009) is constantly lower than the number of **identified victims in relation to single offences** (Police Crime Statistics). Hence, Chart 2 is based upon data by the Police Crime Statistics only as it represents a more comprehensive picture of **victims identified** on the national level.

Data on adult and minor identified victims are available since 1998, and are also, as of 2005 (since the introduction of Art. 232 and Art. 233 to the Criminal Code), specified by the purpose of trafficking. In Chart 2 only data on **adult victims** of trafficking is disaggregated by the purpose of trafficking. However, in comparison to the general data available on victims of trafficking, no significant difference could be identified.

Data on **minor victims** of trafficking in human beings are available disaggregated by age groups (0- under 14, 14-under 18, 18 – under 21). As the trafficking legislation does not require the proof of means ("*Ausnutzung einer Zwangslage oder Hilflosigkeit*") for all victims of THB under the age of 21, Chart 2 presents the number of under-21 year old identified victims of trafficking. At the same time, trafficking acts involving children legally defined as persons under the age of 14 are prosecuted under a specific article (Art.232 (1) sent.2). This age group is presented in the chart by the light blue line.

Chart 2 below attempts to offer a visualisation of the trends regarding the number of identified victims of trafficking in human beings in Germany during the 2000-2008 period with both overall values and, where available, disaggregated by type of trafficking.

Chart 2: Number of THB victims identified per different types of trafficking, 2000 – 2008



Source: Police Crime Statistics 2000-2008.

Note: Until 2005 THB Overall refers to sexual exploitation only, as of 2005, THB overall refers to the sum of trafficking cases for the purpose of sexual and labour exploitation. Identified victims of child trafficking (0-14) are part of the numbers of victims of child trafficking (0-21). The numbers of child trafficking are part of THB total.

Contextualising and Analysing the Data

Generally, the total number of **victims identified** has **decreased** in the period from 2000 to 2008 from 1,197 persons identified in 2000, to 878 persons identified in 2008. After the peak in 2000, the highest number of identified victims of THB was recorded in 2003 with 1,118 **victims identified by the police**. The high figure can be attributed to the fact that in this year for the first time also **German victims** of THB were recorded in the statistics. Since then, the share of **German victims** of THB is considerable high, accounting for 27% of all victims in 2007 (BKA 2008:8). The majority of **foreign victims** of trafficking is coming from EU Member States and thus possesses a legal residence status (BKA 2008:12). Finally, although the number of **investigated cases** has decreased by more than 100 cases investigated between 2006 and 2008, the number of **identified victims** has remained relatively stable (see also Chart 1).

Despite considerable improvements in data collection on **victims** of THB for **labour exploitation**, data is still fragmented. From 3 persons identified as victims of THB for labour exploitation in 2005, the number drastically increased to 96 persons identified in 2008. The Federal Criminal Police Office (BKA 2007:12-13), however, suggests that the actual number of persons concerned is much higher than the statistical figures show, as experiences with executing the respective legal provision are still limited.

Most interesting is the data on **minor victims of trafficking** as identified by German authorities. Chart 2 clearly illustrates that in Germany, persons under 21 years of age constitute the **most significant age group of victims of trafficking**. The share of persons under the age of 21 constantly ranges between at least 43% and at most 56% of the total number of identified victims (with the exception of 2003, when only 39.5% of all identified trafficking victims were minors). The Federal Criminal Police Office (2007:10) suggests that the main reason for the high share of the group of victims of THB under the age of 21 can be explained by the fact that in regard to minors a proof of *means* is not required for the definition of trafficking in human beings (Art. 232 (1) sentence 2). The significance of this regulation is reflected in the numbers of *children* under the age of 14 and the recorded *minors* between 18 and 21 years of age: in 2007

Germany

for example, of the total of 498 identified minor victims of trafficking (0-21 years), 13 children (0-14 years) and 373 minors between 18 and 21 years of age were identified.

Between 2000 and 2008, the share of children under 14 ranges between 0.3% (minimum) and maximum 4.1% of the total number of trafficking victims.

The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

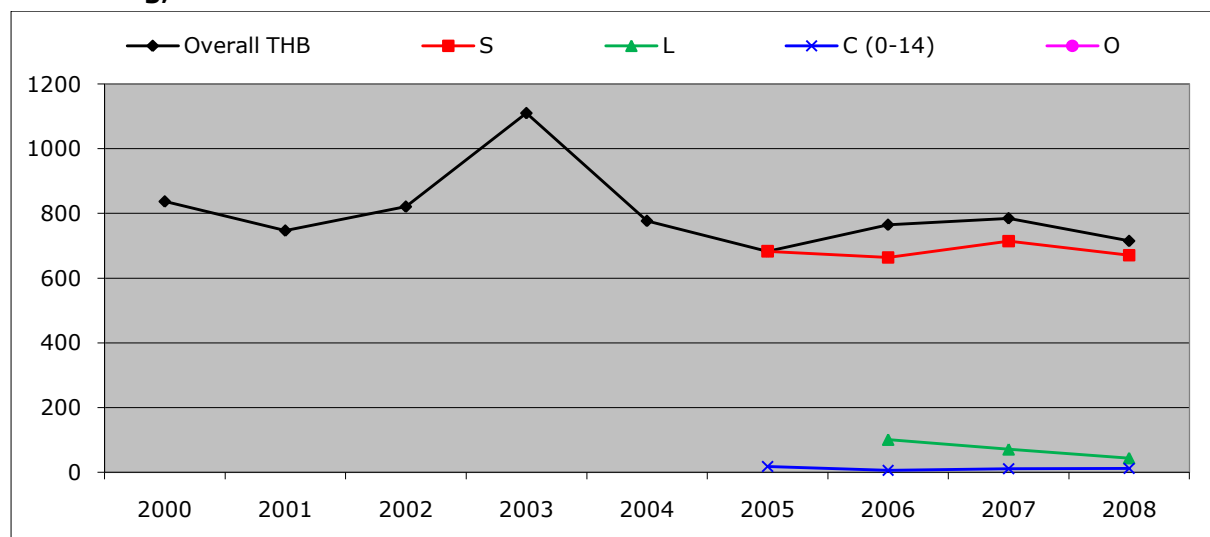
Data Availability

Data on perpetrators of trafficking in human beings are available according to both persons and cases and are enumerated by the **police** (identified suspects, cases investigated), the public prosecutor (investigations and indictments) and the **courts** (convicted perpetrators and sentences issued). However, statistics produced for public use do not include data on indictments for human trafficking.

The main source of publically available statistics on **convictions** for human trafficking is the Periodic Security Reports, jointly published by the Federal Ministry of Interior and the Federal Ministry of Justice in 2001 and 2006, referring to the Criminal Prosecution Statistics (*Strafverfolgungsstatistik*). Other data is provided by the Ministry of Justice (*Federal Judicial Register*), the UNODC and the US Department of State.

Chart 3 presents the number of **suspects identified** by the police in regard to different types of trafficking as reported in the annual Situation Report on THB and the Police Crime Statistics. Data differs slightly (see for the different ways of enumeration above), but for reasons of better comparison Chart 3 is mainly based on data reported in the annual Situation Report, and only if not available from the Police Crime Statistics (i.e. data for 2008 and all figures on child trafficking).

Chart 3: Number of identified Perpetrators of THB per different types of trafficking, 2000 – 2008



Source: Federal Criminal Police Office

Note: 2000-2007 refer to the annual situation report THB, 2008 to the Police Crime Statistics. Child trafficking refers to data on suspects identified in regard to Art. 232 (3) 1, that is cases "to the detriment of children" (under-14 year olds). For underlying statistical data see Annex B to this report.

As of 2005, data on identified victims and police investigations present the sum of THB for sexual and labour exploitation.

Contextualising and Analysing the Data

Suspects are usually identified in the course of police investigations. However, in 2007, the Federal Criminal Police Office reports that the majority of investigations were initiated after special police actions, while 32% of the cases investigated were announced by victims themselves and 17% by third parties (BKA 2008:7). When investigations are closed that means when sufficient evidence was found and a suspect was identified, the case is handed over to the public prosecutor.

According to the Federal Statistical Office, in 2006 70% of all preliminary proceedings investigated by the Public Prosecution Office were opened by the police, 17% were directly initiated by the Public Prosecutors, and 3% by an administrative authority.¹⁴⁶ As already discussed above, more than half of all cases investigated by the public prosecutor are dismissed, due to opportune reasons. Hence, when reaching the stage of trial, the numbers of suspected trafficking perpetrators are substantially lower. In 2006, 765 suspects identified by the police (BKA 2007) compare to 150 perpetrators convicted for trafficking in human beings (FMoI/FMoJ 2006).

Identifying the number of perpetrators from data on convictions is particularly difficult in convictions involving multiple charges, as statistics only relate to those offences with the maximum sentence. Due to difficulties in finding sufficient evidence, the crime of trafficking often constitutes only a minor offence, which is thus not reflected in statistics. When comparing different categories of data available one can identify significant differences already at the stage of police investigations: The difference between the number of investigations on **single offences** as recorded in the Police Crime Statistics and on **complex cases** as reported by the annual Situation Report is significant: in 2000 for example, 1,016 **registered criminal offences** compare to only 321 **complex cases** investigated. In 2007 this difference amounts over 200 cases.

On the basis of these considerations, the numbers of **suspects identified by the police** seem more useful than figures on **convicted perpetrators** (provided by the courts) to show the possible extent of trafficking perpetrators in Germany. The annual Situation Report THB and the Police Crime Statistics are the main sources publishing data on suspects identified. The annual Situation Report THB reports that 837 **perpetrators were identified** in 2000, 1,110 perpetrators in 2003, 633 in 2005 and 785 in 2007, the last year for which data was available. Hence, at the end of the decade the **number of perpetrators** is slightly lower than at its beginning. This is also confirmed by data from the Police Crime Statistics, where respective data declined from 927 identified suspects in 2000 to 715 in 2008. Both data reach their lowest value in 2005, related to the legal changes and difficulties in their implementation.

Although the share of identified minor victims of trafficking in Germany is very high, as shown above, related numbers of identified suspects are comparatively low. In the years from 2005 and 2008 only between 5 and 18 persons were **suspected for trafficking in children for sexual exploitation**. The reason for this low number is that respective data only refers to trafficking of **under 14 year old children**, but not to under-21 year old *minors*.

Chart 3 also reflects the general scarcity of data on **trafficking for labour exploitation**. Although in 2007 71 suspects were identified in regard to trafficking for labour exploitation, according to the US Department of State only 13 offenders were indicted, which indicates a larger drop in numbers of THB cases compared to trafficking for sexual exploitation. Even more so, data at hand shows a decreasing trend. In 2008,

¹⁴⁶ See: Federal Statistical Office (2006) "More than half of the preliminary proceedings were discontinued by the Public Prosecution Office in 2006", <http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/EN/Content/Statistics/Rechtspflege/Aktuell/templateId=renderPrint.psml> (28.7.2009).

the number of **identified suspects** for trafficking for the purpose of **labour exploitation** had almost halved to 44 persons. Numbers of convictions disaggregated by type of exploitation are not available.

Conclusions: Assessing the Extent of Trafficking in Human Beings in Germany

Germany builds on a comparatively long tradition of prosecuting the crime of trafficking in human beings and collects related data since the end of the 1990s. Existing data can be considered transparent, consistent and reliable. However, as Germany lacks a central co-ordinator for combating trafficking in human beings, the different bodies engaged in data collection, i.e. the Federal Criminal Police, victims support organisations, the Public Prosecutor and the Courts, do not systematically co-operate in assessing the numerical relevance of this crime in Germany. Not all data-collecting bodies process the mainly administrative data for public and scientific use. The only specific report on trafficking in human beings is published by the Federal Criminal Police Office and compiles only data on victims and offenders identified during police investigations.

Data on identified victims collected by the police is not complemented with data from NGOs or other victim support organisations. This might be explained by the fact that there is no national referral mechanism for victims of trafficking so far established in Germany. This may have negative impacts on the identification of victims, but also on the success of legal proceedings. Only a minority of victims are actually recognised as such and thus only a small number of victims of THB de facto co-operate with the authorities.

Data on perpetrators is available from the police and courts. However, due to a variety of reasons, police data may be considered more useful for assessing the possible extent of trafficking in Germany: First, the significant gap between suspects identified by the police and perpetrators convicted (e.g. in 2004 only 18.2% of the alleged perpetrators were also convicted) points to difficulties in prosecuting trafficking and finding evidence for this crime. Furthermore, the fact that court data on multiple charges only list those offences that received the **maximum sentence**, and not all single offences, renders identification of cases referring to trafficking difficult, due to the fact that cases of THB are often processed under different legal provisions (e.g. procuring, smuggling) or are only involved as a minor offence (see FmoI/FmoJ 2006:464). Hence, police data on **suspects identified** in regard to **single offences** better allows for the assessment of the extent of trafficking from the perpetrators' side than court data. However, these differences are often not easily comprehensible when analysing both sources and may thus result in a misinterpretation of existing figures on trafficking.

Concerning data related to **different purposes of trafficking**, experiences in regard to prosecution and data collection are still very young. The existing data is biased towards trafficking for the purpose of **sexual exploitation**. Although there have been major improvements over the last years, reflected in rising numbers of identified victims, the Federal Criminal Police Office suggests that the actual number of victims is certainly higher than the statistical figures would indicate (BKA 2008:12).

Thanks to a special provision in the anti-trafficking legislation that does not require a proof of means in regard to persons under the age of 21, the number of identified **minor victims of trafficking** is the most significant in Germany. Persons between 18 and 21 years of age represent the **largest group of victims identified**. At the same time, information on investigations, indictments and convictions is only available on *children* below 14 years of age. Statements on the extent of trafficking in *children* and *minors* can only be derived from the numbers of identified victims, but not in a comparable way from data on perpetrators. In addition, no case of trafficking for labour exploitation was

reported so far in regard to trafficking in children. Altogether, improvements in the processing of already-existing data would result in a more adequate picture of the extent of trafficking already known in the country.

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<http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/EN/Content/Statistics/Rechtspflege/Aktuell,templateId=renderPrint.psmi> (28.7.2009).

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Domestic Policy and Institutional Setting

Since 1998, human trafficking has been regulated in the Hungarian Criminal Code under crimes directed against *personal freedom and human dignity*.¹⁴⁷ The first anti-trafficking initiatives were implemented in the period between 1999 and 2001 and focused primarily on trafficking for **sexual exploitation**: IOM Budapest reports on an information campaign for prevention of trafficking in women in Hungary (1999-2000)¹⁴⁸ and a co-operative agreement for an information hotline to prevent trafficking in women, which was signed in December 2001.¹⁴⁹

In 2002 the relevant section of the Criminal Code (Article 175/B) was modified¹⁵⁰ and the definition of trafficking was adapted according to international and European standards (Palermo Protocol; Council Framework Decision 2002/629/JHA). Most challenging for assessing the extent of THB in Hungary is the fact that, although the Hungarian Criminal Code has been adapted, other but related legal provisions are applied in order to prosecute trafficking-related offences.

After the modification of the Criminal Code, anti-trafficking initiatives kept their focus on sexual exploitation, but placed the phenomenon in the wider context of irregular migration. A number of projects were implemented in co-operation between local authorities and international organisations targeting specifically vulnerable groups at risk of being trafficked **from** Hungary.

On April 10, 2008 the **National strategy against trafficking in human beings 2008-2012** entered into force. The principal aims of the strategy refer to the development of a victim-oriented approach, co-ordinated action and regular monitoring and evaluation of the national situation in regard to THB. The national Strategy was jointly developed by the Ministry of Justice and Law Enforcement, the National Police Headquarters and the former National Headquarters of the Border Guards, the National Bureau of Investigation, the Office of Immigration and Nationality, the Protective Service of Law Enforcement Agencies, the National Institute of Criminology, the National Council of Justice, the Prosecution Service, the Ministry of Social Affairs and Labour, the Ministry of Foreign Affairs, the Ministry of Education and Culture, the IOM (including the regional offices) and the two NGOs Charity Baptist and White Ring Public Benefit Association.¹⁵¹ The strategy introduced a **national co-ordinator**, which is the state secretary of the Ministry of Justice and Law Enforcement (MoJLE). The national co-ordinator shall: a) work out the national action plan for the implementation of the national strategy; b) perform administrative tasks related to co-ordinative mechanisms and c) keep contact with the national and international stakeholders involved (National Strategy against trafficking in human beings 2008-2012).

Anti-trafficking policies preceding the *national strategy* related mostly to the process of victim identification. Already in 1998 a system of **victim protection offices** (under the auspices of the Ministry of the Interior) was put into operation. In 2005 there were 64

¹⁴⁷ Act. LXXXVII/1998 entered into force on the 1 of March, 1999. Prior to its codification, trafficking in human beings was penalized according to various sections of the Code, depending on the facts of the case.

¹⁴⁸ http://www.iom.hu/bpprojects/rm_completed.html.

¹⁴⁹ The agreement was signed by the US ambassador to Hungary, the Union of Women for Women against Violence (NaNE), the Hungarian National Police Force, the International Organization for Migration (IOM), and the Public Foundation for a Safe Hungary, http://www.protectionproject.org/human_rights_reports, pp. 3-4.

¹⁵⁰ Act No CXXI/2001.

¹⁵¹ National Strategy against trafficking in human beings 2008-2012, http://www.irm.gov.hu/emberkereskedelem_elleni_koordinacio/cikk/Emberkereskedelem_elleni_nemzeti_strategia_letalto.htm (in Hungarian).

regional victim protection offices but no central co-ordinating mechanism (CRC 2006:47).

In 2005 the Hungarian **referral system for victims of trafficking** was introduced following a multilateral agreement signed by the *Hungarian-American working group against trafficking in human beings*.¹⁵² An NGO was commissioned to manage a **shelter** for victims of trafficking, which since March 2005 is fully operational. "Considering the security risks, the information on the location of the shelter and the fact that it is run by a civil organisation is handled confidentially" (CoE 2006:46). The shelter works in strong co-operation with the *National Crisis Management and Information Telephone Service (OKIT)* a **twenty-four-hour telephone hotline** run by the National Institute for Family and Social Policy. If it is likely that the caller is a victim of human trafficking, the experts of the Center get in touch with the support staff of the shelter in order to refer the victim (CRC 2006:55-56).

In 2005 the **law enforcement action plan against trafficking in persons** was put in place which was jointly implemented by the Ministry of the Interior, the National Police (ORFK), the former Border Guards and the Office of Immigration and Nationality (BÁH). Based on this law enforcement action plan the National Police and the county police headquarters developed their internal strategies in dealing with prostitution and trafficking in human beings.¹⁵³ In addition to these measures, the *national crime prevention strategy* (2005-2006) paid special attention to VoTs and to the exploitation of prostitution.¹⁵⁴

Furthermore, in 2006 the Ministry of Justice and the Ministry of Interior were merged to form the Ministry of Justice and Law Enforcement. Subsequently, in 2008 in the framework of the accession of Hungary to the Schengen agreement, the Hungarian Border Guard was integrated into the National Police. In this framework a **centralised data** collection system and a centralised THB database was established. The latter encourages **data sharing** between law enforcement agencies and might significantly improve data availability and data reliability in the coming years.

Legal Framework

According to Hungarian law, THB is dealt with under **Section 175/B (1-5)** Criminal Code (Act No CXXI/2001, HCC) as modified in 2002: "Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, or appropriates one for such purpose for another party, commits a felony offence and is punishable with imprisonment of up to three years" (CoE 2006:44). Section B punishes those acts, "which simultaneously offend human dignity, personal freedom and self-determination and through which the human beings become objects, items for trade – independent of their will, in spite of their will, or as a result of their incapability or decreased ability to express their will" (Ibid). The maximum sentence may be life imprisonment if the crime is committed against a person **under the age of twelve** for the purposes specified in the Act (forced labour, fornication or sexual intercourse, illegal use of human bodily parts, illegal pornography) or using a means defined in the Act (force, threat, fraud, torment of the injured party).

Hungary decided not to include *means* in the definition of trafficking in human beings. Thus, "for the realization of the basic elements of the crime the perpetrator does not

¹⁵² It is an interministerial working group, set up in 2004, including the relevant Hungarian governmental bodies, non-governmental organisations, the Embassy of the United States in Budapest and IOM Budapest. 2006 Committee on the Rights of the Child report on Implementation of the Convention on the Rights of the Child in Hungary, http://www.unicef.hu/download/ensz_gyermekjogi_jelentes_angol_2005dec1.pdf, p.48.

¹⁵³ On 20 December 2007 was released the upgrading order of ORFK No 46/2007 (OT 30.), National Strategy against trafficking in human beings 2008-2012.

¹⁵⁴ <http://www.iom-nederland.nl/dsresource?objectid=669&type=org>.

need to use physical force, threat, coercion, fraud, misrepresentation, or the abuse of official power" (CRC 2006:44).¹⁵⁵ Hungarian law considers perpetration by the use of the above-mentioned means aggravating circumstances of perpetration and attaches more severe legal consequences to the acts committed (Ibid). **Sections 2 and 3 of Article 175** regulate the qualifying circumstances for the crime of "violation of personal freedom": any person "who acquires another person through trafficking in human beings and maintains the status of deprivation of the victim's personal freedom, and forces such victim into forced labour, commits a felony offence" (CoE 2006:44).¹⁵⁶ Furthermore, according to **Section 6** of the same article: "Any person who makes **preparations** for trafficking in human beings is guilty of misdemeanour and is punishable by imprisonment not to exceed two years" (Ibid).

Establishment of a victim and witness protection system

The *Act on Protection for participants of criminal procedures and persons co-operating with the criminal justice system (2001)* introduced the first *witness protection program* in Hungary.¹⁵⁷ Since the launch of the programme, however, there is no data available on the number of VoTs who have benefited. In addition, the US Department of State reports that during 2008 no victims assisted law enforcement (US Department of State 2009 TIP report). *Act CXXXV on the compensation of victims of crime (2007)* - Article 9/A and Article 43(3) transposed sections 5 and 6 of the Council Directive 2004/81/EC (on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities). According to **Article 9/A**, "in the event the victim supporting authority establishes that the national of the third country requesting support is a victim of trafficking in human beings the authority shall inform him/her on the following": a) the victim has one month time to consider whether he/she is willing to co-operate with the law enforcement authorities b) "the victim is entitled to certificate of temporary residence for the reflection period, and to receive residence permit for the period of co-operation with the authorities". According to **Article 43(3)**, "the authority supporting the victim after providing information further to Article 9/A and informing the authority of investigation, prosecutor or court of justice performing the criminal procedure shall without delay initiate the procedure with the aliens department to provide the third country national with temporary residence permit". (National Strategy against trafficking in human beings 2008-2012).

Data Availability

Prior to the implementation of the *National strategy against trafficking in human beings 2008-2012*, data on victims of trafficking in human beings had not been compiled at the national level but were maintained only at the local level (see: US Department of State 2009 TIP report). Several institutional changes in the period between 2006 and 2008 have led to the **centralisation** of the collection of THB-related data: a) the appointment of a national co-ordinator of action against trafficking in human beings; b) the merging

¹⁵⁵ Section 175/B (1), <http://www.legislationline.org/documents/section/criminal-codes/country/25>: "Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, also the person who recruits, transports, houses, hides or appropriates people for such purposes for another party, is guilty of a felony punishable by imprisonment not to exceed three years".

¹⁵⁶ Punishment for this crime is imprisonment between two to eight years. The punishment is increased to imprisonment between five to ten years if the criminal act is committed for a malicious motive or purpose, by feigning official action, by tormenting the aggrieved party, causing a significant injury of interests, against a person under the age of eighteen.

¹⁵⁷ The Protection Program may be accessible for victims of trafficking either during or after the criminal procedure. Special protection measures include: a) moving the person to a safe place; b) use of personal protection; c) ordering the confidential treatment of her/his data in registries, or requiring notification in case of requests for data registered; d) change of name; e) change of personal identity; and f) participation in international cooperation (if the protection of the effected person cannot be guaranteed within Hungary, there is an opportunity to move abroad) (IOM 2005:16).

of the Ministry of Justice and the Ministry of Interior into the Ministry of Justice and Law Enforcement; and c) the integration of the Border Guard into the National Police.

In this context, the most important actors collecting and publishing data on THB are:

- The **Ministry of Justice and Law Enforcement**, which was established in 2006 as a result of the integration of the Ministry of Justice and the Ministry of Interior. It collects all data produced by investigating agencies and the prosecutor's office in its unified database ENYÜBS (Uniform Law Enforcement Investigation and Prosecution Statistics).¹⁵⁸ Data from ENYÜBS refers to the number of launched investigations and accusations (or criminal procedures that are *not completed*).
- Data on *completed criminal procedures* are collected in the database of the **National Bureau of Justice**, which also developed an information system facilitating the estimation on the number of persons trafficked to, through and from Hungary. The system started functioning as a pilot project in 2005 (IOM 2005:7). However, so far there is no publically available data.
- Between 2004 and 2007, the **Border Guard** has operated an Integrated Management Center and the **National Police**, a National Bureau of Investigation Division. The *Integrated Management Center* has been charged with law enforcement efforts against irregular migration and related crimes, including the co-ordination of anti-trafficking activities. The *National Bureau of Investigation Division* had been a special unit, responsible for investigations in cases of THB and the collection of THB-related data on victims and perpetrators (CoE 2006:46). In 2008, the Border Guard was integrated into the National Police, which led to the centralisation of data collection. This data is now published in the Criminals Statistics (ENYÜBS).
- **National Crisis Management and Information Helpline (OKIT)** which is run by the National Institute for Family and Social Policy and in operation since 1 April 2005.¹⁵⁹ It collects administrative data on identified and assisted victims.

¹⁵⁸ Until 2006 ENYÜBS was run as ERÜBS (Uniform Police and Prosecutor's Statistics).

¹⁵⁹ National Strategy against Trafficking in Human Beings 2008-2012 refers to OKIT statistics, 2007.

The following table provides an overview of available data on trafficking in human beings in Hungary:

Table 1: Data availability in Hungary

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	National Crisis Management and Information Helpline (OKIT); Uniform Police and Prosecutors' Criminal Statistics (ENYÜBS); Ministry of Justice and Law Enforcement	Data is available only on the total number of VoTs and on victims of child trafficking for the period 2002-2006
Cases investigated	Criminal Statistics (ERÜBS, recently called ENYÜBS); Ministry of Justice and Law Enforcement	Data is available only on the total number of investigations for 2003-2006.
Cases with prosecution	Uniform Police and Prosecutors' Criminal Statistics ENYÜBS	Data is available only on the total number of defendants for 2000-2004.
Cases with conviction	National Bureau of Justice; Ministry of Justice and Law Enforcement, (Department of Statistics)	Data is available only on the total number of persons convicted for 2000-2006.
VoT claiming compensation in civil suits	Service for Victim Assistance	No data publically available.
VoT receiving legal or psychosocial assistance during proceedings	The NGOs NaNE, White Ring Public Benefit Association Hungary, ESTER Foundation, Escape Association, Baptist Aid provide continuous information, legal counselling, risk assessment, assistance and support to VoTs, as well as accommodation in safe places or shelters	No data publically available.
VoT accepted in witness protection programme	Victim Protection Office of the Ministry of the National Police	No data publically available
VoT granted short-term residence or continued residence	Office of Immigration and Nationality	The number of released residence permits on humanitarian grounds (short and long term) includes the number of residence permits released to VoTs. However VoTs are not distinguished by a separate category, as they are part of the total number of persons receiving permits on humanitarian grounds.
VoT returned to home country	IOM Budapest	Data refers to total number of voluntary returns; consequently, the number of VoTs (if any) remains unclear. ¹⁶⁰

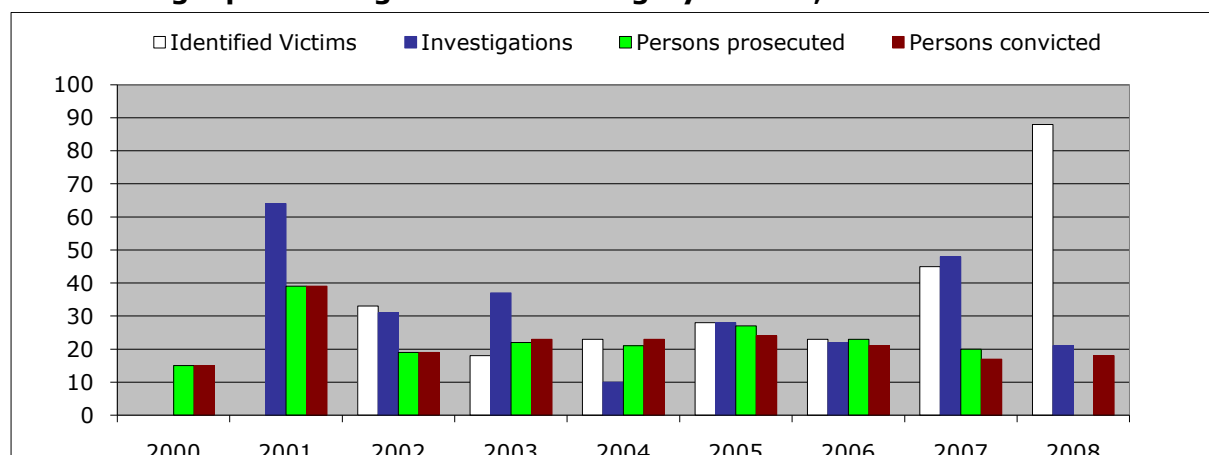
¹⁶⁰ http://www.iom.hu/bppprojects/rm_active.html.

Data Analysis

The extent of Trafficking in Human Beings according to different stages in Legal Proceedings

Since the harmonisation of the national legislation on THB with the Council Framework Decision 2002/629/JHA, data has been collected on all stages of the legal proceeding of trafficking in human beings (victim identification, investigation, prosecution and conviction). However, statistics are only available from international sources: the IOM report on Hungary regarding *Awareness-Raising of Judicial Authorities Concerning Trafficking in Human Beings* (2005); the Committee on the Rights of the Child report on *Implementation of the Convention on the Rights of the Child in Hungary* (2006); the Council of Europe report on *Action against trafficking in human beings: prevention, protection and prosecution* (2006); the UNODC *Global Report on Trafficking in Persons* (2009) and the US Department of State TIP reports. The principal primary source is the Uniform Law Enforcement Investigation and Prosecution Statistics (ENYÜBS), compiled by the Ministry of Justice and Law Enforcement and the National Police. Chart 1 illustrates the most consistent and transparent data for each of the stages of the legal proceeding (Annex B). In order to keep data comparable all figures refer to *persons*.

Chart 1: Legal proceedings on THB in Hungary in total, 2000-2008



Source: 1) ENYÜBS data on victims identified by state authorities (quoted by Committee on the Rights of the Child and Council of Europe), data on persons prosecuted under THB legislation and on persons convicted, (quoted by IOM); 2) MoJLE data on victims identified by state authorities, investigations and persons convicted (quoted by UNODC); 3) US Department of State data on victims referred and assisted by NGOs, investigations conducted by police and border guards, persons prosecuted by authorities and on persons convicted (the primary sources were not specified). For underlying statistical data see Annex B to this report. No averages are used.

Throughout the period between 2002 and 2007, the number of **investigations** fluctuates most. Starting with 31 investigations in 2002 and a slight increase in 2003 (37), the number of investigations reaches its lowest level in 2004 when 10 investigations were recorded. In 2005, the number went up to 28 investigations and in 2006, it dropped slightly down to 22 investigations. A significant increase is observed in the year preceding the launch of the *National Strategy against THB* (2007) when 48 investigations were recorded. That is followed by a considerable decrease in 2008 (21 investigations).

Compared to the other stages of the legal proceedings, since 2002 the number of **identified victims** has reached the highest values. In 2002 (when the definition of THB

in Hungarian Criminal Code was adapted to international standards), authorities identified 33 victims. In 2003 the number dropped to 18 victims. Between 2004 and 2006 slight fluctuations are observed – in 2004, 23 VoTs were identified, in 2005 – 28 and in 2006 – 23. After the launch of the *National Strategy against THB*, the number of identified victims has increased significantly: in 2007 – 45 victims, reaching its peak in 2008 – 88 victims (Annex B).

Regarding the stage of **indictment (persons prosecuted)**, the highest values are observed before the adaptation of the Criminal Code – e.g. in 2001, 39 persons were prosecuted. Since 2002, the values haven't fluctuated much – in 2002, 19 persons were prosecuted, in 2003 – 22 persons, in 2004 – 21 persons. In 2005 a slight increase is observed to 27 persons prosecuted. That is followed by a slight decrease in 2006 – 23 persons were prosecuted and in 2007- 20 persons (Annex B).

Similar developments are observed at the stage of **conviction**. The number of persons convicted reached its peak in 2001 (39 persons) and since 2002 the values haven't fluctuated much. In 2002, 19 persons were convicted, in 2003 – 23 persons, in 2004- 23 persons again, in 2005 – 24 persons, in 2006- 21 persons, in 2007 – 17 persons and in 2008 – 18 persons (Annex B).

The Extent of Trafficking in Human Beings: Number of Identified Victims

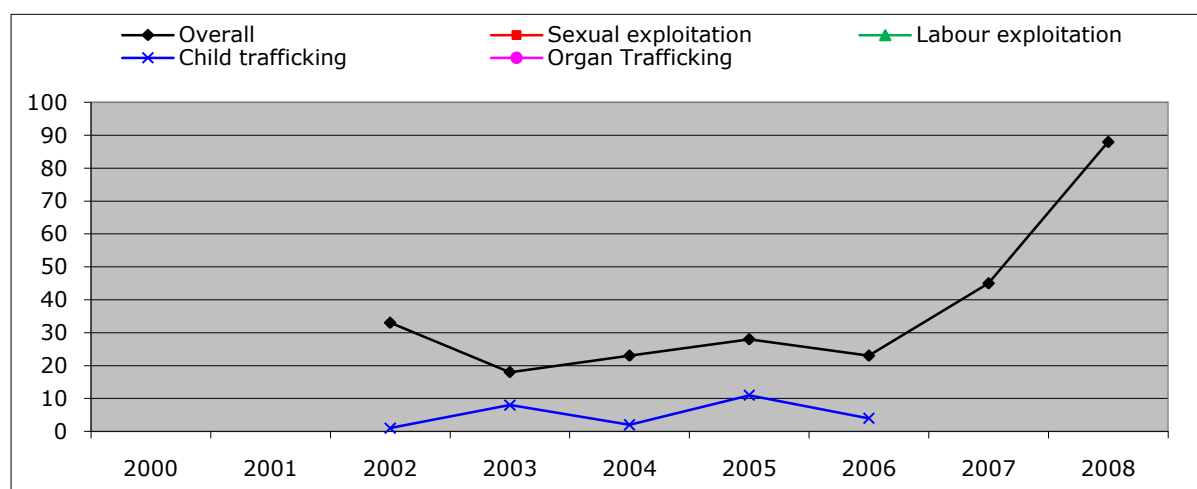
Data Availability

Although in Hungary human trafficking has been regulated since 1998, data on victims is available only since the adaptation of the Criminal Code in 2002. Data on **victims identified by state authorities** covers the period 2002-2005 and is available, disaggregated by age, from the Ministry of Justice and Law Enforcement as published in the UNODC Global Report on Trafficking in Persons (2009) and the Committee on the Rights of the Child report (2006). Data on **victims assisted by NGOs** covers the period 2006-2008 and is available from the US Department of State TIP reports, which does not however make reference to any primary sources.

IOM Budapest publishes data on *voluntary returns*, and the Office of Immigration and Nationality on *residence permits on humanitarian grounds*¹⁶¹; however, both categories do not refer to victims of trafficking as a statistical category.

¹⁶¹ Act No XXXIX of 2001 (on foreign individuals' entry to and residence in Hungary) authorises the Alien Police to grant a residence permit on humanitarian grounds to those foreign citizens who co-operate with the authorities of criminal justice by significantly facilitating the discovery of criminal offenders. The issuing of the residence permit is based on the proposal of the crime prosecution authorities (IOM 2005:18).

Chart 2: Number of Identified victims of THB for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs 2000 – 2008



Source: 1) ENYÜBS data published by CRC for 2002; 2) Ministry of Justice and Law Enforcement data published by UNODC for 2003-2005; 2) data on victims for the period 2006-2008 is published by US Department of State and refers to VoTs referred and assisted by NGOs. For underlying statistical data see Annex B to this report. No averages have been made.

Contextualising and Analysing the Data

According to estimates of the Department for Law Enforcement Control and Planning (at the Ministry of Justice and Law Enforcement) the share of THB in Hungary for **sexual exploitation** accounts for approximately 80% of the total number of THB cases. The Department indicates that victims typically come from Romania, Ukraine and Moldova and **internal trafficking** is not considered (ICMPD Questionnaire). However, other sources point out that the share of THB within the country might be considerable.¹⁶²

Compared to other EU countries, the overall number of victims identified and/or assisted in Hungary is relatively low, with less than 100 documented persons per year throughout the whole reporting period. In general, the number of **victims assisted by NGOs** is higher than the number of victims identified by state authorities. For example, in 2006, 5 VoTs were identified by state authorities (UNODC 2009), while 23 were assisted by NGOs (US Department of State 2009).

In the period 2002-2006, the overall number of identified victims is relatively stable with the maximum value of 23 VoTs in 2002 and the minimum value of 18 VoTs in 2003 (Annex B). According to the Ministry of Justice and Law Enforcement, the rather low figures may be related to the fact that cases of **trafficking for sexual exploitation** may be processed under provisions regulating prostitution (e.g. *pandering*) and potential victims of THB are thus not identified as such (ICMPD questionnaire).

As of 2006, the number of victims identified increases significantly, from 23 in 2006 to 88 in 2008 (Annex B). It is important to note that these figures relate to victims **referred and assisted** by NGOs, while figures on victims in the period 2002-2006 relate to VoTs **identified by state authorities**. The increase in the overall number of victims may nevertheless point to improvements in social assistance services provided to victims of trafficking with the establishment of a national referral system, a victim

¹⁶² The US Department of State TIP Report for 2009 informs about "a significant increase in trafficking within the country, mostly women from eastern Hungary trafficked to Budapest and areas along the Austrian border".

support hotline and a shelter in 2005. For example, in 2007 the government-run victim support hotline referred 23 victims of THB to NGOs, while in 2008 the number increased to 50 VoTs.

In regard to victims of **child trafficking** it is important to note that, according to the Department for Law Enforcement Control and Planning (Ministry of Justice and Law Enforcement), cases of child trafficking have not been identified by state authorities so far (ICMPD questionnaire). However, the Committee on the Rights of the Child reports that in 2002, one victim of child trafficking was identified and in 2006, 4 victims of child trafficking. These figures are surprisingly low taken into consideration that: "Roma women and girls who grow up in Hungarian orphanages are highly vulnerable to internal sex trafficking" (US Department of State TIP report for 2009), but may be partly explained by the fact that internal trafficking is not considered by authorities.

The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

In Hungary, data on perpetrators of THB is available according to different stages of the legal proceeding (investigations, prosecutions and convictions). Data on investigations is available from the Ministry of Justice and Law Enforcement (as published by UNODC) and covers the period from 2000-2004.

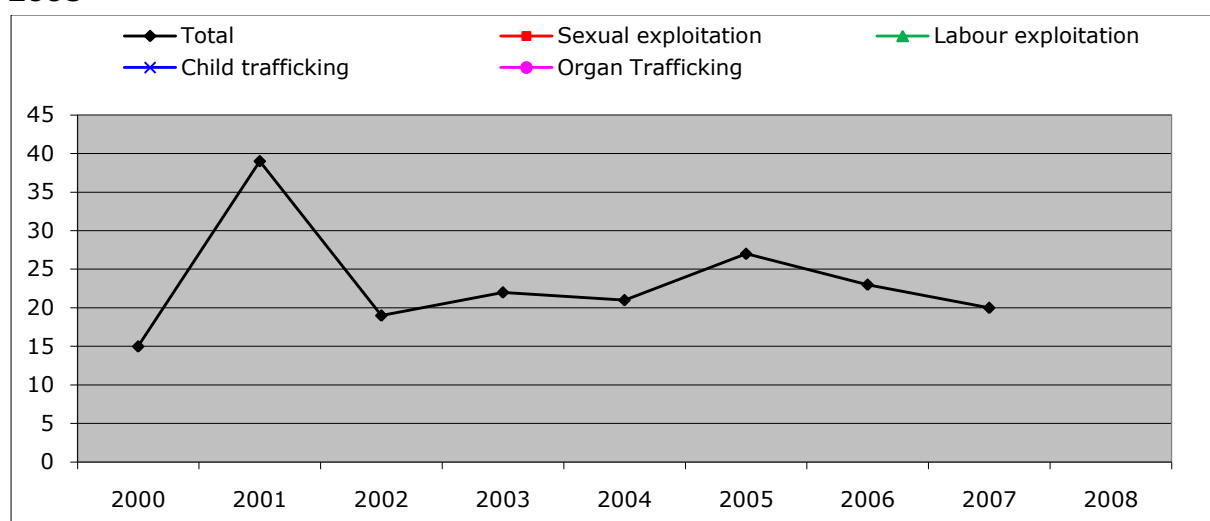
Data covering the period 2005-2008 is quoted by the US Department of State and refers to **investigations conducted by police and the border guards**. The primary sources are not transparent.

Data on **prosecutions** is available from the IOM and the US Department of State TIP reports, and refers to **persons prosecuted**. Data quoted by IOM covers the period 2000-2003 and the primary source is ENYÜBS. Data quoted by US Department of State covers the period 2004-2007; however, the primary sources are not specified.

Data on convictions is published by the IOM, the UNODC and the US Department of State. They refer to *persons convicted* and include all types of convictions: imprisonment, fines and/or suspended sentences. Data quoted by the IOM covers the period 2000-2002 and the primary source is ENYÜBS. Data quoted by UNODC covers the period 2003-2005 and the primary source is the Ministry of Justice and Law Enforcement. Data quoted by US Department of State covers the period 2006-2008 and the primary sources are not specified.

Chart 3 below presents developments in the extent of **persons prosecuted** for THB. Data on *investigations* have not been selected as it may include cases of trafficking in human beings, but also other related offences such as pandering. Statistics on **convictions** are available from the US Department of State and do not make reference to any primary source, but is presented in Table 2, below.

Chart 3: Number of Identified Perpetrators of THB, persons prosecuted, 2000 – 2008



Source: 1) ENYÜBS data published by the IOM (data refer to 2000-2003); 2) from 2004-2007 data on **suspected traffickers prosecuted** by authorities quoted by the US Department of State. For underlying statistical data see Annex B to this report. No averages are used.

Contextualising and Analysing the Data

According to Chart 3, the peak in the number of persons prosecuted for THB in the whole reporting period was reached before the adaptation of the Hungarian Criminal Code in 2002 (in 2001, 39 persons were prosecuted). This comparatively high value may be explained by the fact that before 2002 human trafficking was defined in broader terms.

The years immediately following the adaptation of the Hungarian Criminal Code in 2002 are characterized by stable developments with 22 persons prosecuted in 2003 and 23 persons prosecuted in 2004 (Annex B). With 27 persons prosecuted the peak was reached in 2005, the same year when a national referral system for victims of trafficking was establishment and the *law enforcement action plan against trafficking in persons* was put into force. The following years show a slight decrease, with 23 persons prosecuted in 2006 and 20 persons prosecuted in 2007. Generally speaking, since the harmonization of the national legislation on THB the number of persons prosecuted has remained rather stable.

The US Department of State TIP reports published data on **convictions** as summarised in Table 2. Data is available for the period 2003-2008, excluding 2005.

Table 2: Different types of convictions in relation to THB

Year	Persons convicted for THB: all types of convictions	Persons convicted for THB: imprisonment	Persons convicted for THB: suspended offences/ no time in prison
2003	18	12	6
2004	42	0	42
2006	21	9	12
2007	17	16	1
2008	18	11	7

Source: US Department of State TIP reports. There is no reference to a primary source provided.

As illustrated in Chart 2, immediately after the adaptation of the Hungarian Criminal Code (e.g. in the period between 2003 and 2006), the number of persons convicted for THB who received suspended offences and/or served no time in prison is *on the average higher* than the number of persons who served some time in prison. For example, in 2004, 42 persons were convicted and all received either suspended offences or did not serve time in prison. Since 2007, however, the number of persons convicted on THB who served some time in prison has become *proportionally higher* than those who received suspended offences or did not serve time in prison.

Conclusions: Assessing the Extent of Trafficking in Human Beings in Hungary

Since the adaptation of the Hungarian Criminal Code in 2002, the overall number of victims identified and/or supported has increased, while developments concerning perpetrators (investigations, persons prosecuted and persons convicted) have remained rather stable. The increase in the number of victims could be related to improvements in social assistance services provided to VoTs (e.g. establishment of a national referral system for victims of trafficking, a victim hotline and a shelter) as well as to implementation of the national strategy against trafficking in human beings and to the establishment of a national co-ordinator.

As the priority on action against trafficking in human beings is on cross-border THB data, cases of **internal trafficking** are not collected, although the Hungarian Criminal Code refers to both cross-border and internal trafficking.

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Domestic Policy and Institutional Setting

Ireland started only recently to co-ordinate its government response to combat human trafficking by creating a special body within the Department of Justice, Equality and Law Reform, the **Anti-Human Trafficking Unit (AHTU)** in February 2008 (US Department of State 2009:165). The main purpose of this unit is to co-operate with governmental agencies and NGOs in developing and implementing a national anti-trafficking strategy. The focus of this policy is threefold: preventing trafficking, prosecuting offenders, and protecting victims. In addition, the Anti-Human Trafficking Unit has a central role in maintaining and developing co-operation with international organisations and other EU Member States, especially with the United Kingdom (O'Connell et al. 2008:29).

Along with the Anti-Human Trafficking Unit, several other bodies have been established to institutionalize Ireland's anti-trafficking policies:¹⁶³

The **Human Trafficking Investigation and Coordination Unit** was created within the Garda National Immigration Bureau in order to supervise and offer operational support to human trafficking investigations.

The **High Level Interdepartmental Group on Combating Trafficking in Human Beings** was founded by the Minister for Justice, Equality and Law Reform to bring together representatives from key government departments in order to set up a National Action Plan against trafficking in human beings and to monitor its implementation.

In the process of creating a National Action Plan to combat THB, a **governmental and non-Governmental roundtable forum**¹⁶⁴ was called into being to work out recommendations concerning the National Action Plan to combat THB, which were then submitted to the High Level Interdepartmental Group. Moreover, several **Interdisciplinary Working Groups** were established in order to provide recommendations on specific areas such as: awareness-raising and training, national referral mechanisms, child trafficking, labour exploitation issues and sexual exploitation issues.

Based on this process, the Department of Justice, Equality and Law Reform in 2009 elaborated the first **National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland**. The aims of this Plan address administrative and legislative issues in regard to the crime of human trafficking, human rights and THB victim protection, as well as the ratification of all relevant international instruments and agreements.

Furthermore, in 2008, Ireland launched a broad awareness campaign using the "Blue Blindfold – Don't Close Your Eyes to Human Trafficking" theme developed by the UK Human Trafficking Centre (US Department of State 2009:165).

Enforcement of the anti-trafficking legislation falls under the remit of the **Garda National Immigration Bureau (GNIB)**, which was established in 2002 within Ireland's National Police. The GNIB is responsible for all law enforcement operations related to immigration and also carries out deportations, border control and investigations relating

¹⁶³ See Department of Justice, Equality and Law Reform, <http://www.justice.ie/en/JELR/Pages/WP09000005> (15 October 2009).

¹⁶⁴ During 2007 several non-governmental organisations have submitted to the Department of Justice their recommendations, among which Barnardos, the Migrant Rights Centre Ireland and Immigrant Council of Ireland.

to illegal immigration and human trafficking, in co-operation with local police offices (Immigrant Council of Ireland 2009:125).

Regarding victim protection, reception centres for adult victims of trafficking were recently established under the administration of the Reception Integration Agency (RIA), a unit of the Irish Naturalisation and Immigration Service (INIS), in conjunction with the Health Service Executive (HSE) (Department of Justice, Equality and Law Reform 2009:13).

Legal Framework

The Irish anti-trafficking legislation reaches back to 1998 when the **Child Trafficking and Pornography Act** entered into force. The Act prohibits organising and facilitating the entry into, transit through, or exit from Ireland of a child, or to provide accommodation for a child with the purpose of sexual exploitation.

In 2000, another act was introduced that referred to THB, the **"Illegal Immigrants (Trafficking) Act 2000"**. Despite this wording, the Act in fact only related to illegal immigration and human smuggling. Section 2 of this Act criminalises the organisation or facilitation of the entry into the Ireland of a person who is believed to be an illegal immigrant or a person who intends to seek asylum (Department of Justice, Equality and Law Reform 2009:38).

The current anti-trafficking legislation, which finally brought Irish anti-trafficking legislation in line with the international framework, was adopted in 2008 under the title **"Criminal Law (Human Trafficking) Act"** (see Department of Justice, Equality and Law Reform 2009:39 -40). This Act prohibits trafficking in adults and children for the specific purposes of sexual or labour exploitation or the removal of organs. Furthermore, the Criminal Law (Human Trafficking) Act 2008 also extended the definition of a child from a person under the age of 17 to a person under the age of 18. Furthermore, the maximum sentence for the crime of trafficking was raised from 14 years to life imprisonment (Ibid:38).

Measures on protecting victims of trafficking are comprised in the **Immigration, Residence and Protection Bill 2008**. Section 127 prolongs the recovery and reflection period granted to **"suspected victims" of trafficking** to 60 days.¹⁶⁵ In addition, a renewable six months residence permit is granted to victims who collaborate with the law enforcement authorities (Ibid:43). However, in order to be granted the reflection period/ residence permit, victims need to be identified by the law enforcement authorities.

Data Availability

Data on trafficking in Ireland for the period under review is fragmented and dispersed over various institutions and organisations. Most of the available figures refer to victims of trafficking identified by NGOs on a local or regional level and cover time intervals of several years. Moreover, the available data seems to refer to trafficking for sexual exploitation mostly. Hence, there is no annual data on trafficking available covering the entire national territory.

A research project on "The Nature and Extent of Trafficking of Women into Ireland for the Purposes of Sexual Exploitation" conducted between 2000 and 2006 (Ward and Wylie

¹⁶⁵ Prolonged from 45 days by the "Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking" from 13 Nov 2008.

2007) reveals that 76 female victims of trafficking were identified¹⁶⁶ in this time period, out of which 14 victims were returned to their home countries.

The NGO Ruhama¹⁶⁷ in the same period (2000 to 2006) came into contact with 132 women trafficked to Ireland for the purpose of sexual exploitation. In 2006, 18 new referrals were registered by the NGO.

The Immigrant Council of Ireland (2009), in collaboration with the Women's Health Project (HSE) and the NGO Ruhama, in a joint study published the numbers of 102 victims of trafficking identified by 10 support services between January 2007 and September 2008, out of which 11 were children.

The Migrant Rights Centre Ireland publishes the number of 46 victims of trafficking for sexual exploitation between July 2005 and December 2007.

Information from the US Department of State suggests that out of 40 suspected THB victims who were referred to the police during March 2008 and April 2009, two were granted a 60-day reflection period by authorities (US Department of State 2009:165).

Data on perpetrators is available for 2008 only, when the Irish National Police initiated 96 investigations into alleged human trafficking offences. However, no data on prosecutions and convictions is available for the period under review (see also US Department of State 2009:165).

¹⁶⁶ According to the methodology of that study.

¹⁶⁷ Ruhama is a Dublin-based Non-Government Organisation that works with women involved in prostitution.

Table 2 Data availability in Ireland

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	NGOs Anti-Human Trafficking Unit (as of 2009)	Most data is available from NGOs and from an academic research. Police data is published by an international source. Data covers time periods of years, between 2000 and 2006 and between 2007 and 2008.
Cases investigated	Garda Síochána	Data is available for 2008 only, published by an international organisation.
Cases with indictment	Garda Síochána	
Cases with conviction	Garda Síochána	
VoT claiming compensation in civil suits	Department of Justice, Equality and Law Reform	
VoT receiving legal or psychosocial assistance during proceedings	NGOs (such as the Immigrant Council of Ireland or Ruhama)	
VoT accepted in witness protection programme	Garda National Immigration Bureau	
VoT granted short-term residence	Garda National Immigration Bureau	Data is published by an international institution and refers to the period March 2008 and April 2009.
VoT granted continued residence	Garda National Immigration Bureau	
VoT returned to home country	Garda National Immigration Bureau	Data is available for the interval 2000 – 2006 from an academic research.

Conclusions: Assessing the Extent of Trafficking in Human Beings in Ireland

In Ireland, a legal definition of trafficking in human beings complying with international standards only entered into force in 2008. Hence, data on THB is very scarce and fragmented. Although the Child Trafficking and Pornography Act with reference to trafficking in children has been in force since 1998, no data on victims or on perpetrators is publicly available under this law. In addition, trafficking in human beings was considered a crime closely related to human smuggling and illegal immigration prior to 2008. The NGO Ruhama, as well as the 2009 US Department of State report on trafficking, acknowledge the fact that prior to the 2008 anti-trafficking legislation, suspected victims of trafficking were regarded primarily as illegal immigrants.

Most data available on THB for the period from 2000 to 2008 is published by NGOs offering assistance and shelter to victims of trafficking, but who collect data only on their own clientele and mostly for their own administrative purposes. Moreover, most data on possible victims of trafficking refers to women who have become victims of THB for sexual exploitation. Until recently, there was no central unit in charge of co-ordinating assistance to victims of trafficking, and NGOs assisting victims of trafficking did not receive financial support from the government. Consequently, the available data on victims of trafficking has remained dispersed among several NGOs.

Before the background of the adoption of the National Action Plan in 2009 and the establishment of specific bodies and measures dealing with THB, it can be expected that data on trafficking in human beings will also be available on a national level in the near future.

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Domestic Policy and Institutional Setting

As a major destination and transit country, Italy has focused its policies on both identification of offenders and victim support. In March 2008 the **Coordination Committee for Governmental Action against Trafficking**¹⁶⁸ published the report "Towards the establishment of a National Anti-Trafficking Plan", which is expected to translate into the first Italian National Action Plan. Nevertheless, Italy provides for best practices when it comes to victim support and assistance programs.

Identified by the specialised units of the Police and the National Antimafia Bureau, victims of trafficking are entitled to a six-month residence permit under **Article 18¹⁶⁹ of the 1998 Immigration Law**. In order to obtain such a permit, victims may either co-operate with the competent authorities in producing charges against traffickers or a statement can be submitted by an NGO or a social service confirming their status of victims of THB (UNODC 2009:260). However, both "paths" lead to granting a temporary residence permit and access to education or work (Petrini & Ferraris 2002:38). If the victim co-operates with the authorities, the six-month permit can be renewed for at least one year. This is the case if the presence of the victim is needed in order to proceed legal action against perpetrators or if the victim's safety would be at risk by co-operating with the authorities or returning to the home country (Petrini & Ferraris 2002:48). A special status is offered to **child victims** who are entitled to reside in Italy until they reach 18 years of age.

Moreover, a special aid programme for the victims of trafficking is established by **Article 13 of the Law n. 228/2003**. Under this programme health care and appropriate accommodation is provided. The institution responsible for the co-ordination of actions on assistance and victim protection is the **Interministerial Commission for support to victims of trafficking and exploitation** (Interministerial Commission), under the **Department of Rights and Equal Opportunities** of the Prime Minister's Office. The Interministerial Commission is responsible for evaluating and monitoring the *assistance and social integration programme* as regulated in Article 18 of the 1998 Immigration Law and Article 13 of the Law n. 228/2003. Victim assistance programmes are implemented by NGOs and local government bodies. In this context, also a new system of data collection was established for these programmes. However, data is not yet available from this source (Barbieri 2008:10). Furthermore, Italy has established a special **fund for witness protection measures** that is subsidized from the confiscation of traffickers' assets.¹⁷⁰

Since mid-2000 a free-of-charge phone number (**Numero Verde**) is operating with the purpose of informing victims on the possibilities to escape exploitation as well as to provide them with assistance. Moreover, this service is meant to create a **specialist national network** as well as a **monitoring system** among the 14 local offices supporting and implementing the service. From January 2007 the hotline provides assistance and information not only to victims of THB for **sexual exploitation** but also to victims of trafficking for the purpose of **labour exploitation**.¹⁷¹

¹⁶⁸ This committee (*Comitato di Coordinamento delle azioni di Governo contro la tratta*) was established under the Department of Rights and Equal Opportunities (*Dipartimento dei Diritti e per la Pari Opportunita*) in 2007 (Cartabia, Lamarque & Vigano 2008:14).

¹⁶⁹ Art. 18 of the legislative decree no. 286/1998.

¹⁷⁰ Law 228 of 2003 of Italy on Measures against trafficking in human beings.

¹⁷¹ http://www.pariopportunita.gov.it/index.php?option=com_content&view=article&id=120:numero-verde-antitratta-800-290-290&catid=53:numeri-di-pubblica-utilita&Itemid=121 (28.09.2009).

Offenders are identified by the Police in collaboration with the Public Prosecutor's Office and the National Antimafia Bureau. When a crime is being identified, the Police have to report "without any delay" to the public prosecutor. The case is then handed over to a hearing judge who decides whether an indictment can be issued or the case is to be dismissed. In Italy there are 165 Public Prosecutor's Offices attached to the 165 courts of general competence. Out of these 165 Prosecutor's Offices, 26 offices have each a special unit called Antimafia District Bureau. The District Bureaus are co-ordinated by the National Antimafia Bureau which is formally attached to the General Prosecutor's Office of the Supreme Court. The National Antimafia Bureau deals with investigations in cases of organised crime and comprises various bodies, such as the State Police, the Central Administration of the Department of Public Security, the Special Operative Group and the Finance Police (Cartabia et al. 2008:23-24).

"**Osservatorio Tratta**"¹⁷² is the Italian online portal on trafficking in human beings that offers information on various aspects of the phenomenon. The portal was established within the European "Equal-Project" "*Osservatorio e Centro Risorse sul Traffico di Esseri Umani*" (Observation and Resource Centre for THB), co-ordinated by the association *On the Road*, in partnership with other NGOs and governmental bodies.¹⁷³ The portal is the most updated secondary source on THB issues within Italy. It gathers national statistical data from different institutions and offers an overview of the national and international legal framework against trafficking. Moreover, the portal provides information on national policies against trafficking as well as a database of the institutions involved in fighting the phenomenon and supporting victims.

Legal Framework

Trafficking in human beings is criminalised in the Italian Penal Code under the **Art. 601 as amended by the Law n. 228/2003**. Articles 600 and 602, which refer to "slavery" and "similar conditions", are also being used to convict traffickers. Moreover, **Art. 600** criminalises bringing and keeping a person in a state of servitude or slavery, while **Art. 602** criminalises acts of buying and selling a person who is already in a state of servitude (Cartabia et al. 2008:10). From these articles, only Art. 601 refers to trafficking in human beings *per se*, criminalising the acts of "*trafficking in persons who are in the conditions referred to in article 600 [...] through deceit or [...] by making use of violence, threats, or abuse of power; by taking advantage of a situation of physical or mental inferiority, and poverty; or by promising money or making payments or granting other kinds of benefits to those who are responsible for the person in question, to enter the national territory, stay, leave it or migrate to said territory.*" The sentences for trafficking vary from "eight to twenty years" of imprisonment and in case of child victims these offences are "increasing by one third to 50%."¹⁷⁴

Regarding **child trafficking**, one important aspect of the law is that special means (force, threat or deceit) **must** also be present when the victim is under 18 in order for an action to be regarded as trafficking. However, the Penal Code provides for other related crimes which can be committed in relation to children. These articles are: 600-*bis* (child prostitution), 600-*ter* (child pornography) and 600-*quater* (acts in relation with child pornographic material) (Cartabia et al. 2008:11).

It is important to mention that the Italian legislator sees trafficking in connection with organised crime. Therefore, **Art. 416, par. 6 of the Penal Code** criminalises any action of organised groups that falls under Art. 600-602. Regarding related crimes, prostitution

¹⁷² http://www.osservatoriotratta.it/index.php?option=com_frontpage&Itemid=62 (28.09.2009).

¹⁷³ http://www.savethechildren.it/download/Conference_Programme.pdf (28.09.2009).

¹⁷⁴ <http://www.legislationline.org/documents/action/popup/id/4968>.

per se is not criminalised in Italy, but the act of procuring is a crime under the **Art. 3 of the Law n. 75/1958** (*Legge Merlin*).

Addressing victim protection and assistance, the Italian legislation foresees, as mentioned above, **a six month residence permit** for victims of trafficking. Considering Art. 18 of the 1998 Immigration Law and Art. 13 of the Law n. 228/2003, Italy complies with the Council Directive 2004/81/EC¹⁷⁵ in terms of victim assistance. Italian law does not offer victims of trafficking a reflection period. However, this reflection period imposed by this Directive does not apply for Italy, since obtaining a temporary residence permit in this country is not bound to the victim's willingness to co-operate with the law enforcement or judicial authorities.

The European Council Framework Decision 2002/629/JHA on Combating trafficking in human beings prescribes a list of aggravating circumstances that call for a minimum sentence. Italy sets in its legislation a minimum sentence high enough to comply with the Decision, but it does not specify a list of aggravating circumstances. Moreover, as the Decision does not impose the introduction of the trafficking definition in the national legislations, this cannot be imposed to the Member States, but the Framework Decision obliges them to criminalise all acts that constitute trafficking. Although the specification of different types of trafficking is not clearly stated in the legislation, Italy criminalises different conditions under which one may be trafficked through its several articles from the Penal Code.

Data Availability

Data on trafficking in human beings is collected by **several different institutions**. Moreover data on **identified victims** is gathered by the **Department of Rights and Equal Opportunities** and by the **National Antimafia Bureau**. Information on the number of victims supported through special programs for victims of trafficking is also centralised by the **Department of Equal Opportunities**. Data on the number of the issued residence permits is collected by the **Ministry of Interior**.

Regarding perpetrators, data on investigations and indictments is gathered by the Police and by the National Antimafia Bureau, as both institutions deal with investigations and gather evidence against suspected perpetrators. Data on cases with conviction is centrally collected by the **Ministry of Justice**, which was, however, not publically available by the time of writing this report.

The information presented in this report was made available to us by national bodies such as **Osservatorio Tratta** and **Save the Children Italy** by international publishing sources like the UNODC, the US Department of State, and by several **national institutions**. In addition some data on investigations and indictments was available from the Police and extensive data on victims and perpetrators was obtained from the **National Antimafia Bureau** through direct request.

¹⁷⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0081:EN:HTML> (28.09.2009).

Table 3 Data availability in Italy

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Department of Rights and Equal Opportunities, National Antimafia Bureau	Data available from 2000 – 2007. Data available from 2003 – 2008.
Cases investigated	National Criminal Police, State Police, National Antimafia Bureau	Data available from 2003 – 2006. Data available from 2003 – 2008.
Cases with indictment	National Criminal Police, State Police National Antimafia Bureau	Data available from 2003 – 2007. Data available from 2003 – 2008.
Cases with conviction	Ministry of Justice	
VoT claiming compensation in civil suits	N.A.	
VoT receiving legal or psychosocial assistance during proceedings	Department of Rights and Equal Opportunities	Data available from 2000 – 2006.
VoT accepted in witness protection programme	National Antimafia Bureau	Data for 2003 – 2008 collected, but not made available.
VoT granted short-term residence	Ministry of Interior	
VoT granted continued residence	Ministry of Interior	
VoT returned to home country	N.A.	

Data Analysis

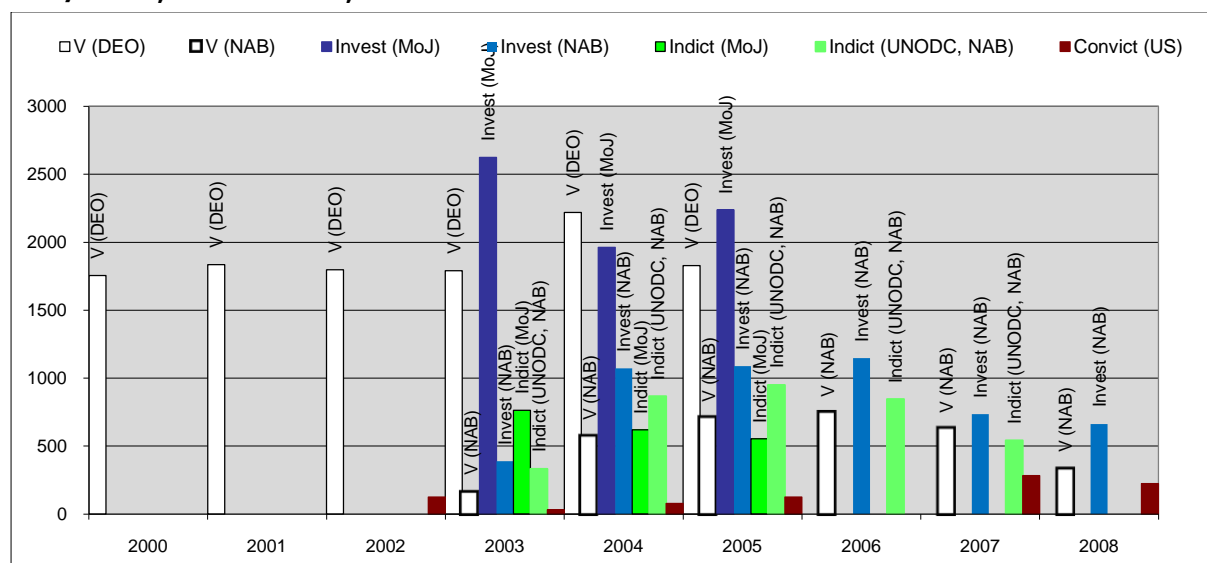
The Extent of Trafficking in Human Beings According to Different Stages of Legal Proceedings

As Italy does not have a centralised THB data collection system, different institutions publish various figures. Data on identified victims, recorded by the Department of Equal Opportunities and the National Antimafia Bureau, is published by the *Osservatorio Tratta* and the UNODC. In Chart 1 and Chart 2 below, data on identified victims is displayed in two different columns in order to distinguish data acquired from these two sources. Although the columns represent the same categories, they cannot be compared nor summed up, as they cover slightly different periods of time and may partially contain the same data. Although data provided by the Department of Equal Opportunities is available on a yearly basis, the reference period is not from January to December but e.g. from March to February the next year. Statistics are still comparable as they all cover the same time period (see Annex B).

In regard to data obtained from the National Antimafia Bureau it is important to mention that statistics on both categories, **victims** and **perpetrators investigated** for the year 2003, only cover a time period of 4 months (September to December 2003), while data for all the other years cover a 12 month period. Between 2003 and 2008, data on **victims** is available for each of the three articles of the Penal Code dealing with trafficking and related offences (Art. 600, Art. 601 and Art. 602). Similarly, the number of **investigations** and **indictments** is displayed in two different columns to differentiate the primary sources. Data on **investigations** from the Ministry of Justice is published by the *Osservatorio* and covers the time period between 2003 and 2005. As is the case with data on victims identified, statistics on investigations from the National Antimafia Bureau cover the years between 2003 and 2008 and are differentiated according to the three relevant articles in the Penal Code (Art. 600, Art. 601 and Art. 602 CC).

In Chart 1 below, data on **indictments** from the Ministry of Justice covers the years 2003 to 2005 while that from the National Antimafia Bureau (also published by UNODC) covers the years from 2003 to 2007. All figures on indictments, as for the ones on investigations, refer to *persons* not to cases. Statistics on **convictions** are published by the US Department of State and cover the time period from 2003 to 2008. Although this publishing institution has no reference to a primary source, figures are displayed in the chart below, as they were the only available ones on convictions at the time of writing the report. As Articles 600 CC and 602 CC also deal with conditions and certain elements of trafficking, and only Art. 601 and Law n. 228/2003 address THB *per se*, Chart 1 displays the total number of victims and perpetrators referring to all relevant provisions. Chart 2 below only includes figures referring to legal provisions addressing trafficking *per se* (Art. 601 CC; Law n. 228/2003).

Chart 1: Legal proceedings on THB in Italy, 2000-2008, referring to Law n. 228/2003, Art. 600 CC, 602 CC and Art. 601 CC



V (DEO) = identified victims (primary source Department of Equal Opportunities)

V (NAB) = identified victims (primary source National Antimafia Bureau)

Invest (MoJ) = investigations (primary source Ministry of Justice)

Invest (NAB) = investigations (primary source National Antimafia Bureau)

Indict (MoJ) = indictments (primary source Ministry of Justice)

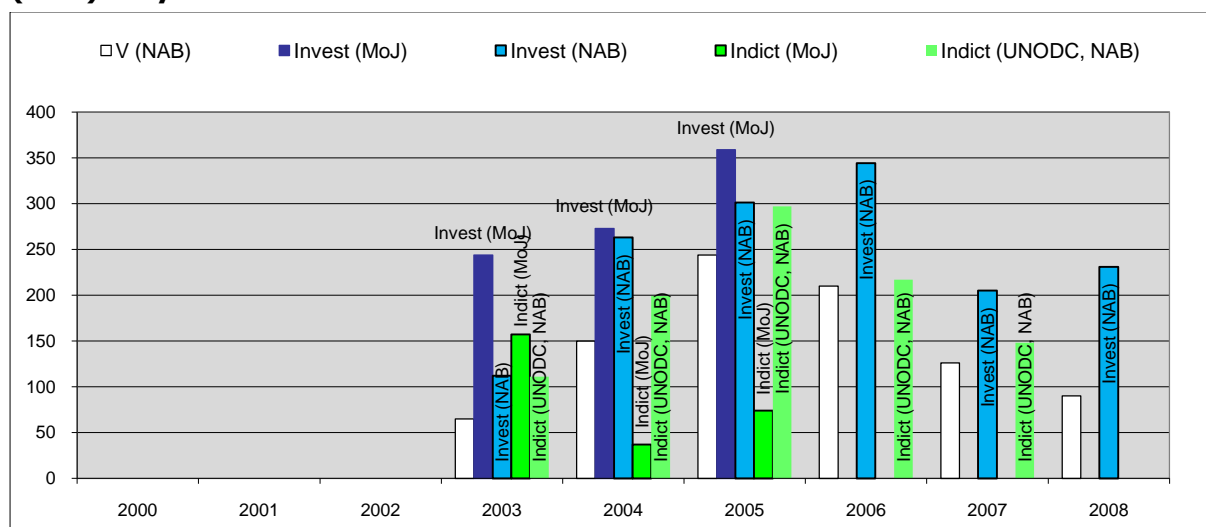
Indict (UNODC, NAB) = indictments (primary source National Antimafia Bureau, data published by UNODC)

Convict (US) = convictions (US Department of State, no specific primary source)

Source: Data on victims and investigations from the National Antimafia Bureau is obtained through the direct request from the Bureau. The rest of the data is obtained from other publishing organisations. The majority of data is published by the *Osservatorio* (which quotes *Censis*, which in turn quotes the primary sources), with the exception of data on indictments from the National Antimafia Bureau, which is published by the UNODC and with the exception of data on convictions published by the US Dpt. of State. For underlying statistical data see Annex B to this report.

Note: All data refer to persons. All data, with the exception of those from the Department of Equal Opportunities, represent sums of the number of victims or perpetrators identified under different articles from the Italian Penal Code. For example, data on identified victims from the National Antimafia Bureau are the sum of the victims identified under the following articles: 600, 601 and 602. Similarly, the data from the Ministry of Justice displayed for the investigations represent the addition of investigations under the Articles 600, 601, 602 and under the Law n. 228/2003 on Measures against trafficking in persons.

Chart 2: Legal proceedings on THB in Italy, 2000-2008, referring to Art. 601 CC (THB) only.



V (NAB) = identified victims (primary source National Antimafia Bureau)

Invest (MoJ) = investigations (primary source Ministry of Justice)

Invest (NAB) = investigations (primary source National Antimafia Bureau)

Indict (MoJ) = indictments (primary source Ministry of Justice)

Indict (UNODC, NAB) = indictments (primary source National Antimafia Bureau, data published by UNODC)

When comparing the data displayed in the two charts, one can observe the difference in numbers between the two charts. For the time period between September and December 2003, the number of **identified victims** in **Chart 1** is 168 (referring to Law n. 228/2003 and all three relevant articles of the Penal Code), while the same data series corresponds to 65 identified victims under Article 601 CC (THB) and Law n. 228/2003 only.

Similarly, the number of **investigations** displayed in the first chart in 2003 represents an absolute value of 2.624, while the number referring to Article 601 CC and the Law n. 228/2003 only shows 144 investigations in the same year (Chart 2).

According to the number provided by the Department of Equal Opportunities on **victims identified** referring to all relevant articles of the Penal Code (Chart 1) between 2000 and 2003, the number of identified victims maintains the same level, with only minor differences: 1.755 for the year 2000, 1.836 for the year 2001, 1.797 for 2002 and 1.791 for 2003.¹⁷⁶ In the time frame between June 2004 and June 2005, after the Law n.228/2003 came into force, the number of victims identified grows to 2.219, but decreases again to about the same value as before the legal change – 1.828 victims between June 2005 and June 2006.

Data obtained from the National Antimafia Bureau on identified victims covers the time period between 2003 and 2008. When analysing the data series from the Chart 1, the number of victims identified by the Bureau increases gradually from 570 in 2004 to 724 in 2006, and decreases to 626 in 2007 and to 334 in 2008. Interestingly, the Bureau also provided data on investigations in relation to the data on identified victims. Moreover, information on the number of cases, the number of perpetrators and the number of victims (as well as whether the victim is under 18 years of age or not) was provided. For comparison, the chart is made only with data on persons. It is important to mention that, in both Chart 1 and 2, the number of persons investigated is higher for

¹⁷⁶ Data provided by the Department for Equal Opportunities for this time frame always refers from March to March of the next year.

every year than the number of identified victims. This can be explained by the length of the investigations – one investigation started this year can be finalised next year or in two years; therefore, the numbers from one year could be the sum of the investigations over the last years. Moreover, it is difficult to identify trafficking victims, as they might fear providing information on their experience.

Data from the Ministry of Justice on investigations and indictments covers the period between 2003 and 2005. Since this data covers three years, it is unlikely to identify trends, but can be analysed in relation to one another. Moreover, every year the number of indictments is considerably lower than the number of investigations – 2.624 investigations and 763 indictments in 2003, 1.962 investigations and 619 indictments in 2004, and 2.238 investigations and 553 indictments in 2005. This can be explained by the development of a case through the legal proceedings. In order for a defendant to be indicted, the Police or the National Antimafia Bureau, in collaboration with the Public Prosecutor, needs to gather enough evidence, which is then analysed by a hearing judge, who decides whether to indict the defendant or to dismiss the case. In practice, evidence can not be gathered against all suspected and investigated perpetrators, due to the latent nature of the crime. The same explanation applies to the difference between the number of indictments and convictions, data on convictions being the scarcest data on trafficking.

The Extent of Trafficking in Human Beings: Number of Identified Victims

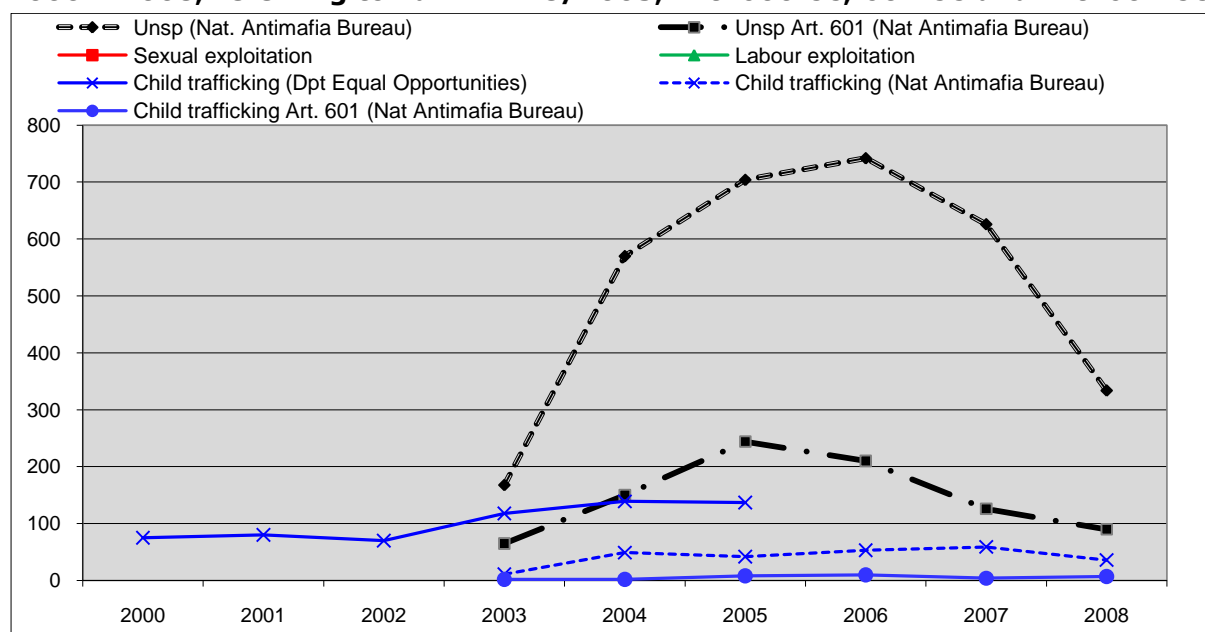
Data Availability

Data on victims is provided by the Department of Equal Opportunities and the National Antimafia Bureau. Chart 3 below displays separate data lines for totals of identified victims (under several articles of the penal law) and under Art. 601 CC (THB).

Data provided by the Department of Equal Opportunities does not cover one year from January to December, but for instance from March to March. Therefore, this data cannot be directly compared with the other series. For this reason and also for a better visualisation of those that are directly comparable, only data on child trafficking from the Department is displayed below. This data, similarly, covers different time periods, such as from March 2000 to February 2001 or from March 2001 to March 2002. For underlying statistical data see Annex B to this report.

Data from the National Antimafia Bureau is displayed on four lines – one for data on total identified victims for different types of trafficking (under all articles of the law), the second line represents the victims identified for different types of trafficking only under Art. 601 of the Penal Code, the third line displays the identified child victims of trafficking under all articles of the law, and the fourth line represents the data on identified child victims of trafficking under Art. 601 of the Penal Code.

Chart 3: Number of Identified victims of THB for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs, 2000 – 2008, referring to Law n. 228/2003, Art. 600 CC, 602 CC and Art. 601 CC



Unsp (Nat Antimafia Bureau) = identified victims of any type of trafficking (primary source National Antimafia Bureau)

Unsp Art. 601 (Nat Antimafia Bureau) = identified victims of any type of trafficking under Art. 601 of the Penal Code (primary source National Antimafia Bureau)

Source: Data on identified victims are from the National Antimafia Bureau (provided upon request) and from the Department of Rights and Equal Opportunities (published by the *Osservatorio*).

Note: Data on identified victims for any type of trafficking (unspecified) from the National Antimafia Bureau represent the sum of the other data on victims from the same primary source. Data on child trafficking from the Department of Equal Opportunities does not cover one year from January to December, but from March to March or June to June. For underlying statistical data see Annex B to this report.

Contextualising and Analysing the Data

Interestingly, data on child trafficking is available mostly because the institutions are recording the age of the identified victims. The National Antimafia Bureau for instance, provided upon request information on cases, investigated persons and identified victims, as well as the age of the victim (under or over 18 years old). The Italian legislation has several articles that refer to child victims, such as Art. 600-*bis* on child prostitution or Art. 600-*quinquies* on tourist initiatives for the exploitation of child prostitution (*"iniziativa turistiche volte allo sfruttamento della prostituzione minorile"*). However, data on victims under these articles is not available. No data on identified victims of different types of trafficking – for the purpose of sexual or labour exploitation or for removal of organs – is available.

On one hand, data on child trafficking from the National Antimafia Bureau has an ascendent trend, for almost the whole period. Moreover, in 2003 there were 11 children identified as victims of trafficking, in 2004 there were 49, in 2007 there were 59, and in 2008 the number drops to 36 children identified as victims of trafficking. On the other hand, these numbers represent totals of child victims under different articles of the Italian penal law. The number of child victims of trafficking under Art. 601 are much lower – 2 in 2003, 2 in 2004, 10 in 2006, 4 in 2007 and 7 in 2008.

The number of victims of different types of trafficking identified by the National Antimafia Bureau is described by a data line with an interesting trend. From 570 in 2004 it grows to 704 in 2005, it reaches the maximum of the interval with 742 in 2006, and then it starts to drop gradually until 334 in 2008.

As mentioned above, Italy has two major programs for supporting and protecting victims of trafficking. The *Osservatorio* publishes, quoting the Department of Equal Opportunities, the number of 11.541 identified victims enrolled in these programs between March 2000 and April 2006. Moreover, between 2001 and 2007 several thousand victims receive a temporary residence permit – 833 in 2001, 1.062 in 2002 and 1.009 in 2007.

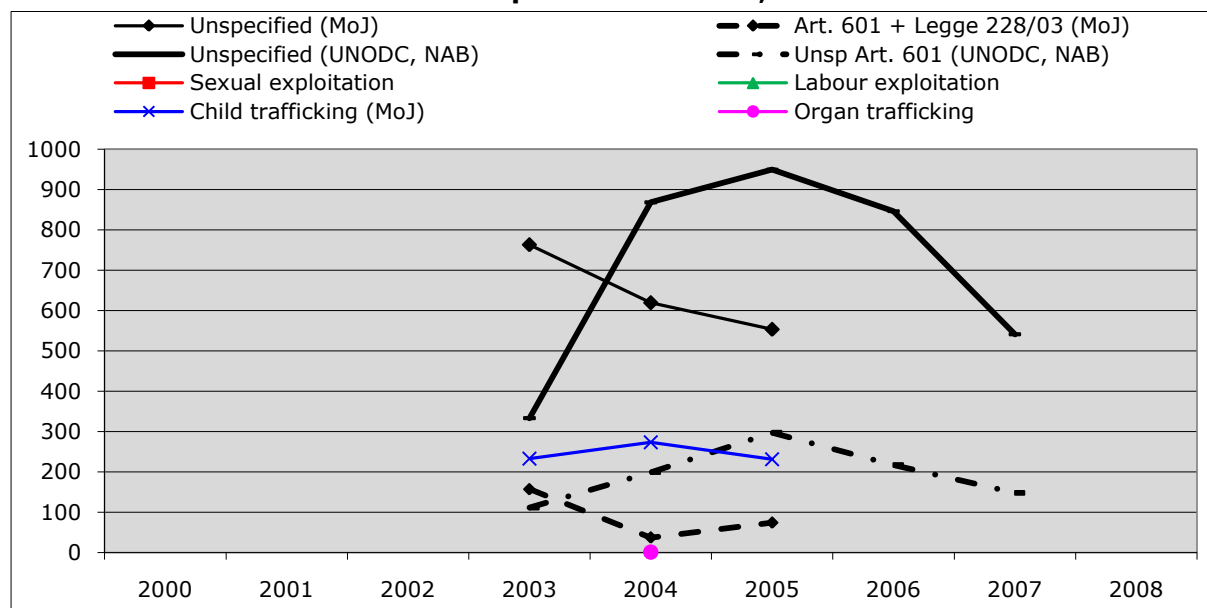
The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

Data on perpetrators available in Italy covers investigations, indictments and convictions. The data displayed in the chart below refers to persons indicted, as these are the numbers that indicate the extent of traffickers identified as such and for which enough evidence could be gathered by the Police or the National Antimafia Bureau in collaboration with the Public Prosecutor in order for the judge who received the cases to proceed further and indict the defendants. The chart below displays data from the Ministry of Justice and National Antimafia Bureau as primary sources.

Osservatorio Tratta also publishes data on indictments for child trafficking from Istat, Judiciary Statistics. As this data is available for 2003 and 2004 only, for a better visualisation of the data series with larger coverage, data from Istat is not displayed in the chart. Moreover, as data on convictions is available only from an international source – the United States Department of State – that does not specify the primary source, this data was not used in the chart below.

Data on indictments cover the time period from 2003 to 2007 from the National Antimafia Bureau (data published by the UNODC) and from 2003 to 2005 there is available data from the Ministry of Justice (published by the *Osservatorio*).

Chart 2: Number of Identified Perpetrators of THB, 2000 – 2008

Unspecified (MoJ) = indicted perpetrators for different types of trafficking under different articles of the law (primary source Ministry of Justice)

Unsp Art. 601 + Law 228/03 (MoJ) = indicted perpetrators for all types of trafficking under Art. 601 of the Penal Code and the Law n. 228/2003 on Measures against trafficking in persons (primary source Ministry of Justice)

Unspecified (UNODC, NAB) = indicted perpetrators for all different types of trafficking (primary source National Antimafia Bureau, published by UNODC)

Unsp Art. 601 (UNODC, NAB) = indicted perpetrators for different types of trafficking under Art. 601 of the Penal Code (primary source National Antimafia Bureau, published by UNODC)

Child trafficking (MoJ) = indicted perpetrators for child trafficking (primary source Ministry of Justice)

For underlying statistical data see Annex B to this report.

Note: All data refers to indicted persons.

Data on indictments for THB unspecified (UNODC, NAB) refers to "persons against whom prosecutions were initiated" for: "trafficking in persons" (Art. 601) (September 2003 – 2007) + "slavery" (Art. 600) + "trade of slaves" (Art. 602).

Data on indictments under Art.601 + Law 228/03 (MoJ) refers to "arresti" + "richieste rinvio a giudizio" under Art. 601 and Law n. 228/2003 for the years 2003 and 2004, and to "arresti" + "richieste rinvio a giudizio" under Law n. 228/03 for the year 2005

Data on indictments for Unspecified trafficking (Ministry of Justice) refers to "arresti" and "richieste rinvio a giudizio" under the following laws: Art. 600 c.p. *riduzione in schiavitù*, Art. 602 c.p. *alienazione e acquisto di schiavi*, Art. 601 c.p. *tratta e commercio di schiavi*, and Law 228/03 *tratta di persone*.

Data on indictments for Child trafficking (Ministry of Justice) refers to "arresti" and "richieste rinvio a giudizio" under Art. 600-bis c.p. *sfruttamento della prostituzione minorile*.

Data on indictment for Organ trafficking refers to "persone denunciate per reati di tratta per i quali l'Autorità ha iniziato l'azione penale" under the charge of "alienazione e acquisto di schiavi minori per prostituzione e prelievo di organi".

Contextualising and Analysing the Data

When analysing the above chart, it is important to underline the difference between the number of indictments for unspecified trafficking under different articles of the penal law, and the number of indictments under the Art. 601. For data from the primary sources, both the Ministry of Justice and the National Antimafia Bureau, there is a relatively high difference between the indictments under several articles of the law and under Art. 601 and Law 228/2003.

The data from the Ministry, for instance, refers in 2003 to 763 indicted perpetrators under several articles of the Italian law (see the Note under the Chart 4) and to 157 indicted perpetrators under Art. 601 and under the Law n. 228/2003. As the data on indictments under several articles of the law also includes those indicted under Art. 601

and Law 228/2003, the difference is of 606 perpetrators indicted under other articles, such as Art. 600 c.p. *riduzione in schiavitù*, Art. 602 c.p. *alienazione e acquisto di schiavi*. Similarly, in the years 2004 and 2005 there were 619 and 553 indictments under several articles of the law and 37 and 74 indictments under Art. 601 and Law n. 228/2003 respectively.

Perpetrators are being identified by the Police also during special projects meant to address the issue of trafficking and related crimes. During the Project Spartacus (which deals with crimes connected with trafficking), 784 people were arrested and other 1311 were "*denunciati*" between October 2006 and January 2007. Moreover, in the Project Davide which deals with crimes against minors - sexual violence, corruption of minors, child prostitution, THB, enslavement - there were 172 "*denunciati*".

With the exception of one indictment for "*alienazione e acquisto di schiavi minori per prostituzione e prelievo di organi*", which is published as trafficking by the *Osservatorio Tratta*, no other data on identified perpetrators for different types of trafficking is available.

Conclusions: Assessing the Extent of Trafficking in Human Beings in Italy

Italy is a major destination and transit country for victims of trafficking. Therefore, the Italian laws and policies against trafficking are focused on both identification of offenders and victim protection. As the perpetrators and victims are the two categories that provide an overview of the extent of trafficking in human beings, the current report focused on these two.

Regarding both categories – identified victims and traffickers – the number presented by relevant Italian institutions are often the sum of numbers of identified victims/offenders under several articles of the penal law that are related to trafficking, but are not necessarily trafficking *per se*. Moreover, the data is present by compiling the numbers of victims/ offenders under Art. 600 (including Art. 600-bis, Art. 600-quinquies), Art. 601, Art. 602, Law n. 228/2003 or Art. 416 co. 6. Therefore, the presented data on trafficking shows higher numbers than it would if only the numbers under Art. 601 would be displayed. However, this analysis is itself made possible by the fact that data is being collected also considering the different articles of the law under which the persons involved were identified as victims or as perpetrators.

Moreover, data on child trafficking was available because of the recording systems of some institutions which also include the age of the victims. However, an assessment of the extent of identified victims' category is a difficult task since different institutions have different data collection systems. Regarding the Department of Rights and Equal Opportunities as primary source, for instance, *Osservatorio Tratta* published data gathered on a different time frame as those gathered by the National Antimafia Bureau. In fact, the problem of centralising the data on trafficking has been recognised and is being dealt with by the *Osservatorio*, which is an EU-funded project under the co-ordination of a major Italian NGO.

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Domestic Policy and Institutional Setting

In the Dutch national framework trafficking in human beings is considered a modern form of slavery depriving the victims of basic human rights. In line with this, the Netherlands applies a **victim-centred approach** where the foremost consideration is to protect victims and prevent trafficking in human beings. The responsibility of the Dutch government to combat THB is shared by several ministries, among which the Ministry of Justice plays a co-ordinating role. Directly involved are also the Ministries of Interior and Kingdom Affairs, of Social Affairs and Employment, of Health, Welfare and Sports, of Education, Culture and Science as well as of Foreign Affairs.

In the year 2000, the Dutch institutional setting was profoundly changed when the independent **National Rapporteur on Trafficking in Human Beings** (*Bureau Nationaal Rapporteur Mensenhandel*, or BNRN) was established. One of the main tasks of the Rapporteur is to analyse trends in the field of human trafficking and reflect on Dutch efforts to approach THB. For this purpose, annual reports are prepared and sent to the Dutch government and parliament. The Rapporteur carries out secondary analysis of existing data collected by other bodies such as the **Immigration and Naturalization Service (IND)**, the **Public Prosecution Service (PPS)** and NGOs. As an independent body, the National Rapporteur's role is to critically reflect on policies pursued by the government and to produce recommendations on how to improve counteraction against trafficking.¹⁷⁷

In 2005 the landscape of Dutch law enforcement authorities was strengthened by the establishment of the **Expertise Centre on Human Trafficking and People Smuggling** (*Expertisecentrum Mensenhandel en Mensensmokkel*, or EMM). EMM is a collaborative venture between the National Crime Squad and National Crime Intelligence Service (KLPD), the Dutch Royal Military Police (KMar), the Social Investigation and Information Service (SIOD) and the Immigration and Naturalisation Service (IND). EMM operates as a collection point for information on THB within and outside the sex industry. Moreover, it has the task to process, analyse and provide information on THB to be used for operational and strategic purposes. It is directed by the National Public Prosecutor, who also co-ordinates the national campaign against THB and people smuggling at the National Public Prosecutor's office (Dutch National Rapporteur 2007:88).

Following the complaint of the National Rapporteur in her fifth report regarding unsatisfactory implementation of her recommendations, a "high-level" **Task Force** was established in 2008, bringing together representatives of both national and local government and of relevant agencies and services, including the national police. The main duties of this Task Force are the early identification and resolution of obstacles in policy implementation, ensuring the exchange of best practices and supporting local and regional measures for combating human trafficking. It is chaired by the Council of Procurators General responsible for THB. The National Rapporteur repeatedly pointed out that the fact that representatives of Dutch NGOs working in the field of human trafficking are not included in this task force was a missed opportunity. (Dutch National Rapporteur 2008:3).

¹⁷⁷ <http://english.bnrm.nl/about/about/>.

With regard to **civil society organisations** operating in the sector, the "Foundation against Trafficking in Women" (*Stichting Tegen Vrouwenhandel*, or STV), which recently changed its name to "CoMensha",¹⁷⁸ is the focal point for the initial assistance and registration of (possible) victims of trafficking.¹⁷⁹ With its new name, CoMensha intends to better reach out to all victims of THB and not exclusively to women. CoMensha receives government funding and closely collaborates with police or other national authorities. As soon as these partners suspect a person is a victim of trafficking, they have to notify CoMensha. Victims can of course also approach CoMensha directly. Their register is one of the main sources for the data on victims published by the National Rapporteur. (Dutch National Rapporteur 2007:47).

Within the national policy frame, the Dutch government adopted a **National Action Plan on (Combating) Human Trafficking** in December **2004**. The action plan follows an integrated multidisciplinary approach. In 2004 it contained a total of 65 concrete action points dealing with a wide range of aspects. In February **2006** Supplementary Measures to the National Human Trafficking Action Plan were adopted. Prevention, reporting and registration as well as investigation and prosecution were expanded to sectors other than the sex industry (Dutch National Rapporteur 2007:1-2).

In April **2006** the Dutch Board of **Procurators General**¹⁸⁰ formulated **guidelines** for the investigation and prosecution of the crime of trafficking in human beings. These guidelines give the highest priority to cases involving sexual exploitation, underage victims and trafficking for the purpose of removal of organs. Regarding labour exploitation, priority is given to prosecuting very harsh forms of exploitation involving inhuman working conditions and the deprivation of basic human rights. Investigations are not limited to persons suspected of exploiting another person, but also include facilitators providing transport, housing, false identity papers etc. In November 2008 the guidelines were updated. (Dutch National Rapporteur 2007:88-89).

Legal Framework

The previous THB Art. 250a of the Dutch Criminal Code was replaced in 2005 by the new and extended Art. 273a. This change was meant to broaden the definition of THB in order to include also trafficking for purposes other than sexual exploitation. Moreover, the new article is in compliance with the definition of the Palermo Protocol, as well as with the Council Framework Decision on combating trafficking in human beings. In 2006, Article 250a was renumbered (with no major changes) and became the current **Art. 273f Dutch Penal Code**.¹⁸¹

Trafficking in human beings as defined in the Dutch legislation occurs if the exploitation (or the intent to exploit) is accompanied by the application of some *element of coercion* (violence or threats of violence or other circumstances, extortion, fraud, deception or misuse of an imbalance of power, etc.). *No coercion* is required with respect to the definition of trafficking in minors, while (the intent for) exploitation *is* required.

¹⁷⁸ <http://www.mensenhandel.nl>.

¹⁷⁹ "However, not all victims are identified and victims who have been identified are not all reported" (Dutch National Rapporteur 2008:7).

¹⁸⁰ The Public Prosecution Service's highest authority, the Board of Procurators General, lays down policy on investigation and prosecution. (http://www.om.nl/vast_menu_blok/english/about_the_public/who_monitors_the/, 10.11.2009).

¹⁸¹ "Any person who by force, violence or other act, by the threat of violence or other act, by extortion, fraud, deception or the misuse of authority arising from the actual state of affairs, by the misuse of a vulnerable position or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, moves, accommodates or shelters another person, with the intention of exploiting this other person or removing his or her organs [...] shall be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding six years and a fifth category fine (maximum € 67,000)" (Dutch National Rapporteur 2007:241-242).

The **B-9 Regulation** (Chapter B-9 of the Aliens Act Implementation Guidelines) allows foreign nationals who are (or might be) victims of or witnesses¹⁸² to THB to reside legally in the Netherlands on a temporary basis (maximum one year) during the investigation and prosecution, so as to be available to the police and the Public Prosecution Service (PPS). The police ought to inform any foreign national who might be a victim of THB of the rights described in the B-9 regulation, and offer him or her a period of three months for reflection. The reflection period gives victims time to decide whether or not they want to collaborate with the law enforcement authorities (Dutch National Rapporteur 2007:15).

After the one year temporary residence, the victim/witness can apply for a continued residence permit¹⁸³ under **B-16 Regulation** (Chapter B-16 of the Aliens Circular) if: "a) information on trafficking provided by a victim ultimately results in conviction of the suspect in relation to that trafficking; or b) if at the time of the judgment (whether a conviction or not) the victim or witness who did co-operate with investigation and prosecution has been legally residing in the Netherlands on the basis of a temporary B-9 residence permit, for a period of three years; or c) if three years have passed since the temporary B-9 residence permit was awarded and the case is still pending before a criminal court." (Lawson et al. 2008:6).

Data Availability

Within the Netherlands, several actors collect data on THB, such as the Public Prosecution Service or courts. Nevertheless, most of the data on trafficking in the Netherlands is published by the National Rapporteur. International publishing sources of data on THB are the US Department of State and the UN Office on Drugs and Crime.

The National Rapporteur gathers data from several primary sources: In regard to data on victims of trafficking (VoT) the database of CoMensha is the main source. Data on suspected, prosecuted and convicted THB perpetrators is administered by the Public Prosecution Service, and by the courts. Information on VoT is available since the year 2000, while data on offenders is published since 2001.

Regarding data on the different types of trafficking, all data prior to 2005 refers to THB for sexual exploitation, as no other grounds of exploitation had been introduced into Dutch legislation before this date. However, also after 2005 no data is available disaggregated by THB for sexual or labour exploitation.

Regarding data on child trafficking, statistics are disaggregated by age of victims and thus allow for the identification of children and minors involved.

¹⁸² Since 14 November 2007, temporary residence permits can also be granted to victims who do not report a case of THB, but cooperate in other way with the investigation and prosecution (by making a statement or testifying as a witness). (Dutch National Rapporteur 2008:2).

¹⁸³ Data on temporary and long-term residence permits for victims of trafficking is available for the 2000 – 2006 period from IND and international sources respectively.

Table 4 Data availability in the Netherlands

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	CoMensha (previous named Foundation Against Trafficking in Women)	Data is available for the period between 2000 and 2007 from CoMensha, published by the National Rapporteur. Data from 2008 is published by an international source which quotes CoMensha.
Cases investigated	Public Prosecution Service Police	Data available from 2001 to 2006.
Cases with indictment	Public Prosecution Service Courts	Data available from 2001 to 2006
Cases with conviction	Public Prosecution Service Courts	Data available from 2001 to 2006
VoT claiming compensation in civil suits or joining a claim for civil damages in the criminal proceedings	Public Prosecution Service Courts	From 2000 to 2004, mixed data on different means of compensating VoT
VoT receiving legal or psychosocial assistance during proceedings	N.A.	
VoT accepted in witness protection programme	N.A.	
VoT granted short-term residence	Immigration and Naturalisation Service	Data available for 2002, 2005 and 2006 from the Immigration and Naturalisation Service. Data for 2003 and 2004 is published by an international source
VoT granted continued residence	Immigration and Naturalisation Service	Data available for 2000, 2001 and 2006 from the Immigration and Naturalisation Service
VoT returned to home country	N.A.	

Data Analysis

The extent of Trafficking in Human Beings according to different stages in Legal Proceedings

Whenever there is suspicion of a situation of THB, the police start an investigation. When enough evidence has been gathered, the case is registered by the Public Prosecution Service (PPS), which later decides whether to indict the defendant or to dismiss the

case. Thereafter, the case is handed over to the court, which may acquit or convict the suspected perpetrator or dismiss the case.

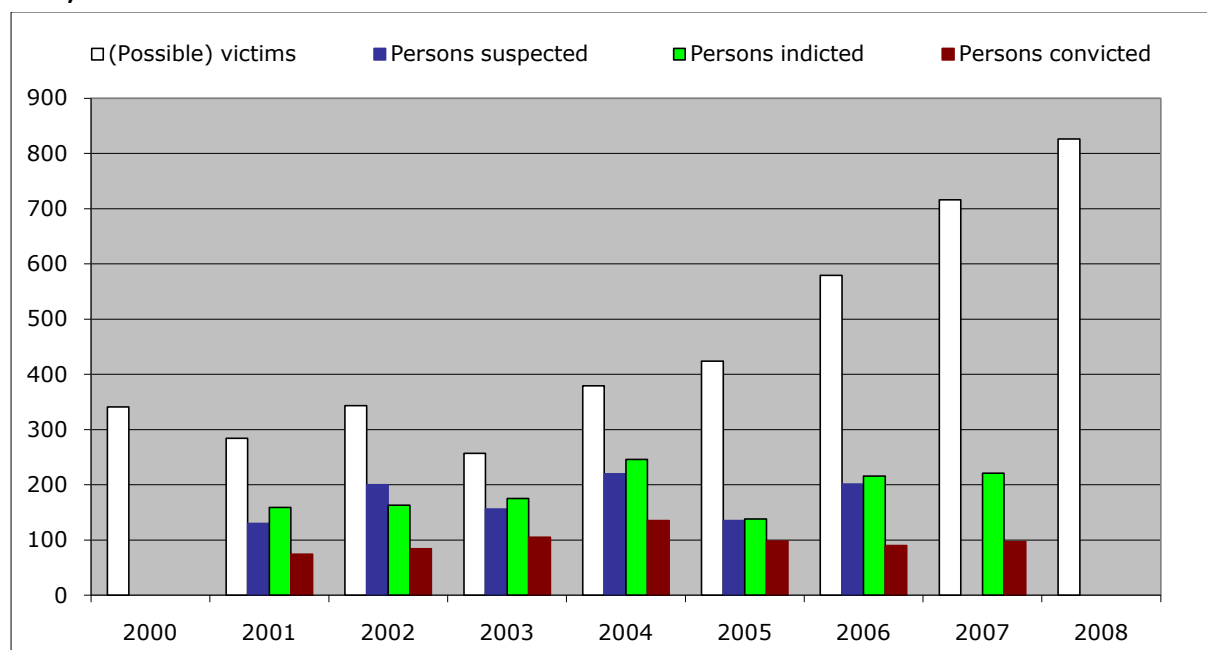
Chart 1 displays available data on THB according to different stages in the legal process. As it shows, the number of **investigated suspects of THB** alternates between increase and decrease for the whole period under review, but in sum remains at a stable level.

The number of **persons indicted** and **persons convicted** both display an increasing trend between 2001 and 2004. The figures on persons indicted raise from 159 in 2001 to 246 in 2004. The number of persons convicted increases from 74 in 2001 to 135 in 2004. Data on indictments after a decrease in 2005 again increases between 2005 and 2007, while numbers of convictions maintain a relatively stable trend around the value of 100 persons sentenced per year.

Interestingly, for most years, the number of **persons indicted** is higher than the number of **suspects of THB registered** by the PPS after the preliminary investigations has been concluded. In 2001, for instance, the Public Prosecution Service registered 130 persons suspected of THB offences and 159 persons indicted for THB. This is due to the fact that the Public Prosecution Service might decide on an indictment in the year following the preliminary investigation.

Data on **identified victims** displays the most evident trend as shown in Chart 1. As of 2003, the number of victims identified by NGOs continuously rises by more than 500 persons, from 379 persons in 2004 to 424 in 2005 and to 716 in 2007. With clear evidence, the highest values on THB in the Netherlands refer to **(possible) victims of trafficking**. One reason therefore relates to the fact that data on victims is provided by NGOs, while data on perpetrators is collected by law enforcement authorities. However, this cannot explain the increasing gap between the numbers of victims identified by NGOs and the number of perpetrators identified by the police.

Chart 1: Extent of THB according to different stages of legal proceedings on THB, 2000 – 2008



Source: Most data is published by the Dutch National Rapporteur. Data on victims for 2000 is published by CoMensha (previous named Foundation Against Trafficking in Women). Data on victims for 2008 and data on cases with indictment and with conviction for 2007 is from the US Department of State. For underlying statistical data see Annex B to this report.

Note: All data from the National Rapporteur refers to persons, as "in the context of prosecution, a (criminal) case is understood to mean a case against a single suspect". Data on persons suspected refers to suspects of at least one THB offence and registered by the Public Prosecution Service. Data on persons indicted refers to persons dealt with by the Public Prosecution Service.

The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

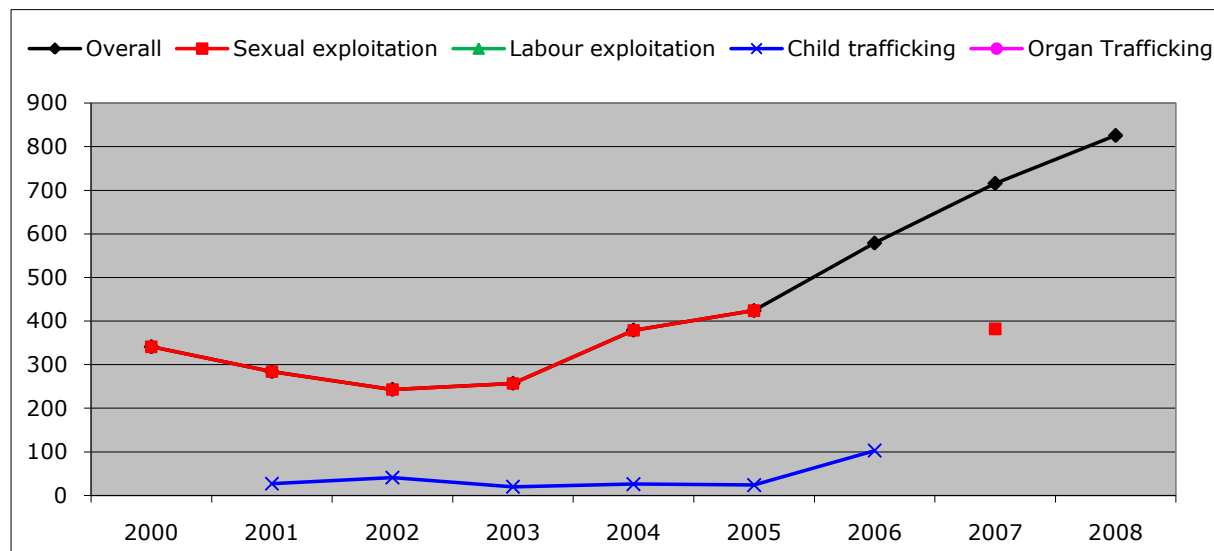
The organisation collecting data on victims of trafficking is the Dutch NGO CoMensha which receives government funding to carry out its work in assisting and registering **(possible) victims of trafficking** and in referring them to shelters and health care organisations. Data for the years 2001 to 2007 is published by the Dutch National Rapporteur. Other publishing organisations are the US Department of State, which provides information on victims between the years 2003 and 2008, as well as the UN Office on Drugs and Crime for the interval 2003-2006.

Regarding **civil suits for the compensation of victims**, data available covers the period between 2000 and 2004 with numbers ranging from 2 cases filed in 2000 to 10 cases filed 2001 and 13 in 2004. These numbers refer to cases in which victims made claims for compensations "through civil proceedings *or* joining a claim for civil damages in the criminal proceedings" (National Rapporteur 2007:58).

In 2006, the Immigration and Naturalisation Service (IND) granted 150 **residence permits under B-9 Regulation**, out of 180 applications, to victims and/or witnesses of trafficking in the Netherlands. With regard to assessing the extent, it has to be noticed, however, that not all residence permits granted are dealt with in the same year as their application, thus making it impossible to calculate a percentage of permits awarded from the figures available. Data for the years 2005 and 2006 show a clear increase in awarded residence permits for VoT, from 61 to 150 respectively.

Chart 2 below displays data on (possible) victims published by CoMensha for 2000, by the National Rapporteur from 2001 until 2007 and by the US Department of State for 2008.

Chart 2: Number of (Possible) victims of THB for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs, 2000 – 2008



Source: Most data is published by the Dutch National Rapporteur. Data on victims of THB for sexual exploitation for 2007 and for unspecified THB for 2008 is published by the US Department of State. For underlying statistical data see Annex B to this report.

Note: Data on child victims of trafficking for the interval 2001 – 2006 is included in the data on victims of THB for sexual exploitation and of THB unspecified for the same time period.

Contextualising and Analysing the Data

When analysing the chart above, there is a general increase in the number of victims of trafficking between 2000 and 2008 (Chart 2). While 341 individuals were recorded as **(possible) victims of trafficking** in 2000, for the year 2008 the number was 826, an increase of almost 500 persons. With regard to victims of different types of THB, it has to be noted that all data prior to the year 2005 refers to **THB for sexual exploitation**, as this was the only one defined in the Dutch legislation. However, after the 2005 revision of the THB legal definition, the only available data on victims of THB for sexual exploitation is for the year 2007, when 380¹⁸⁴ victims were registered by CoMensha. There is no available data on (possible) victims of **THB for labour exploitation**. Several organisations have taken steps to identify and combat exploitation in sectors other than the sex industry and to provide for suitable care for these victims (Dutch National Rapporteur 2008:1). Thus, it is expected that figures on victims of THB for labour exploitation will soon be available. Figures on **child victims of trafficking** are available between 2001 and 2006, due to the fact that CoMensha documents the age of the (possible) victims recorded. Moreover, the figures on child victims of THB increase from 27 in 2001 to 41 in 2002, maintain a constant trend around 24 between 2003 and 2005, and increase again to 103 in 2006.

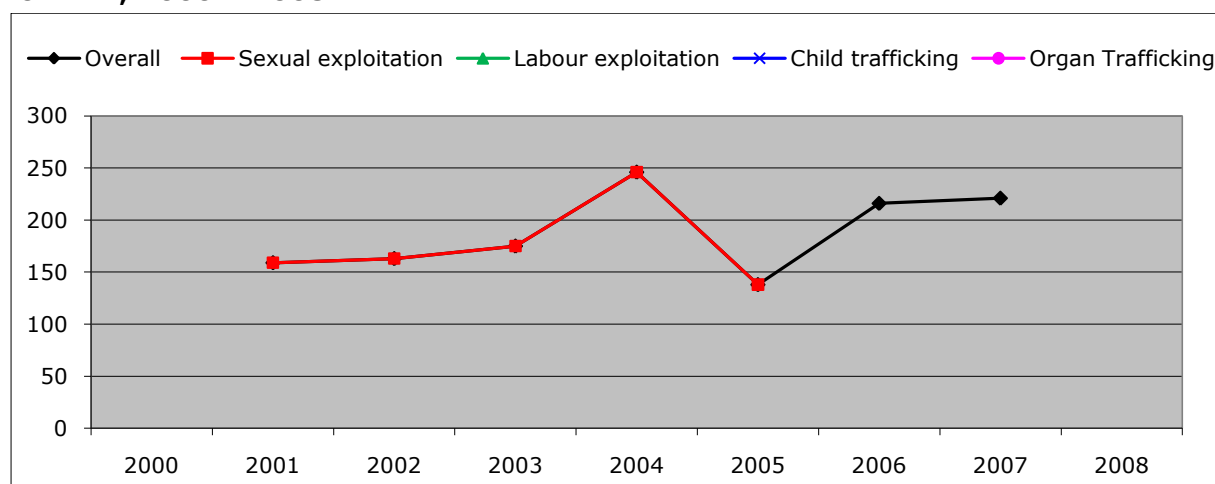
¹⁸⁴ This figure is published by the US Department of State.

The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

Primary sources for data on perpetrators are the institutions directly involved in a particular stage of the legal process: the police, the Public Prosecution Service, and the courts. This data is centralised and published by the Dutch National Rapporteur. Chart 3 below displays the persons dealt with by the Public Prosecution Service between 2001 and 2006. Data for the year 2007 is published by the US Department of State and refers to persons prosecuted.

Chart 3: Number of Perpetrators dealt with by the Public Prosecution Service for THB, 2000 – 2008



Source: Data on cases dealt with by the Public Prosecution Service between 2001 and 2006 is published by the National Rapporteur. Data for 2007 is published by the US Department of State and refers to persons prosecuted. For underlying statistical data see Annex B to this report.

Note: All data refers to persons.

Contextualising and Analysing the Data

In 2005, with the entry into force of Art 273f of the Dutch Criminal Code, exploitation in sectors other than the sex industry was included in the definition of human trafficking. However, data provided by Public Prosecution Service (PPS) does not differentiate according to type of exploitation.

As the National Rapporteur states in her sixth report, all criminal cases which entered the PPS database up to the end of 2005 exclusively relate to THB for exploitation in the sex industry. From 2006 onward, several registered cases involve exploitation in other sectors, but data cannot be distinguished according to different categories of exploitation. However, steps have been taken to identify and combat exploitation in sectors other than the sex industry and to provide for suitable care for these victims. Until February 2008, 4 investigations "led to prosecutions for the *exploitation of workers in sectors other than the sex industry*". (Dutch National Rapporteur 2008:1).

When looking at Chart 3 above, an increasing trend in the number of persons dealt with by the PPS can be observed between 2001 and 2004 when 159 and 246 persons were indicted respectively. In 2005 the number drops to 138 offenders prosecuted and rises to 216 in 2006 and 221 in 2007.

Conclusions: Assessing the Extent of Trafficking in Human Beings in the Netherlands

Since 2000, when the Dutch National Rapporteur was put into place, data on both victims and perpetrators is publicly available. A major change occurring in the period under review regards the legal amendment of the definition of trafficking in human beings in the Dutch Criminal Code. In 2005, Art. 273a (later renumbered 273f) replaced the old Art. 250a and extended the definition of THB to purposes other than sexual exploitation only. Since, THB for the purpose of forced labour or removal of organs is also criminalised.

However, data on different types of trafficking is almost inexistent, with the exception of data on victims of child trafficking and sexual exploitation. Data on child victims is available due to the fact that CoMensha documents the age of persons who are registered as (possible) victims of THB. Data on victims of THB for sexual exploitation is available mainly for the period prior to 2005, when this was the only type of trafficking defined by the legislation.

Interestingly, the Netherlands is one of the few European countries for which data on compensation awarded to victims of trafficking is available. Moreover, victims can make compensation claims through "civil proceedings or joining a claim for civil damages in the criminal proceedings" (Dutch National Rapporteur 2008:128-129). The number of compensation claims is still small compared to the number of (possible) victims registered by CoMensha – e.g. 2 claims compared to 341 (possible) victims in 2000 or 13 claims compared to 405 (possible) victims in 2004. While the figures on victims registered by CoMensha display an evident increasing trend as of 2003 only, the number of perpetrators indicted and convicted increases mainly until 2004. Moreover, the number of (possible) victims registered by CoMensha is every year much higher than the number of perpetrators indicted for THB.

While the figures on victims vary between around 300 and 800 yearly, the numbers on perpetrators indicted fluctuate between 150 and 250 every year. This might be explained by the fact that one perpetrator traffics more than one victim, but also by the fact that victims are registered by an NGO as (possible) victims of trafficking, while the law enforcement authorities need to provide stronger evidence in order to prosecute offenders.

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Domestic Policy and Institutional Setting

Following the 2001 co-operation programme with the UN Office on Drugs and Crime "Legal criminal reaction to trafficking in human beings in the Czech Republic and Poland", the **2003-2004 National Programme for Combating and Preventing the Trafficking in Human Beings** was approved by the Council of Ministries in September 2003. The main task of the Program was to implement the recommendations of the Palermo Protocol, in order to create necessary conditions for efficient counteracting and fighting the trafficking in people. Moreover, several specific points were addressed, such as changes in legislation aimed at effectively fighting trafficking in human beings and the improvement of effectiveness of actions.

In the framework of the implementation of the **2005 – 2006 National Programme for Combating and Preventing Trafficking in Human Beings**, the National Institute of Justice [Instytut Wymiaru Sprawiedliwości] has performed an analysis of the Polish courts' judicial decisions on cases concerning human trafficking in terms of their conformity with the definition of trafficking in human beings included in the Protocol on Prevention, Suppression and Punishment of Trafficking in Persons, especially Women and Children. From this analysis it resulted that the Polish courts' judicial decisions were not always in conformity with the letter and spirit of the law and the definition of human trafficking included in the Protocol. Thus, the elaboration and introduction of such a definition into criminal law aimed at standardization of the interpretation of the Article 253 §1 of the Penal Code.

In 2005, as part of the National Programme, annual domestic conferences on trafficking in human beings, attended by experts of the governmental administration, enforcement agencies and non-governmental organisations dealing with trafficking in human beings, were initiated. The first **National Conference on Combating and Preventing Trafficking in Human Beings** took place in March 2006. It resulted in recommendations applied in works concerning implementation of the National Programme. Moreover, the Conference is the only forum of this kind allowing for broad debate and exchange of experiences within the scope of the domain of trafficking in human beings. Thus, the **2007 – 2008 National Programme for Combating and Preventing Trafficking in Human Beings**, focused to a large extent on activities meant to improve the efficacy in dealing with the phenomenon of trafficking in human beings, such as inter-institutional co-ordination and international co-operation.

At the initiative of the Council of the Baltic Sea States, a network of National Contact Points for Unaccompanied and Trafficked Children – Victims of Trafficking in Human Beings was established. The task of the contact point is to gather information concerning the issue and exchange such information with the contact points in the 11 countries of the region, including Poland.

A Central **Team for Combating Trafficking in Human Beings, Human Organs, Child Pornography and Paedophilia** was established on 5 September 2006 by the decision of the General Commander in Chief of Police. The tasks of the Central Team are the following: co-ordinating and supervising of the co-ordinators and teams in regional headquarters of Police and Warsaw Metropolitan Police Headquarters; carrying on preventative actions; initiating the training courses for officers; participation in organising international operations; organisation of co-operation with entities other than the Police; and co-operation with Human Trafficking Studies Centre of the Warsaw University.

An inter-ministerial **Committee for Combating and Preventing Trafficking in Human Beings** was appointed by the Council of Ministers on 5 March 2004. The tasks of the Committee comprise the following: evaluation of implementation of the "National Programme for Combating and Preventing Trafficking in Human Beings"; proposing and giving opinions about actions undertaken aiming at efficient combating and preventing of trafficking in human beings; and co-operating with agencies of government administration and local government, as well as with non-governmental organisations in the scope of combating and preventing trafficking in human beings.

A **Unit for Trafficking in Human Beings** within the Ministry of Interior, Department of Migration Police was established in order to handle the work of the interdepartmental Committee for Combating and Preventing Trafficking in Human Beings.

The **Ministry of Interior and Administration** co-ordinates all the activities in the framework of the Team for Combating and Preventing Trafficking in Human Beings. It ensures organisation of conferences and meetings gathering actors involved in combating trafficking, it supports projects on trafficking-related issues. The Ministry is also responsible for the delivery of the subject of trafficking via the media and raising awareness of public opinion. The Ministry concluded an agreement with La Strada Foundation on implementing the public task, Programme for Assistance and Protection of Trafficked Persons.

A co-ordinator supervising the actions in the scope of combating and preventing trafficking in human beings has been appointed at the Headquarters of the Border Guard, as well as co-ordinators at particular divisions of Border Guard. Their duties are, among others, to co-ordinate the co-operation between the Border Guard and the Police and other institutions and non-governmental organisations in terms of combating and preventing trafficking in human beings.

In Poland, the need for **victim support mechanisms** was officially recognised in 2003, whereas NGOs had provided services since 1997. The support dimension is primarily covered by NGOs, with the exception of financial support, which is provided by the central state administration. As for skills, both regional or local authorities and NGOs give vocational guidance, but training is run only by the central state administration. Integration services appear to be dealt with by NGOs, with the participation of regional or local administration in placing trafficked persons in the labour market.

Within the framework of the 2005-2006 National Programme for Combating and Preventing the Trafficking in Human Beings, a **Programme of Support and Protection for the Victims of Trafficking in Human Beings**, was launched on 1 January 2006 and is being realised by the Ministry of Internal Affairs and Administration and the La Strada Foundation. This programme affords protection to the victims of trafficking in human beings (aliens) who hold a residence permit for the purpose of considering whether to commence co-operation with law enforcement bodies, or residence permits of a limited duration in connection with a decision to undertake co-operation with law enforcement bodies.

In order to regulate actions by law enforcement bodies in the event of disclosures of offences involving trafficking in human beings and in connection with the realisation of the above programme, in February 2006 the Police and Border Guard were provided with an "Algorithm for the conduct of law-enforcement officers in cases involving trafficking in human beings" (Goździk 2005:23). The investigative dimension primarily involves NGOs in co-operation with law enforcement agencies. In addition, there is further support provided by intergovernmental and international organisations based in Poland (IOM, OSCE/ODIHR, programmes of the Norwegian, United States and British Embassies in Poland).

Legal Framework

In Poland, there is no clear legal definition of trafficking in the Criminal Code, which hampers prosecutions of trafficking crimes. (US Department of State 2008) However, trafficking in persons is specifically prosecuted in Poland under Article 253 of the Polish Penal Code. This article does not define trafficking in persons, but in practice the judiciary adopt the UN Trafficking Protocol definition. (UNODC 2009:269).

Article 203, Article 204, Sections 3 and 4, and Article 253 of the Criminal Code are used to prosecute sex trafficking cases. Article 253 and organized crime statutes are used to prosecute labour trafficking cases, though there are no provisions that specifically define and address trafficking for labour exploitation. Penalties prescribed under Article 253 range from 3 to 15 years imprisonment, and Articles 203 and 204 prescribe from one to 10 years imprisonment; these punishments are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Law enforcement officials and NGOs continued to report that the lack of a clear legal definition of trafficking in Poland's criminal code limits effective prosecutions. (US Department of State 2009).

A very important change in Polish legislation from the point of view of combating trafficking in human beings was the adoption on 22 April 2005 of the Act on an amendment to the **Aliens Act** and to the **Act on the Protection of Aliens on the Territory of the Republic of Poland** and certain other acts. Article 1 points 13 and 19 of the above Act permits the granting of residence permits to aliens (victims of human trafficking) for the purpose of considering whether to commence co-operation with law enforcement bodies, or residence permits of a limited duration in connection with a decision to undertake co-operation with law enforcement bodies. (CEDAW/C/POL/Q/6/Add.1, 2006:24).

Data Availability

Since 2000, the Border Guard has been collecting data on crimes consisting of trafficking in persons, on the number of people arrested on suspicion of having committed such a crime, on the number of initiated and held preparatory proceedings, on the number of suspects, as well as on the way the proceedings have concluded.

One of the tasks of the inter-ministerial Team of Suppressing and Preventing Trafficking in Human Beings is to collect information and statistics data on the problem of trafficking in people and analysis thereof. (Gozdzik 2005:13).

Ministry of Interior and Administration, Ministry of Justice of the Republic of Poland, Polish, General Police Headquarters (KGP), Polish Border Guard General Headquarters, (KGSG), Ministry of Labour and Social Policy, the State Labour Inspection, Voivodship Offices, Voivodship Labour Offices in co-operation with non-governmental organisations and scientific centres: According to 2007-2008 National Programme, these institutions are responsible for publishing the 2nd edition of the Report on Trafficking in Human Beings concerning mainly the period of 2003 – 2006 (implementation deadline: 2nd half of 2008). The goals are: 1. Elaboration of the methodology and scope of the permanent gathering of information on the phenomenon. Responsibility for the implementation: Polish General Police Headquarters, Polish Border Guard General Headquarters, Ministry of Justice of the Republic of Poland, State Prosecutor's Office, in co-operation with non-governmental organisations and scientific centres. 2. Gathering of information and statistical data enabling a complex study of the problem and better co-ordination of the research conducted by various centres and institutions. Responsibility for the implementation: Polish General Police Headquarters, Polish Border Guard General

Headquarters, Ministry of Justice of the Republic of Poland, State Prosecutor's Office, in co-operation with non-governmental organisations. (2007-2008 NPCPTHB:3).

The National Prosecutor Office has started to collect information about criminal proceeding in regard to human trafficking cases from the year 1999. From this date the detailed regular report is being published every year. The information regarding criminal proceedings, the way of conclusions of proceedings, numbers of sentenced, injured parties, and witnesses are included in the report. As well as special data about operations methods of perpetrators. (Gozdzik 2005:13).

Sentences from the Courts of first Instance (under Articles 253 and 203) are collected. Post-appeal sentences, which are considered final, are collected for Articles 253, 203, and 204 (Sections 3 and 4).

2nd edition of the Report on Trafficking in Human Beings (1995/2003-2006) was compiled by the Unit for Trafficking in Human Beings, Department of Migration Policy, Ministry of Interior and Administration and published in 2008.¹⁸⁵

Table 5 Data availability in Poland

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Border Guards, Police, Prosecutor's Office, Ministry of Justice	Prosecutor's data since 1995.
Cases investigated	Ministry of Justice	Data available since 2000.
Cases with indictment	Ministry of Justice	Data available since 2000.
Cases with conviction	Ministry of Justice	Data available since 2000.
VoT claiming compensation in civil suits	N.A.	
VoT receiving legal or psychosocial assistance during proceedings	NGOs (La Strada)	Data available since 2004.
VoT accepted in witness protection programme	Police, La Strada	Data available since 2002.
VoT granted short-term residence	Ministry of Interior	Data available since 2008.
VoT granted continued residence	Ministry of Interior	Data available since 2008.
VoT returned to home country	Ministry of Interior, La Strada, IOM Poland	

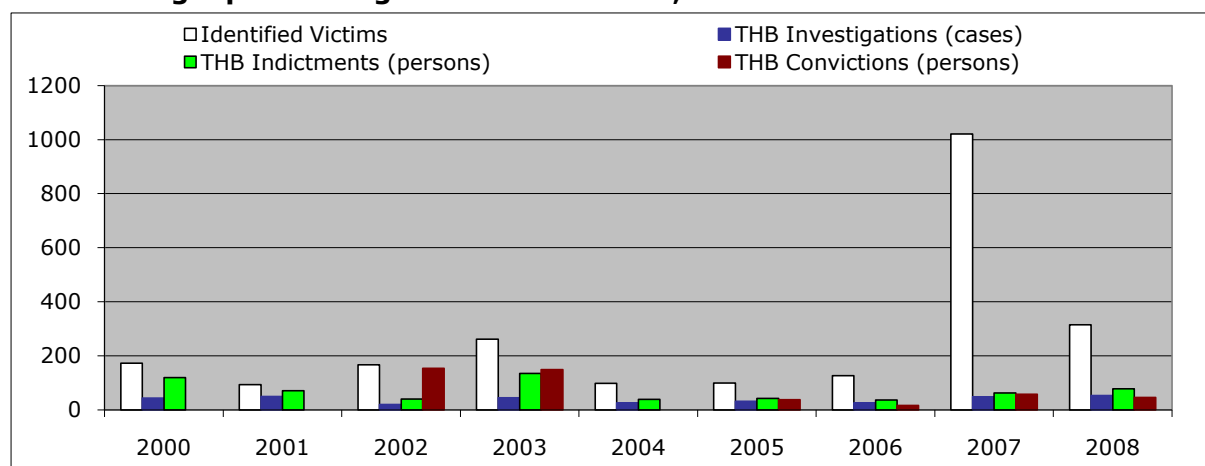
¹⁸⁵ <http://www.mswia.gov.pl/download.php?s=1&id=5121> (25.01.2009).

Data Analysis

Overview of Developments in Legal Proceedings

With the exception of the data on convictions, which is more fragmented, for all other categories (victims identified, investigations and indictments) the NPPO publishes statistics covering the whole reporting period. Moreover, all the data reflected in the graph below refers to persons, with the exception of that on investigations, which refers to cases.

Chart 1: Legal proceedings on THB in Poland, 2000-2008



Source: NPPO, Ministry of Justice data quoted by IOM and unspecified official source quoted by the US Department of State. For underlying statistical data see Annex B to this report.

Note: The data on investigations refers to cases, while the data on indictments and convictions refers to persons.

For the reasons mentioned above, the comparability of these sets of data is rather limited. For instance, the number of indictments appears to be constantly higher than that of investigations, but in fact they count different things: persons vs. cases, so they are not directly comparable (as discussed in the section on perpetrators, a case involves on average 2-3 persons). Moreover, as indicated by the Ministry of Interior and Administration (Unit for Trafficking in Human Beings of the Migration Policy Department in response to ICMPD questionnaire) the time of carrying out the investigation and the whole legal process is usually quite long in Poland and can take up to two years for one person to be convicted from the time of identification of the crime. However, this is not different from the situation in other countries.

By and large, throughout the reporting period the extent of trafficking has remained broadly within the same margin that is roughly below 200 identified victims and 100 perpetrators per year (NPPO data). The fluctuations that can be noticed (e.g. the highs in 2000, 2002, 2003 and from 2007 onwards) might be accounted for by the changes in legislation, policy and enforcement, such as the adoption of the first National Programme for Combating and Preventing THB in September 2003 or the adoption of the Program of Support and Protection for the Victims of Trafficking in Human Beings in 2006.

The number of victims always remains higher than that of perpetrators, and part of the explanation is that the victims are counted at the end of the concluded preparatory proceedings, while the equivalent figure for perpetrators is not shown in the graph. Instead, the available data on investigations refers to cases (concluded proceedings), which usually involve more than one victim and more than one perpetrator.

With the exception of the data from 2002 and 2003, the values for convictions are unsurprisingly the lowest, when they are available.¹⁸⁶ However, starting from 2007 the number of convictions has been exhibiting an increasing trend, as the government provided training to 120 judges on the application of the UN Protocol definition of trafficking in persons under Article 253. The training programme for judges and prosecutors continued in 2008, along with further trainings for law enforcement officials on victim identification (US Department of State 2009).

Another interesting observation, but which is not reflected in the graph, is that, according to post-appeal sentencing data published by the US Department of State, 45% of convicted traffickers in 2006 (39 out of 86) and 57% in 2007 (24 out of 42) were given suspended sentences. The remaining 18 convicted traffickers received sentences ranging from 1 to 5 years imprisonment (US Department of State 2009). These statistics indicate both a low turn-out of the legal proceedings on THB in Poland and the difficulties that arise because of a lack of a legal definition of THB in the national Criminal Code.

No data is available on civil suits for the compensation of victims of trafficking of THB.

The Extent of Trafficking in Human Beings: Number of Identified Victims

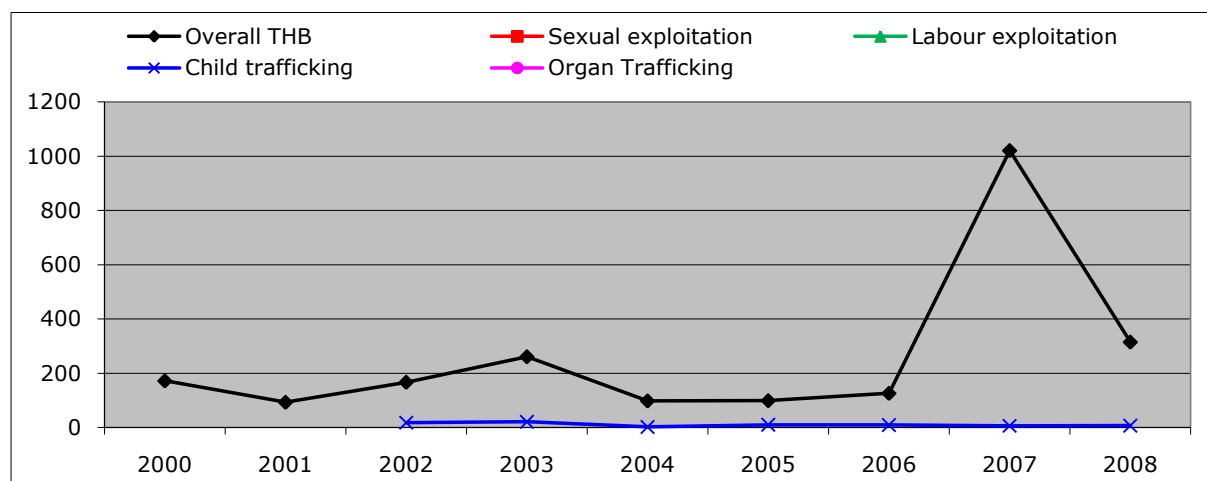
Data Availability

A multitude of data on victims of trafficking is publicly available from the official sources in Poland. Specifically, two different sets of data are available from the National Public Prosecutor's Office for victims of trafficking: the number of persons representing the aggrieved part in the concluded preparatory proceedings in cases dealing with THB for 2000-2008 (which is used in Chart 2 below to draw the line for overall THB, as it is the only value covering the whole reporting period of this study) (NPPO n.d.:1); and the number of victims protected by the Police for 2002-2007 (NPPO n.d.:2). Data on victims included in the Programme for Support and Protection of Victims/Witnesses of THB for foreign nationals is available from the Ministry of Internal Administration for 2006-2008 (MIA 2008:14).

The data available from NGOs refers to women assisted by La Strada Foundation (both foreign and national) for 2005-2007 (NPPO n.d.:3). Furthermore, both the NPPO data and that from the La Strada are also quoted in international sources, such as the IOM (Gozdzik 2005:9). In addition, limited data on persons trafficked into Poland identified by the Border Guards is also available in the ICMPD Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe (ICMPD 2008:169).

No data is publicly available disaggregated by type of trafficking or by gender for the reporting period. On the other hand, data disaggregated by the age of the victims is available for 2002-2008 from the NPPO. The data on trafficking in children refers mostly to minor victims below 15 years old, but for 2005, 2007 and 2008 it also include minors aged 16 and 17 (NPPO n.d.:2).

¹⁸⁶ Also note that the data shown in the graph is both incomplete and refers to different things: in 2002-2003 it counts adults sentenced by common courts for crimes prosecuted on the basis of an indictment by Art. 203, 204 and 253 of the Criminal Code, while for 2005-2008 the data either refers to sentences in the Court of First Instance or it does not specify at all in which kind of court the traffickers have been convicted.

Chart 2: Number of Identified Victims of THB, 2000 – 2008

Source: NPPO. For underlying statistical data see Annex B to this report.

Contextualising and Analysing the Data

The fluctuations of the extent of victims of THB reflect the developments in the anti-trafficking policy in Poland. In 2001, as the Programme of Cooperation with the Bureau on the Combating of Drugs Trafficking and on the Prevention of Crime of the United Nations Centre for the Prevention of Organised Crime on legal criminal reaction to trafficking in human beings is concluded, the data starts picking up until it reaches 261 victims in 2003, the same year when the first National Action Plan for Prevention and Suppression of Trafficking in Human Beings was adopted by the Council of Ministers (CEDAW/C/POL/Q/6/Add.1 2006:22). However, after the peak reached in 2003, a decrease is registered during the next two years, when the figures remain constant at 98-99 victims. Then, in 2006, the Program of Support and Protection for the Victims of Trafficking in Human Beings is adopted, leading immediately to a massive increase the next year in the number of victims representing the aggrieved part in the concluded preparatory proceedings in cases dealing with THB (1021 victims). Other possible explanations for this exceptionally high value are that in 2007 there was a change in the way victims were counted or that during that year some major enforcement operations were conducted. An indication that the situation in 2007 was exceptional rather than the setting of a new trend is that after the initial numerical shock from 2007, the figures drop once again in 2008, though they continue to remain above those from 2006 (315 vs. 126 victims).

Regarding the extent of minor victims of trafficking, the available data from the NPPO indicates a rather stable trend, ranging from a min of 2 victims registered in 2004 to a max of 21 in 2003.

The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

In Poland, the main source of data on perpetrators is the National Public Prosecutor's Office (NPPO). The NPPO has statistics from the Ministry of Justice for the whole reporting period on criminal cases investigated, cases with indictment and persons indicted. This data is subsequently reproduced in all the major international sources,

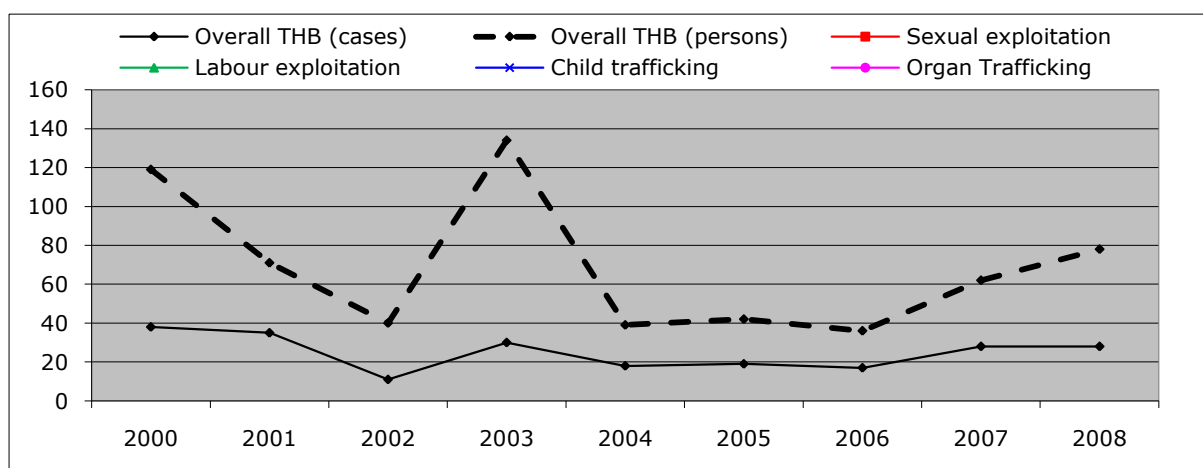
namely UNODC (2009:269), US Department of State (2008 and 2009) and IOM (Gozdzik 2005:9).

Regarding convictions, for 2005-2007 the US Department of State quotes from unspecified official sources data on persons convicted under Art. 203 and Art. 204, Sec. 3 and 4. (US Department of State 2008), and for 2006-2007 it also provides data on the number of persons convicted in Courts of First Instance under Art. 253 and 203 (US Department of State 2009). Some data on convictions from previous years is also available from the IOM: for 2002 and 2003 the data stand for adults sentenced by common courts for crimes prosecuted on the basis of an indictment by Art. 203, 204 and 253 (Gozdzik 2005:6-7), while from 1995 to 2004 it records that 200 persons were condemned in cases concerning trafficking in human beings by courts of first instance (Gozdzik 2005:8).

Some partial data on traffickers apprehended by the Border Guards is also published in the ICMPD Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe (ICMPD 2008:165).

No data on perpetrators was published by the non-governmental sector. There is no data disaggregated per type of trafficking. Also there is no data available on trafficking in persons for the removal of organs.

Chart 3: Number of Identified Perpetrators of THB, 2000 – 2008



Source: NPPO. For underlying statistical data see Annex B to this report.

Contextualising and Analysing the Data

The chart above illustrates the extent of perpetrators of THB in Poland, as reflected by data on indictments. The data is quoted from the National Prosecutor's Office and refers to cases with indictment out of the total number of concluded preparatory proceedings in cases dealing with THB from 2000-2008, as well as the number of persons charged as a result of the respective preparatory proceedings that were concluded (NPPO n.d.:1).

For the whole reporting period, the number of persons rise and fall in line with the number of cases, with the number of persons exceeding the number of cases by an average of at least 2 persons per case.

Looking at the whole of the reporting period, we observe that the data on cases with indictment remains broadly within constant margins, from a min of 11 (2002) to a max of 38 (2000), with an average value of 28 per annum. After a downward trend registered from 2000 to 2002 (from 38 down to 11 persons, and from 119 cases down to 40

cases), the boost from 2003 (30 cases and 134 persons) can be accounted for by the adoption of the first National Programme for Combating and Preventing THB in September the same year. Although the change in the graph line denoting indicted persons is much more pronounced than in the line for cases, that is only a reflection of the fact that during that year some cases involved large numbers of traffickers.

However, from 2004 onwards, the data returns for the next three years to rather constant values, below 20 persons per year, but it picks up again from 2006 onwards after the first National Conference on Combating and Preventing THB. The activities developed after this event aimed at improving efficacy in the fight against trafficking by enhancing inter-institutional co-ordination and international co-operation might represent one of the explanations behind the ascending trend registered from 2006 on.

Conclusions: Assessing the Data on Trafficking in Human Beings in Poland

One of the main observations that can be drawn from the charts is that the overall extent of THB in Poland has remained within roughly constant margins throughout the reporting period: the extent of victims identified at around 100-300 persons (with the exception of the year 2007), and the extent of perpetrators at around 50-100 persons. However, the relative low extent seems to point also towards some weaknesses of the anti-trafficking system in place, particularly the lack of a legal definition of THB in the Criminal Code¹⁸⁷ and subsequent weaknesses in prosecution, as well as the need for improved data collection mechanisms especially for victims identified and for tracking perpetrators through the whole legal procedure.

Equally, the country report offers various evidence of the impact of policy measures on the extent of trafficking, e.g. the fluctuations in data observed after the adoption of the first National Programme for Combating and Preventing THB in September 2003 or the sudden increase in the number of identified victims that were recorded after the adoption of the Program of Support and Protection for the Victims of Trafficking in Human Beings in 2006.

Further improvements in victim identification and protection mechanisms are expected in the future, which will more than likely be reflected in the improvement of the quality of data on victims and in the overall impact on the extent of VoTs. In 2008 the government increased its direct assistance to the country's only specialised trafficking shelter by 40% (to ca. 55,000 EUR) and in April 2009 it granted more than 160,000 EUR in emergency funding to keep the shelter open through December 2009 (US Department of State 2009). In addition, the government expanded its network of specialised crisis intervention centres and initiated a nationwide training program with the centres to improve provision of assistance to trafficking victims (US Department of State 2009). In March 2009, Poland's Central Anti-Trafficking Police Unit also issued a new set of guidelines on identifying victims of forced begging to regional police units around the country.

Additional improvements are also expected with regard to prosecution and convictions, as from 2007 the government started providing training to judges and prosecutors on the application of the UN Protocol definition of trafficking in persons under Article 253 (US Department of State 2009). Starting with 2008, these were supplemented by further trainings for law enforcement officials on victim identification (US Department of State 2009).

¹⁸⁷ At the time of writing the report, it was expected that the definition would be included in 2009.

Last but not least, the need to enhance inter-institutional co-ordination and international co-operation in order to improve efficacy in the fight against trafficking must also be highlighted, as also called for in the latest National Action Programme for Combating and Preventing Trafficking in Human Beings 2007-2008.

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Domestic Policy and Institutional Setting

In Portugal anti-trafficking policies were initially introduced within the broader context of measures against *gender-based violence* and *illegal employment*. For example, one of the priorities set in the **National Action Plan for Social Inclusion 2001-2003** focuses on “the coordination and operability of entities responsible for prevention, research and *the fight against situations of trafficking*, recruiting and employment of illegal labour” (PNAI 2001-2003:16-17). CAIM (Cooperation, Action, Research and World Vision), the first national project in the area of trafficking in women for sexual exploitation, ran from 2005 to 2007 and developed a **Permanent Security Observatory** on trafficking in women for the purpose of sexual exploitation.¹⁸⁸

Currently, Portuguese anti-trafficking policies are based on the **First National Action Plan against Trafficking in Human Beings 2007-2010**, adopted by the Council of Ministers in 2007.¹⁸⁹ The National Action Plan focuses on four main areas: a) acknowledgement and diffusion of information; b) prevention, awareness-raising and training; c) protection, support and integration of victims; and d) criminal investigation and prosecution of trafficking.¹⁹⁰ In accordance with the National Action Plan, a **co-ordinator** (an equivalent of a National Rapporteur on THB) was nominated in January 2008.¹⁹¹ The co-ordinator belongs to the Commission for Citizenship and Gender Equality within the Presidency of Council of Ministers and is tasked with the publishing of annual reports on trafficking in human beings in Portugal (Albano 2008). The Co-ordinator is supported by a **Technical Commission**, involving the presidency of the Council of Ministers (PCM), the Ministry of Interior (MAI), the Ministry of Justice (MJ), the Ministry of Foreign Affairs (MNE), and the Ministry of Labour and Social Solidarity (MTSS).

In 2008 the **Trafficking in Human Beings Observatory (OTSH)** was established.¹⁹² Its responsibility is to produce, collect, analyse and disseminate information on trafficking in persons and other kinds of gender violence (Albano 2008). The Observatory is co-ordinated by the Directorate-General of Internal Affairs (DGAI) and collects data from law enforcement agencies and NGOs. Its main purpose is to increase the availability of data on THB and standardise data collection among the different actors involved in action against THB. The Observatory also supports a **monitoring system** with a three-step process (e.g. “signaling-identification-integration”) where all signals on possible trafficking situations reported by the police, NGOs, the wider public or the victims themselves shall be collected centrally.

In the area of victim protection, in June 2008 a **Reception Centre for the Protection of Victims of Trafficking and their Children** (CAP) was established, which is fully operational since July 2008.¹⁹³ In October 2008 a **National Campaign against Trafficking in Human Beings** was launched with the aim to raise awareness among victims of sexual exploitation or labour exploitation. In this framework, in order to encourage the reporting of THB crimes, a **telephone hotline** was established and multi-lingual brochures were developed and widely distributed.

¹⁸⁸ <http://www.caim.com.pt/main.php?id=ARE45a398dd21dc7&mid=ARE45a398dd21dc7&lq=pt>.

¹⁸⁹ <http://www.eucpn.org/pubdocs/I%20National%20Action%20Plan%20Against%20Trafficking%20In%20Human%20Beings.pdf>.

¹⁹⁰ Lacão, J. 2007, http://www.osce.org/documents/pdf_documents/2007/07/26132-4.pdf.

¹⁹¹ Decision nº 1596/2008, 15 January 2008.

¹⁹² Law n.º 229/2008, 27 November.

¹⁹³ <http://www.acidi.gov.pt/modules.php?name=News&file=article&sid=2383>.

Improving data collection practices constitutes one of the main strands of Portuguese anti-trafficking policies. For the year 2009 an upgrade of the monitoring system was already foreseen in the framework of the international project Trafficking in Human Beings: Data Collection and Harmonised Information Management Systems (DCIM EU).¹⁹⁴

Legal Framework

In Portugal, trafficking in human beings constitutes a criminal act according to **Article 160 paragraphs 1-6 of the Criminal Code**, introduced in September 2007.¹⁹⁵ The provisions of the article fully comply with the definition of THB established in the 2005 Council of Europe Convention on Action against Trafficking in Human Beings, ratified by Portugal in February 2008. According to it, anyone who offers, delivers, lures, accepts, transports, gives accommodation to or receives people for the purposes of sexual or labour exploitation or for the removal of organs will be punished with imprisonment from three to ten years (Article 160, par 1).¹⁹⁶ The same penalty is applied also to cases when the victim of trafficking is a *minor* (Article 160, Par.2). The penalty is elevated to a maximum of twelve years imprisonment if the crime is conducted as an act of professional capacity or with the intention to profit (Article 160, Par.3).

Prior to the amendment of the Criminal Code in 2007, trafficking in persons was prosecuted under Article 160 (trafficking in persons and kidnapping/"*rapto*") and Article 169 (sexual exploitation/"*lenocínio*") of the Criminal Code, as amended in 2001 and 2003.¹⁹⁷ Before 2008, data available refers to both articles in one statistical category (*lenocínio e tráfico de pessoas*). It is important to note that trafficking for *purposes other than sexual exploitation* was first criminalised in 2007. The same applies for THB that takes place *within national borders*. Consequently, corresponding data has been enumerated only since 2008.

In 2007 Portugal transposed the *Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subjects of an action to facilitate illegal immigration, who cooperate with the competent authorities*. According to **Articles 109-112** of the Portuguese **Immigration Law**,¹⁹⁸ victims of trafficking are granted a **reflection period** of a minimum of 30 and a maximum of 60 days. During this period they are accommodated in the state reception centre CAP and have to decide whether they want to return to their country of origin or co-operate with the Portuguese authorities. Residence permits are granted on a case-by-case basis for the period of one year and are renewable under specific conditions.¹⁹⁹

Data Availability

Data on victims and perpetrators of THB in Portugal is available since 2003 from the Commission for Citizenship and Gender Equality (CIG) (as quoted the UNODC 2009 Global Report on Trafficking in Persons) and the US Department of State TIP reports. Due to the fact that important steps towards improving data collection were made by Portugal in 2008 (e.g. establishment of OTHS and monitoring system), until very recently data available from national sources was rather scarce. However some additional statistics are available from the Annual Reports on THB published by the

¹⁹⁴ Ministry of Interior of the Czech Republic 2008, <http://www.mvcr.cz/mvcren/article/portugal.aspx?q=Y2hudW09Mg%3d%3d>.

¹⁹⁵ Law no. 59/2007 of 4 September 2007.

¹⁹⁶ <http://www.gnr.pt/portal/internet/legislacao/pdf/CP.pdf>.

¹⁹⁷ Act 99/2001 of 25 August 2001.

¹⁹⁸ Immigration Law 23/2007 of 4th of July.

¹⁹⁹ <http://www.sef.pt/documentos/56/NOVA%20LEI%20ESTRANGEIROS.pdf>.

Portugal

Portuguese Ministry of Interior, the answers provided by the National Co-ordinator to the ICMPD questionnaire, as well as some NGO data.

The most important actors collecting and publishing data on THB in Portugal are the following:

- Since the appointment of a National Co-ordinator on THB within the **Commission for Citizenship and Gender Equality** (CIG) in 2008, statistics on **victims** are collected centrally and are systematically disaggregated by type of trafficking. As no annual report has been published so far, data for 2008 is available from the answers of the National Co-ordinator provided to the ICMPD questionnaire in June 2009.
- The **Ministry of Interior** compiles data on **traffickers** and data on **residence permits issued to victims of crime**. Statistics on traffickers relate to investigations concerning the crime "sexual exploitation and Trafficking in human beings" (*lenocínio e tráfico de pessoas*) (Articles 160 and 169 of the criminal Code) and are available for the period 2005-2007. Data on residence permits issued to victims of THB is available for the year 2007 only and indicates the number of permits issued to foreign citizens in irregular situations who collaborated with law enforcement authorities in relation to Art.109 of the new Immigration Law 23/2007. The law is applicable to VoTs, *but also to other victims of violence*. Data was published in the Annual Reports of the Ministry for 2006 and 2007 (*Relatórios de Segurança Interna*).
- The **Criminal Police** (*Polícia Judiciária*), which has competencies in the area of victim identification and investigation of crimes such as *aiding illegal immigration, forgery of documents, sexual exploitation of women and THB* (Pereira et al 2008:80).
- Under the Ministry of Interior, the **Service for Border Control and Aliens** (*Serviço de Estrangeiros e Fronteiras-SEF*) controls the entry and departure of foreign nationals at the border and issues and inspects documents relating to their immigrant status. Within SEF, the **Central Directorate for Investigation, Research, and Information Analysis** deals with cases of trafficking in human beings and illegal immigration and is also concerned with the process of job placement of immigrant workers.
- As laid down in the First National Action Plan against Trafficking in Human Beings 2007-2010, The **High Commissioner for Immigration and Intercultural Dialogue** (ACIDI) is responsible for the creation of an **Information and Support Call Centre for victims of trafficking**. The centre should keep a record of the number of established contacts, socio-demographic characteristics regarding incoming calls, types of doubts and most solicited types of information. So far there is no publicly available data.
- **NGOs**: The Portuguese Association for Victim Support (APAV) publishes annual statistics on offences of THB. Data is available for 2000-2008 and is disaggregated by age. However, it was not taken into consideration as data includes crimes reported to APAV by supposed VoTs who contacted the Association for support.

The following table provides an overview of available data on trafficking in human beings in Portugal:

Table 6 Data availability in Portugal

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Criminal Police; NGOs; Observatory of Trafficking in Human Beings	No publicly available data (data available only from the US Department of State TIP reports)
Cases investigated	Ministry of Interior; Criminal Police, Service for Border Control and Aliens (SEF)	Data available for the overall number of investigations for 2005- 2007
Cases with indictment	Commission for Citizenship and Gender Equality; Public Prosecutor	Data available for the overall number of persons with indictment for 2003-2006.
Cases with conviction	Commission for Citizenship and Gender Equality; Public Prosecutor/Courts, the Directorate-General for Justice Policy (within the Ministry of Justice) stores data about cases and court sentences	Data available for the overall number of persons with conviction for 2003-2006.
VoT claiming compensation in civil suits	N.A.	
VoT receiving legal or psychosocial assistance during proceedings	ACIME, ACIDI, APAV, Reception Centre for the Protection of Victims of Trafficking and their children (CAP)	Data not available.
VoT accepted in witness protection programme	N.A.	
VoT granted short-term residence	N.A.	
VoT granted continued residence	Ministry of Interior	Publicly available data only for 2007. It includes victims of human trafficking, but not only.
VoT returned to home country	N.A.	

Data Analysis

The extent of THB according to different stages of Legal Proceedings

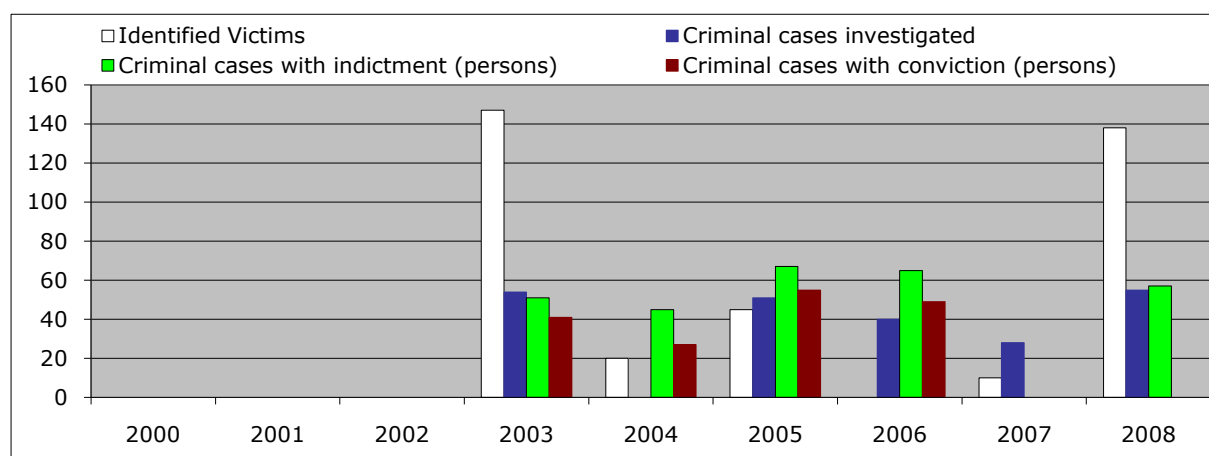
Data on all stages of the legal proceeding of human trafficking (victim identification, investigation, prosecution and conviction) is publicly available since 2003.²⁰⁰ The comparability between the different stages is limited for at least two reasons: 1) difference between *persons* and *cases* – in Chart 1 almost all data refers to persons, however, values on investigations for the period 2005-2008 and on indictments for the year 2008 relate to cases.

²⁰⁰ Prior to 2007, trafficking in persons was prosecuted under Article 160 and Article 169, as amended in 2001 and 2003 (see Legal Framework for the different legal basis applied until 2007).

Portugal

The second limitation concerns data comparability over time. Annual data may include old and new cases of trafficking. In this context, Chart 1 below is built upon the presumption that although the prosecution of a trafficking case may take longer (it could develop over a couple of years), the differences between the various stages of the legal procedure remain constant. For example, if we compare the values of the legal proceedings for 2003 and 2008, we note that the number of victims identified by state authorities in these years is considerably higher than the number of investigations, persons with indictments and convictions. In 2003, 147 VoTs relate to 54 persons arrested; to 51 persons with indictment and to 41 persons with convictions. As of 2008, 138 victims identified by authorities relate to 55 investigations and to 57 cases with indictment (Annex B). On the other hand, if we compare the number of identified victims supported by NGOs or the state, then we observe that in Portugal their number is lower compared to the other stages of the legal proceedings. In 2004, 20 assisted VoTs refer to 45 persons with indictment and to 27 persons with convictions. In 2005, 45 assisted victims relate to 51 investigations, 67 persons with indictment and 55 persons with convictions. In 2007, 10 assisted VoTs relate to 28 investigations (Annex B).

Chart 1: Legal proceedings on THB in Portugal, 2000-2008



Source: 1) Ministry of Interior data on investigations for 2004-2007 (available from the Annual Reports - *Relatórios de Segurança Interna 2006, 2007*); 2) Commission for Citizenship and Equality Data on persons with indictment and on persons with convictions for 2003-2006 (available from the UNODC 2009 report); 3) Data on victims; on cases investigated for 2003 and 2008 and on cases with indictment for 2008 are available from US Department of State TIP reports (the primary source is not transparent). For underlying statistical data see Annex B to this report. No averages are used.

The Extent of Trafficking in Human Beings: Number of Identified Victims

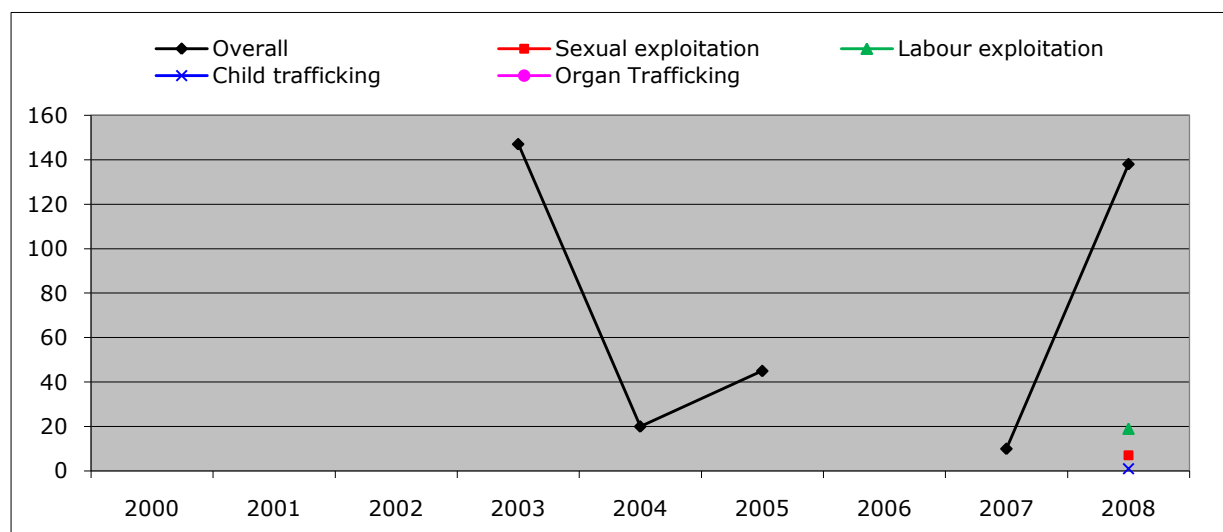
Data Availability

In the past few years, the Portuguese government has strived to improve the identification of victims of THB including the following measures: a) development of a *monitoring system of signalisation of acts of trafficking*;²⁰¹ b) *last change of the Criminal Code in 2007*; and c) *centralisation* of data collection by the appointment of a National Co-ordinator. In 2008, for the first time, data on identified victims is disaggregated by

²⁰¹ The monitoring system was developed within the framework of the CAIM project (2005-2007). It involves the joint action of the Criminal Police, the network of focal points (defined by the Ministry of Interior and the Ministry of Justice and specialized in the identification of VoTs) and NGOs. If the Criminal Police receives a signal for a potential victim of trafficking, the data of the victim is entered in a Unique Register (Guia Único de Registo - GUR) and is then transmitted to the Network of Focal Points. If the signal for a potential comes from an NGO, information is saved in a signalling guide (Guia de Registo) and includes personal data of the supposed victim and circumstances under which trafficking has taken place. After identification, victims are directed to the Reception Centre for the Protection of Victims (CAP).

type of trafficking. This data is available from the National Co-ordinator and refers to identified victims of THB signaled in 2008 and confirmed until May 2009 by focal points of the law enforcement agents, within the monitoring system GUR (Unique Register - *Guia Único de Registo*). Data on VoTs for the rest of the reporting period (from 2003 to 2007, excluding 2006) is available from the US Department of State TIP reports, which do not specify the primary sources (Chart 2).

Chart 2: Identified victims of THB for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs 2000 – 2008



Source: 1) National Rapporteur data on victims for sexual and labour exploitation and child trafficking for 2008; 2) Data on the overall number of victims is available from US Department of State (the primary source is not transparent). For underlying statistical data see Annex B to this report. No averages are used.

Contextualising and Analysing the Data

As illustrated by Chart 2, data on *victims identified by authorities* is available for 2003 and 2008 and data on *victims assisted by NGOs or the government* – for 2004, 2005 and 2007. The number of victims identified by authorities is comparatively higher than the number of VoTs that have received assistance from NGOs or the government. On the one hand, that may be attributed to the fact that data collected by state bodies includes a much broader range of potential victims than those identified by the police. On the other hand, the difference between victims identified by the authorities and victims assisted by NGOs or the government may also point to a gap between the stage of victim identification and that of getting an access to support and assistance.

Since 2007, data collection regarding victims of trafficking improved. Following this, in 2008 for 27 cases of trafficking the type of exploitation was known – according to the National Co-ordinator, 19 victims of labour exploitation, 7 victims of sexual exploitation and one child victim of trafficking were identified (ICMPD questionnaire). The majority of trafficking cases signalled to the competent authorities (138 victims), however, were not specified by type of exploitation. Taking into consideration the fact that publicly available data on victims is heterogeneous (including data on victims identified by authorities and data on victims assisted by NGOs or the government), it is difficult to make statements on the extent of VoTs for Portugal.

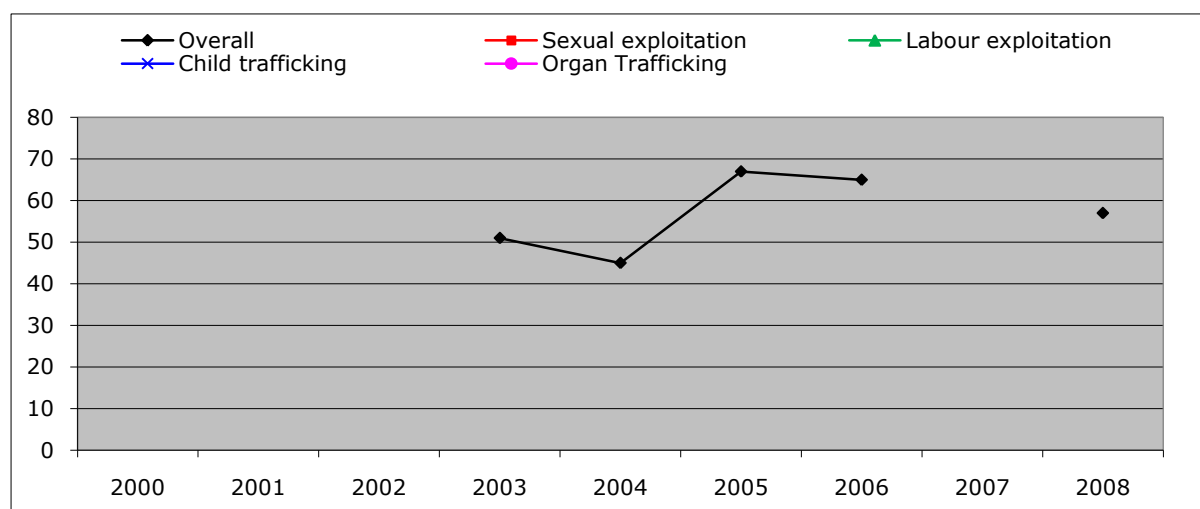
The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

In Portugal publicly available data on perpetrators refers to data on investigations, indictments and convictions. Data on **investigations** is available for the whole reporting period. The annual statistics of the NGO APAV cover the period 2000-2008, however this data was not taken into consideration as it is partial.²⁰² Data for 2005-2007 is available from the annual reports of the Ministry of Interior (Federal Ministry of Interior, *Relatórios de Segurança Interna 2006, 2007*) and includes new and old *investigations*. Data for 2003 and 2008 are available from the US Department of State TIP reports, which do not specify the primary sources. All data on investigations refers to *cases* with the exception of data for 2003, which refers to *persons*. Data on **cases with indictment** is available from Commission for Citizenship and Gender Equality (CIG) and is quoted in the 2009 UNODC Global Report on Trafficking in Persons. It covers the period 2003-2006 and summarises the crime of trafficking in persons (Article 160, CC) and sexual exploitation (lenocínio, Article 169, CC) under one statistical category, referring to persons. Data for 2008 is available from the US Department of State TIP report 2009 and refers to *cases*. Data on **convictions** is available from Commission for Citizenship and Gender Equality (CIG); it refers to *persons* and is quoted in the 2009 UNODC Global Report on Trafficking in Persons. It covers the period 2003-2006 and summarises the crime of trafficking in persons (Article 160, CC) and sexual exploitation (lenocínio, Article 169, CC) under one statistical category. Chart 3 illustrates the extent of perpetrators of THB in Portugal according to the number of persons with indictment. The selection of this stage of the legal proceeding is based on the following reasons: Data on investigations is more heterogeneous: it is available from various sources, which use different statistical categories. Data is also discontinuous: values available from the US Department of State TIP reports refer to separate years (to 2003 and to 2008) and therefore, trends (e.g. continuities in the development of investigations) are difficult to detect. In addition, data on convictions relates to all types of convictions including imprisonment as well as suspended offences.

²⁰² See the section on data availability: most important actors collecting and publishing data on THB in Portugal.

Chart 3: Number of Identified Perpetrators of THB, 2000 – 2008: persons with indictment



Source: 1) Commission for Citizenship and Gender Equality (CIG) data on persons with indictment for 2003-2006 (available from the UNODC 2009 report); 2) For 2008 data is available from the US Department of State (the primary source is not transparent). For underlying statistical data see Annex B to this report. No averages are used.

Contextualising and Analysing the Data

Generally speaking, in Portugal since 2003, the number of *persons with indictment* has remained *rather stable with slight increases and decreases*. In 2003 there were 51 persons with indictment; in 2004 the number went down to 45 persons; in 2005 it reached 67 persons and in 2006, 65 persons (Annex B). As of 2008, data on indictments is disaggregated per type of trafficking. According to the US Department of State, in 2008 the government prosecuted 57 cases of sexual exploitation and forced labour.

A similar trend, but with bigger annual differences, is observed with regard to *investigations*: in 2005 the government investigated 51 suspected cases of trafficking, in 2006 – 40 cases, in 2007 – 28 cases, and in 2008 – 54 cases (Annex B). The comparatively bigger values for 2007 and 2008 may be a result of the legislative changes produced in 2007. In fact, the amendment to the Criminal Code and the appointment of a National Co-ordinator on THB has brought certain improvements as regards the prosecution of trafficking cases as well as data collection. But still, more efforts are needed – for example, from the 11 persons who were convicted for human trafficking in 2008, only 3 of them served time in prison, while 8 were given suspended offences or fines or served no time in prison (US Department of State TIP report 2009).

Conclusions: Assessing the Data on Trafficking in Human Beings in Portugal

Since 2003, developments in the overall extent of trafficking in Portugal can be described as rather stable. There are no significant differences in the number of victims identified by state authorities – in 2003 and in 2008, 147 and 138 VoTs were identified, respectively. More considerable developments are observed in relation to the number of victims assisted by NGOs or the government. The decreasing trend may point to gaps related to the victim protection and assistance programmes available in Portugal. Developments regarding investigations, indictments and convictions are also rather stable. These characteristics of the Portuguese case may be related to the fact that the

Portugal

legislative and institutional changes produced in 2007 and 2008 still need time in order to be reflected in data collection practices. In this sense, it may be suggested that the publicly available data on human trafficking in Portugal reflects only a part of the phenomenon and is likely to underestimate the extent of trafficking. Nevertheless, important to note is that after broadening the legal definition of trafficking and the establishment of a National Co-ordinator on THB, there are some obvious improvements in data collection. Since 2008, data is disaggregated according to type of trafficking (for sexual exploitation, labour exploitation, child trafficking, for the removal of organs) and also to form of trafficking (within national borders, cross-border). In this context, it may be considered that next to trafficking for sexual exploitation, both labour exploitation and child trafficking are quite relevant for Portugal when assessing the overall extent of the phenomenon.

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Domestic Policy and Institutional Setting

Having been mainly a **country of origin and transit for human trafficking** until recently, Romania has built a victim-centred anti-trafficking system focused primarily on preventing, countering and providing assistance to victims and monitoring the phenomenon. Since its establishment in 2005 within the Ministry of Interior, the **National Agency against Trafficking in Persons (NATP)**²⁰³ co-ordinates, evaluates and monitors at the national level the implementation of anti-trafficking and victim protection and assistance policies by public institutions. The NATP operates 15 Regional Centres to monitor the local implementation of provisions pursuant to the *National Action Plans for Combating Trafficking in Human Beings* and to support anti-trafficking activities performed in the NAPs area of responsibility.

National Action Plans for Combating Trafficking in Human Beings (NAPs) have been adopted since 2001 following the entering into force of the first relevant legal document on anti-trafficking (Law 678/2001. 2006 represented a turning point for the development of domestic policy in the field, when a comprehensive *National Strategy against Trafficking in Persons for 2006-2010* was adopted).²⁰⁴ The National Strategy sets six strategic anti-trafficking objectives to be implemented by *National Action Plans* with clear targets and benchmarks for their monitoring and evaluation.²⁰⁵ Two *National Action Plans* were adopted for the implementation of the National Strategy, for 2006-2007 and 2008-2010.

The most important achievements regarding the implementation of the National Strategy include strengthening the role of the National Agency against Trafficking in Persons as the **national co-ordinator** of activities against THB; adopting a **National Referral Mechanism** (2008) by a joint order of relevant ministries and national agencies; developing the **National Standards for Specialised Assistance Services** provided to victims of trafficking (2007) to improve the **quality of assistance provided to victims** and to ensure a minimum of **individualised services** depending on each individual case and the assisted victim's specific needs; developing and bringing into full operation the **National Database on Victims of Trafficking** (since 2007); making an operational anti-trafficking **help-line** with a toll-free number 0800 800 678 (since August 2007); implementing **collaboration protocols** at the central and regional level with public and private institutions active in the field; as well as setting up **regional inter-institutional teams**.

²⁰³ www.anitp.mai.gov.ro.

²⁰⁴ <http://www.legislationline.org/download/action/download/id/1413/file/83172a0c39a8f7e16d4d12cdf6f3.pdf>.

²⁰⁵ The six strategic objectives set in the National Strategy 2006-2010 are:

- A. Developing a national integrated system for monitoring and evaluating the phenomenon of THB in Romania;
- B. Improving inter-institutional coordination and streamlining the institutional reaction in the field of combating THB;
- C. Reducing the dimensions of trafficking in persons by strengthening the self-protection capacity of the citizens and the society as a whole towards the threats posed by this phenomenon;
- D. Improving the protection, assistance and social reintegration of the victims:
 - D1. Implementing in 2007 a national integrated system for the identification and referral of the victims to effective assistance services for their social reintegration;
 - D2. Streamlining the activities for assisting the victims of trafficking in persons;
- E. Increasing the efforts to combat THB, investigating and prosecuting the traffickers:
 - E.1: Strengthening the institutional mechanism for combating trafficking in persons;
 - E.2: Reducing the financing capacity of trafficking in persons-related offences;
 - E.3: Increasing the level of participation of the victims/witnesses in the investigation and prosecution of trafficking in persons; and
- F. Strengthening Romania's status as a reliable partner in the overall effort to decrease the trafficking in persons' phenomenon.

Under the current institutional framework, concrete responsibilities in each field of action are divided among relevant institutions. The **Inspectorate General of the Romanian Police (IGRP)**²⁰⁶ and the **Inspectorate General of the Border Police (IGBP)** are in charge of investigation, while the Public Ministry (the Prosecutor's Office attached to the High Court of Cassation and Justice)²⁰⁷ has exclusive competence to conduct prosecution for criminal offences. In 2004, a **Network of Judges Specialised in Solving Cases of Trafficking in Human Beings** was created, which comprises 56 judges from each Court of Appeal and tribunal throughout the country. As regards victim identification, until 2008, when the National Referral Mechanism was adopted, there was no unitary system to identify and support victims of THB. Until then, the identification of victims and offenders had been conducted on the basis of cumulative provisions from the relevant legislation on a case-by-case basis by specialised units within the Inspectorate General of the Romanian Police and the Inspectorate General of the Border Police, as well as by NGOs and social services.

According to the National Strategy against Trafficking in Persons 2006-2010, responsibilities for providing assistance for victims of THB are shared by the Ministry of Public Health, the Ministry of Education and Research, the Ministry of Labour, Social Solidarity and Family (including the National Authority for the Protection of the Children's Rights and the National Agency for Employment), the probation services of the Ministry of Justice, the Ministry for Foreign Affairs, NGOs and IOs.

In order to nationally co-ordinate activities dedicated to the protection and assistance of victims of trafficking, a **Thematic Working Group** was created in 2007 by a joint order of competent ministries and agencies. Operating under the authority of local administrations in 9 provinces²⁰⁸, the **Centres for Protection and Assistance to Victims of Trafficking in Human Beings**, upon request, offer temporary accommodation, psychological counselling, medical examination, physical protection, information regarding the rights of the victim as a witness/injured party in the judicial process and support to get in touch with the family.²⁰⁹

The **National Agency against Trafficking in Persons and the National Authority for the Protection of the Children's Rights (NAPCR)** are the bodies responsible for monitoring the implementation of assistance to victims of THB. Following specific recommendations from the European Commission and the US Department of State, the **National Interest Programme** for the improvement of the protection and assistance provided to victims of trafficking was approved in 2007, which aimed at improving the social reintegration of victims of THB and also at financially assisting NGOs involved in the victim protection and support process by granting government non-reimbursable funds.

In order to improve the inter-institutional co-operation in the field of prevention of trafficking and assistance provided to victims, an **Inter-ministerial Working Group for the Coordination and Evaluation of the Activities for Preventing and Combating Trafficking in Persons** was set up in 2003. Its main tasks are to evaluate the outcome of legislative measures, elaborate proposals to modify and complement THB legislation, review the National Action Plans for consistency with the National Action Plans for combating trafficking in persons, elaborate prevention strategies along with

²⁰⁶ Within the IGRP, a special unit to deal with Trafficking in Persons cases was established in the Directorate General for Combating Organised Crime (DGCO).

²⁰⁷ Within the Public Ministry, a Directorate for the Investigation of Organised Crime and Terrorism Offences (DIOCTO) was set up in 2004 and, within it, the Bureau to Combat Trafficking in Human Beings was created.

²⁰⁸ The 9 counties are: Arad, Botoşani, Galaţi, Giurgiu, Iaşi, Ilfov, Mehedinţi, Satu-Mare and Timiş.

²⁰⁹ Alternatively, when the admission of the victim of trafficking to a shelter is not necessary, the assistance services can be provided at her/his home or the victim can go to the organisation's headquarters providing these services.

relevant institutions and NGOs and generally to ensure a smooth collaboration between public institutions and NGOs.

Combating trafficking in children is a clear priority of the Romanian government, as reflected in the number of relevant specific legal and policy instruments such as the NAP on preventing and combating trafficking in children 2004-2007, developed with the expertise of UNICEF, ILO, UNDP, Save the Children and the Directorate General for Combating Organised Crime (DGCOC); the NAP to prevent and combat sexual abuse and commercial sexual exploitation of children (2004); the NAP to eliminate child labour exploitation (2004); the Government Decision 1443/2004 with regard to the methodology for repatriation of unaccompanied Romanian children outside the country and measures to ensure their special protection; the Plan of Priority Actions in the Field of Child Protection against Abuse, Neglect and Exploitation for 2004-2005; and National Interest Programmes (NIPs) in the field of child protection (2004, 2005). Assistance to minor victims is provided in 11 **Emergency Transit Centres** for unaccompanied minors or child victims of trafficking administered by Save the Children Romania within the National Interest Program 415 for assistance, protection and rehabilitation of child victims of THB or at a risk of THB. The National Agency against Trafficking in Persons and the National Authority for the Protection of Children's Rights has overall responsibility over trafficking victims who are minors.

Legal Framework

In Romania, the definition and criminalisation of all forms of trafficking in human beings is codified in **Law No. 678/2001 on Preventing and Combating Trafficking in Human Beings**, further amended and supplemented,²¹⁰ and it was also introduced in the Criminal Code. The definition is in accordance with the Palermo Protocol and in full compliance with the Council Framework Decision 2002/629/JHA. Both the Law 678/2001 and the Criminal Code make specific references to sexual exploitation, labour exploitation, trafficking in organs, and **forced begging**, and the Law 678/2001 broadens the definition of exploitation of a person to include "other such activities that violate fundamental human rights and liberties" (Art. 2(2)).

The Criminal Code was modified in 2004 to encompass specific sentences for all forms of trafficking in adults and children, which, however, differ from those stipulated in the Law 678/2001 in terms of sentences for aggravating circumstances and for trafficking in children. The standard penalty for trafficking in adult persons is suspension of certain rights and imprisonment for 3 to 12 years, which in case of aggravating circumstances can be increased to severe detention from a minimum of 15 years (increased from a minimum of 5 years, as in the Law 678/2001)²¹¹ to a maximum of 25. Equally, trafficking in children is punished with the suspension of certain rights and sentences in prison. The attempt to traffick a person is also punished. Moreover, Art. 19 of the Law 678/2001 regulates the seizure of assets used for committing THB and the proceeds from such a crime. In addition, the Law Nr. 39/2003 on Preventing and Combating Organised Crime modifies Art. 17 of the Law No. 2/1998 Regarding Human Tissue and Organs' Extraction and Transplant so as to include specific sentences for the offence of trafficking in human tissue and/or organs.

²¹⁰ The Law 678/2001 was amended and supplemented through Government Emergency Ordinance No. 143/2002, Law No. 39/2003, and Government Emergency Ordinance No. 79/2005. The rules governing its implementation were approved by Government Decision no. 299/2003.

²¹¹ Aggravating circumstances in both the Criminal Code and the Law 678/2001 are if the offence is committed by more than two perpetrators, if it caused serious harm and if it resulted in the victim's death or suicide. In addition, the Law 678/2001 counts as an aggravating circumstance if the offence was committed by a public servant while performing his/her legal duties, while the Criminal Code counts the gain of significant material benefits as a result of the offence as an aggravating circumstance.

With regard to victim protection and assistance, the Romanian legislation **does not foresee residence permits** for the victims of trafficking but implements a **tolerance regime** of up to six months²¹² and the provisions of the Law 678/2001 along with a combination of clauses under different legal instruments dealing with victims of crime in general²¹³ meet the requirements of the Council Directive 2004/81/EC in terms of victim assistance. For instance, the Law no. 211/2004 on Measures for Ensuring the Protection of the Victims of Offences specifies four categories of measures directly targeting the needs of the victims: informing the victims of their rights; psychological counselling; free legal assistance; subsidiary state compensations for victims of specific crimes. The initial period of accommodation and assistance in specialised centres (10 days) is not subject to co-operation with the law enforcement or judiciary, but its renewal is.

Among the main international instruments to combat trafficking in human beings, Romania has ratified the United Nations Convention against Transnational Organised Crime and its two Protocols in 2002, as well as the Council of Europe Convention on Action against Trafficking in Human Beings in 2005.²¹⁴

Data Availability

In 2007, the **National Integrated System to Monitor and Assess Trafficking in Persons** became fully operational, the centrepiece of which is a **common database** on victims of human trafficking developed and administered by the National Agency against Trafficking in Persons (NATP).²¹⁵ Counting with a *Coordinated Methodology to Collect and Update Data and Information on Victims* (2007) and a set of 70 indicators regarding the status of victims of trafficking and the assistance provided to them also developed by the NATP,²¹⁶ the database centralises data collected by the Directorate General for Combating Organised Crime (DGCOC) within the Inspectorate General of the Romanian Police (IGRP) and by the Inspectorate General of the Border Police (IGBP). In addition, information collected by the NATPs Regional Centres from other partner institutions, such as the Centres for Protection and Assistance to victims of trafficking or NGOs, can also be inserted.

Regarding data exchange and protection, full access to the central database is restricted to the NATP personnel, and each of the institutions with which the NATP has concluded collaboration protocols (such as the DGCOC of the IGRP and the IGBP) is granted access only to the data necessary to perform their lawful responsibilities, i.e. only to a number of indicators and only on a hierarchical basis. In addition to the collaboration with the IGRP and IGBP within the Ministry of Interior, the NATP also shares some data with the Ministry of Labour, Family and Social Protection and National Child Protection Agency and with relevant international organisations.

However, being a victim-centred database with a focus on identification and assistance provision, the national integrated system in its current form does not consolidate this data for the full legal process (ICMPD 2007:126-127). Data on these aspects is collected and published separately by the IGRP (specifically the Resource Centre for Combating Trafficking in Persons within the Directorate General for Combating Organised Crime -

²¹² The Government Emergency Ordinance 194/2002 on the regime of aliens in Romania, approved with modifications by Law 357/2003, regulates a tolerance regime of up to six months for aliens who are presumed victims of THB.

²¹³ For example, Law no. 211/2004 on Measures for Ensuring the Protection of the Victims of Offences; Government Decision 1238/10 of October 2007 approving the National Standards for Specialised Assistance Services provided to trafficking victims; Law 272/2004 on the promotion and protection of the rights of the child; Government Decision 299/2003 on the rules governing the implementation of the Law 678/2001 etc.

²¹⁴ For more details see the Annex.

²¹⁵ The database was developed together with ICMPD under the EU-funded Project.

²¹⁶ The indicators are grouped under 6 chapters: personal identification data (to avoid duplication and to enable monitoring the situation of the person); pre-trafficking period; recruitment and transportation; trafficking/exploitation period; assistance period; and post-assistance period.

DGCOC) and the IGBP, the Public Ministry (the Prosecutor's Office attached to the High Court of Cassation and Justice, specifically the Directorate for the Investigation of Organised Crime and Terrorism Offences - DIOCTO), and the Ministry of Justice (specifically the Superior Council of Magistrates). Serving administrative purposes, it is therefore not uncommon, but rather the rule that considerable differences appear between the data provided by one institution and another, even for the same category of data and same reporting period.

The National Agency against Trafficking in Persons (NATP), which administratively belongs to the Ministry of Interior and is the main co-ordinator for all anti-trafficking-related activities in Romania, is also the body responsible for conducting periodical research and assessment of the characteristics, dimensions and evolution of THB in Romania. Since the NATP became fully operational in 2006, it has published three annual reports on Trafficking in Human Beings in Romania with data on victims, investigations and court cases, a number of quarter reports with quantitative analysis of the data from the centralised database on VoTs, and in 2009 it also started publishing thematic reports such as on trafficking in women and on the situation of minors who are victims of trafficking.

The following table provides an overview of the publicly accessible data on trafficking in human beings in Romania, according to the type of data, collecting institutions and period of availability.

Table 1: Data availability in Romania

	Institution/s in charge of data collection or centralisation	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Inspectorate General of the Romanian Police (IGRP) and Inspectorate General of Border Police (IGBP), Public Ministry, National Agency against Trafficking in Persons (NATP)	Data available since 2004.
Cases investigated	IGRP and IGBP, Public Ministry, NATP	Data available since 2001.
Cases with indictment	Public Ministry; Ministry of Justice, NATP	Data available since 2002.
Cases with conviction	IGRP, Public Ministry, Ministry of Justice, NATP	Data available since 2002.
VoT claiming compensation in civil suits	N.A.	
VoT receiving legal or psychosocial assistance during proceedings	NATP, NGOs, International Organization for Migration (IOM)	Data available since 2000.
VoT accepted in witness protection programme	Ministry of Interior, NATP	Data available since 2007.
VoT granted short-term residence	N.A.	
VoT granted continued residence	N.A.	
VoT returned to home country	N.A.	

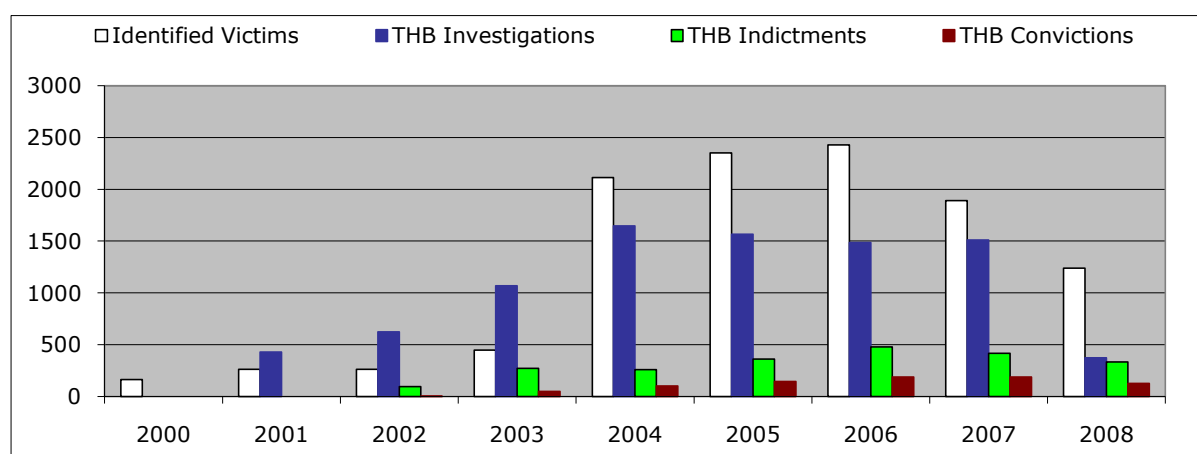
Data Analysis

The extent of THB according to different stages of Legal Proceedings

Comparable data for all stages of the legal procedure is available only from 2004 onwards. For instance, the data on victims is the only data covering the whole reporting period, and yet the figures pre-2004 refer only to **victims returned and assisted by IOM and NGOs**, while those from 2004 to 2006 refer to **all victims identified in Romania including IOM returns**. From 2006 to 2008 available data refers only to victims **identified by law enforcement** in Romania, **excluding the returns** accompanied by IOM. For this reason, what for the years 2001-2003 may at first appear as a higher number of **persons investigated** than of **victims identified**, is in fact a reflection of the quality and availability of the data. Since the figures on victims were updated in 2004, the proportional representation between **THB victims and perpetrators** better illustrates the situation on the ground. Even as investigations continued their upward trend initiated since 2001 to eventually reach a peak in 2004 (1648 persons, Police data; NATP 2007:62, NATP 2008a:83), they were nonetheless below the number of identified victims and remained so for the rest of the reporting period.

Also with regard to the quality of the data, given the differences that exist for the same category of data according to the collecting and/or publishing source (Annex B), the most relevant and consistent data was selected for each category in order to draw overview Chart 1 below²¹⁷ and, where this was not possible, averages of different values available for the same type of data and for the same year were used.²¹⁸ Moreover, in order to keep the data comparable, all figures on investigations, indictments and convictions in Chart 1 refer to persons.

Chart 1: Extent of THB according to different stages in legal proceedings on THB in Romania, 2000-2008



Source: Ministry of Justice data published by NATP; IGRP and IGBP data published by the NATP, UNODC; IGRP and PM data published by the NATP, UNODC and US Department of State; IGRP data published by the UNODC; PM data published by the NATP; PM data published by the PM; data from unspecified law enforcement authorities published by Johns Hopkins University; data from unspecified authorities published by the US Department of State; and data from NGOs and the IOM published by the IOM/R. Surtees. For underlying statistical data see Annex B to this report.

Note: The data on investigations, indictments and convictions refer to persons.

²¹⁷ For instance, if data on indictments was available from both the Public Ministry and the Ministry of Justice, priority has been given to the figures from the Public Ministry, as they are the body responsible for filing indictments.

²¹⁸ Averages have been used for the data on identified victims in 2003, 2004 and 2007, as well as for indictments in 2007.

Throughout the reporting period, there is an identifiable overall pattern for **all the variables** (identified victims, investigations indictments and convictions), which shows a continuous upward movement until 2006, followed by a downward trend from 2007 onward, with the slight difference that the figures on **investigations** started decreasing as early as 2004. In fact, as they reached the all-time low value of 375 persons investigated (Police data; NATP 2008a:83) in 2008, it was for the first time that the figure on investigations became closer to the values for the other stages in the criminal procedure rather than to the number of victims, as was the case before. Until then, the differences between the number of persons investigated and those indicted and/or convicted were of approximately 1000 persons every year. This massive gap is difficult to fully grasp, but possible explanations for it include the fact that **investigations** are comparatively easier to start than for instance **indictments**, as they can be initiated also by complaints from civil persons or if any suspicious information reaches the law enforcement.

However, even if the number of **persons investigated** is closer in value to that of **victims identified** than those of the persons indicted and/or convicted, there are nonetheless considerable differences between these two variables, which fluctuate from 943 (in 2006) to 380 persons (in 2007). As stated by the National Agency against Trafficking in Persons (see response to the ICMPD questionnaire), one of the reasons for this gap is that a case may involve more than one victim and thus numbers of victims are higher.

Though proportionally very low if compared with the number of identified victims, the numbers on **indictments and convictions** in Romania are not particularly low either, if taken in their absolute values. Moreover, their fluxes are revealing in terms of the legislative, domestic policy and capacity building developments in the country. For instance, an initial threefold increase in 2003 of the number of **persons indicted** (from 94 in 2002 to 270 in 2003, Public Ministry data; PM/PICCJ 2008 Annex:12) can be observed, as experience in applying the 2001 anti-trafficking legislation was building up. The numbers picked up again in 2005 (360 persons; PM/PICCJ 2008 Annex:12), following the reorganisation of the Inspectorate General of the Romanian Police (IGRP) and Inspectorate General of Border Police (IGBP) (see section on perpetrators).

Similarly, the number of **persons convicted** increased by more than 100% in 2004 and then again by another 40% in 2005 (from 49 persons in 2003, to 103 in 2004 and 146 in 2005; Ministry of Justice data in NATP 2008a:84-85), following the set up of the Network of Judges Specialised in Solving Cases of Trafficking in Human Beings and the implementation of training programmes on THB issues for judges. Furthermore, since 2004, both the **number of sentences** awarded and their **severity** increased (see Table 5 in Annex B).

On the other hand, the gap between the number of **persons indicted** and those **convicted** fluctuated between a minimum of 155 in 2004 and a maximum of 292 in 2007.²¹⁹ According to the National Agency against Trafficking in Persons (NATP), among the possible explanations behind this gap is the withdrawal or rejection of accusation, the change of articles on which the offence is based, the difficulty in providing evidence, the withdrawal of testimony, as well as the need to deal with pending proceedings from previous years. (NATP 2009a).

²¹⁹ However, it is possible that the number of convictions is underestimated. The only consistent data available for the reporting period appears in all the publishing sources as "number of persons convicted", yet the same data is quoted by the NATP in one occasion as referring to "persons under mandatory sentences", which represents a sub-category of all the persons who were convicted in court (NATP 2008a:84-85). Moreover, the same source provides an additional figure of 327 persons (NATP 2008a:84), which is described as representing the total number of persons who received a conviction in court in 2007, which would imply that the data on convictions for that year is underestimated by 49 persons.

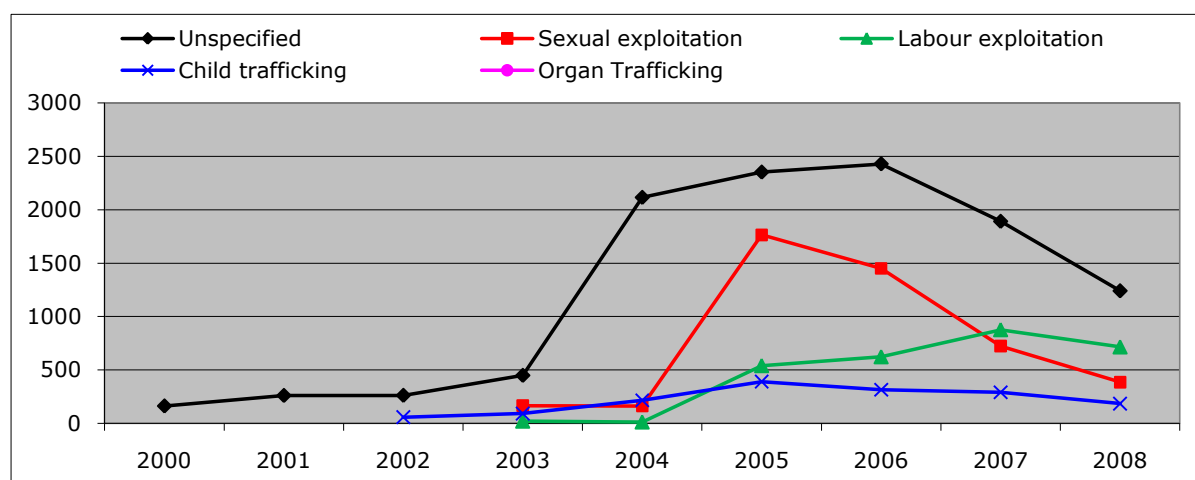
The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

Although data on victims of human trafficking is available from a number of actors for the whole reporting period, they often count different things – victims presumed, repatriated, assisted, identified at the border, identified by the police, identified by the prosecutor in the course of investigations, victims collaborating with the law enforcement authorities etc. Pre-2004, the only consistent data is on victims returned by the IOM and assisted by NGOs, as published for instance in the IOM's Second Annual Report on Victims of Trafficking in South-Eastern Europe. Occasionally, partial data on victims identified over a limited period of time or in the course of certain law enforcement operations is also encountered. For instance, the Human Rights Report on Romania published within the Protection Project by Johns Hopkins University quotes data collected by unspecified law enforcement authorities during Operation Mirage, a regional anti-trafficking and anti-smuggling action organised by the Southeast European Cooperation Initiative (SECI) in certain months of 2002, 2003 and 2004.

Starting from 2004, data on victims identified by law enforcement authorities has been published by the NATP, the UNODC and the US Department of State. Moreover, since 2005, the Public Ministry also releases data on victims identified in the course of investigations conducted by the public prosecutor, published in the annual reports of the Public Ministry, as well as in the annual reports on THB published by the NATP and the UNODC. However, these numbers do not include the data on victims returned and directly assisted by IOM, which are available until 2006 from the UNODC. Data on victims identified at the border by the IGBP was also occasionally published by the IGBP or in the ICMPD Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe (2008). Data disaggregated per age is available from 2002, and from 2003 they are disaggregated also per type of exploitation. No data on victims of trafficking for organ removal has been published during the reporting period. The chart below attempts to offer a visualisation of the trends regarding the number of identified victims of trafficking in human beings in Romania during 2000-2008 of both overall values (unspecified THB) and, where available, disaggregated by type of trafficking.

Chart 2: Number of Identified victims of THB for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs, 2000 – 2008



Source: IGRP and IGBP data published by the NATP; IGRP data published by the UNODC; data from unspecified law enforcement authorities published by Johns Hopkins University; data from unspecified authorities published by the US Department of State; IOM data published by the UNODC; and data from NGOs and the IOM published by the IOM/R. Surtees. For underlying statistical data see Annex B to this report.

Note: The value points for unspecified trafficking for 2002, 2003 and 2007 represent averages of different data on identified victims. The data for 2004-2006 represents the sum between the data on victims identified by the law enforcement (published by the NATP) and data on victims returned and directly assisted by the IOM (published by the UNODC).

Contextualising and Analysing the Data

From the multitude of existing data on victims of trafficking in Romania (see the table in Annex B), the value points in the chart above reflect the available data on the yearly number of identified victims or the closest to it. For instance, for the period pre-2004 where, as mentioned above, there is no data on the overall number of identified victims, the graph reflects an approximation of the number of victims of THB to the extent that data is available, i.e. by taking the figures on assisted victims and on victims identified in the course of special law enforcement operations over short periods of time. Moreover, where not one value could be singled out as most illustrative of the extent of THB victims for a given year, an average of the various relevant figures for that year has been calculated. This is for instance the case with the value points for unspecified THB in 2002, 2003 and 2007.

Therefore, in Chart 2, the data on victims of unspecified THB is comparable in two segments, namely for the years 2000-2003 and 2004-2008 respectively, as they refer to different things: mainly returned and assisted victims until 2004 and identified victims, including returned and assisted ones from 2004 on.²²⁰ For this reason, what might appear as a sharp increase from a calculated average of 449 victims in 2003 to a calculated average of 2114 victims in 2004 does not necessarily reflect a dramatic change in the flow of victims of unspecified THB, rather it signals the availability of different and more complete data. It is expected that from 2008 on the quality of the data will further improve, following the adoption and implementation of the National Referral Mechanism, the National Standards for Specialised Assistance Services, and the Coordinated Methodology to Collect and Update Data and Information on Victims.

²²⁰ The data from the IGRP and the IGBP published by the NATP from 2004 onwards does not include the number of victims directly assisted and returned by the IOM. In the drawing of the chart, the IOM figures on returns (available from the UNODC for 2004-2006) have been added to the data from the Police.

Regarding the progress/development of the extent of victims of human trafficking, in the first years we note a steady increase from 163 victims recorded in 2000 (Surtees 2005:438) to a calculated average of 449 victims in 2003. An upward trend is also noticeable in the updated data from 2004 on, possibly also a reflection of the termination of criminal punishments for prostitution of the victims of trafficking who confess or collaborate with the authorities towards the traffickers' prosecution. In 2006, the peak of 2428 persons was reached (IGRP and IGBP data published in the NATP 2007 Annex:90), but starting from 2007 the general decreasing trend observed in Chart 1 is manifested (1890 identified victims, calculated average), which continued through 2008 (1240 victims, NATP 2009a:10). Alternatively, if we continue to look at the numbers of assisted victims also after 2004 (see table in Annex B), we note until 2007 a constant increase in these numbers, which nonetheless remained at lower levels than those of identified victims: 175 persons in 2005, 424 in 2006 and 837 in 2007 (NATP 2007:70).²²¹ And yet, rather than illustrating trends regarding the extent of victims of THB, these variations are more likely to reflect the gradual improvements in social assistance services mentioned in the first section of this country report.

An analogous shift of the graph lines for THB for sexual exploitation and for labour exploitation can be observed in 2005, once the updated data on identified victims become available and is also disaggregated per type of trafficking.²²² However, once this change in data is accounted for, an interesting trend can be observed: since 2006, trafficking for labour exploitation has been on the increase and that for sexual exploitation on the decrease. Furthermore, in 2007, the number of victims of trafficking for labour exploitation becomes for the first time higher than that of victims of trafficking for sexual exploitation (877 vs. 724 victims), a trend which continues and intensifies through 2008 (716 vs. 386 victims).

The graph line for trafficking in children shows a constant increase in the extent of minor victims of THB to a peak value of 391 victims in 2005, after which a downward trend manifests itself. However, this data is also not fully comparable. Starting with 2005, the figures count minor victims identified by the IGRP and IGBP, but previously, in 2002 and 2003, the data refers to 59 and 93, respectively, returned children who declared to have been trafficked to the police (Save The Children 2004:20) and, in 2004, to 217 children who were identified as THB victims by unspecified authorities in the first 9 months of the year (US Embassy to Romania 2005). Though not reflected in Chart 2, according to UNODC data and to the NATP reply to the ICMPD questionnaire developed for this study, the main purposes for trafficking in children are begging and sexual exploitation, the majority of victims being girls trafficked for sexual exploitation.

The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

As can be seen in the tables in Annex B, a great variety of data on perpetrators of THB are available for all stages of the legal process in Romania. For different years and from a selection of sources, information is found on **investigations conducted by the police** and/or by the **prosecutor, persons arrested, prosecutions, cases solved by the prosecutor, indictments, cases brought to court, cases disposed of in court, convictions, mandatory sentences** etc. However, due to the fragmentation of the data as well as the inconsistency as to what is collected and for what period of time, data

²²¹ However, the data consolidated by the NATP excludes the victims directly assisted by IOM, which were included in the data pre-2004 from the IOM Second Annual Report on Victims of Trafficking in South-Eastern Europe.

²²² This data does not include the number of victims returned and directly assisted by the IOM, as this data is not available disaggregated.

cannot be compared across years. An additional complication derives from the inaccurate translation or description of data when published by non-primary sources.²²³

The primary sources are the institutions directly involved in a particular stage of the legal process: the Inspectorate General of the Romanian Police (IGRP) and Inspectorate General of Border Police (IGBP) for investigations, the Public Ministry (Prosecutor's Office) for investigations and indictments, the Ministry of Justice for indictments (cases sent to court) and convictions. This data is published by the respective institutions, but is also centrally compiled by the National Agency against Trafficking in Persons (NATP) publishing figures on investigations (2001-2007), indictments (2002-2008) and convictions (2004-2007). Regarding perpetrators, data is available for overall THB, both on cases and persons, but not disaggregated per type of trafficking.

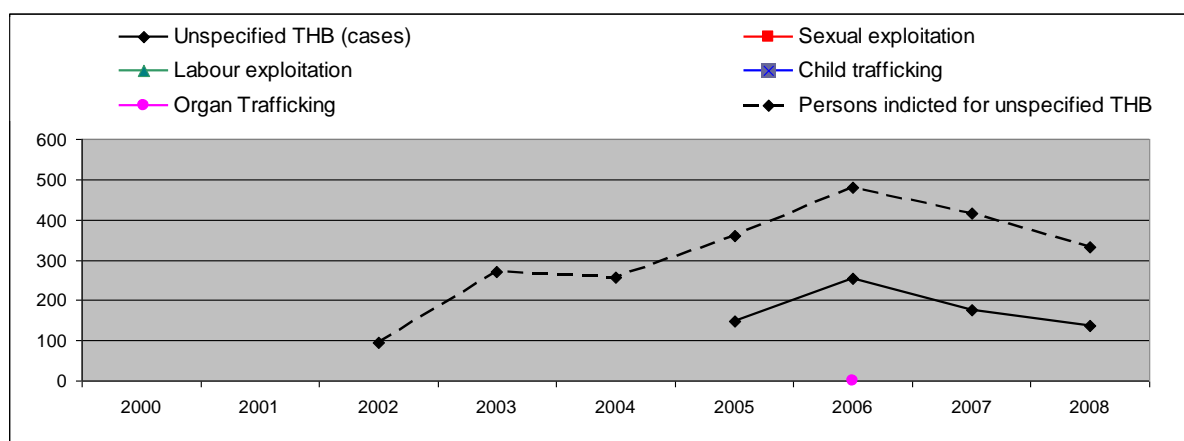
Exceptionally, anecdotal information exists on **trafficking in persons for the removal of organs and trafficking in organs**. A criminal investigation was started by the Prosecutor's Office in Cluj in 2006 following the release in 2005 of a documentary on the routes of trafficking in kidneys in Romania (including information on how it involves hospital administration and medical personnel). The case started with the confession of a young man who claimed to be a victim of organ trafficking and then became an organ trafficker himself. Until 2008 the case had not yet been brought to court.²²⁴ Moreover, in 2009, the local Directorate for the Investigation of Organised Crime and Terrorism Offences (DICTO) and the Directorate General for Combating Organised Crime (DGCOC) in Bacau arrested 2 persons who were planning to sell two 7-year old children for 12,000 EUR to each have a kidney removed.²²⁵ The director of the National Transplant Agency (NTA), however, denied that this would have been possible in Romania as minors are not accepted as donors and no commission would have approved such a transplant.²²⁶ Furthermore, in its response to the ICMPD expert survey for the present study, the NTA further upheld that no organ trafficking could take place in Romania, as Romania abides the Declaration of Istanbul from May 2008, which condemns all unethical practices to secure organ donations.

²²³ For concrete examples of problems with the translation/description of data, see the comments in the table from Annex B.

²²⁴ Iulian Iacob confessed to having sold a kidney in 2000, for which he was promised 7.500 USD but was eventually paid only 2.500 USD. Subsequently, due to blackmailing, he was lead to enter the organ trafficking black market as a middle man. The investigation was started simultaneously by the DGCOC Brasov and Cluj, under the coordination of the Prosecutor's Office in Cluj. (*Jurnalul National* newspaper quoted on <http://www.urbaniulian.ro/2008/07/31/traficul-cu-organe-din-romania-nici-o-condamnare-in-justitie-impotriva-unui-singur-membru-al-retelelor-care-activeaza-in-romania/> (31.07.2008), (last accessed on 26.03.2009).

²²⁵ <http://www.cotidianul.ro/parinti-arestati-pentru-traffic-de-organe-77009.html> (30.04.2009).

²²⁶ <http://www.adevarul.ro/articole/specialistii-sustin-ca-trafficul-de-organe-este-doar-un-mit.html> (18.03.2009).

Chart 3: Number of Identified Perpetrators of THB, 2000 – 2008

Source: Public Ministry (PM) data published by the PM; PM data published by the NATP; Ministry of Justice data published by the NATP. For underlying statistical data see Annex B to this report.

Note: The value points for unspecified THB (**cases** with indictment) in 2006 and 2007, as well as for unspecified THB (**persons** indicted) in 2007, represent averages of different data.

Contextualising and Analysing the Data

Chart 3 above illustrates the extent of perpetrators of THB in Romania, as reflected by the publicly available data on indictments. The dashed line for **persons indicted** for unspecified THB is primarily drawn from data from the Public Ministry available for 2002-2008,²²⁷ with the exception of the value point for 2007, which represents the average of 4 different data sets published by the Public Ministry and the NATP.²²⁸ The line for **cases with indictment** is drawn from data provided by the Public Ministry and the Ministry of Justice, partially also published by the National Agency against Trafficking in Persons (NATP). However, as is the case with all data on perpetrators in Romania, it remains unclear whether the figures from different sources or even from the same source for different years do refer to the same categories. Nonetheless, for the purpose of identifying trends, these statistics may be used when referring to roughly the same stage in the legal process (e.g. indictments filed, cases with indictment, cases for disposition in court, cases sent to court etc.). Therefore, where several relevant data sets were available for one year, averages have been calculated to illustrate the possible extent of perpetrators for the respective year. Such is the case with the value points for 2006 and 2007.²²⁹

As the Law 678/2001 that criminalises trafficking in persons was adopted in 2001, the first figures on prosecutions for THB refer to 2002, when 94 persons were indicted (PM/PICCJ 2008 Annex:12). Yet it was in 2003 that momentum was eventually reached, with a threefold increase in the number of indictments (270 persons, PM/PICCJ 2008 Annex:12), and it kept to constant level in 2004 (258 persons, PM/PICCJ 2008

²²⁷ The way the data is presented in the original source, the Activity Report of the Public Ministry for 2008, is slightly confusing: in the annex they refer to it as representing "offences" (PM/PICCJ 2008: Annex, p. 12), but in the text of the report the respective value for 2008 is described as the number of persons indicted (PM/PICCJ 2008:42).

²²⁸ 411 offenders (PM data published by the PM, consistent with that available for all other years); 398 persons indicted for THB (PM data published by the PM); 429 persons indicted (Ministry of Justice data published by the NATP); 429 defendants referred to court (PM data published by the NATP).

²²⁹ The value point for 2006 represents the average of 2 different data sets: 149 new cases for disposition in court (Ministry of Justice data published by the NATP) and 183 indictments filed (Public Ministry data published by the NATP); in 2007, 3 different data sets: 160 indictments for THB (Public Ministry data); 207 new cases for disposition in court (Ministry of Justice data published by the NATP); 160 cases referred to court (Public Ministry data published by the NATP).

Annex:12). However, following the reorganisation of both the Inspectorate General of the Romanian Police (IGRP) and the Inspectorate General of Border Police (IGBP), with a view to improving anti-trafficking responses as well as the set up of the Directorate for the Investigation of Organised Crime and Terrorism Offences (DIOCTO) within the Public Ministry,²³⁰ the number of indictments increased in 2005 (360 persons, PM/PICCJ 2008 Annex:12) and the upward trend continued through 2006, after which they started once again decreasing, confirming the general trend regarding the extent of THB in Romania observed in Chart 1.

The decreasing trend noticed since 2007 could be interpreted as the result of sustained and co-ordinated efforts to curb trafficking in human beings. On the other hand, it can also be observed that in the last two years the number of indictments dropped in line with the overall decrease of investigations concluded by the prosecutor. According to Public Ministry data, out of 916 cases solved in 2007, 160 were cases with indictment (PM/PICCJ 2007:Ch. IV B) and in 745 cases the court decided not to pursue prosecution (NATP 2008a:83).²³¹ In 2008, the figures further dropped to 136 cases sent to court out of 620 solved by the prosecutor.

In the period 2005-2008 for which both indicators (*persons* indicted and *cases* with indictment) are available, the number of **persons indicted** for unspecified THB and the number of unspecified THB **cases with indictment** developed at a similar rate, with the number of **persons indicted** exceeding the number of **cases** by roughly 50%. The discrepancy between the two sets of data is explained by the fact that some cases refer to more than one defendant. In 2006, the numbers for both categories increased at a similar rate and reached the peak values of 479 *persons* and 254 *cases* (calculated average), while in 2007-08 both indicators have declined in line with each other.

Also an interesting aspect is the developments regarding the prosecution of **corruption** cases related to trafficking in human beings ("trafficking-related corruption"), for which information is unfortunately only available for the period 2001-2004. While in 2001 the efforts to investigate and prosecute public officials involved in trafficking remained limited (US Department of State 2002 TIP Report), by 2003, 15 investigations of police officials were recorded, resulting in 2 cases sent to prosecution (US Department of State, 2004 TIP Report). The efforts further intensified in 2004, when 81 police officials implicated in trafficking-related corruption were investigated, of which 31 received administrative sanctions and 10 were dismissed, while 40 cases were further sent to prosecution (US Department of State 2005 TIP Report). However, no information is available on ensuing indictments and/or eventual convictions.

Conclusions: Assessing the Extent of Trafficking in Human Beings in Romania

If the pre-2004 data might sometimes be more a reflection of the state of the art in terms of data collection mechanisms, legislative framework and institutional setting than of the true extent of the phenomenon, since 2004 the publicly available data on both victims and perpetrators has been constantly improved as a result of the policy, institutional and legislative developments and is therefore more likely to reflect the real extent of the phenomenon. Two of the main observations that can be drawn from all the charts are that the overall extent of THB in Romania is, on the one hand, comparatively larger than in other countries and, on the other hand, it has been decreasing since 2006. This is suggested by the fact that all four variables –identified victims, investigations,

²³⁰ In 2003, 100 officers from the DGCOC who had received special training were assigned to trafficking in persons and were located at the headquarters and throughout the country (2004 US Department of State Report); and in 2004 special units for fighting trafficking and illegal migration were established within the IGBP (2005 US Department of State Report).

²³¹ For the remaining 11 cases, prosecution was suspended on grounds that the criminal act involved no social threat (NATP 2008a:83).

indictments and convictions, which had been on the increase until 2006, have since entered a downward trend. It is conceivable that these recent developments are the positive result of the co-ordinated efforts to combat trafficking in persons, especially since the establishment of the NATP and the adoption of the National Strategy and National Action Plans. The decreasing values might also be explained by Romania's accession to the EU. It is observed that since 2007 fewer Romanian victims of THB were returned to Romania. This might be a result of the increased mobility rights and legal status of Romanians as European citizens.

The Romanian example shows that concrete results in fighting THB are achieved only by a continuous and consolidated effort from all the actors involved. As the first years following the adoption of the anti-trafficking Law 678/2001 illustrate, setting up a legal framework in line with international standards is a necessary precondition, but not sufficient to ensure results on the ground. Equally important is to develop adequate institutional arrangements, which must benefit from proper funding and well trained personnel. Ensuring inter-institutional dialogue and co-operation is also essential, under the co-ordination of a single body, the National Rapporteur. National Action Plans that derive from a coherent and integrated approach need to be adopted and implemented, whereby responsibilities and tasks are clearly divided. Moreover, they should set clear benchmarks for subsequent monitoring and evaluation and, last but not least, there has to be enough flexibility and political will to ensure that the recommendations resulting from such policy evaluations are put into practice. For instance, following criticism and recommendations (see for instance US Department of State 2005 TIP Report), Romania improved its victim identification methods and established a victim referral system in 2007, as well as improved its assistance to VoTs and its funding to NGOs.

Regarding assistance programmes, in Romania the focus tends to be rather on re-integration and care than on residence permits or return programmes for foreign victims.²³² This responds to the realities of the Romanian case, where almost all victims are Romanian citizens.²³³ On the other hand, as shown in the section on victims, there is a large discrepancy between the number of victims identified and those assisted. The findings of a study conducted by the NATP in 2007 in order to investigate the causes behind this gap showed, *inter alia*, that victims lacked information about protection and assistance services, they do not trust state institutions, and many of them express their desire to return to their families (NATP 2008a:93). However, it was also noted that most of the victims identified in foreign countries are provided assistance and care there, that victims of trafficking for forced labour require more legal counselling and support for repatriation than assistance in shelters, and that a great deal of victims receive assistance outside the shelters (NATP 2007:71-72).

Closely related to this issue is that of the victims' level of participation in investigations and criminal proceedings, which is also a factor in the gap between the number of identified victims and of indictments. This situation improved in the latest years, following the elimination of criminal pursuit of victims and as a direct result of the improvements in assistance and protection services. In 2007, out of the 1,779 identified victims, 1,405 turned injured parties, 270 were heard in their capacity as witnesses in trial and 98 did not get involved (NATP 2008a:81). Similarly, the 2009 US Department of State TIP Report notes that, in 2008, 1053 victims (out of 1240) assisted law enforcement by participating in trafficking investigations and prosecutions. No data seem

²³² In most instances when the term "returned victims" is mentioned, this refers to Romanian victims returned from abroad.

²³³ For instance, according to IOM data, 2 of the 158 victims that were assisted in 2003 and 3 of the 149 assisted victims in 2004 were foreign and were repatriated (IOM 2005:n.a.), while none of the victims returned by the IOM to Romania in 2005 and 8 of those returned in 2006 were foreigners (UNODC 2009:274). According to NATP data, only one of the persons identified as victims by the Police on the Romanian territory in 2006 was a foreigner (NATP 2007:Annex, p. 90), and none in 2007 (NATP 2008a:11).

to be available on civil suits for the compensation of victims of trafficking in human beings in Romania.

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Domestic Policy and Institutional Setting

Already in 1996 a *Mixed Commission Congress-Senate on Women's Rights and Equal Opportunities* (*Comisión Mixta de los Derechos de la Mujer*²³⁴) was established in Spanish Parliament and commissioned with the task to study the phenomenon of trafficking of women and children. In 2000 the Commission published their "Presentation on the international trafficking of women and children".²³⁵ The conclusions and recommendations of the Commission were approved by the Government in 2003 and constituted the basis for the elaboration of the **Comprehensive Action Plan on Combating Trafficking in Human Beings for Sexual Exploitation 2007-2009**.²³⁶ The second **Comprehensive Action Plan on Combating Trafficking in Human Beings for Sexual Exploitation 2009-2012**,²³⁷ approved on 12 December 2008 by the Council of Ministers, principally follows the original plan. Both put special focus on: a) prevention and awareness-raising; b) training and education; c) victim assistance and protection; d) legislation; and e) co-ordination and co-operation.

Implementation of the action plans involves the Ministry of Interior, the Ministry of Justice, the Ministry of Labour and Immigration, the Ministry of Education, the Ministry of Equality as well as the Autonomous Communities, local administrations and NGOs.

In July 2009 the **Social Forum Combating Trafficking in Human Beings for Sexual Exploitation** (*Foro Social contra la Trata de Seres Humanos con Fines de Explotación Sexual*) was constituted. The aim of the Forum is to enhance co-operation and exchange particularly between public administrations and civil society.²³⁸

The establishment of a special **Fund for the Assistance of Women Victims of Human Trafficking** (*Fondo de Ayuda a las Víctimas de Trata*) 2009 served the aim to improve the assistance services particularly for those **women VoTs who reside illegally** in Spain.²³⁹

Besides Trafficking for the purpose of **sexual exploitation** Spanish anti-trafficking policies had also always put special emphasis on **child trafficking**. In this context the **Second National Action Plan to Combat the Sexual Exploitation of Children and Adolescents 2006– 2009**²⁴⁰ is to be mentioned. The Plan was jointly elaborated by the **Childhood Observatory Group on Child Abuse** (*Grupo de Trabajo de Maltrato infantil del Observatorio de la Infancia*), within the Ministry of Education, Social Policy and Sport, the **Department of Children and Family Services**, within the Ministry of Labour and

²³⁴ "Ponencia sobre el tráfico internacional de mujeres, niños y niñas", http://www.senado.es/legis6/comisiones/index_501.html.

²³⁵ <http://www.malostratos.org/images/pdf/Boletin%20oficial%20Cortes%20Generales.htm>.

²³⁶ <http://www.intermigra.info/extranjeria/archivos/impresos/PlanTrataMIR.pdf>.

²³⁷ http://www.migualdad.es/ss/Satellite?cid=1244647282488&language=cas_ES&pagename=MinisterioIqualdad%2FPage%2FMIGU_SinContenido.

²³⁸ <http://www.migualdad.es/noticias/14.07.09FOROTRATA.htm>.

²³⁹ In March 2009, the Council of Ministers approved a financial benefit of 2.000.000 Euros for the creation of the fund and it will subsidise NGOs specialised in providing assistance and protection to VoTs, <http://www.migualdad.es/noticias/14.07.09FOROTRATA.htm>.

²⁴⁰ The plan builds on the First Action Plan to combat the commercial sexual exploitation of children and adolescents 2002, which has brought into effect the commitments undertaken in the Declarations and Action Programmes approved by the World Conferences to combat the sexual exploitation of children, held in Stockholm in 1996 and in Yokohama in 2001, http://www.mepsyd.es/observatoriodeinfancia/documentos/IIPlan_contraESI_ingles.pdf.

Social Affairs and **Children Support Organisations**.²⁴¹ The plan has a focus on sexual exploitation for commercial ends.

In terms of institutional setting, it is important to note that Spain does not have a **National Rapporteur on THB** or any equivalent so far. The Ministry of the Interior is responsible for co-ordinating action against trafficking in human beings and in this regard collaborates with the Presidential Office, the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of Foreign Affairs and Cooperation and the Ministry of Education. Furthermore, Spain does not have a **centralised database** on trafficking in human beings. Data on different categories such as investigations, prosecution and convictions are collected across several ministries, law enforcement and criminal justice agencies. Similarly, data on victims of THB is collected by various institutions. In recent years the involvement of NGOs in the process of victim identification and protection was institutionalised. This concerns particularly the activities of *Red Contra la Trata de Personas en España*,²⁴² the network that contributed to the development of the Comprehensive Action Plan on Combating Trafficking of Human Beings for Sexual Exploitation (2007-2009) and issued the **Guide for the identification, referral and protection of victims of trafficking**²⁴³ in June 2008.

In October 2008 the director of the Department on Integration and Immigrants, based in the Ministry of the Interior, announced that a **Comprehensive Action Plan on Combating Trafficking in Human Beings for Labour Exploitation** was under development. Until today such an Action Plan has not yet been approved.²⁴⁴ Thus, the focus of Spanish anti-trafficking policies still lies exclusively on trafficking in human beings for **sexual exploitation** which is also reflected in the characteristics of data collection.

Legal Framework

Spanish legislation does not provide for a unique offence contemplating all criminal acts constituent to human trafficking. Instead, the Spanish Criminal Code (CC) criminalises different forms of THB through different offences (against freedom, sexual integrity and the rights of the labourer) established in the **Organic Law 10/23.11.1995** (UNODC 2009:282).

Trafficking for sexual exploitation has been included as a *specific offence* in the Criminal Code since 2000 (Article 188, Organic Law 4/2000). In 2003 Spain ratified the **UN Protocol** to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children²⁴⁵ and transposed the **Council Framework Decision 2002/629/JHA** on combating trafficking in human beings. According to **Article 318bis**, of the Spanish Criminal Code (introduced by virtue of Organic Law 11/2003), *a person who directly or indirectly promotes encourages or facilitates "tráfico ilegal" or "inmigración clandestina" of persons from, in transit through, or with destination to Spain or another European Union country, will be punished with four to eight years imprisonment.*

²⁴¹ Second National Action Plan to Combat the Sexual Exploitation of Children and Adolescents 2006– 2009 (*II Plan de Acción contra la Explotación Sexual de la Infancia y Adolescencia* 2006-2009):5.

²⁴² *Red contra la trata* is a network of more than 25 national and international NGOs, created in 2005 with the aim to combat trafficking of persons in Spain and to protect the human rights of the victims. The network has three specialized areas: Advocacy, Improvement of victim identification, referral and support and Awareness-raising, <http://www.redcontralatrata.org/spip.php?article3>.

²⁴³ http://www.apramp.org/upload/doc107_guia_basica_para_identificacion_y_derivacion_de_victimas-3.pdf.

²⁴⁴ The *Comprehensive Action Plan of Combating Trafficking in Human Beings for Labour Exploitation* was officially announced in October 2008 when the study on "Trafficking in human beings for labour exploitation" ("La trata de personas con fines de explotación laboral") was official presented. http://www.accem.es/trata_principal.html.

²⁴⁵ Official State Gazette (Bulletin Official de Estado) - BOE num. 296/11.12.2003, entering into in force from 25.12.2003.

Furthermore, if the intention of the "**tráfico ilegal**" or "**inmigración clandestina ilegal**" is the sexual exploitation of those persons, punishment will be from five to ten years imprisonment.²⁴⁶

In regard to THB for **labour exploitation**, of relevance are Article 311, 312 and 313.1 of the Spanish Criminal Code. For example, **Article 311** punishes the imposition of abusive working conditions by means of fraud, violence, intimidation and the abuse of a situation of necessity.²⁴⁷ In 2007 the jurisdiction of the Spanish courts was extended so that they could judge crimes committed by Spaniards or foreigners outside Spanish territory.

It is important to note that so far Spain has not transposed the **Council Directive 2004/81/EC** on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. It should have transposed it by 6th of August 2006.²⁴⁸ However, according to **Article 59** of the Organic Law 4/2000 on the Rights and Freedoms of Foreign Citizens in Spain (reformed by Organic Law 8/2000), victims of THB who are illegally staying in Spain and co-operate with the authorities are exempted from the obligation to leave the country and may be provided either with a permit to stay and work or, if the person decides to return to the country of origin, the costs will be covered (Aika van der Kleij 2003).

Spain ratified the Council of Europe Convention on Action against THB on 2.04.2009 (entry into force on 1.08.2009).²⁴⁹

Data Availability

The most systematic and richest data available for the period 2000-2008 was found with regard to trafficking for **sexual exploitation**. Data includes victims and persons arrested and covers the period 2000-2007, distinguishing also child trafficking among the victims. Data on trafficking for labour exploitation was scarce and there was no data available on trafficking for the removal of organs.

The most important actors collecting and publishing data on THB are:

- **Ministry of Interior** (*Programa Estadístico de Seguridad del Ministerio del Interior*) – which co-ordinates the information regarding victims and traffickers provided by the Police.
- **Centro de Inteligencia contra el Crimen Organizado** (CICO) – has developed a system for administrating human trafficking data related to sexual exploitation and forced labour. CICO disaggregates data on victims by gender, age and citizenship. Available data covers the period 2003-2007 (for trafficking for sexual and labour exploitation²⁵⁰ and child trafficking).²⁵¹
- **Office of the Public Prosecutor** (*Fiscalía General del Estado*) – compiles data on all provisional conclusions including charges under the Articles 318bis, 312.2 and 313 of the Criminal Code. In its most recent annual report (Office of the Public Prosecutor *Memoria* 2008), the Office published data on trafficking for

²⁴⁶ http://noticias.juridicas.com/base_datos/Penal/lo10-1995.l2t15b.html#a318b.

²⁴⁷ http://noticias.juridicas.com/base_datos/Penal/lo10-1995.l2t15.html.

²⁴⁸ The European Commission lodged an application with the European Court of Justice, accusing Spain of neglecting its obligations regarding the transposition; the Court found Spain guilty on 7.05.2009, http://www.accem.es/trata_principal_acciones.html.

²⁴⁹ <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=1&DF=&CL=ENG>.

²⁵⁰ Data on trafficking for labour exploitation is available only for 2005 and 2006.

²⁵¹ UNODC Report 2009.

labour and sexual exploitation for 2007. Data is based on the reports of the National Police (General Commissariat for Foreigners and Documentation) and of the Civil Police (Technical Unit of the Civil Police). Data for 2007 is incomplete due to the fact that not all public prosecutors have sent the required information.

- **Technical Unit of the Civil Police** (*Unidad Técnica de Policía Judicial - UTPJ*) – keeps track of criminal networks as well as persons (victims and traffickers). In 1995 specific divisions called **EMUMEs** (Women-Minors Divisions - *Equipos Mujer Menor*) were created, which investigate offences related to smuggling of human beings for sexual exploitation and child pornography. The EMUME Central unit drafts annual reports on human trafficking for the purpose of sexual exploitation (*Informes criminológico de la Unidad Técnica de Policía Judicial de la Guardia Civil: Tráfico de seres humanos con fines de explotación sexual*). Available reports have been found for the years 2001, 2003-2004 and 2005.
- **General Commissariat for Foreigners and Documentation** (*Comisaría General de Extranjería y Documentación - CGED*) –is tasked with the prevention, prosecution and investigation of illegal immigration networks²⁵². In 2001 the **UCRIFs** - Units against Immigration Networks and Counterfeit Documentation (*Unidades contra Redes de Inmigración y Falsedades Documentales*) were set up to investigate national and international criminal activities related to a) trafficking of human beings for the purpose of sexual and labour exploitation, b) smuggling of migrants, c) irregular immigration, and d) document falsification. The UCRIFs also co-ordinate and provide technical support to local units.²⁵³

²⁵² The term network ("red" in Spanish) refers to two or more persons with a certain grade of organisation, taking into account the concurrence of characteristics such as recruitment, transportation and exploitation.

²⁵³ http://www.apramp.org/upload/doc107_quia_basica_para_identificacion_y_derivacion_de_victimas-3.pdf, p.42.

The following table provides an overview of available data on THB in Spain:

Table 1: Data availability in Spain

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Cuerpo Nacional de Policía (UCRIFs); Guardia Civil (EMUMEs); CICO	THB for sexual and labour exploitation
Cases investigated	Cuerpo Nacional de Policía; Guardia Civil, Office of the Public Prosecutor Office	THB for sexual and labour exploitation
Cases with indictment	N.A.	No data publicly available.
Cases with conviction	N.A.	No data publicly available.
VoT claiming compensation in civil suits	Difficult to identify civil claim associations or NGOs specialised in this area of THB.	
VoT receiving legal or psychosocial assistance during proceedings	Spanish Commission Refugee Assistance (CEAR) – provides social and legal assistance as regards the right to asylum for men and women that are victims of trafficking for sexual or labour exploitation	No data publicly available.
VoT accepted in witness protection programme	The right of VoTs to special protection still needs to be recognised in Spain.	
VoT granted short-term residence	APRAMP (Asociación para la Prevención, Reinseración y atención de la Mujer Prostituida) – attends to the necessary documentation for voluntary return or for a temporary residence permit in Spain.	No data publicly available. The target group refers to women, victims of THB for sexual exploitation.
VoT granted continued residence	N.A.	No data publicly available.
VoT returned to home country	APRAMP – attends to the necessary documentation for voluntary return or for a temporary residence permit in Spain.	No data publicly available. The target group refers to women, victims of THB for sexual exploitation.

Data Analysis

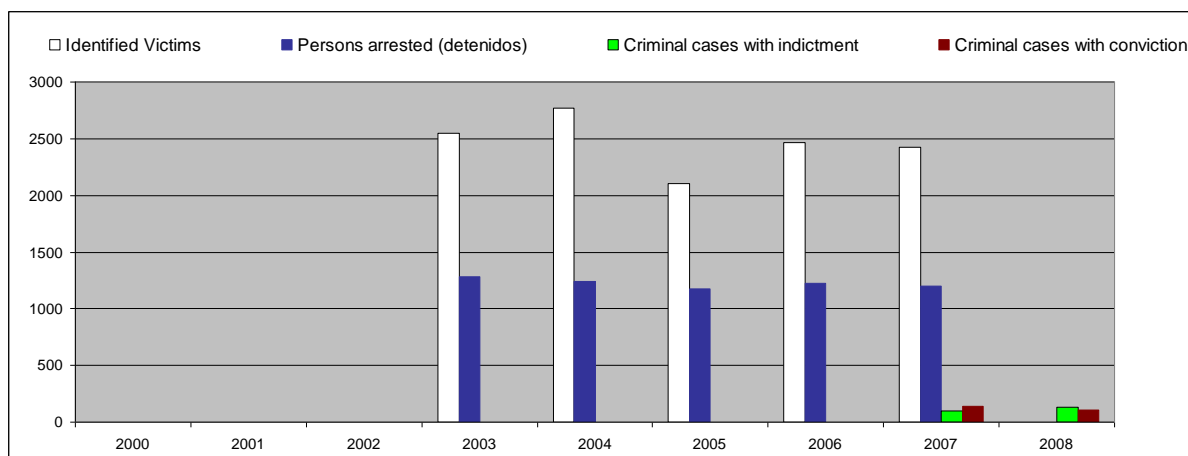
The extent of THB according to different stages of Legal Proceedings

The following part focuses on the interrelation between different stages in the prosecution of a THB case: victim identification, investigation, indictment and conviction. The analysis is based on data compiled by **Centro de Inteligencia contra el Crimen Organizado** as published in the 2009 UNODC Global Report on Trafficking in Persons.

Data refers to the period 2003-2007 and concerns the total number of **victims of trafficking identified** by State authorities (including minors) and **persons arrested** for THB offences (UNODC 2009:282-283). Statistics published by other sources were not

taken into consideration as they were either incomplete²⁵⁴, the reporting period was not uniform and/or no reference was provided to any primary sources²⁵⁵. In order to keep data comparable, all figures on investigations, indictments and convictions presented in Chart 1 refer to *persons*, not to *cases*.²⁵⁶ Statistics on criminal cases with indictments and criminal cases with conviction are available only since 2007 (Annex B).

Chart 1: Extent of THB according to different stages in legal proceedings on trafficking in human beings in Spain, 2000-2008



Source: 1) CICO data on identified victims and persons arrested (published by UNODC, 2009 report); 2) unspecified public authorities' data on cases with indictments and convictions (US Department of State, TIP report for 2009). For underlying statistical data see Annex B to this report. No averages are used.

Figures as presented in Chart 1 show big differences between the stages of a legal proceeding. While state authorities **identified** over 2000 victims of TBH every year, the number of **persons arrested** is comparatively lower throughout the entire period covered. In the period 2003-2007, the differences between the number of **identified victims** and the number of **persons arrested** *never go below 900 persons* (Annex B).

Taken in their relative values, differences between the first and second stages of the legal proceedings are smaller than those between the first/second and third/fourth stages. For example, in 2007 state authorities identified **2,421 victims**. That was nearly *two times higher* than the number of *persons arrested* (**1,204**) and more than *twenty times higher* than the number of *persons prosecuted* (**102**) and *persons convicted* (**142**)²⁵⁷.

This progressive reduction may relate to inconsistencies in the victim protection framework - Spain still doesn't have a national referral mechanism for VoTs and still needs to develop an integral victim protection system including adequate framework to grant residence permit and incite victims to co-operate.²⁵⁸

In the period 2003-2007, the differences between the number of identified victims and the number of persons arrested *do not fall below 900 persons per year* (Annex B). That

²⁵⁴ For example, the criminological report of the Civil Police covers only human trafficking for sexual exploitation and only the areas policed by the Civil Police.

²⁵⁵ As is the case with the US Department of State Reports: "Trafficking In Persons".

²⁵⁶ Before 2003 no data is available on proceedings for THB in general (overall numbers).

²⁵⁷ The surprisingly higher number of convictions compared to the number of indictments could be explained by the possible sum-up of old and new cases that have been finalised in the respective year.

²⁵⁸ See section on legal framework, particularly the paragraph on the transposition of Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third-country nationals in the section on legal framework.

may be linked to **overestimation** of VoTs (figures possibly include also victims of THB-related areas) and/or to a **low level of prosecution** of THB cases. Other explanation could refer to the lack of centralised data on THB. Even though the number of persons arrested is *proportionally lower* than the number of identified victims, it is not low if taken in its absolute numbers and compared to other EU countries (see Annex B to this report). The average value for the period 2003-2007 is 1,225 persons arrested per year (the peak was reached in 2003 with 1,286 persons and the lowest point in 2005 with 1,172 persons). The relatively high values observed in relation to *persons arrested* may indicate a possible **conflation between THB and THB-related offences** (human smuggling) at the stage of investigation.

The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

The only institution that systematically collects data on identified victims on the national level is the Police. Yet, data collection is dispersed between different agencies; they have different scope of action and are also likely to have different approaches and understandings of THB. The National Police (*Cuerpo Nacional de Policía – CNP*) polices urban areas and focuses on trafficking for sexual and labour exploitation but also on THB-related crimes such as smuggling of migrants, irregular immigration and document falsification. Compared to other police agencies, the number of victims identified by CNP is almost always higher. The Civil Police (*Guardia Civil*) polices rural areas and the national borders. It provides data on victims of sexual exploitation who have made a formal complaint. The operational definition of a victim (including also potential victims) refers to persons, (mostly) women, who exercise prostitution being in a situation of economic constraints and who are possibly controlled by an organised criminal network or a third person.²⁵⁹ This broader definition creates difficulty in distinguishing cases of THB for sexual exploitation among cases of forced prostitution.

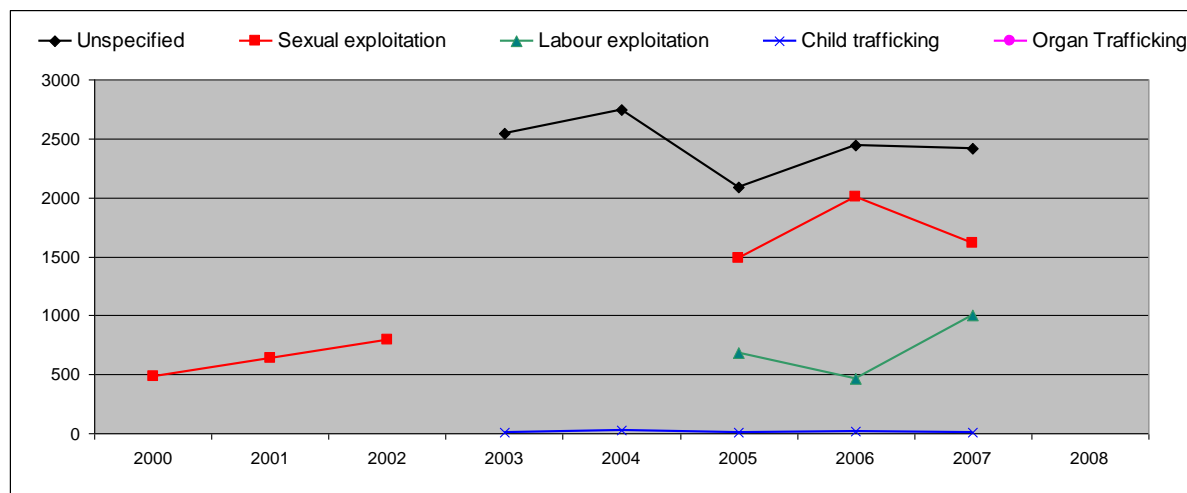
Of note is that NGOs haven't published any data on victims, which may be related to the lack of a national referral mechanism and integral protection programmes. Data on victims assisted or accepted in protection programmes as well as on victims who have returned voluntarily or have been deported to their country of origin was also not available.

²⁵⁹ *Tráfico de seres humanos con fines de explotación sexual, informe criminológico 2003-2004*, p. 11 and *Tráfico de seres humanos con fines de explotación sexual, informe criminológico 2005*, p. 12.

Spain

The value points in Chart 2 reflect the available data on the yearly number of identified victims.

Chart 2: Number of Identified victims of THB for sexual exploitation, labour exploitation, trafficking in children and trafficking for the removal of organs 2000 – 2008



Source: 1) CICO data (published by UNODC 2009); 2) Ministry of Interior; 3) Office of the Public Prosecutor; and 4) unspecified public authorities data (quoted by US Department of State). For underlying statistical data see Annex B to this report. No averages are used.

Contextualising and Analysing the Data

Data on the **overall number** of identified victims is compiled by Centro de Inteligencia contra el Crimen Organizado (CICO) and is available for the period 2003-2007 (UNODC 2009:282-283). Compared to other EU countries, the overall number of **identified victims** in Spain is relatively high. For the period between 2003 and 2007, figures never fall below 2000 persons. It is assumed that the numbers presented constitute **overestimations** due to the **lack of a clear differentiation between the offence of human trafficking and THB-related offences, particularly human smuggling and facilitated illegal immigration**. At the same time, as Spanish legislation includes also border-related offences in its respective legislation covering THB, **EU and Spanish citizens are disregarded** as victims of THB in criminal statistics.

From 2003 to 2004 the number of identified victims increased (from 2,541 persons to 2,745 persons). This may reflect real developments, but also quality and availability of data. The latter relates to the 2003 modification of the Spanish Criminal Code and to the subsequent difficulties in distinguishing cases of human trafficking from cases of illegal immigration.

In 2005 the number of VoTs sharply decreased from 2,745 victims identified in 2004 to 583 victims in 2005. That could be linked to the fact that EU citizens are excluded from official statistics, however, their number is considerable – for 2007 the share of EU citizens that are victims of trafficking was approximately twenty-four per cent (244 persons) of the overall number (Office of the Public Prosecutor, Memoria 2008:633). In this context, changes in the extent of this group remain statistically invisible. In 2006 the total number of victims increased (**2,447 persons**) followed by a slight decrease in 2007 (**2,416 persons**). That may be attributable to real developments or to improvements in data collection practices since the establishment of CICO. *Generally speaking, the total number of victims has decreased since 2003.*

Figures on identified victims of THB for the purpose of sexual exploitation

Until 2006 the number of victims of THB identified by the authorities increased continuously. This upward trend began developing gradually: 479 victims identified in 2000, 636 persons in 2001 and 791 persons in 2002.

Since 2005 numbers of victims identified reach nearly 1500 (1,486 in 2005; 2,002 in 2006). Even if there is no data available for the years 2003 and 2004, it is assumed that the sharp increase in 2005 and 2006 may be related to a change in definition on THB introduced in 2003.

The drop in numbers in 2007 (to 1,618 persons **including EU citizens**) may be related to the fact that data on 2007 is not provided by CICO but by the Public Prosecutor and that data is **incomplete** since not all regional prosecutors have managed to send the required data within the requested time frame.

Before 2005 data on victims for **labour exploitation** were included in the statistics of the Civil Police relating to the broader category of crimes against the rights of foreign labourers (*delitos contra los derechos de los trabajadores extranjeros*). Thus, cases of THB cannot be distinguished.

In this context, the only transparent data available had been identified for the period 2005-2007 (Annex B). According to this data, the number of victims decreased from **681 persons** in 2005 to **462 persons** in 2006, which may reflect improved data collection with the establishment the Centro de Inteligencia contra el Crimen Organizado (CICO) in 2006 and the establishment of a centralised system for administrating data on THB for sexual exploitation, THB for forced labour and child trafficking. Statistics on victims of **child trafficking** are available for the period 2003-2007 and refer to the number of persons under the age of 21 out of the overall number of victims identified. According to the publicly available data, the share of child trafficking in Spain is **relatively small**. The minimum value recorded was 5 children (0.2 per cent of the total) in 2007 and the maximum, 23 children, which equals 0.8 per cent of the total, for 2004. Underestimations are suspected as a) minors who are Spanish or other EU citizens are disregarded in official statistics; and b) minors are identified as victims of other THB-related offences such as child pornography, corruption of minors, begging, etc.

The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

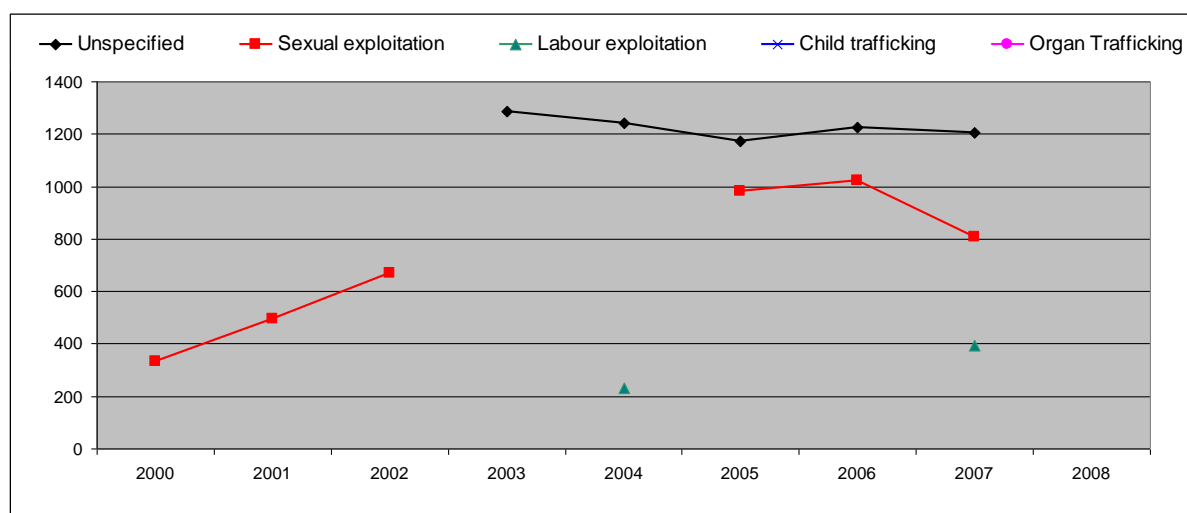
In Spain data on perpetrators is mostly available referring to **pre-indictment investigations** (see Annex B).

In fact, the great majority of investigations are initiated in the course of police action, while the announcement of cases of THB by victims themselves or third parties is rare.

Statistics on perpetrators are compiled by the Ministry of Interior and the Office of the Public Prosecutor. It refers to cases known to the police as regards **persons arrested prior to their committal to trial** (*detenidos*). It is not possible to determine whether an arrested person has simultaneously committed two or more crimes.

Chart 3 below illustrates the extent of perpetrators of THB in Spain, as reflected by the publicly available data. The most detailed data is on the **overall number of persons arrested** for THB and on **persons arrested for THB for sexual exploitation**. Data regarding THB for labour exploitation is only available for 2004 and 2007.

Chart 3: Number of Identified Perpetrators of THB 2000 – 2008: Persons arrested



Source: 1) CICO data (published by UNODC 2009); 2) Ministry of Interior data; 3) Office of the Public Prosecutor data (Office of the Public Prosecutor, *Memoria* 2008) and 4) Unspecified public authorities (published by US Department of State). For underlying statistical data see Annex B to this report. No averages are used.

Contextualising and Analysing the Data

Data on the **overall number of persons arrested for THB** is provided by the *Centro de Inteligencia contra el Crimen Organizado* (CICO) and is available for the period 2003-2007 (UNODC 2009:282).

After the legislative changes in 2003 and reaching the peak of number of **persons arrested** (1,286), numbers remained rather stable, reaching the lowest point in 2005 with 1,172 persons arrested. Also in the years after, numbers alternate only slowly with 1,224 persons arrested in 2006 and 1,204 persons in 2007 (Annex B).

Conclusions: Assessing the Extent of Trafficking in Human Beings in Spain

Generally speaking, the overall extent of THB in Spain is higher than in other countries. According to the available data, since 2004 the overall extent of human trafficking is mostly decreasing, due to the decrease in the number of VoTs – the number of perpetrators has remained mostly stable. Yet, when looking specifically at THB for **sexual** and **labour** exploitation, the number of both VoTs and perpetrators has increased since 2004. That may be related to improvements in data collection (establishment of CICO) or to overestimations related to deficiencies in the legal definition of THB. In this context, the unclear distinction between human trafficking and smuggling in Article 318bis hinders the criminological and statistical tracking of both criminal offences (e.g. a lot of criminal conducts that could be human trafficking are still classified outside the scope of Article 318bis). Police statistics, for example, use broader categories, which may easily lead to overestimation of the extent of THB.

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Domestic Policy and Institutional Setting

Following the 1997 Hague Declaration, the **National Criminal Investigation Department of the National Police (NCID)** (*Rikskriminalpolisen*) has been appointed to fulfil the role of a national rapporteur. NCID annually compiles and analyses information on the scale of trafficking in human beings in Sweden and beyond, makes recommendations on prevention and counteraction and reports regularly to the Swedish government. At the conference "Women and Democracy" held in Lithuania in 2001, Sweden's Ministry for Gender Equality Affairs proposed a Nordic Baltic collaboration featuring joint and national campaigns against trafficking in women (Eriksson 2008:19).

First measures to combat THB were introduced in the framework of the 1998 **National Action Plan against Commercial Sexual Exploitation of Children**. In 2007, the Ministry of Health and Social Affairs broadened the scope of **NAP for Safeguarding Children from Sexual Exploitation** to non-commercial forms of sexual exploitation. This can be explained by the general focus of Sweden on combating sexual exploitation, which is reflected in its approach towards prostitution, purchasing sexual services being prohibited in Sweden since 1999.²⁶⁰

However, the first documents exclusively dealing with THB were only published in 2003. The policy titled **Poverty and Trafficking in Human Beings: A strategy for combating trafficking in human beings through Swedish international development cooperation** outlines the Swedish anti-trafficking measures on combating human trafficking in the context of development co-operation. In the 2005 Fact Sheet on Prostitution and Trafficking in Human Beings, the **Ministry of Industry, Employment and Communications (MoIEC)** anticipates the National Action Plan (NAP) dealing with trafficking in both children and adults, which was adopted on 10 July 2008. This **Action Plan against Prostitution and Human Trafficking for Sexual Purposes** addresses five priority areas: victim²⁶¹ protection, prevention, prosecution of perpetrators, national and international co-operation, and raising awareness. A follow-up plan is expected in 2011 when it will be presented to the Swedish Parliament. As the title of the current Swedish Action Plan suggests, THB for the purpose of sexual exploitation is being dealt with in a common approach with prostitution.

Regarding institutional co-operation, the **Swedish National Council for Crime Prevention** (*Brotsförebyggande rådet – BRÅ*) collaborates with Migration offices and social services in order to identify both traffickers and victims of THB.

Assistance to victims is being provided by several NGOs such as the Swedish Association of Women's Shelters and INGOs such as ECPAT Sweden or the Child Centre for Children at Risk in the Baltic Sea Region. Moreover, ECPAT Sweden has launched a telephone hotline where suspicions of trafficking in children can be reported.

Legal Framework

Trafficking in human beings for the purpose of sexual exploitation is criminalized in Sweden since July 2002. In 2004, in order to comply with the EU Council Framework Decision 2002/629/RIF on combating trafficking in human beings, several amendments were introduced. Trafficking for all forms of exploitation is criminalized under **Chapter 4**,

²⁶⁰ The 2005 amendment to the Penal Code stipulates that purchasing sexual services is also punishable if the payment was promised or given by another person.

²⁶¹ The text of the Swedish Action Plan refers in fact to a "greater protection and support for *people at risk*". However, for the purpose of this report, the term *victims* will be used.

Section 1a of the Penal Code²⁶². Moreover, the 2004 amendments also criminalize trafficking within the country.²⁶³ (Eriksson 2008:12-13). Regarding child trafficking (persons under 18 years of age), the use of threat, force, abduction, fraud, deception, abuse of power or of a position of vulnerability, etc. does *not* necessarily need to be present in order for an act which regards a child to be considered an act of trafficking.

Sentences imposed for trafficking vary from 2 to 10 years of imprisonment. In April 2005, the **double criminality**²⁶⁴ imposed to offences committed abroad under **Chapter 2, Section 2 of the Penal Code** was eliminated (Eriksson 2008:16).

On 20 December 2005, the Government decided to appoint a **special inquiry committee** tasked to conduct a review of the legal provisions on the crime of trafficking. In a 2008 report, this committee raised concerns regarding the definition of Trafficking in human beings. This manifests in, among other things, the fact that conduct involving trafficking in human beings for the purpose of sexual exploitation is to a large extent considered to comprise other offences, such as procuring and grave procuring according to Chapter 6, Section 12 of the Penal Code. It was suggested that Chapter 4, Section 1a of the Penal Code should therefore be afforded a new wording, clearly specifying the conduct that is to be criminalized as trafficking in human beings but still be in compliance with the internationally accepted definition of "trafficking in human beings".

The Swedish legislation is in compliance with the Council Directive 2004/8/EC regarding the reflection period granted to victims of trafficking. **Chapter 5, Section 15 of Aliens Act** stipulates that "a temporary residence permit [of 30 days] may be granted to an alien who is staying here [in Sweden] upon application from the person in charge of a preliminary investigation, if this is necessary in order to be able to carry out a preliminary investigation or a main hearing in a criminal case."²⁶⁵ This provision was amended in 2007 and, among other issues, it requires witnesses to co-operate with law enforcement authorities and to "break off all links with the individuals who are suspected of a crime" (National Criminal Police, 2009:3).

Data Availability

Data on trafficking in human beings is published by national institutions such as the Swedish National Council for Crime Prevention, the National Board of Health and Welfare, and the National Criminal Investigation Department within the National Criminal Police. International organisations publishing data on trafficking in human beings in Sweden are: the US Department of State and the UN Office on Drugs and Crime

²⁶² "A person who, in a case other than those referred to in Section 1, by the use of unlawful coercion or deception, exploiting someone's vulnerable situation or by some other such improper means recruits, transports, accommodates, receives or implements some other such measure with a person, and thereby assumes control over the person, with the aim that the person should be 1. subjected to an offence under Chapter 6, Section 1, 2, 3, 4, 5 or 6, exploited for causal sexual relations or in another way exploited for sexual purposes, 2. exploited in war service or compulsory work or other such compulsory condition, 3. exploited for the removal of organs, or 4. exploited in another way in a situation that involves a distressful situation for the vulnerable person, shall be sentenced for trafficking in humans to imprisonment for at least two and at most ten years. This also applies to a person who with such a purpose as referred to in the first paragraph, 1. passes over to another control over a person, or 2. from another person receives control over a person." (Unofficial translation, <http://www.legislationline.org/topics/subtopic/46/topic/14/country/1>).

²⁶³ The legislation has been recently revised and new amendments entered into force in July 2009. The changes address relevant issues to the definition of trafficking, such as the means that are required in order for a crime to be regarded as trafficking, the intention of exploitation, or the vulnerable position of a child. (Eriksson 2008: 12-13, 63-64) (Annex A).

²⁶⁴ The principle of double criminality requires that a crime in one country has to also be a crime in the country extraditing the offender.

²⁶⁵ <http://www.legislationline.org/documents/action/popup/id/3685>.

Sweden

(UNODC). The Task Force on Organised Crime in the Baltic Sea Region²⁶⁶ also collects and publishes data on trafficking.

In Sweden, data on THB is available as of 2003, after the legislation criminalizing trafficking in human beings for the purpose of sexual exploitation from 2002 entered into force. Most data available refers to perpetrators and it is published by the Swedish National Council for Crime Prevention. The Swedish National Council for Crime Prevention produces statistics on reported and solved crimes, suspected and prosecuted persons, as well as recidivism (Eriksson 2008:19). Moreover, the **National Board of Health and Welfare** is responsible for collecting data on the extent of prostitution and monitoring respective national and international action and development. The National Criminal Investigation Department publishes a situation report on THB, as well as statistics on reported offences and convictions.

²⁶⁶ <http://www.cbss.org/Civil-Security-and-the-Human-Dimension/task-force-on-organised-crime-in-the-baltic-sea-region>.

The following table provides an overview of available data on trafficking in human beings in Sweden.

Table 1: Data availability in Sweden

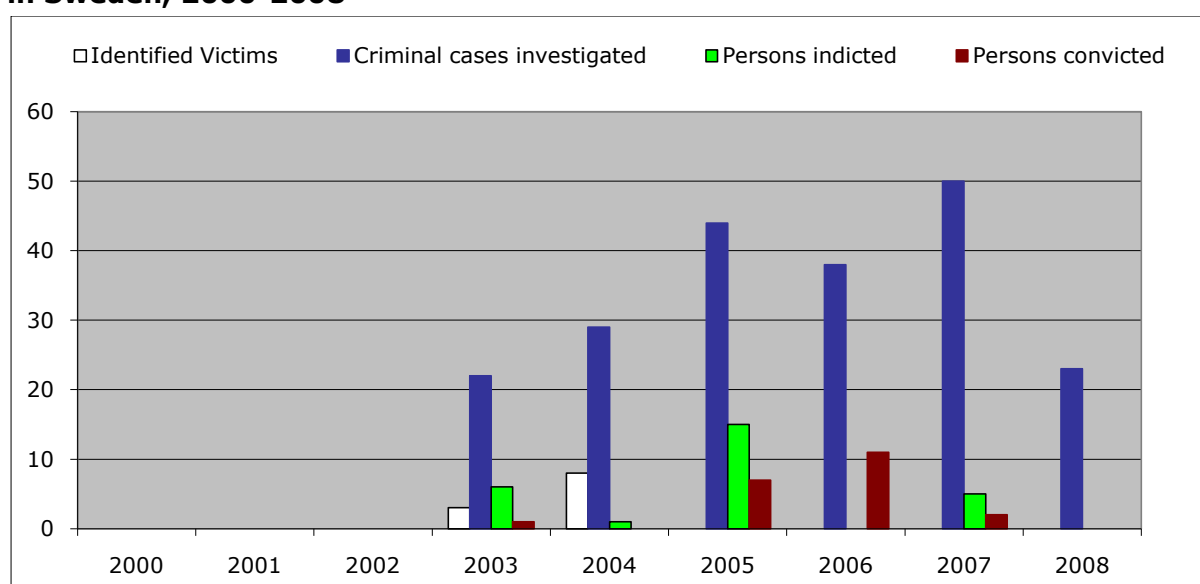
	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	Swedish National Council for Crime Prevention National Criminal Investigation Department of the National Police National Board of Health and Welfare	Data available for 2003 and for 2004 only. Data refers to child trafficking.
Cases investigated	Swedish National Council for Crime Prevention National Criminal Investigation Department of the National Police	Data is available for the interval between 2003 and 2008. Data for the years 2003 – 2006 is also available from international sources. Data is available on THB for the purpose of sexual and labour exploitation.
Cases with indictment	Swedish National Council for Crime Prevention	Data on THB for the purpose of sexual exploitation is available for the interval between 2003 and 2005 and for the year 2007. Data on THB for the purpose of labour exploitation is available for 2007 only.
Cases with conviction	Swedish National Council for Crime Prevention National Criminal Investigation Department of the National Police	Data on THB for sexual exploitation is available for the interval between 2003 and 2008. Data for the interval 2006 – 2008 is also available from an international source. Data on THB for the purpose of sexual exploitation is available for 2007 and 2008 from an international source.
VoT claiming compensation in civil suits	N.A.	
VoT receiving legal or psychosocial assistance during proceedings	N.A.	
VoT accepted in witness protection programme	N.A.	
VoT granted short-term residence	National Criminal Investigation Department of the National Police	Data from the Criminal Investigation Department is available for the year 2006. Data for the years 2007 and 2008 is available from an international organisation.
VoT granted continued residence	N.A.	
VoT returned to home country	N.A.	

Data Analysis

The extent of THB according to different stages of Legal Proceedings

The National Criminal Investigation Department is in charge of investigating possible cases of trafficking, whenever police authorities, PTN liaison police officers (police collaboration between Nordic countries), the Swedish Migration Board or the public provide any information in regard to a case of THB (National Criminal Police 2009:4). However, preliminary investigations are also conducted by the public prosecution service. When these investigations have been completed, the prosecutor takes the decision on whether or not to institute proceedings. Moreover, the prosecutor prepares the cases to be brought in front of the court, which then decides on the conviction or acquittal of the accused party.

Chart 1: Extent of THB according to different stages in legal proceedings on THB in Sweden, 2000-2008



Source: Data on identified victims is published by Task Force on Organised Crime in the Baltic Sea Region. Data on criminal cases investigated, persons indicted and persons convicted is published by The Swedish National Council for Crime Prevention. For underlying statistical data see Annex B to this report.

Note: Data on identified victims refers to child victims of trafficking. Data on criminal cases with conviction for the year 2006 is also published by the National Criminal Investigation Department.

When analysing the different stages of the legal proceedings on trafficking as presented in Chart 1, no overall trend can be identified, but rather several, partly contradictory trends can be noticed:

The category of **criminal cases investigated** is the only category for which data is available continuously since 2003. The number of **investigations undertaken** by the Swedish National Council for Crime Prevention increases from 22 in 2003 to 44 in 2005, thereafter decreases to 38 in 2006 and reaches a maximum of 50 investigations in 2007. In 2008, the numbers significantly decline to only 23.

Data on **persons indicted** is incomplete, as no data is provided for 2006 and 2008. The number of **persons indicted** decreases from 6 persons indicted in 2003 to 1 in 2004, and it reaches the maximum value of the interval in 2005, when 15 persons were indicted. This parallels the increase of criminal investigations in the same year but is not reflected in 2007. By contrast, the peak of criminal cases investigated in 2007 is not yet reflected in numbers of persons indicted.

Also data on **persons convicted** is not available for all years since the legislation on THB was put into place. The number of **persons convicted** increases from 2003 to 2006, when it reaches its maximum value of 11 persons convicted for THB. The increase in 2006 may be a result of the high number of investigations and indictments one year before, as court proceedings may also last longer than one year. The number of convictions decreases to 2 in 2007 and to 0 in 2008.

The only year where all four categories of data are present is 2003, after the 2002 anti-trafficking legislation entered into force. After 2003, at least one category of data is not displayed either because no data was available or available data indicates that there were no victims identified/cases registered, e.g. in the years 2004 and 2008 when there were no persons convicted for trafficking.

The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

Generally, there is no data publicly available on identified victims of trafficking in Sweden for the period under review. The only numbers available are from the Task Force in the Baltic Sea Region and refer to identified **child victims of trafficking in the course of the operations of the task force**: in 2003 the task force identified 3 and, in 2004, 8 child victims of trafficking.

Although no data is available, the Swedish National Police in 2004 **estimated** that “approximately 400-600 women and children are being trafficked to Sweden for sexual purposes” (Eriksson 2008:20). However, the National Criminal Police, in its 9th Situation Report on Trafficking in Human Beings for Sexual and Other Purposes (1 January – 31 December 2006), publishes that “according to National Criminal Investigation Department, it is not possible to produce an estimate of how many girls and women may have been the victims of human trafficking for sexual purposes to and within Sweden during 2006” (2009:2). These estimates show the general focus of Sweden on trafficking of women and girls for the purpose of sexual exploitation.

The only figures available on victims of trafficking refers to the number of **temporary residence permits** awarded to victims of trafficking, available from the National Criminal Investigation Department for the year 2006, when 21 residence permits were awarded. Data on permits issued to victims of trafficking is also published by the US Department of State. According to the 2008 Trafficking in Persons Report²⁶⁷, 11 victims of trafficking stayed in state-funded shelters and 10 received a **temporary residence permit** in 2007.

A reason why there is no data on victims of trafficking is offered by the National Criminal Police which states that “the number of human trafficking victims discovered in Sweden is largely dependent on the resources used by the police in detection of this form of criminality, and the work done by the Police varies considerably from one country to another and from one year to another” (National Criminal Police 2009:2). Still, this does not explain for the general data gap in regard to victims, as there are trafficking cases detected and prosecuted in Sweden.

²⁶⁷ Which has a reporting period between April and March.

The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

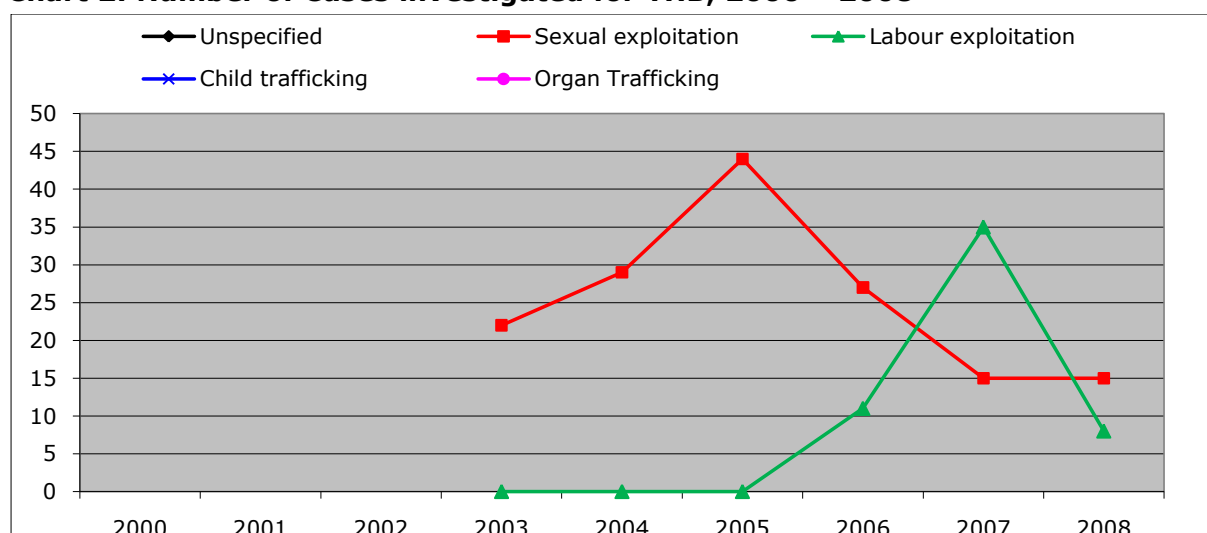
Data Availability

Data on perpetrators is published by national institutions such as the Swedish National Council for Crime Prevention and the National Crime Police, as well as by international organisations such as the US Department of State and the UN Office on Drugs and Crime.

Although fragmented, data on investigations, indictments and convictions for THB is generally available as of 2003, after the legislation on THB for the purpose of sexual exploitation came into force. In order to show the most comprehensive picture possible on the development of trafficking in Sweden, Chart 2 below displays data on **cases investigated**, as respective data was available on a continuous basis from 2003 until 2008. By analysing the data, it has to be kept in mind that one case may include several perpetrators.

Data displayed in the chart below refers to criminal **cases** investigated for THB for the purpose of sexual exploitation and cases investigated for THB for other purposes. These “other purposes” include: forced labour, military service, organ donation, or for some other purpose in a situation involving distress for the victim, begging and committing crimes.

Chart 2: Number of Cases investigated for THB, 2000 – 2008



Source: Data is from the Swedish National Council for Crime Prevention (BRÅ). For underlying statistical data see Annex B to this report.

Note: “other purposes” include: forced labour, military service, organ donation, or for some other purpose in a situation involving distress for the victim, begging and committing crimes. All data refers to cases investigated.

Contextualising and Analysing the Data

Figures on cases investigated of THB for **sexual exploitation** display an upward trend from 2003 to 2005, when they reached the maximum of 44 investigations. Interestingly, data on THB for **other purposes** is also available after 2003, although it was specified in the legislation in 2004 only. However, data available still indicates that there was not a single case investigated on THB for other purposes between 2003 and 2005.

Data on THB for other purposes shows an increasing trend between 2005 and 2007, when it reaches the maximum of the period under review with 35 cases investigated.

When looking at both lines, one can observe that in 2005, when the provisions on “other purposes” were introduced into the Penal Code, the number of cases investigated for **sexual exploitation** decreases, while the number of cases investigated for **other purposes** increases. As police highlight, in Sweden success in operations is largely dependent on the resources used by the police in detection (National Criminal Police 2009:2). It can be assumed that considerable resources from law enforcement authorities started to be involved in cases on THB for **other purposes**, and not so much in cases on THB for sexual exploitation anymore.

A similar phenomenon can be observed in 2007, when the number of investigated cases on THB for **other purposes** decreases and the cases on sexual exploitation exchange the downward trend with a constant one.

Data on indictments and convictions is published by the National Council for Crime Prevention and by international institutions such as the US Department of State. Moreover, the Council for Crime Prevention publishes that in 2003 there were 6 persons indicted and 1 convicted for THB for sexual exploitation. In 2005 there were 15 persons indicted and 7 convicted for THB for sexual exploitation. The sentence for trafficking is minimum 2 years up to maximum 10 years of imprisonment. The most severe conviction (until 2008) has been 5 years and 6 months. (Eriksson 2008:9).

Conclusions: Assessing the Extent of Trafficking in Human Beings in Sweden

Although a national rapporteur was appointed in Sweden in 1997, data on trafficking is available only 6 years later. THB for sexual exploitation became an offence in the Swedish legislation in 2002, and THB for “other purposes” was criminalized in 2004. Therefore, data on THB is available as of 2003, after the first legislation entered into force.

As the Swedish National Council for Crime Prevention produces statistics on reported crimes of THB, on suspected and prosecuted persons, most data available refers to perpetrators of THB. Data on identified victims of THB is available only for two years, and it is partial as it refers only to victims of child trafficking that were identified during specifically targeted operations. However, data on residence permits granted to victims of trafficking is available for the years 2006 to 2008.

A reason why there is no data on victims of trafficking is offered by the National Criminal Police, which states that “the number of human trafficking victims discovered in Sweden is largely dependent on the resources used by the police in the detection of this form of criminality” (National Criminal Police 2009:2). However, this does not explain the general data gap in regard to victims, as there are trafficking cases detected and prosecuted in Sweden.

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<http://www.sweden.gov.se/>

Domestic Policy and Institutional Setting

As a major destination country, the United Kingdom has focused its anti-trafficking policies on identification of offenders and victim support. At the beginning of 2006, the Home Office and the Scottish Executive published "Tackling Human Trafficking – Consultation on Proposals for a UK Action Plan". After a consultation period, the "**UK Action Plan on Tackling Human Trafficking**" was published in March 2007, and updated twice – in July 2008 (Almandras 2009:22-24), and last in October 2009. The 2009 update of the UK Action Plan makes a revision of what has been done in preventing trafficking in the last year and restates the goals of the fight against THB for the year ahead, among which is stated: to better understand trafficking by assessing the nature and scale of the phenomenon, to prevent trafficking at source and to reduce demand (Home Office & the Scottish Government 2009:8-9).

Regarding institutions designated to fight trafficking, the UK set up **Reflex** in 2000, a multi-agency task force to combat organised immigration crime, as well as trafficking. Reflex involves the "Serious Organised Crime Agency [SOCA], the Home Office, the Immigration Service, the National Criminal Intelligence Service, the security and intelligence agencies, the Foreign & Commonwealth Office and key police forces with support from the Association of Chief Police Officers (ACPO) and its Scottish equivalent ACPOS" (Home Office & the Scottish Executive 2006:13). After the consultations for the UK Action Plan, an institution with a central focus on trafficking was established. The **United Kingdom Human Trafficking Centre (UKHTC)**, launched on 3 October 2006, is "a multi-agency that provides a central point for the development of expertise and cooperation in relation to the trafficking in human beings, working together with other stakeholders from the governmental, non-governmental and inter governmental sectors in the UK and abroad".²⁶⁸ Thus, the UKHTC comprises two major tasks in the UK anti-trafficking policy: on the one hand it gathers data from different bodies that collect data on trafficking, and on the other, it provides support in regard to policy implementation. The UKHTC gathers several different institutions, such as the police, the **Serious Organised Crime Agency (SOCA)**, the **UK Border Agency (UKBA)**, and the **Crown Prosecution Service (CPS)**.²⁶⁹ Moreover, the Centre is organised in five different working groups, which focus on victim care, prevention, research, learning and development, and operations and intelligence. (Almandras 2009:20-21).

The **Serious Organised Crime Agency (SOCA)** is an agency with law enforcement powers and with responsibilities in reducing organised crime and its deleterious effects. It is a public body sponsored by the Home Office, but operates independently. UKBA controls migration into the UK, decides upon applications of entering or staying in the country, as well as applications of asylum or citizenship.²⁷⁰ CPS advises the police on issues regarding criminal cases and decides, when there is enough evidence, whether a prosecution is required in the public interest.²⁷¹ The equivalents of the Crown Prosecution Service from England and Wales are the Crown Office and Procurator Fiscal in Scotland and the Public Prosecution Office in Northern Ireland.

The UKHTC is an important actor in the Home Office's threefold approach to try to get a picture of the scale of trafficking in the UK. Moreover, this approach involves funding

²⁶⁸ <http://www.ukhtc.org/about-ukhtc#Care>.

²⁶⁹ UKHTC is de facto a national rapporteur, as it fulfills tasks such as data gathering or policy coordination. However, several NGOs raised the issue of independency and supported the idea of setting up another institution with the role of a national rapporteur, since the UKHTC is influenced to a great extent by the Police and UKBA (House of Commons. Home Affairs Committee 2009:19).

²⁷⁰ <http://www.bia.homeoffice.gov.uk/>.

²⁷¹ <http://www.cps.gov.uk/about/>.

work on organised crime, analysing the data from police operations such as Pentameter, and gathering data from other institutions such as SOCA and **Child Exploitation Online Protection Centre (CEOP)**. CEOP is a body affiliated to SOCA that focuses on preventing and combating exploitation of children and also trafficking in children. (Home Office & the Scottish Executive 2007:35).

Victims of trafficking are identified by the Police, UKBA, NGOs, and also by social service departments, when it comes to child victims. In April 2009 a **National Referral Mechanism (NRM)** was being put in place in order to “help co-ordinate the identification and referral of victims into support” (Harris et al. 2008:32-33). Under the co-ordination of NRM, statistical data on victims of trafficking was published by the UKHTC covering the time period from April to September 2009. The victim-based approach of the anti-trafficking policy is developed by the working group that focuses on victim care within UKHTC. Moreover, support is provided through government-funded projects, which are conducted by NGOs. The **POPPY Project**, for instance, “is run by Eaves, a women’s charity working to combat all aspects of violence against women through accommodation, support services, research, education and lobbying” (Eaves 2009a). POPPY offers since 2003 support and accommodation²⁷² to women trafficked in the UK for the purpose of sexual exploitation. For the women who do not fit the criteria required in order to be included in the project,²⁷³ POPPY offers support through an outreach service²⁷⁴ launched in 2007. Moreover, women are assisted in several matters such as obtaining immigration advice, contacting the police, accessing healthcare and social services, etc. Women who are not accommodated by POPPY can receive help from hostels working with homeless people, refuges for victims of domestic violence, embassies, Immigration Advisory Service, etc. Similar to POPPY, in Scotland, the **Trafficking Awareness Raising Alliance (TARA) Project** was set up in 2005 in order to provide services to victims of trafficking for the purpose of sexual exploitation. TARA works with “the police, housing departments, health professionals, agencies which work with women in the sex trade and other relevant NGOs” (Lebov 2009:4). The 2008 revised Action Plan expanded the reflection period from 30 to 45 days, and the temporary residence has been increased from 6 months to one year (Harris et al. 2008:29).

Regarding child trafficking, the actions from the Action Plan apply equally to adults and children. However, the issues raised by this phenomenon, in regard to children, have been addressed through actions meant to raise awareness of child trafficking among child care professionals, as well as to support child victims. CEOP has developed a Strategic Threat Assessment on Child Trafficking which contains profiles used by front-line agencies in order to identify trafficked children. Similarly, ECPAT (UK) developed an e-learning tool used by practitioners in order to identify child trafficking. The **Department of Children, Schools and Families (DCSF)** established a Young Runaways Action Plan to address the issues of children who run away from home or care.

Offenders are identified by the police (such as Metropolitan Police, the West Yorkshire, South Yorkshire and Humberside Police, the Kent Police, etc.) in co-operation with SOCA, UKBA and Crown Prosecution Service in England and Wales, the Crown Office and Procurator Fiscal in Scotland and the Public Prosecution Office in Northern Ireland (Harris et al. 2008:85). With this purpose, several joint actions have been elaborated.

²⁷² In 2009 POPPY was awarded the Government tender for work supporting trafficked women. Due to this funding the project will expand its services and will increase the number of beds from 35 to 54 – five extra spaces in London and 14 new spaces nationally.

²⁷³ Over 18 years old, trafficked to the UK, sexually exploited and forced to work in prostitution in the UK.

²⁷⁴ http://www.eaves4women.co.uk/POPPY_Project/POPPY_Project.php.

Pentameter, a Reflex multi-agency operation, was the first policing operation involving all 55 police forces in the UK in order to fight against those who engage in trafficking for sexual exploitation.²⁷⁵ Due to the great success of Pentameter 1, which ran between February and May 2006, a similar operation, called Pentameter 2, was launched in October 2007. This one dealt with sex trafficking, but also with trafficking for the purpose of forced labour. Another operation aimed at dismantling trafficking is the **operation Paladin**. It was designed to identify child victims who enter the UK via London's ports (House of Commons, Home Affairs Committee 2009:33). Regarding trafficking for the purpose of labour exploitation, UKBA, UKHTC, law enforcement and civil society groups launched **operation Tolerance** in May 2008, which ran until December 2008. Furthermore, the Migrant Domestic Worker visa was introduced to prevent the abuse of these workers. In order for such a visa to be issued, the UK authorities have to make sure "that the worker is travelling of (usually her) own free will and there are no obvious signs of maltreatment" (House of Commons, Home Affairs Committee 2009:45). As victims of trafficking for forced labour can be found in various "sectors which depend on seasonal or casual staff, [the] Parliament approved legislation establishing a licensing regime for those supplying casual labourers to the sector – gangmasters – and a special regulatory body, the **Gangmasters Licensing Authority**²⁷⁶, was set up to police the regime" (House of Commons, Home Affairs Committee 2009:20). The Authority started its activity in 2006 and in the first two years of existence focused on licensing legitimate businesses. "It has now moved on to targeting the unlicensed and illegitimate operators and has launched Operation Ajax, a series of major, unannounced, intelligence raids due to take place over the years 2008 – 2010" (House of Commons, Home Affairs Committee 2009:21-22).

Regarding actions meant to prevent trafficking, the Home Office, the Foreign and Commonwealth Office (FCO) and the Department for International Development (DfID) support several projects addressing trafficking at source. This work is threefold – raising awareness regarding the dangers of trafficking, addressing the factors which make poor people vulnerable to trafficking and capacity building in source and transit countries. (Home Office & the Scottish Executive 2007:22). The **Blue Blindfold campaign**, launched in 2007, is also meant to raise awareness of law enforcement authorities and of the public in regard to trafficking.²⁷⁷

Legal Framework

Trafficking in human beings for the purpose of sexual exploitation is criminalised by **sections 57 – 59 of the Sexual Offences Act 2003**²⁷⁸, as amended by the UK Border Act 2007. Section 57 of the Sexual Offences Act criminalises the action of trafficking into the UK; section 58 refers to trafficking within the UK, and section 59 to trafficking out of the UK. The jurisdiction of the Sexual Offences Act covers England, Wales and Northern Ireland. In Scotland trafficking for sexual exploitation is an offence under **Section 22 of the Criminal Justice (Scotland) Act 2003**.²⁷⁹

Regarding types of trafficking other than for the purpose of sexual exploitation, all these are criminalised under **Section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004**, which applies to all of the UK. Under this section, a person is exploited if that person is a victim of an action which contravenes the Article 4 of the European Convention on Human Rights (**slavery and forced labour**) or if "he [or she]

²⁷⁵ <http://press.homeoffice.gov.uk/press-releases/police-probe-trafficking>.

²⁷⁶ http://www.opsi.gov.uk/acts/acts2004/ukpga_20040011_en_1.

²⁷⁷ <http://www.blueblindfold.co.uk/index.php>.

²⁷⁸ http://www.cps.gov.uk/legal/s_to_u/sexual_offences_human_trafficking/index.html#Interpretation_and_jurisdiction.

²⁷⁹ The criminal legislation regarding trafficking is in compliance with the Council Framework Decision 2002/629/JHA on combating trafficking in human beings.

is encouraged, required or expected to do anything as a result of which he [or she] or another person would commit an offence under the **Human Organ Transplants Act 1989 or section 32 or 33 of the Human Tissue Act 2004 or the Human Tissue (Scotland) Act 2006**" or if "he [or she] is subjected to force, threats or deception designed to induce him [or her] – to provide services of any kind [...]" or "he or she is vulnerable by reason of physical or mental disability [...] and is requested or induced to undertake any activity, having been chosen [...] because of this vulnerability, and a person without the [vulnerability] would be likely to refuse the request or resist the inducement" (Harris et al. 2008:18-19). Sentences imposed by these laws vary between a term of imprisonment "not exceeding 6 months or a fine not exceeding the statutory maximum or both" (summary convictions²⁸⁰) and "imprisonment for a term not exceeding 14 years" (convictions on indictment²⁸¹).

Data Availability

In the United Kingdom, data on trafficking that covers the period under review is published by different national and international institutions. Data on victims, for instance, is available from national bodies such as: the Home Office, the Scottish Government, the Police and the UK Human Trafficking Centre, or from non-governmental organisations such as Eaves. Data on perpetrators (cases investigated, cases with indictment and cases with conviction) is published by national bodies such as the Home Office, the Scottish Government, the Police, and the UK Human Trafficking Centre. International institutions publishing data on both victims of trafficking and perpetrators in the UK are: Anti-slavery International, US Department of State and UN Office on Drugs and Crime. Generally, data on trafficking is fragmented and dispersed due to the fact that it is available whenever a special law enforcement action is carried out. This is the case with special operations such as Pentameter 1, which ran between February and May 2006, or Pentameter 2, which ran between October 2007 and March 2008.

In April 2009 a **National Referral Mechanism (NRM)** was implemented and data on victims is available through this mechanism from April to September 2009. Data for the year 2008 (covering the time period between April and December) is published in the **UKHTC Statistical Quarterly Reports** – from April to June the 1st quarter, from July to September the 2nd quarter, and from October to December the 3rd quarter. The period from January to March 2009 is the 4th quarter, and it belongs, therefore, to the same statistical year as the data covering the period after April 2008. Data available through the NRM and data published in the UKHTC Statistical Reports complete each other, as the NRM refers to victims and the Statistical Reports refer also to perpetrators. However, while the UKHTC Quarterly Reports cover the time period from April 2008 to June 2009, data from the NRM covers the period from April to September 2009. Therefore, the quarter from July to September 2009 has not yet covered data on perpetrators. Data on victims published by institutions mentioned above refers in most of the publications to periods of time that vary from several months to several years. Similarly, data on perpetrators covers time periods during which several law enforcement operations were running. Therefore, data presented in the Annex B might seem scarcer than it actually is, since data that covers 4 years, for instance, is represented by one number. However, another important aspect regarding the data available is that different official sources present slightly different data when refer to the same time period or to the same law enforcement operation.²⁸² As the differences between the numbers published are rather small – under ten – data presented in Annex B corresponds to the version of the Home

²⁸⁰ Cases heard at the magistrates courts.

²⁸¹ Cases dealt with by the Crown Court.

²⁸² Due to the fact that investigations continue after an operation is completed, the results presented at different moments in time can be slightly different in terms of results to date. For instance, the number of victims identified during Operation Pentameter 1 is presented as 88 by the Home Office in July 2008, and as "84 women confirmed as trafficked victims" by the Pentameter website in July 2006. (<http://www.pentameter.police.uk/docs/pentameter.pdf>).

Office website. Regarding the availability of data on different types of trafficking, data on THB for the purpose of labour exploitation is available after 2006. No data was available on trafficking for the purpose of removal of organs.

Table 1: Data availability in the United Kingdom

	Institution/s in charge of data collection	Characteristics (e.g. year of availability, data coverage etc.)
Victims of Trafficking (VoT)	UK Human Trafficking Centre, Police, UK Border Agency, Gangmasters Licensing Authority	Data available from 2003 to 2004 and from 2006 to 2008; data is from the Police, Home Office and NGOs. Data from the UK Human Trafficking Centre covers the time period from 1 April 2008 to 30 September 2009.
Cases investigated	UK Human Trafficking Centre, Police, Serious Organised Crime Agency	Data available from 2004 to 2008 from the Home Office Statistical Bulletin.
Cases with indictment	UK Human Trafficking Centre, Police, Serious Organised Crime Agency	Data available from 2003 to 2008 from the Home Office and international organisations. Data from the UK Human Trafficking Centre covers the time period from 1 April 2008 to 30 June 2009.
Cases with conviction	UK Human Trafficking Centre	Data available from 2003 to 2008. Data from the UK Human Trafficking Centre covers the time period from 1 April 2008 to 30 June 2009.
VoT claiming compensation in civil suits	N.A.	Data available from NGOs and not confirmed through state official sources. (response from UKHTC to the ICMPD questionnaire).
VoT receiving legal or psychosocial assistance during proceedings	UK Human Trafficking Centre, Home Office through the POPPY Project, Department of Health	Data available for the interval 2003 – 2007 from the POPPY Project.
VoT accepted in witness protection programme	N.A.	
VoT granted short-term residence	N.A.	
VoT granted continued residence	N.A.	
VoT returned to home country	N.A.	

Data Analysis

The extent of THB according to different stages of Legal Proceedings

Whenever there is suspicion that a person has been trafficked, the Police start an investigation. When enough evidence has been collected, the case is dealt with by the prosecution authority that operates in the area where the case was registered. The Crown Prosecution Service (CPS) is the principal prosecuting authority in England and

United Kingdom

Wales,²⁸³ the Crown Office and Procurator Fiscal in Scotland and the Public Prosecution Office in Northern Ireland (Harris et al. 2008:85).

However, when the case goes to the prosecution authorities, the investigation might continue, as more evidence might be needed in order to present a case in front of a court. In England, Wales and Northern Ireland there are two major types of criminal courts: magistrate's court and the Crown Court. Cases prosecuted for less serious ("summary") offences are dealt with by a magistrate's court while the "indictable" cases are dealt with by the Crown Court "for trial by a judge and jury or for [a] sentence by a judge".²⁸⁴ In Scotland, the Procurator Fiscal decides whether a criminal case is brought to a Sheriff Court under a solemn or under a summary procedure.²⁸⁵

When analysing the chart below, one can see that the number of **identified victims** is every year higher than the number of persons prosecuted, without even considering that data on victims does not cover a period of 12 months. For the year 2005 no data on identified victims was available, although there were cases investigated and persons prosecuted for THB in 2004 and in 2005.

Regarding perpetrators, only data on **indictment** and **conviction** are directly comparable, as this refers to **persons**. Every year the number of persons prosecuted is higher than the number of person convicted (e.g. 4 person prosecuted and 3 convicted in 2004, 42 persons prosecuted and 21 convicted in 2005).

Data on **cases investigated** refers to crimes of THB for the **purpose of sexual exploitation** recorded in England and Wales. The number of **cases** investigated is the only category for which data is available from a single primary source on a yearly basis.

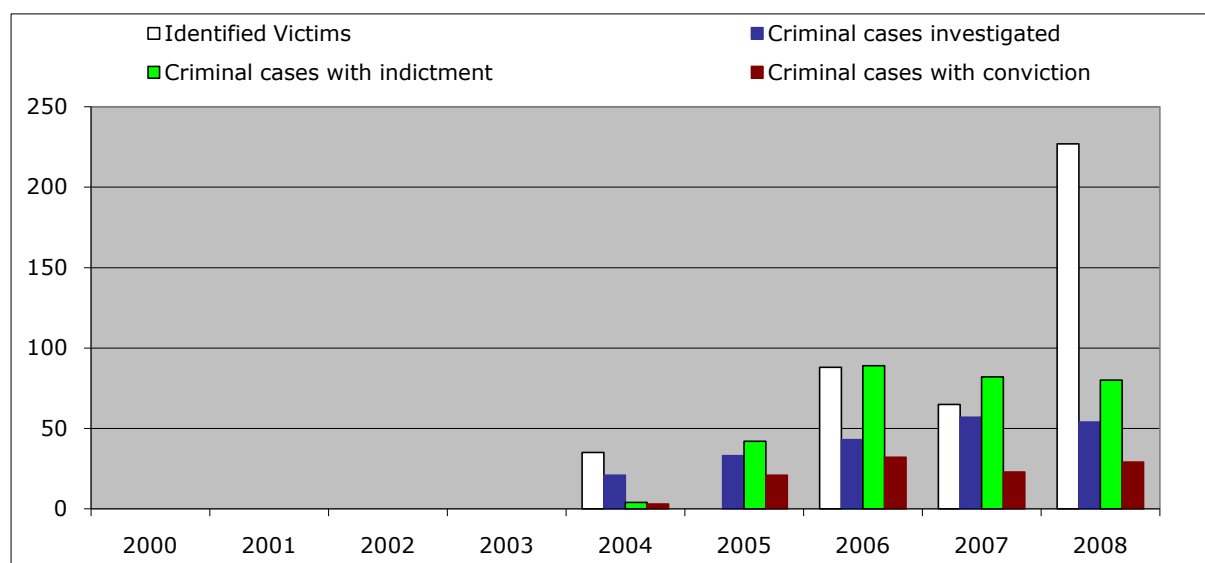
When looking at data between 2003 and 2007, all 3 categories (investigations, indictments, convictions) referring to perpetrators display an increasing trend. In 2007, while the number of cases with indictment and cases with conviction decrease, data on cases investigated maintains the same increasing trend and reaches the maximum of 57 recorded crimes.

²⁸³ <http://www.cps.gov.uk/about/>.

²⁸⁴ <http://www.criminal-courts-review.org.uk/chpt3.pdf>.

²⁸⁵ <http://www.scotcourts.gov.uk/introduction.asp>.

Chart 1: Extent of THB according to different stages in legal proceedings on trafficking in human beings in the United Kingdom, 2000-2008



Source: Data on victims is published by the Home Office for the years 2004 and 2006, by the NGO Eaves and UNODC for the year 2007 (both publish the same number). Data on victims for the year 2007 is published by the UKHTC.

Note: *Victims*: In 2004 there were 35 confirmed individual cases of child trafficking in 33 London Boroughs. In 2006 there were 88 identified victims between February and May (during Pentameter 1). In 2007, 65 female victims of THB were supported through the Poppy Project. In 2008 there were 209 identified victims between 1 April and 31 December 2008 (227 identified during 12 months: 1st April 2008 - 31st March 2009).

Perpetrators: Data on criminal cases investigated refers to recorded crimes for Trafficking for sexual exploitation in 2004/05, 2005/06, etc. (in England and Wales). Data on *criminal cases with indictment* (2004 – 2007) refers to persons prosecuted for trafficking in persons offences in the UK (UNODC, quoting UKHTC). Data on criminal cases with indictment for 2008 refers to 67 defendants dealt with by court between 1 April and 31 December 2008 (80 between 1 April 2008 and 31 March 2009). Data on *criminal cases with conviction* (2004 – 2007) refers to persons convicted of trafficking in persons offences in the UK (UNODC, quoting UKHTC). Data on criminal cases with conviction for 2008 refers to 25 defendants found guilty between 1 April and 31 December 2008 (29 between 1 April 2008 and 31 March 2009) (UKHTC Statistical Quarterly Reports). For underlying statistical data see Annex B to this report.

The Extent of Trafficking in Human Beings: Number of Identified Victims

Data Availability

Statistics on victims of trafficking are published by different national and international institutions and cover different time periods. Data on identified victims refers either to total numbers covering several years, or to very specific law enforcement operations covering several months. Thus, a chart visualising trends and developments on the extent of identified victims of THB over time cannot easily be displayed. Moreover, no comparison is possible between numbers that cover different periods of time and come from different sources.

The first information on how many victims of trafficking have been identified in the UK comes from the Home Office quoting a 2003 Unicef report that published the number of 250 cases of **child trafficking** for “the last five years”. Similarly, in 2004 ECPAT UK published the number of “35 confirmed individual cases across 33 London Borough” (Home Office 2007:11).

According to the Home Office, 88 victims of trafficking were identified in course of the Operation Pentameter 1 during February and May 2006, 10 of them being identified in Scotland. In 2007 ECPAT UK published the results of a research carried out in several

months of 2006 when 80 children were identified as victims of trafficking or were suspected of being trafficked in the North-West, North-East and West Midlands. However, this number “relates to the past 12 months to two years” from this research carried out in 2006.

For 2007 UNODC and Eaves published the number of 65 victims of THB for sexual exploitation supported by the POPPY-Project between January 2007 and September 2007. Other international organisations such as the US Department of State refer to much higher numbers of assisted victims, with 259 between April 2007 and March 2008, but this data could not be verified in terms of any primary source.

Between October 2007 and March 2008, the Operation Pentameter was carried out, during which 167 victims of THB for sexual exploitation were identified, out of which 13 were **children**.²⁸⁶ However, UNODC published that during Pentameter 2, “255 victims were rescued from a situation of **trafficking for sexual exploitation**, and 5 suspected victims of **trafficking for forced labour** were recovered” (2009:292).

From the UKHTC Statistical Quarterly Reports data on victims of trafficking in the UK is available since April 2008 and quotes a total of 227 recorded identified victims of trafficking between April 2008 and March 2009, out of which 209 were identified in 2008.²⁸⁷

These statistics also refer to different types of trafficking. Between April 2008 and March 2009 there were 82 identified victims of **sexual exploitation**, out of which 71 in 2008 only. Regarding THB for **labour exploitation**, during the same period (April 2008 – March 2009) 26 identified victims of domestic servitude were recorded and 111 victims of forced labour. Anti-Slavery International publishes that between May 2008 and January 2009, the POPPY-Project received 36 referrals of THB victims of forced labour, out of which 31 were in 2008. UNODC published the number of 18 THB victims of forced labour identified between May and September 2008.

A total number of 423 women assisted and supported by the Poppy Project since its foundation in March 2003 until Dec 2008 is mentioned by the Standard Note “Human trafficking: UK responses” from July 2009.²⁸⁸ However, the Home Affairs Committee, in the Sixth Report of Session 2008-09, refers to a significantly higher number for an even shorter period of time – 925 possible victims of THB supported by the Poppy between March 2003 and March 2008.²⁸⁹

Regarding compensation of victims of trafficking, a study conducted by Anti-Slavery International revealed that in October 2008, “the national compensation fund, known as the Criminal Injuries Compensation Scheme, has provided the only effective means of **compensation** for women trafficked for sexual exploitation. At least five awards have been made so far” (Lam & Skrivankova 2008:1).

Contextualising and Analysing the Data

Data on victims of trafficking is available since 2003, with a higher degree of availability after 2004, when the Sexual Offences Act 2003, Criminal Justice (Scotland) Act 2003 and Asylum and Immigration (Treatment of Claimants) Act 2004 entered into force. Furthermore, data is available whenever a special law enforcement operation takes

²⁸⁶ <http://press.homeoffice.gov.uk/press-releases/police-probe-trafficking>.

²⁸⁷ With the establishment of National Referral Mechanism (NRM) in April 2009, data that covers a continuous period of time is available.

²⁸⁸ Almandras, S. (2009), Human trafficking: UK responses, SN/HA/3753, <http://www.parliament.uk/commons/lib/research/briefings/snha-03753.pdf>.

²⁸⁹ <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/23/2302.htm>.

place. Since April 2008, when the UK Human Trafficking Centre started publishing the Statistical Quarterly Reports, comprehensive national coverage data on victims is available.

From an analytic point of view, data collection is not transparent and thus it is difficult to get an overview of the numbers of victims identified in the UK. This is due to the fact that data refers on one hand to different periods of time, and on the other to different categories (i.e. victims identified by law enforcement authorities or victims supported by NGOs).

The Extent of Trafficking in Human Beings: Number of Identified Perpetrators

Data Availability

Data on perpetrators is published by national bodies such as the Home Office, the Scottish Government, the Police, the UKHTC and the NGO Eaves, which implements the victim support project POPPY. At the international level, institutions publishing such data are Anti-Slavery International, UN Office on Drugs and Crime, and the US Department of State.

Data is available after 2003, when the Sexual Offences Act and Criminal Justice (Scotland) Act entered into force. Data for the most part of the period under review comes from law enforcement operations such as Pentameter.

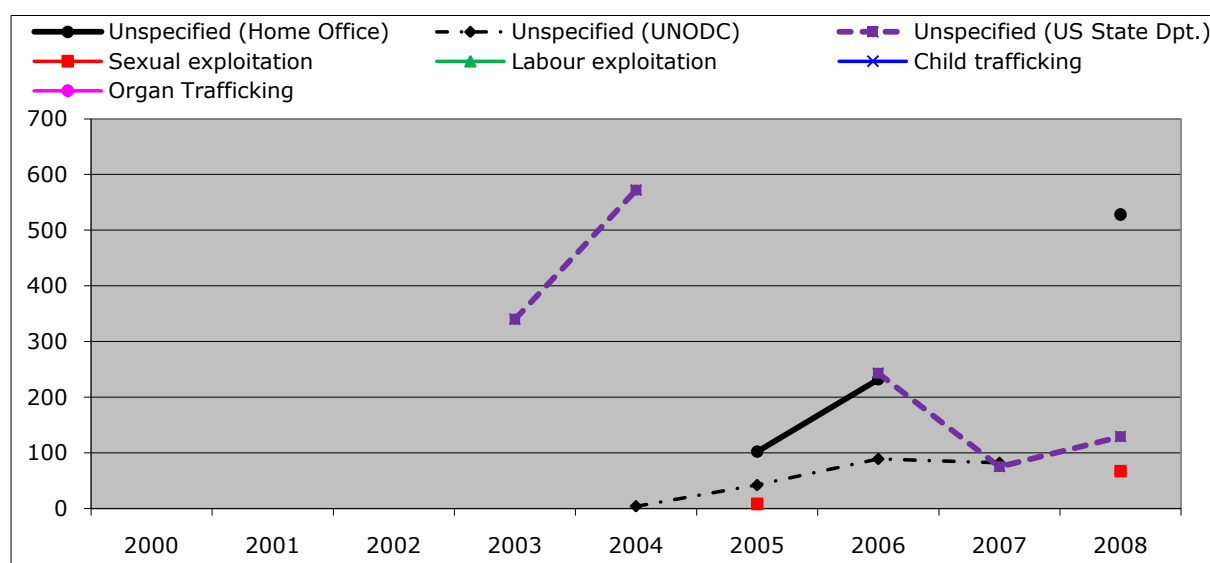
Data collected by the Home Office refers to Police arrests during special operations such as Pentameter (1 and 2). In addition, the Home Office presents figures on THB-recorded crimes **for sexual exploitation in England and Wales only**.

Data from the UKHTC, available since April 2008, refers to 67 **defendants dealt with by courts for THB for sexual exploitation** and 25 **sentenced offenders (persons convicted)**.

International sources such as the US Department of State and UNODC publish statistics on **persons prosecuted** for the years 2003 – 2008.

In order to get a picture of the development of the numbers of perpetrators over time, Chart 2 is based on persons prosecuted (Unspecified US Department of State and UNODC), arrests during the special operations Pentameter 1 and 2 (Unspecified Home Office and Sexual Exploitation) and cases prosecuted by the UK courts (Sexual exploitation).

Chart 2: Number of Identified Perpetrators of THB, 2000 – 2008



Source: Data on offenders of trafficking for the purpose of unspecified exploitation is published by the Home Office; UNODC, which quotes UKHTC; and US Department of State, which quotes an unspecified governmental source. Data on sexual exploitation is published for the year 2005 by the US Department of State and for the year 2008 by the UKHTC. For underlying statistical data see Annex B to this report.

Note: The category *Unspecified (Home Office)* refers to arrests during law enforcement operations. The category *Unspecified (UNODC)* refers to people prosecuted. The category *Unspecified (US Department of State)* refers to (ongoing) prosecutions, arrests or individuals charged with sex trafficking or related crimes. The category *Sexual exploitation* refers to cases prosecuted by the UK courts in 2005 (data from US Department of State) and to defendants dealt by courts for trafficking for sexual exploitation (data from UKHTC).

The only data on indictments for labour exploitation (for the period under review) is published by the US Department of State – 1 case prosecuted by the UK courts in 2005. However, this is not displayed in the chart as it is contradicted by the Home Affairs Committee: “by spring 2008 there had been no prosecutions for the trafficking of migrant domestic workers, no prosecution for forced labour (in the 4 years since a specific offence was introduced)” (2009:61). However, 4 convictions for trafficking for the purpose of forced labour were recorded in November 2008.

Contextualising and Analysing the Data

When analysing the chart above, a general increasing trend from 2003 to 2006 can be observed.

The US Department of State presents the highest numbers of perpetrators, with 340 prosecutions in 2003 and 572 arrests in 2004. However, it has to be mentioned that these figures refer to both human trafficking and smuggling and no reference is made to any primary source.

The numbers published by UNODC (which quotes UKHTC) also show an increase from 4 persons prosecuted in 2004, to 42 in 2005 and 89 in 2006. Similarly, data from the Home Office shows an increase from 102 arrests between April 2004 and April 2005, to 232 arrests during Pentameter 1 (February – May 2006) and to 528 arrests during Pentameter 2 (Oct 2007 and March 2008).

At the same time, figures from both US Department of State and UNODC decrease after 2006, reaching close values, with 82 prosecuted persons recorded in UNODC statistics and 75 prosecutions presented by the US Department of State.

Conclusions: Assessing the Extent of Trafficking in Human Beings in the United Kingdom

In April 2008 the United Kingdom introduced a National Referral Mechanism (NRM) for victims of trafficking. Since, data has been published by the UK Human Trafficking Centre (UKHTC) through this NRM and covers the time period between April and September 2009. UKHTC published data on both victims and perpetrators in its Statistical Quarterly Reports for the time period between April 2008 and June 2009. Therefore, by the time of writing this report, a complete picture on victims of trafficking and perpetrators can be obtained for the period between April 2008 and June 2009.

Apart from 2008, data on trafficking is dispersed and discontinuous, with high variations between national and international sources. National bodies, such as the Home Office, publish data on both victims and perpetrators, which covers time periods of years or months, but which do not cover the whole period under review. A continuous and yearly picture of crimes of trafficking for sexual exploitation registered in England and Wales is provided by the Statistical Bulletin of the Home Office. However, all sources present an increasing trend of registered crimes.

Data on victims are also dispersed and discontinuous, with numbers varying significantly between victims identified and victims supported. However, the only continuous picture of victims of trafficking is provided by the numbers of victims supported by POPPY between 2003 and 2008.

The newly introduced NRM is dealing already with these issues, as it centralises data on victims for the entire UK territory. Moreover, it is expected that UKHTC continues with its Statistical Quarterly Reports referring to perpetrators, and thus data collection for the coming years is expected to improve.

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Annex A: The Legislative Background

A.1 Austria

International Law ratified in Austria

2005	Council of Europe Convention on Action against THB, ratified on 31.08.2008.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 15.09.2005.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC), ratified on 11.08.2004.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 19.03.2002.
1996	CoE Revised European Social Charter, signed on 7.05.1999.
1989	Convention on the Rights of the Child, ratified on 5.11.92 with reservations.
1979	UN CEDAW ratified 31.03.1982.
1976	International Covenant on Civil and Political Rights, ratified on 10.09.1978.
1966	UN ICESCR ratified on 9.09.1978.
1950	Council of Europe European Convention on Human Rights..., ratified on 3.09.1958 with reservations.
1949	UN Convention for the Suppression of the Traffic in Persons..., not ratified.
1930	ILO Forced Labour convention, ratified on 6.07.1960.

Domestic Law on THB in Austria

Trafficking in Human Beings for Sexual Exploitation

Criminal Code, BGBl 60/1974 as amended by BGBl I 115/2004	Art. 104a	Implements the Palermo Protocol and the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography: (1) Whoever recruits, shelters, accommodates, transports, offers the services of or passes on a) an underage person or b) an adult through dishonest means with the intention to exploit this person sexually, through organ removal or for its manpower has to be prosecuted with imprisonment of up to 3 years; (2) Dishonest means are the subterfuge of facts, the abuse of an authority position, of a plight, of a mental disease or condition, that make a person defenceless, intimidation and the granting or acceptance of an advantage that bring this person under someone's domination; (3) Whoever commits this crime with violence or wicked threat has to be prosecuted with imprisonment of between six months and five years; (4) Whoever commits this crime against an underage person within a criminal organisation, using serious violence or in the way that the life of this person is endangered or that the crime causes a serious disadvantage for this person, has to be prosecuted with imprisonment of between one and ten years.
	Art. 217	<p>Prior to 2004, §217 was the relevant law section on trafficking in human beings, however, it criminalises only sexual exploitation and requires a "bordercrossing element", i.e. the exertion of active and targeted influence on a person to relocate his/her whole conduct of life to another country. In contrast to Sec. 217, Sec. 104a, CC makes also intra-state trafficking punishable.</p> <p>The wording of §217 is as follows:</p> <p>Transborder trafficking for prostitution</p> <p>(1) Whoever brings a person to perform illicit prostitution, even if such person already commits prostitution, in another country than the one whose citizenship such person has or where such persons has his/her habitual place of residence, or procures such person for such purposes, shall be sentenced to imprisonment of six months to five years, and, if the crime is committed for profit, to imprisonment of one to ten years; (2) Whoever induces by deception a person to commit prostitution in another country than the one whose citizenship such a person has or where such person has his/her habitual place of residence or coerces such person by violence or dangerous threat to move to another country or conveys such person to another country by violence or by exploitation of such person's error shall be sentenced to imprisonment of one to ten years.</p>

Trafficking in Human Beings for Labour Exploitation and Trafficking in Human Beings for the Removal of Organs

CC, 2004	Art. 104a	
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Trafficking in Children

CC, 2004	Art. 104a	<p>The provision covers the following exploitation forms- sexual exploitation, removal of organs and exploitation of labour force, but not trafficking for illegal adoptions.</p> <p>(See Other Relevant Legislation, §194, CC as amended by BGBl I 15/2004).</p>
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Other relevant legislation (e.g. forced labour, prostitution) in Austria

CC, as amended 2009	Art. 104	Makes punishable slavery , including slavery-like situation such as debt bondage, serfdom, forced or compulsory labour: <i>(1) Wer Sklavenhandel treibt oder sonst einer anderen Person in Form von Sklaverei oder einer sklavereiähnlichen Lage die persönliche Freiheit entzieht, ist mit Freiheitsstrafe von zehn bis zu zwanzig Jahren zu bestrafen; (2) Ebenso ist zu bestrafen, wer bewirkt, daß ein anderer versklavt oder in eine sklavereiähnliche Lage gebracht wird oder daß sich ein anderer in Sklaverei oder eine sklavereiähnliche Lage begibt.</i>
Aliens Police Law (<i>Fremdenpolizeigesetz</i>) BGBl I 100/2005	Art. 114	Penalises people smuggling as a form of illegal migration. Due to problems in victim identification, it is assumed that several persons – including children – registered in the statistics as “smuggled” are affected by THB.
	Art. 116	Exploitation of an alien: (1) Whoever procures to himself or to a third person a recurrent financial profit from exploiting the particular dependency of an alien, who resides illegally in the country, who has no valid work permit or who stands in a particular state of dependency, has to be sentenced to imprisonment of up to three years.
CC as amended by BGBl I 15/2004	Art. 194	The provision makes punishable the agency of (intra- and inter-state) adoptions of minors if the agent is “improperly inducing consent” of a person whose permission is required, i.e. through granting of any kind of (also immaterial) advantage. The proscribed element is not the exploitation of the child but the granting of advantage in exchange of giving consent to an adoption. The adopting and adopted persons are exempted from criminal liability. “§194(1) Anyone who causes a person entitled to consent, by granting an advantage to that person or to a third party, to consent to the adoption of a minor by another person shall be sentenced to a term of imprisonment of up to two years” (Federal Law Gazette III 93/2004:3).
	Art. 199	“The sale of children by parents or the legal guardian may constitute the offence of negligence of care, education or supervision , which is punishable by imprisonment up to six months or fine of up to 360 daily rates under Section 199 Penal code” (Federal Law Gazette III 93/2004:4).
CC, 1998 as amended 2004	Art. 74	(1) (...) 9. Prostitution: the execution of sexual practices on one’s own body for money with the intention to ensure a continuous income for oneself or a third person by this recurrent execution or toleration. There is no federal law on prostitution; rather prostitution is regulated in different acts on the level of the <i>Länder</i> .
	Art. 214	Paid negotiation of sexual contacts with minors
	Art. 215 and Art. 215a	Promotion of prostitution and pornographic presentation of minors: “Anyone who recruits or offers or procures to a third party, a minor person, regardless of whether such person already engages in prostitution, to engage in prostitution or to participate in a pornographic performances, or offers or procures such person to another person for that purpose, shall be sentenced to imprisonment of up to three years. The same punishment shall be imposed on anyone who exploits a minor person engaged in prostitution or participating in a pornographic presentation in order to obtain a pecuniary benefit for him- or herself or for a third party” (Federal Law Gazette III 93/2004:6).
	Art. 216	(1) Whoever procures continuous income for himself through the prostitution of another person, with the intent to exploit this person, has to be sentenced for imprisonment of up to one year;

		(2) Whoever procures continuous income for himself through the prostitution of another person, with the intention to exploit this person, by intimidating her, by dictating to her the conditions of the prostitution or by exploiting several persons in this way at the same time has to be sentenced with imprisonment of up to two years; (3) Whoever commits the crime as a member of a criminal organisation has to be sentenced with imprisonment of up to three years; (4) Whoever keeps a person from quitting prostitution by intimidating her, has to be sentenced with imprisonment of up to three years.
Krankenanstalten- und Kuranstaltengesetz, 2004	Art. 62a-c	Removal of organs and parts of organs from decedents for the purpose of transplantation: <i>Es ist zulässig, Verstorbenen einzelne Organe oder Organteile zu entnehmen, um durch deren Transplantation das Leben eines anderen Menschen zu retten oder dessen Gesundheit wiederherzustellen. Die Entnahme ist unzulässig, wenn den Ärzten eine Erklärung vorliegt, mit der der Verstorbene oder, vor dessen Tod, sein gesetzlicher Vertreter eine Organspende ausdrücklich abgelehnt hat. Eine Erklärung liegt auch vor, wenn sie in dem beim Österreichischen Bundesinstitut für Gesundheitswesen geführten Widerspruchsregister eingetragen ist. Die Entnahme darf nicht zu einer die Pietät verletzenden Verunstaltung der Leiche führen; (2) Die Entnahme darf erst durchgeführt werden, wenn ein zur selbständigen Berufsausübung berechtigter Arzt den eingetretenen Tod festgestellt hat. Dieser Arzt darf weder die Entnahme noch die Transplantation durchführen. Er darf an diesen Eingriffen auch sonst nicht beteiligt oder durch sie betroffen sein; (3) Die Entnahme darf nur in Krankenanstalten vorgenommen werden, die die Voraussetzungen des § 16 Abs 1 lit. a und c bis g erfüllen; (4) Organe und Organteile Verstorbener dürfen nicht Gegenstand von Rechtsgeschäften sein, die auf Gewinn gerichtet sind.</i>
	Art. 62b	<i>Angaben über die Person von Spender bzw. Empfänger sind vom Auskunftsrecht gemäß § 26 Datenschutzgesetz 2000, BGBl. I Nr. 165/1999, ausgenommen.</i>
	Art. 62c	<i>Wer dem § 62 a zuwiderhandelt, begeht, sofern nicht eine gerichtlich strafbare Tat vorliegt, eine Verwaltungsübertretung und ist mit Geldstrafe bis 2180 Euro zu bestrafen.</i>

Domestic Law on data protection in Austria

Data Protection Act, 2000		General law on data protection.
Austrian Media Act, 2004	Art. 7a	"In particular cases the disclosure of the identity of a person by the media is prohibited. The additional requirement of Section 7a paragraph 1, namely that the publication must injure legitimate interests of the person concerned, will generally be always fulfilled according to Section 7a paragraph 2 subparagraph 1 in case of child victims of offences mentioned under Article 3 of the Optional Protocol". (Federal Law Gazette III 93/2004:18/19).
Security Police Act, 2004	Art. 56(1)	"Security authorities may only under very specific circumstances transmit personal data to third parties, in particular to support organizations for victims of crime and media enterprises" (Federal Law Gazette III 93/2004:18).
Austrian Code on Criminal Procedure	Art. 54	"The defendant and his/her counsel are prohibited from disclosing sensitive data, including inadmissible publication of photographs or names of victims of their relatives" (Federal Ministry for European and International Affairs 2008:19).
	Art. 97	"The court is to refuse to deliver a transcript of the proceedings if negative effects on the interests warranting protection of the proceedings or third parties are to be feared" (FMEIA 2008:20).

A.2 Belgium

International Law ratified in Belgium

2007	CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed on 25.10.2007.
2005	Council of Europe Convention on Action against THB, ratified on 27.04.2009.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 11.08.2004.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 17.03.2006.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 08.05.2002.
1996	CoE Revised European Social Charter, ratified on 02.03.2004.
1989	Convention on the Rights of the Child, ratified on 16.12.1991.
1979	UN CEDAW ratified 10.07.1985.
1966	International Covenant on Civil and Political Rights, ratified on 21.04.1983.
1966	UN ICESCR, ratified on 21.04.1983.
1950	Council of Europe European Convention on Human Rights..., ratified in 14.06.1955.
1949	UN Convention for the Suppression of the Traffic in Persons... , 22.06.1965 (Accession).
1930	ILO Forced Labour convention, ratified on 20.01.1944.

Domestic Law on THB in Belgium

Trafficking in Human Beings for Sexual Exploitation

Penal Code ²⁹⁰	Art. 433quinquies, § 1	<p>"The recruiting, transportation, transfer, harbouring or reception of a person, or the passing on or transfer of control over a person for the purposes of:</p> <p>1° permitting the commission of infractions against that person as envisaged in Articles 379, 380, §1st and §4th and 383b, §1st; (exploitation through prostitution and child pornography)</p> <p>2° permitting the commission of infractions against that person as envisaged under Article 433c; (exploitation through begging)</p> <p>3° putting that person to work or to allowing that person to be put to work in circumstances that are contrary to human dignity;</p> <p>4° removing from that person, or allowing the removal, of organs or tissues in violation of the law of 13 June 1986 on organ removal or transplantation;</p> <p>5° forcing the person to commit a crime or an offence against his will;</p> <p>Constitute the offence of trafficking in human beings. With the exception of the case referred to under section 5°, the consent of the person referred to in paragraph 1 to the intended, or actual, exploitation is irrelevant" (CEOOR 2008:10).</p>
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²⁹⁰ Modified by the Law of 10 August 2005 amending various provisions in order to step up action against trafficking in and smuggling of Human Beings and the activities of slum landlords; last modified in 2007.

Annex A

Law of 13th of April 1995 containing provisions to combat trafficking in human beings and child pornography ²⁹¹		<p>The Law of 13 April 1995 introduced the specific offence of "trafficking in and smuggling of human beings" but failed to provide a definition of what is understood by trafficking in human beings. This gave rise to interpretation problems in practice, particularly in terms of making a distinction between trafficking in and smuggling of human beings.</p> <p>The incrimination of the trafficking in human beings was enlarged to include all victims, independent of the sector of exploitation, thus enabling prosecution of national or internal trafficking which, with the exception of sexual exploitation, was not formerly possible (CEOR 2008:9).</p>
Aliens Act of 1980	Art. 61	Victims of trafficking are entitled to a reflection period of 45 days, during which they have to decide if they co-operate with the authorities in prosecuting their offenders, situation in which they receive a six-month residence permit.

Trafficking in Human Beings for Labour Exploitation and Trafficking in Human Beings for the Removal of Organs

Penal Code	Art. 433quinquies	
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Trafficking in Children

Penal Code	Art. 433quinquies	"Belgian legislation has no specific criminal offence of child trafficking. The fact that the victim is minor (under 18), constitutes an aggravating circumstance of the offence of trafficking [in] human beings." (Verbruggen et al. 2008:9).
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Other relevant legislation (e.g. forced labour, prostitution) in Belgium

Aliens Act ²⁹²	Art. 77bis	<p>Provides a definition of smuggling and thus makes a clear distinction between smuggling and trafficking:</p> <p>"Helping, in one way or another, either directly or through an intermediary, a person who is not a national of a Member State of the European Union, to enter into, transit over or reside on the territory of such an aforementioned Member State, or of a State party to an international agreement on the crossing of the external borders that is binding on Belgium, in violation of the legislation of the said State, with the aim to obtaining, either directly or indirectly, a profit."</p> <p>The punishment for this offence shall range from one to five years of imprisonment and a fine from 500 EUR - 50,000 EUR.</p> <p>The attempt to commit this offence will be punished with one to three years of imprisonment and a fine from 100 EUR - 10,000 EUR. (Kingdom of Belgium (n.d.):5).</p>
	Art. 77ter, 77quater, 77quinquies	<p>The Law provides three levels of aggravating circumstances:</p> <p>1) A first level is related to the capacity of the perpetrator who has authority over the victim or misuses either that authority or the opportunities his/her function provides him/her with. According to Article</p>

²⁹¹ Modified by the Law of 10 August 2005 amending various provisions in order to step up action against trafficking in and smuggling of human beings and the activities of slum landlords. Again completed by the Law of 9 February 2006 concerning racketing.

²⁹² Law of 15 December 1980 concerning access to the territory, stay, residence and the removal of foreigners. Modified by the Law of 10 August 2005 amending various provisions in order to step up action against trafficking in and smuggling of human beings and the activities of slum landlords. Modified again in 2006 by the Law of 15 September 2006 amending the Law of 15 December 1980.

		<p>77ter the sentence is imprisonment from 5-10 years and a fine from 750 EUR to 75,000 EUR.</p> <p>2) The second level includes aggravating circumstances related to minority, means of action, consequences of the offence or circumstances in which the act has been committed (Article 77quater). The sentence is imprisonment from 10-15 years and a fine from 1,000 EUR to 100,000 EUR.</p> <p>3) The third level of aggravating circumstances refers to the criminal organisation and the unintentional death of the victim (Article 77quinquies). The sentence imposed is imprisonment from 15-20 years and a fine from 1,000 EUR to 150,000 EUR.</p>
	Art 79bis	<p>Marriages of convenience are punishable. If one part was forced into the marriage he/she is considered a victim. Violence is punishable with fine and imprisonment. The attempt to commit such an offence is also an offence. (Verbruggen et al. 2008:14).</p>
Preliminary title of the Code of Criminal Procedure	Art. 10ter	<p>Article 10ter of the Preliminary title of the Code of Criminal Procedure authorises the prosecution in Belgium of any person, either Belgian or foreigner, who has committed aggravated acts of sexual exploitation or sexual abuse against children (extra-territoriality).</p>
Penal Code 1867 (entry into force 15-10-1867) ²⁹³		<p>Soliciting, referred to as "provoking a person into debauchery by gestures or speeches, into a public place", is forbidden by Article <u>380bis CC</u>: "Sera puni d'un emprisonnement de huit jours à trois mois et d'une amende de vingt-six francs à cinq cents francs, quiconque, dans un lieu public aura par paroles, gestes ou signes provoqué une personne à la débauche. La peine sera élevée au double si le délit a été commis envers un mineur." As an expert confirmed: "Prostitution in public places is not allowed, it is criminalised".</p> <p>Pandering is treated in Article <u>380 CC</u> punishing incitement into prostitution and exploitation of another person's prostitution with one to five years imprisonment and criminal fine. Minors pandering and exploitation of minors' prostitution are punished with ten to 15 years imprisonment and a criminal fine.</p> <p>Under the same Article, managing or exploiting premises for prostitution is punished with one to five years imprisonment and criminal fine – ten to 15 years when it involves minors and 15 to 20 years if these minors are under 14.</p> <p>A proposed bill criminalizing the knowingly use of sex services of a trafficked person is pending before the Senate.</p> <p>The matter is further regulated at local level: "In some cities there are municipal orders introducing zoning requirements."</p> <p>In practice the police will not enforce the law systematically. (Belgium) (Hancilova & Massey 2009:66-67).</p>
		<p>The Belgian legislator punishes practices such as incitement of minors to immoral behaviour, corruption or prostitution (Articles 379 and 380, § 1 and 3 Penal Code) as well as child pornography (Article 383bis Penal Code). (Kingdom of Belgium (n.d.):4).</p>

²⁹³ Last modified 15.06.2007.

Domestic Law on data protection in Belgium

Law of 7th July 2002 ²⁹⁴	Art. 5	Modifies the Code for Criminal Procedure, ch. VII concerning the protection of threatened witnesses (Art. 102-111), by introducing definitions for "threatened witness", "members of the family", and "other relatives".
Law of 8 December 1992 ²⁹⁵	Art. 2	Any natural person shall be entitled to the protection of his fundamental rights and freedoms, in particular the protection of his privacy, with regard to the processing of personal data relating to him.
Law of 8th April 2002 concerning the Anonymity of Witnesses (published BS 08.04.2002)	Art. 4	<p>§ 1. Personal data shall be: 1° processed fairly and lawfully; 2° collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes, taking into account all relevant factors, in particular the reasonable expectations of the data subject and the applicable legal and regulatory provisions. Under the terms established by the King after the advice of the Commission for the protection of privacy further processing of data for historical, statistical or scientific purposes shall not be considered incompatible.</p> <p>3° adequate, relevant and not excessive in relation to the purposes for which they are collected or further processed;</p> <p>4° accurate and, if necessary, kept up to date; every reasonable step shall be taken to ensure that data that are inaccurate or incomplete, having regard to the purposes for which they are collected or for which they are further processed, are erased or rectified;</p> <p>5° kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data are collected or for which they are further processed. After advice of the Commission for the protection of privacy the King shall lay down appropriate safeguards for personal data that are stored for a period longer than stated above for historical, statistical or scientific purposes.</p> <p>§2. It shall be for the controller to ensure that § 1 is complied with.</p>

²⁹⁴ Concerning the Regulation for the protection of threatened witnesses and other provisions.

²⁹⁵ Law on Privacy Protection in relation to the Processing of Personal Data as modified by the law of 11 December 1998 implementing the Directive 95/46/EC and the Law of 2006 February 2003.

A.3 Bulgaria

International Law ratified in Bulgaria

2005	Council of Europe Convention on Action against THB, ratified on 7.03.2007.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 5.12.2001.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 13.11.2001.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 4.07.2000.
1996	CoE Revised European Social Charter, ratified on 7.6.2000.
1989	Convention on the Rights of the Child, ratified on 3.06.1991.
1979	UN CEDAW ratified in 1982.
1976	International Covenant on Civil and Political Rights, ratified on 21.09.1970.
1966	UN ICESCR, ratified on 21.09.1970.
1950	Council of Europe European Convention on Human Rights..., ratified on 17.04.2007.
1949	UN Convention for the Suppression of the Traffic in Persons... , ratified on 18.01.1955.
1930	ILO Forced Labour convention, ratified on 22.03.1932.

Domestic Law on THB in Bulgaria

Trafficking in Human Beings for Sexual Exploitation

Amended Criminal Code (CC), State Gazette (SG) 32/2009; SG 92/2002	Art. 159a(1)	An individual who recruits, transports, hides or admits individuals or groups of people in view of using them for sexual activities, forceful labour, dispossession of bodily organs or holding them in forceful subjection , regardless of their consent, is punished by imprisonment of two to eight years and a fine from BGN three to twelve thousand (12,000).
	Art. 159b(1)	An individual who recruits, transports, hides or admits individuals or groups of people and guides them over the border of the country with the objectives under §159a(1), is punished by imprisonment from three to twelve years and a fine of up to BGN twenty thousand (20,000).
	Art. 159c	Where acts under §159a and §159b qualify as dangerous recidivism or have been committed at the orders or in implementing a decision of an organized criminal group , the punishment is imprisonment from five to fifteen years and a fine of up to BGN twenty thousand (20,000), the courts being also competent to impose confiscation of some or all possessions of the perpetrator.
Combating Trafficking in Human Beings Act, 2004	Additional provisions	1.1. "Trafficking in human beings" means the recruitment, transportation, transfer, concealment or acceptance of human beings, regardless of their own will, by means of coercion, abduction, deprivation of liberty, fraud, abuse of power, abuse of a state of dependence, or by means of giving, receiving or promising benefits to obtain the consent of a person who has control over another person, when it is carried out for the purpose of exploitation". 1.2. "Exploitation" means the illegal use of human beings for

Annex A

		<p>debauchery, removal of physical organs, forced labour, slavery or servitude;</p> <p>1.3. The recruitment, transportation, transfer, concealment or acceptance of children for the purpose of exploitation shall be considered an act of trafficking in human beings, regardless of whether they have been carried out by the means in 1 above.</p>
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Trafficking in Human Beings for Labour Exploitation and Trafficking in Human Beings for the Removal of Organs

Amended CC, SG 32/2009; SG 92/2002	Art. 159a–§159c	See above.
Combating THB Act 2004		

Trafficking in Children

Amended CC, SG/32, 2009; SG 92/2002	Art. 159a(2)	Where the act under par. 1 has been committed: In cases where the crime is committed against a person under the age of 18 (or by use of force or deception, by abduction or illegal deprivation of liberty, by benefiting from position of vulnerability or dependency, by abuse of power, by promising, giving or receiving benefits) the punishment is imprisonment from three to ten years and a fine of up to BGN twenty thousand (20,000).
	Art. 159a(3)	Where the crime under par. 1 is committed against a pregnant woman with the purpose of sale of the unborn child, the punishment shall be deprivation of liberty of up to fifteen years and a fine from BGN 20,000 to BGN 50,000.
Combating THB Act 2004		

Other relevant legislation in Bulgaria

Amended CC, SG 38/2007; SG 92/2002	Art. 155a	Provision of information on the Internet or by other means (as well as using this information for the same purpose but with children up to 14 years old) about a person under the age of 18 with the purpose of establishment of contact with the child of third persons for sexual activities or prostitution with the child is penalised with imprisonment up to five years and a fine of BGN 5,000 to 10,000 (appr. 2,500 to 5,000 Euro).
	Art. 188	Forcing a child to commit a crime or to prostitute is penalised with imprisonment up to five years and public execration.
Amended CC, SG 75/2006; SG 92/2002, SG 26/2004	Art. 155(1)	"A person who persuades an individual to practise prostitution or acts as procurer or procuress for the performance of indecent touching or copulation, shall be punished by deprivation of liberty of up to three years and by a fine of BGN 1,000 to BGN 3,000".

Amended CC, SG 75/2006; SG 10/1993, SG 62/1997	Art. 155(2)	"A person who systematically places at the disposal of different persons premises for sexual intercourse or for acts of lewdness shall be punished by deprivation of liberty for up to five years and by a fine of BGN 1,000 to BGN 5,000".
Amended CC, SG 75/2006; SG 92/2002	Art. 155(3)	"Where acts under Paragraphs 1 and 2 above have been committed with a venal goal in mind, punishment shall be deprivation of liberty from one to six years and a fine of BGN 5,000 to BGN 15,000".
Amended CC, SG 75/ 2006; SG 21/2000	Art. 155(4)	"A person who persuades or forces another person to using drugs or analogues thereof for the purposes of practising prostitution, to performing copulation, indecent assault, intercourse or any other acts of sexual gratification with a person of the same sex, shall be punished by deprivation of liberty for five to fifteen years and by a fine from BGN 10,000 to BGN 50,000".
Amended CC, SG 26/2004; SG 92/2002	Art. 182a(1)	A person who with the purpose of receiving benefits persuades a parent through donation, promise, threat or abuse of official position to abandon his/her child or to give consent for adoption commits a crime penalised with imprisonment up to one year and a fine up to BGN 2,000 (appr.1,000 Euro).
	Art. 182a(2)	The same penalty is imposed to a person who persuades a child at the age 14-18 to give consent to his/her adoption when the law requires it.
	Art. 182a(3)	A person who mediates with the purpose of illegal property benefit between a person or a family willing to adopt a child and a parent willing to abandon his/her child or a woman accepting to bear and deliver a child for adoption commits a crime that is penalised with imprisonment up to two years and a fine up to BGN 3,000 (appr. 1, 500 Euro).
Amended CC, SG 26/2004; SG 92/2002	Art. 182b	(1) When a female gives consent for selling her child in Bulgaria or abroad she commits a crime penalised with imprisonment one to six years and a fine from BGN 5,000 to 15,000 (appr. 2,500 to 7,500 Euro). (2) The same penalty is imposed to a pregnant woman who gives consent for selling of her child before she delivers the baby.
CC, SG 92/2002	Art. 185(2)	Hiding and holding a child under 14 without immediate notification of the parents, guardians or authorities and by the use of force, threat, fraud or with the purpose of using the child for receiving benefits or involving the child in antimoral activities is a crime penalised with imprisonment up to three years and a fine of BGN 100 to 300 (appr.50 to 150 Euro).
CC, SG 92/2002 1.01.2005	Art. 189	(1) Systematic use of a child for begging by a person who is responsible for the immediate care of the child is penalised with imprisonment up to one year and a fine BGN 100 to 300 67. (2) And when the perpetrator is the parent or the guardian of the child the penalty is imprisonment up to two years or probation as well as public execration.
CC, SG 62/1997	Art. 349a	A person, who violates rules established for obtaining and providing human organs or tissues for transplantation, is punished by imprisonment for one to three years.

Annex A

Domestic Law on data protection in Bulgaria

Criminal Procedure Code	Art. 141	Gives the opportunity for the identity of a witness who is interrogated to be kept secret.
2003 Combating THB Act	Art. 20	"The victims of trafficking shall be guaranteed confidentiality and protection of personal data".
2004, Law on the Protection of Persons Threatened in connection with Criminal Procedure	Art. 6	Provides for a set of protective measures under the "Programme for protection of threatened persons" including bodyguard, protection of property, temporary placement in a secure place of residence, change of school/workplace, and change of personal identity.

A.4 Czech Republic

International Law ratified in the Czech Republic

2005	Council of Europe Convention on Action against THB, not yet signed.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, signed on 10.12.2002.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed on 26.01.2005.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 19.06.2001.
1996	CoE Revised European Social Charter, signed on 04.11.2000.
1989	Convention on the Rights of the Child, 22.02.1993 (Succession). ²⁹⁶
1979	UN CEDAW ratified.
1966	International Covenant on Civil and Political Rights, 22.02.1993 (Succession). ²⁹⁷
1966	UN ICESCR, 22.02.1993 (Succession).
1950	Council of Europe European Convention on Human Rights..., ratified on 18.03.1992.
1949	UN Convention for the Suppression of the Traffic in Persons... , 30.12.1993 (Succession). ²⁹⁸
1930	ILO Forced Labour convention, ratified on 01.01.1993.

Domestic Law on THB in the Czech Republic

Trafficking in Human Beings for Sexual Exploitation

Penal Code 2004	Art. 232a	<p>Trafficking in Human Beings</p> <p>1) Whoever induces, engages, hires, lures, transports, hides, detains or delivers a person under 18 years of age to be used a) for <u>sexual intercourse</u> or other forms of sexual molestation or exploitation, b) for <u>slavery or servitude</u>, or c) for <u>forced labour or other forms of exploitation</u>, shall be punished to imprisonment for two to ten years.</p> <p>2) In the same manner will be punished whoever by means of the use of force, threat of force, deception or abuse of his mistake, stress or dependence induces, engages, hires, lures, transports, hides, detains or delivers another to be used a) for <u>sexual intercourse</u> or other forms of sexual molestation or exploitation, b) for <u>slavery or servitude</u>, or c) for <u>forced labour or other forms of exploitation</u>.</p> <p>3) Offender shall be punished by imprisonment of five to twelve years, a) if he commits the crime stated in Article 1 or 2 as a member of an organised group, b) if he exposes another by such act to danger of an aggravated bodily harm or death, c) if he commits such act with the intent of obtaining a substantial gain, or d) if he commits such act with the intent of using another for prostitution.</p>
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²⁹⁶ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en.

²⁹⁷ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en.

²⁹⁸ <http://www.unhcr.ch/html/menu3/b/treaty11a.htm>.

Annex A

		4) Offender shall be punished by imprisonment of eight to fifteen years, a) if he causes by the crime stated in Article 1 or 2 an aggravated bodily harm, death or another particularly grave consequence, b) if he commits such act with the intent of obtaining a gain of large scope, or if he commits such act in connection with an organised group operating in more countries.
Aliens Act	Art. 42e	During the 30 days reflection period the foreigner cannot be deported.
	Art. 87	The right of foreign children to residence...
	Art. 33	Visa for a stay longer than 90 days, in exceptional case.
	Art. 50	Temporary stay in the territory under a departure order.

Trafficking in Human Beings for Labour Exploitation and Trafficking in Human Beings for the Removal of Organs

Penal Code 2004	Art. 232a	
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Trafficking in Children

Penal Code	Art. 232a	
	Art. 216a	Child trafficking for adoption or other purposes.

Other relevant legislation (e.g. forced labour, prostitution) in the Czech Republic

Penal Code	Art. 242	Sexual abuse of others.
	Art. 204	<p>Pimping/ organisation of prostitution (prostitution as such is not criminalised)</p> <p>(1) Whoever engages forces or lures another person to carry out prostitution or profits from prostitution carried out by another person, shall be punished by imprisonment for a term of three years.</p> <p>(2) Whoever commits such act as defined in paragraph 1 shall be sentenced to imprisonment for a term of two to eight years in case he made use of of violence or threat or other violent means or if the person abused is in a dependent position in the relation to him/her.</p> <p>(3) Two to eight years of imprisonment shall be served by a person a) who gains a substantial profit from the acts defined in paragraph 1 or 2, b) who commits the act as a member of an organised group; or c) who commits the act on a person younger than eighteen years.</p> <p>(4) The imprisonment of five to twelve years shall be served by a perpetrator who has committed the act defined in paragraph 2 on a person younger than fifteen years.</p>
Penal Code (Amended by the Act 271/2007)	Art. 205	Child pornography
	Art. 217c	Incitement to sexual intercourse or similar act for payment (of a person under the age of 18).

Domestic Law on data protection in the Czech Republic

Personal Data Protection 04.04.2000	Art. 9	<p>Sensitive data may be processed only:</p> <p>(a) if the data subject has given his express consent to the processing. When giving his consent, the data subject must be provided with the information about what purpose of processing, what personal data, which controller and what period of time the consent is being given for. The controller must be able to prove the existence of the consent of data subject to personal data processing during the whole period of processing. The controller is obliged to instruct in advance the data subject of his rights pursuant to Articles 12 and 21,</p> <p>(b) if it is necessary in order to preserve the life or health of the data subject or some other person or to eliminate imminent serious danger to their property, if his consent cannot be obtained, in particular, due to physical, mental or legal incapacity, or if the data subject is missing or for similar reasons. The controller shall be obliged to terminate data processing as soon as the above mentioned reasons cease to exist and must liquidate the data, unless the data subject gives his consent to further processing.</p> <p>(c) if the processing in question is in relation with ensuring health care, public health protection, health insurance, and the exercise of public administration in the field of health sector pursuant to a special Act, or it is related to assessment of health in other cases provided by a special Act,</p> <p>(d) if the processing is necessary to keep the obligations and rights of the controller responsible for processing in the fields of labour law and employment provided by a special Act, [...]</p> <p>(f) if the data processed pursuant to a special Act are necessary to carry on health insurance, social insurance (security), state social support and other state social benefits, social care and social and legal protection of children, and if, at the same time, the protection of these data is ensured in accordance with the law [...].</p>
	Art. 11	<p>Article 11: (1) In collecting personal data the controller shall be obliged to inform the data subject of the scope in which and the purpose for which the personal data shall be processed, who and in what manner will process the personal data and to whom the personal data may be disclosed, unless the data subject is already aware of this information. The controller must inform the data subject about his right of access to personal data, the right to have his personal data rectified as well as other rights provided for in Article 21 [...]</p>
	Art. 12	<p>Article 12</p> <p>Data subject's access to information (1) If the data subject requests information on the processing of his personal data, the controller shall be obliged to provide him with this information without undue delay.</p> <p>(2) The contents of the information shall always report on: (a) the purpose of personal data processing; (b) the personal data or categories of personal data that are subject of processing including all available information on their source; (c) the character of the automated processing in relation to its use for decision-making, if acts or decisions are taken on the basis of this processing the content of which is an interference with the data subject's rights and legitimate interests; (d) the recipients or categories of recipients.</p> <p>(3) For provision of this information the controller shall be entitled to require a reasonable reimbursement not exceeding the costs necessary for provision of information.</p> <p>(4) The controller's obligation to provide the data subject with information pursuant to Article 12 may be met by a processor on behalf of the controller.</p>
	Art. 21	<p>Article 21</p> <p>(1) Each data subject who finds or presumes that the controller or the processor is carrying out processing of his personal data which is in contradiction with the protection of private and personal life of the data</p>

Annex A

		<p>subject or in contradiction with the law, in particular if the personal data are inaccurate regarding the purpose of their processing, he may: (a) ask the controller or processor for explanation; (b) require from the controller or processor to remedy the arisen state of affairs. It can mean in particular blocking, correction, supplementing or liquidation of personal data.</p> <p>(2) If the requirement of the data subject pursuant to paragraph 1 is found justified, the controller or processor is obliged to remove without delay the improper state of affairs.</p> <p>(3) If the controller or processor does not satisfy the data subject's requirement pursuant to paragraph 1, the data subject is entitled to appeal directly to the Office.</p> <p>(4) The procedure pursuant to paragraph 1 shall not prevent the data subject from appealing with his incentive directly to the Office.</p> <p>(5) If the data subject incurred other than property damage as a result of personal data processing, the procedure pursuant to a special Act shall be followed when lodging a claim.</p> <p>(6) If a breach of obligations provided by law occurs in the course of processing of personal data by the controller or by the processor, they shall be liable jointly and severally.</p> <p>(7) The controller shall be obliged to inform without undue delay the recipient on the requirement of the data subject pursuant to paragraph 1 and on the blocking, correction, supplementing or liquidation of personal data. This shall not apply where informing the recipient is impossible or would involve disproportionate effort.</p>
<p>Act No.137/2001 Coll.</p> <p>on the special protection of a witness and other persons in connection with criminal proceedings and on the amendment of Act No. 99/1963 Coll. , Civil Legal Code, as amended.</p>	Art. 3	<p>(1) Special protection and assistance is a set of measures including 1. a) personal protection, 2. b) moving of the protected person including members of his/her household² to another address and assistance to the protected person with the aim to achieve the person's social assimilation in a new environment, 3.c) concealing the real identity of the protected person.</p> <p>(2) The special protection and assistance is provided by the Police of the Czech Republic (hereinafter the "Police") and the Penitentiary Service of the Czech Republic (hereinafter the "Penitentiary Service") by carrying out the measures referred to in (1). The Penitentiary Service can carry out only the measures referred to in (1), letters a) and c). The Police and the Penitentiary Service are obliged to assist each other while fulfilling the tasks pursuant to this Act.</p> <p>(3) Public Administration authorities are obliged within the scope necessary for meeting the purpose of this Act to co- operate with the Police and the Penitentiary Service when implementing the measures referred to in (1). To conceal the real identity of the protected person it is possible to create a legend on another personal existence and insert personal data ensuing from the legend into the information systems operated according to special laws.</p>

A.5 Denmark

International Law ratified in Denmark

2005	Council of Europe Convention on Action against THB, ratified on 19.09.2007, entered into force on 01.02.2008.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 30.09.2003, with reservations- Denmark made a territorial exclusion in respect of the Faeroe Islands and Greenland.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 24.07.2003.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 14.08.2000.
1996	CoE Revised European Social Charter, signed on 3.05.1996.
1979	UN CEDAW ratified on 31.05.2000.
1966	UN ICESCR, ratified on 3.01.1976 with reservations.
1950	Council of Europe European Convention on Human Rights..., ratified on 13.04.1953.
1949	UN Convention for the Suppression of the Traffic in Persons... , signed on 12.02.1951.
1930	ILO Forced Labour convention, ratified on 11.02.1932.

Domestic Law on THB in Denmark

Trafficking in Human Beings for Sexual Exploitation

Criminal Code, as amended by Act 380/06.06.2002 and Act 1260/23.10.2007	Art. 262a	Anyone who recruits, carries, transfers, houses or subsequently receives a person, resorting to or having resorted to illegal coercion under section 260, deprivation of liberty under section 261, threats under section 266, unlawful inducement, consolidation or exploitation of a deception or any other undue method will be punished with imprisonment for a term of up to eight years, where the act was committed with a view to exploitation of the victim by sexual indecency, forced labour, slavery or conditions similar to slavery or removal of organs. If the victim is a person below the age of 18 years, an offender may be punished for human trafficking under section 262a subsection 2, even if the means of coercion referred to in section 262a subsection 1 have not been used. This will also apply if, by providing payment or any other benefit, the perpetrator obtains consent from a person with custody rights over the victim, according to subsection 2 (2). In such cases the maximum penalty is also imprisonment for a term of up to eight years.
Aliens Act, as amended 1.08.2007	Section 33(14)	Introduction of an extended reflection period for victims of trafficking for a maximum of 100 days. VoT are offered a period of reflection of 100 days (minimum: 30 days).

Trafficking in Human Beings for Labour Exploitation, Trafficking in Children and Trafficking in Human Beings for the Removal of Organs

Criminal Code, as amended 2002 and 2007	Art. 262a	
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In Denmark internal trafficking is not documented as a problem.

Other relevant legislation (e.g. forced labour, prostitution) in Denmark

Aliens Act, as amended 1.08.2007	Section 25 (a), Subsection (2), no. 1	Persons staying in Denmark on a tourist visa are not allowed to work. The same applies to persons from Baltic states who do not need a visa for a stay up to three months, but are not allowed to work. If working in prostitution the stay becomes illegal (through illegal work).
	Section 26a	Victims trafficked to Denmark are considered illegal migrants if their country of origin is outside the EU and are thus to be treated in accordance with the provision in section 26a and section 33, subsection 14 of the Aliens Act, regulating, amongst other things, expulsion and deportation as well as the access to prolonged stay for victims of trafficking. According to Section 26a: "If the circumstances, which would normally result in expulsion, without doubt are related to the fact that the person is a victim of trafficking the person will no longer be expelled, but will only be sent out of Denmark".
	Section 59(5)	Any person who intentionally assists an alien in an unlawful entry or to stay in Denmark is liable to a fine or imprisonment for up to two years. The same punishment applies to anyone who, for material advantage, assists an alien in entering Denmark for the purpose of entering from here into another country that will refuse entry to the alien or will return him to Denmark. Assistance under Section 59(5) in an unlawful entry may consist of helping an alien to cross the border by, for instance, hiding him/her in the boot of a car or transporting the person to or from the border area. Assistance may also consist of procuring for the alien false/forged entry documents or of providing the authorities with false information for the purpose of obtaining for that person permission to enter. Assistance in staying unlawfully may, for instance, consist of providing shelter for the alien for a short or long period. In addition, the maximum penalty in Section 125 (a) of the Danish Criminal Code was increased from imprisonment for up to four years to up to eight years.
Aliens Act, 826/24.08.2005	Section 59(7)	Migrant smuggling is covered under particularly aggravating circumstances, for the purpose of profits.
CC, 2005	Art. 222	Prohibits sexual intercourse with a child under the age of 15. Imprisonment up to 8 years. If the child is under 12 the maximum sentence is imprisonment up to 12 years.
	Art. 230, Art. 235	Prohibit the production and dissemination of child pornography (under the age of 18).
	Art. 260	Any person, who (1) by violence or under threat of violence, of substantial damage to property, of the deprivation of liberty or of a false accusation of having committed a punishable act or dishonourable conduct or of revealing matters appertaining to someone's private affairs, forces any person to do, suffer or omit to do anything; or who (2) under threat of denouncing or revealing a punishable act or of making true accusations of dishonourable conduct, forces any person to do, suffer or omit to do anything, provided such coercion is not deemed to be duly justified by virtue of the circumstances to which the threat relates; shall be guilty of unlawful coercion and liable to a fine or to imprisonment for any term not exceeding two years.
	Art. 261	(1) Any person who deprives another person of liberty shall be liable to a fine or to imprisonment for any term not exceeding four years. (2) If the deprivation of liberty has been effected for the purpose of gain or if it has been of long duration or if it consisted of any person being unlawfully kept in custody as insane or mentally deficient or being enlisted for foreign military service or being taken into captivity or any other state of dependence in any foreign country, the penalty shall be imprisonment for any term not exceeding 12 years.

		(3) Any person, who through gross negligence brings about a deprivation of liberty of the nature referred to in Subsection (2) above, shall be liable to a fine or to imprisonment for any term not exceeding six months.
Act 928/14.09.2004 amending the Adoption Act	Art. 31(1)	Providing children for adoption is a punishable offence if carried out by persons other than the authorised private agencies.
CC, 2002	Art. 220	Any person, who by grave abuse of the subordinate position or economic dependence of another person, has extramarital intercourse with that person shall be liable to imprisonment for a term not exceeding one year or, if the person is under 21 years of age, to imprisonment for a term not exceeding three years.
CC, 2002	Art. 228	(1) Any person who 1) induces another to seek a profit by sexual immorality with others; or 2) for the purposes of gain, induces another to indulge in sexual immorality with others or prevent another who engages in sexual immorality as a profession from giving it up; or 3) keeps a brothel shall be guilty of procuring and liable to imprisonment for any term not exceeding 4 years. (2) The same penalty shall apply to any person who incites or helps a person under the age of 21 to engage in sexual immorality as a profession, or to any person who abets some other to leave the Kingdom in order that the latter shall engage in sexual immorality as a profession abroad or shall be used for such immorality, where that person is under the age of 21 or is at the time ignorant of the purpose.
	Art. 229	(1) Any person who, for the purpose of gain or in frequently repeated cases, promotes sexual immorality by acting as an intermediary , or who derives profit from the activities of any person engaging in sexual immorality as a profession, shall be liable to imprisonment for any term not exceeding three years or, in mitigating circumstances, to simple detention or a fine. (2) Any person who lets a room in a hotel or an inn for the carrying on of prostitution as a profession shall be liable to simple detention or imprisonment for any term not exceeding one year or, in mitigating circumstances, to a fine.
	Art. 233	Any person who incites or invites other persons to prostitution or exhibits immoral habits in a manner which is likely to annoy others or arouse public offence be liable to simple detention or to imprisonment for any term not exceeding one year or, in mitigating circumstances, to a fine.
CC, 1999 as amended 2003	Art. 233a	Anyone having intercourse with a person under 18 years as a customer in exchange for payment or promises of payment is to be punished with a fine or imprisonment of up to two years.

Domestic Law on data protection in Denmark

CC, 2005	Art. 264d	Any person, who unlawfully forwards information or pictures concerning another person's private life or other pictures of the person in question in circumstances which can obviously be expected to be withheld from the public shall be liable to a fine or to imprisonment for any term not exceeding six months. The provision shall similarly apply where the information or picture concern a deceased person.
Act on Processing of Personal Data, 2000		

Annex A

Danish Public Administration Act, 1985		
The Constitutional Act of Denmark, 1953	Art. 72	The dwelling shall be inviolable. House search, seizure, and examination of letters and other papers, or any breach of the secrecy that shall be observed in postal, telegraph, and telephone matters, shall not take place except under a judicial order, unless particular exception is warranted by statute.

A.6 France

International Law ratified in France

2007	CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed on 25.10.2007.
2005	Council of Europe Convention on Action against THB, ratified on 09.01.2008.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 29.10.2002.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 05.02.2003.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 11.09.2001.
1996	CoE Revised European Social Charter, ratified on 07.05.1999.
1989	Convention on the Rights of the Child, ratified on 07.08.1990.
1979	UN CEDAW ratified 01.07.1983.
1966	International Covenant on Civil and Political Rights, 04.11.1980 (Accession).
1966	UN ICESCR, ratified on 04.11.1980.
1950	Council of Europe European Convention on Human Rights..., ratified on 03.05.1974.
1949	UN Convention for the Suppression of the Traffic in Persons... , ratified on 19.11.1960.
1930	ILO Forced Labour convention, ratified on 24.06.1937.

Domestic Law on THB in France

Trafficking in Human Beings for Sexual Exploitation

Penal Code ²⁹⁹	Art. 225-4-1 ³⁰⁰	<p>La traite des êtres humains est le fait, en échange d'une rémunération ou de tout autre avantage ou d'une promesse de rémunération ou d'avantage, de recruter une personne, de la transporter, de la transférer, de l'héberger ou de l'accueillir, pour la mettre à sa disposition ou à la disposition d'un tiers, même non identifié, afin soit de permettre la commission contre cette personne des infractions de proxénétisme, d'agression ou d'atteintes sexuelles, d'exploitation de la mendicité, de conditions de travail ou d'hébergement contraires à sa dignité, soit de contraindre cette personne à commettre tout crime ou délit.</p> <p>La traite des êtres humains est punie de 7 ans d'emprisonnement et de 150 000 euros d'amende.</p>
	Art. 225-4-2 ³⁰¹	<p>L'infraction prévue à l'article 225-4-1 est punie de dix ans d'emprisonnement et de 1 500 000 Euros d'amende lorsqu'elle est commise : 1° A l'égard d'un mineur; 2° A l'égard d'une personne dont la particulière vulnérabilité, due à son âge, à une maladie, à une infirmité, à une déficience physique ou psychique ou à un état de grossesse, est apparente ou connue de son auteur; 3° A l'égard de plusieurs personnes; 4° A l'égard d'une personne qui se trouvait hors du territoire de la République ou lors de son arrivée sur le territoire de la République; 5° Lorsque la personne a été mise en contact avec l'auteur des faits grâce à l'utilisation, pour la diffusion de messages à</p>

²⁹⁹ Modified by the Law No. 2003-239 of 18.03.2003 and the Law and by the Law No. 2007-1631 of 20.11.2007 (consolidated version of 17 July 2008).

³⁰⁰ Introduced by the Law nr. 2003-239 and modified by the Law No. 2007-1631 of 20.11.2007, Art. 22.

³⁰¹ Introduced by the Law No. 2003-239 of 18.03.2003, Art. 32.

		destination d'un public non déterminé, d'un réseau de télécommunications; 6° Dans des circonstances qui exposent directement la personne à l'égard de laquelle l'infraction est commise à un risque immédiat de mort ou de blessures de nature à entraîner une mutilation ou une infirmité permanente; 7° Avec l'emploi de menaces, de contraintes, de violences ou de manoeuvres dolosives visant l'intéressé, sa famille ou une personne étant en relation habituelle avec lui; 8° Par un ascendant légitime, naturel ou adoptif de la personne victime de l'infraction prévue à l'article 225-4-1 ou par une personne qui a autorité sur elle ou abuse de l'autorité que lui confèrent ses fonctions; 9° Par une personne appelée à participer, par ses fonctions, à la lutte contre la traite ou au maintien de l'ordre public.
	Art. 225-4-3 ³⁰²	L'infraction prévue à l'article 225-4-1 est punie de vingt ans de réclusion criminelle et de 3 000 000 Euros d'amende lorsqu'elle est commise en bande organisée.
	Art. 225-4-4	L'infraction prévue à l'article 225-4-1 commise en recourant à des tortures ou à des actes de barbarie est punie de la réclusion criminelle à perpétuité et de 4 500 000 Euros d'amende.
	Art. 225-4-5	Lorsque le crime ou le délit qui a été commis ou qui devait être commis contre la personne victime de l'infraction de traite des êtres humains est puni d'une peine privative de liberté d'une durée supérieure à celle de l'emprisonnement encouru en application des articles 225-4-1 à 225-4-3, l'infraction de traite des êtres humains est punie des peines attachées aux crimes ou aux délits dont son auteur a eu connaissance et, si ce crime ou délit est accompagné de circonstances aggravantes, des peines attachées aux seules circonstances aggravantes dont il a eu connaissance.
	Art. 225-4-6 ³⁰³	Les personnes morales peuvent être déclarées responsables pénalement, dans les conditions prévues par l'article 121-2, des infractions prévues à la présente section. Les peines encourues par les personnes morales sont: 1° L'amende, suivant les modalités prévues par l'article 131-38; 2° Les peines mentionnées à l'article 131-39.
	Art. 225-4-7	La tentative des délits prévus à la présente section est punie des mêmes peines.
	Art. 225-4-9 ³⁰⁴	Coopération judiciaire/exemption de peine Toute personne qui a tenté de commettre les infractions prévues par la présente section est exempte de peine si, ayant averti l'autorité administrative ou judiciaire, elle a permis d'éviter la réalisation de l'infraction et d'identifier, le cas échéant, les autres auteurs ou complices. La peine privative de liberté encourue par l'auteur ou le complice d'une des infractions prévues à la présente section est réduite de moitié si, ayant averti l'autorité administrative ou judiciaire, il a permis de faire cesser l'infraction ou d'éviter que l'infraction n'entraîne mort d'homme ou infirmité permanente et d'identifier, le cas échéant, les autres auteurs ou complices. Lorsque la peine encourue est la réclusion criminelle à perpétuité, celle-ci est ramenée à vingt ans de réclusion criminelle.
	Art. 225-20 ³⁰⁵	Les personnes physiques coupables des infractions prévues par les sections 1 bis, 2, 2 bis et 2 ter du présent chapitre encourrent également les peines complémentaires suivantes: 1° L'interdiction des droits civiques, civils et de famille, suivant les modalités prévues par l'article 131-26; 2° L'interdiction d'exercer l'activité professionnelle ou sociale dans l'exercice ou à l'occasion de l'exercice de laquelle l'infraction a été commise, suivant les modalités prévues par l'article 131-27;

³⁰² Introduced by the Law No. 2003-239 of 18.03.2003, Art. 32.

³⁰³ Introduced by the Law No. 2003-239 of 18.03.2003, Art. 32; modified by the Law No. 2009-526 of 12 May 2009 - art. 124.

³⁰⁴ Introduced by the Law No. 2004-204 of 9 March 2004 - Art. 12, Official Journal of 10 March 2004.

³⁰⁵ Modified by the Law No. 2007-297 of 5 March 2007 - Art. 65, Official Journal of 7 March 2007.

		<p>3° L'interdiction de séjour;</p> <p>4° L'interdiction d'exploiter, directement ou indirectement, les établissements ouverts au public ou utilisés par le public énumérés dans la décision de condamnation, d'y être employé à quelque titre que ce soit et d'y prendre ou d'y conserver une quelconque participation financière;</p> <p>5° L'interdiction, pour une durée de cinq ans au plus, de détenir ou de porter une arme soumise à autorisation;</p> <p>6° L'interdiction, pour une durée de cinq ans au plus, de quitter le territoire de la République;</p> <p>7° L'interdiction d'exercer, soit à titre définitif, soit pour une durée de dix ans au plus, une activité professionnelle ou bénévole impliquant un contact habituel avec des mineurs;</p>
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Trafficking in Human Beings for Labour Exploitation, Trafficking in Children

Penal Code	Art. 225-4-1	
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Legislation on Trafficking in Human Beings for the Removal of Organs is not available.

Other relevant legislation (e.g. forced labour, prostitution) in France

Penal Code ³⁰⁶	Art. 225-6 ³⁰⁷	Est assimilé au proxénétisme et puni des peines prévues par l'article 225-5 le fait, par quiconque, de quelque manière que ce soit : 1° De faire office d'intermédiaire entre deux personnes dont l'une se livre à la prostitution et l'autre exploite ou rémunère la prostitution d'autrui (...).
	Art. 225-13 ³⁰⁸	"Le fait d'obtenir d'une personne, dont la vulnérabilité ou l'état de dépendance sont apparents ou connus de l'auteur, la fourniture de services non rétribués ou en échange d'une rétribution manifestement sans rapport avec l'importance du travail accompli est puni de cinq ans d'emprisonnement et de 150 000 Euros d'amende."
	Article 225-14 ³⁰⁹	"Le fait de soumettre une personne, dont la vulnérabilité ou l'état de dépendance sont apparents ou connus de l'auteur, à des conditions de travail ou d'hébergement incompatibles avec la dignité humaine est puni de cinq ans d'emprisonnement et de 150 000 Euros d'amende."
		In France, there are three laws that criminalize forced labour exploitation, one specifically criminalizing the recruitment, trafficking and lodging of the victim, and two separate laws criminalizing the exploitation of the individual for forced labour in France. In all three laws, forced labour is defined narrowly. Under Article 225-4, which penalizes trafficking in persons, forced labour is defined as "conditions of work or living contrary to his or her dignity." Under Article 225-13, forced labour is defined as "unpaid services or services against which a payment is made which clearly bears no relation to the importance of the work performed", while under Article 225-14, forced labour is "working or living conditions incompatible with human dignity." (EUROPOL public information (Annex III), Legislation on Trafficking in Human Beings (2005), p. 45).
	Art. 225-5 (proxenetism) (introduced by	Le proxénétisme est le fait, par quiconque, de quelque manière que ce soit: 1° D'aider, d'assister ou de protéger la prostitution d'autrui ; 2° De tirer profit de la prostitution d'autrui, d'en partager les produits ou de

³⁰⁶ Modified by the Law No. 2003-239 of 18.03.2003 and the Law and by the Law No. 2007-1631 of 20.11.2007 (consolidated version of 17 July 2008).

³⁰⁷ Introduced by the Law No. 2003-239 of 18.03.2003, Art. 32.

³⁰⁸ Modified by the Law No. 2003-239 of 18.03.2003 art. 33 (JO 19.03.2003).

³⁰⁹ Modified by the Law No. 2003-239 of 18.03.2003 art. 34 (JO 19.03.2003)

Annex A

	the Law No. 2003-239 of 18.03.2003, Art. 32)	recevoir des subsides d'une personne se livrant habituellement à la prostitution ; 3° D'embaucher, d'entraîner ou de détourner une personne en vue de la prostitution ou d'exercer sur elle une pression pour qu'elle se prostitue ou continue à le faire. Le proxénétisme est puni de sept ans d'emprisonnement et de 150000 euros d'amende.
	Art. 225-9 and Art. 225-10	Les articles n° 225-9 et 225-10 du code pénal sanctionnent le proxénétisme simple: - c'est un délit: Le fait d'aider, assister, protéger, tirer profit, partager les revenus de la prostitution, recevoir de subsides, embaucher, entraîner, détourner, exercer des pressions pour contraindre ou maintenir la prostitution d'un tiers est passible au maximum de 5 ans de prison et de 15 245 euros d'amende. Sont associés à la condamnation la perte des droits civiques, civils, familiaux.
	Art. 225-12-1 ³¹⁰ (child prostitution)	peine d'emprisonnement de trois ans et d'une amende de 45 000 euros "le fait de solliciter, d'accepter ou d'obtenir, en échange de rémunération ou d'une promesse de rémunération, des relations de nature sexuelle de la part d'un mineur qui se livre à la prostitution, y compris de façon occasionnelle". Cette peine est lourdement augmentée lorsqu'il s'agit d'un mineur de moins de 15 ans (sept ans et 100 000 euros).
	Art. 225-7 (aggravating circumstances - minority of age)	Le proxénétisme est puni de dix ans d'emprisonnement et de 1500000 euros d'amende lorsqu'il est commis: 1° A l'égard d'un mineur; 2° A l'égard d'une personne dont la particulière vulnérabilité, due à son âge, à une maladie, à une infirmité, à une déficience physique ou psychique ou à un état de grossesse, est apparente ou connue de son auteur; 3° A l'égard de plusieurs personnes; 4° A l'égard d'une personne qui a été incitée à se livrer à la prostitution soit hors du territoire de la République, soit à son arrivée sur le territoire de la République; 5° Par un ascendant légitime, naturel ou adoptif de la personne qui se prostitue ou par une personne qui a autorité sur elle ou abuse de l'autorité que lui confèrent ses fonctions ; 6° Par une personne appelée à participer, de par ses fonctions, à la lutte contre la prostitution, à la protection de la santé ou au maintien de l'ordre public; 7° Par une personne porteuse d'une arme.
	Art. 227-22 (sexual corruption of minors);	L'Article 227-22 du Code Pénal punit le fait de favoriser ou de tenter de favoriser la corruption d'un mineur, de cinq ans d'emprisonnement et de 75 000 euros d'amende. Ces peines sont portées à sept ans d'emprisonnement et 100 000 euros d'amende lorsque le mineur est âgé de moins de 15 ans ou lorsque le mineur a été mis en contact avec l'auteur des faits grâce à l'utilisation, pour la diffusion de messages à destination d'un public non déterminé, d'un réseau de télécommunications tel que l'Internet. Les mêmes peines sont notamment applicables au fait, commis par un majeur, d'organiser des réunions comportant des exhibitions ou des relations sexuelles auxquelles un mineur assiste ou participe. Les peines sont portées à dix ans d'emprisonnement et 1 million d'euros d'amende lorsque les faits ont été commis en bande organisée.
	Art. 225-12-3	Establishes the principle of extra-territoriality for Art. 227-22 and Art. 225-12-1.

³¹⁰ Introduced by the Law No. 2003-239 of 18.03.2003, Art. 32.

Domestic Law on data protection in France

Act. No. 78-17 of 6 January 1978 on Data Procession, Data Files and Individual Liberties ³¹¹	Ch II (Conditions of the lawfulness of the processing of personal data) § 1 (General provisions) Art. 7	Processing of personal data must have received the consent of the data subject or must meet one of the following conditions: (1) compliance with any legal obligation to which the data controller is subject; (2) the protection of the data subject's life; (3) the performance of a public service mission entrusted to the data controller or the data recipient; (4) the performance of either a contract to which the data subject is a party or steps taken at the request of the data subject prior to entering into a contract; (5) the pursuit of the data controller's or the data recipient's legitimate interest, provided this is not incompatible with the interests or the fundamental rights and liberties of the data subject.
	§ 2 (Specific provisions of certain categories of data) Art. 8	<p>I. – The collection and processing of personal data that reveals, directly or indirectly, the racial and ethnic origins, the political, philosophical, religious opinions or trade union affiliation of persons, or which concern their health or sexual life, is prohibited.</p> <p>II. – In so far as as the purpose of the processing may so require in respect of certain categories of data, the prohibition provided for in Section I shall not apply to:</p> <p>(1) processing for which the data subject has given his express consent, except in cases where the law stipulates that the prohibition provided for in Section I may not be lifted by the consent of the data subject;</p> <p>(2) processing necessary for the protection of human life, but to which the data subject is unable to give his consent because of a legal incapacity or physical impossibility;</p> <p>(3) processing carried out by an association or any other not- profit-seeking religious, philosophical, political or trade union body:</p> <ul style="list-style-type: none"> - only for the data referred to in Section I corresponding to the object of that association or body; - if it relates only to members of this association or body and, when appropriate, individuals who have regular contact with it in connection with its activity; - and that it relates only to data not transmitted to third parties, except where the data subjects expressly consent to such transmission. <p>(4) processing that relates to personal data that the data subject has made public;</p> <p>(5) processing that is necessary for the establishment, exercise or defence of a legal claim;</p> <p>(6) processing that is necessary for the purposes of preventive medicine, medical diagnosis, provision of healthcare or treatment, or for the management of healthcare services and carried out by a member of a medical profession, or by any other person who, due to his functions, is bound by a duty of confidentiality as stipulated in Article 226-13 of the Criminal Code;</p> <p>(7) statistical processing carried out by the National Institute of Statistics and Economic Studies (INSEE) or one of the statistical services of Ministries in conformity with Act No. 51-711 of 7 June 1951 relating to obligations, co-ordination and confidentiality as regards statistics, following an opinion of the National Council for Statistical Information (CNIS) and in accordance with the conditions provided for in Article 25 of this Act (<i>authorisation by the CNIL</i>);</p> <p>(8) processing necessary for medical research according to the conditions provided for in Chapter IX (<i>processing of personal data for the purpose of medical research</i>).</p> <p>III. – If the personal data mentioned in Section I are, within a short period</p>

³¹¹ Amended by the Act of 6 August 2004 relating to the protection of individuals with regard to the processing of personal data.

Annex A

		<p>of time, to be subject to an anonymisation procedure which the "Commission nationale de l'informatique et des libertés" has earlier approved as complying with the provisions of this Act, the Commission may authorise certain categories of processing according to the conditions stipulated in Article 25 (<i>authorisation by the CNIL</i>), taking their purpose into consideration. The provisions of Chapter IX (<i>processing of personal data for the purpose of medical research</i>) and Chapter X (<i>processing of personal medical data for the purposes of evaluation or analysis of care and prevention practices or activities</i>) shall not apply.</p> <p>IV. - Likewise, an automatic or non-automatic processing shall not be subject to the prohibition provided for in Section I when it is justified by the public interest and authorised within the conditions stipulated in Section I of Article 25 (<i>authorisation by the CNIL</i>) or in Section II of Article 26 (<i>authorisation by a decree in Conseil d'Etat after a reasoned and published opinion of the CNIL</i>).</p>
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A.7 Germany

International Law ratified in Germany

2005	Council of Europe Convention on Action against THB signed on 17.11.2005.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 14.07.2006.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, still pending ratification.
1999	ILO Convention 182 on the worst forms of child labour, ratified in 2002.
1996	CoE Revised European Social Charter, signed on 29.06.2007.
1989	Convention on the Rights of the Child, ratified on 6.03.1992. A declaration was made in relation to the law on asylum and foreigners, according to which "[n]othing in the Convention may be interpreted as implying that unlawful entry by an alien into the territory of the Federal Republic of Germany or his unlawful stay there is permitted; nor may any provision be interpreted to mean that it restricts the right of the Federal Republic of Germany to pass laws and regulations concerning the entry of aliens and the conditions of their stay or to make a distinction between nationals and aliens".
1979	UN CEDAW ratified on 9.08.1985.
1966	UN ICESCR ratified on 3.01.1976, with reservations.
1950	Council of Europe European Convention on Human Rights..., ratified on 5.12.1952.
1949	UN Convention for the Suppression of the Traffic in Persons... : n/a.
1930	ILO Forced Labour convention, ratified on 13.06.1956.

Domestic Law on THB in Germany

Trafficking in Human Beings for Sexual Exploitation

Criminal Code as amended February 2005	Art. 232	<p>Trafficking in Human Beings for the purpose of sexual exploitation:</p> <p>(1) Whoever brings another person, through the exploitation of a plight or helplessness linked to his/her stay in a foreign country, to take up or carry forward prostitution or other sexual activities by which this person is exploited, and to perform these activities with or in front of the offender or a third person, or to let a third person perform these activities on him/herself, has to be amerced to a prison sentence of six months up to ten years. Has to be sentenced as well whoever brings a person under the age of twenty-one to take up or carry forward prostitution or any sexual activities as described in sentence 1; (2) The attempt is punishable; (3) A prison sentence of one up to ten years has to be imposed when 1. the victim is a child (§ 176 Abs. 1); 2.the offender heavily maltreated physically the victim during the offence, or endangered the life of the victim through the offence, or 3.the offender committed the offence professionally or as a member of a criminal group, which joined a continuous perpetration of that sort of offences; (4) According to paragraph 3, has to be prosecuted, whoever 1.forces another person by force, by threat of a sensitive evil or by subterfuge to take up or carry forward prostitution or other sexual activities described in paragraph 1, sentence 1, or 2.takes possession of another person by force, by threat of a sensitive evil or by subterfuge to force this person to take up or carry forward prostitution or other sexual activities as described in paragraph 1, sentence 1; (5) In less severe cases of paragraph 1 a prison sentence of 3 months up to five years is to be imposed; in less severe cases of paragraph three and four a prison sentence of 6 months up to five years.</p>
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Annex A

	Art. 233a	Promotion of Trafficking in Human Beings: (1) Whoever abets trafficking in human beings according to Section 232 or Section 233 by recruiting, promoting, passing on, harbouring, or picking up another person shall be punished with imprisonment from three months to five years; (2) Imprisonment from six months to ten years shall be imposed, if: 1. the victim of the offence is a child (Section 176 subsection (1)); 2. the perpetrator seriously physically maltreats the victim through the act or places the victim in danger of death through the act; or 3. the perpetrator committed the offence with force, the threat of appreciable harm, on a commercial basis, or as a member of a gang that has combined for the continued commission of such acts; (3) An attempt is punishable.
Criminal Code, August 1998-January 2005	Art. 180b	Trafficking in human beings: (1) Whoever, for his own material benefit, exerts influence on another person, with knowledge of a coercive situation, to induce the person to take up or continue in prostitution, shall be punished with imprisonment for not more than five years or a fine. Whoever, for his own material benefit, exerts influence on another person, with knowledge of the helplessness associated with the person's stay in a foreign country, to get the person to engage in sexual acts, which the person commits on or in front of a third person or allows to be committed on the person by the third person, shall be similarly punished; (2) Whoever exerts influence: 1. on another person with knowledge of the helplessness associated with the person's stay in a foreign country; or 2. on a person under twenty-one years of age, to induce the person to take up or continue prostitution or to get the person to take it up or continue it, shall be punished with imprisonment from six months to ten years; (3) In cases under subsection (2) an attempt shall be punishable.
	Art. 181	Serious trafficking in human beings: (1) Whoever: 1. with force, threat of appreciable harm or trickery induces another person to take up or continue prostitution; 2. recruits another person through trickery or abducts person against the person's will by threat of appreciable harm or trickery, with knowledge of the helplessness associated with the person's stay in a foreign country, in order to get the person to commit sexual acts on or in front of a third person, to allow them to be committed on the person by a third person; or 3. professionally recruits another person, with knowledge of the helplessness associated with the person's stay in a foreign country, in order to induce the person to take up or continue prostitution, shall be punished with imprisonment from one year to ten years. (2) In less serious cases the punishment shall be imprisonment from six months to five years.

Trafficking in Human Beings for Labour Exploitation

CC, as amended February 2005	Art. 233	Human trafficking for the purpose of exploitation of workers: (1) Whoever exploits another person through a coercive situation or the helplessness that is associated with their stay in a foreign country to induce them into slavery, serfdom, or debt bondage, or to take up or continue work with him or a third party under working conditions that are strikingly disproportionate to the working conditions of other workers who perform the same or a comparable activity, shall be punished with imprisonment from six months to ten years. Whoever induces a person under twenty-one years of age into slavery, serfdom, or debt bondage, or to take up or continue work as designated in sentence 1 shall be similarly punished; (2) An attempt is punishable; (3) Section 232 subsections (3) through (5) shall apply mutatis mutandis.
	Art. 233a	

Trafficking in Children

CC, as amended February 2005	Art. 232 and Art. 233 (1)	Trafficking of persons under-21 years of age for the purpose of sexual or labour exploitation, see above.
	Art. 233a	Promotion of trafficking, see above.
CC 1998	Art. 236	Child Trafficking (Kinderhandel): (1) Whoever, in gross neglect of his duties of care and upbringing, leaves his child, ward, or foster child under eighteen years of age with another indefinitely for compensation or with the intent of enriching himself or a third person, shall be punished with imprisonment for not more than five years or a fine. Whoever, in cases under sentence 1, takes the child, ward, or foster child in indefinitely and gives compensation therefore, shall be similarly punished; (2) Whoever, without authorization: 1. procures the adoption of a person under eighteen years of age; or 2. engages in procurement activity which has as its goal that a third person takes in a person under eighteen years of age indefinitely, and thereby acts for compensation or with the intent of enriching himself or a third person, shall be punished with imprisonment for not more than three years or a fine. If the perpetrator in cases under sentence 1 causes the procured person to be brought into Germany or abroad, then the punishment shall be imprisonment for not more than five years or a fine; (3) An attempt shall be punishable; (4) Imprisonment from six months to ten years shall be imposed, if the perpetrator: 1. acts for profit, on a commercial basis or as a member of a gang, which has combined for the continued commission of trafficking in children; or 2. by the act places the child or the procured person in danger of a substantial impairment of his physical or emotional development; (5) The court may in its discretion mitigate the punishment (Section 49 subsection (2)) in cases under subsections (1) and (3) and in cases under subsections (2) and (3) or dispense with punishment under subsections (1) to (3) for participants whose guilt, taking into consideration the physical or emotional welfare of the child or the procured person, is slight.

Trafficking in Human Beings for the Removal of Organs

Transplant Act 1997, as amended 2002	Art. 17	Prohibition of organ and tissue trade: (1) <i>Es ist verboten, mit Organen, die einer Heilbehandlung zu dienen bestimmt sind, Handel zu treiben. Satz 1 gilt nicht für a) die Gewährung oder Annahme eines angemessenen Entgelts für die zur Erreichung des Ziels der Heilbehandlung gebotenen Maßnahmen, insbesondere für die Entnahme, die Konservierung, die weitere Aufbereitung einschließlich der Maßnahmen zum Infektionsschutz, die Aufbewahrung und die Beförderung der Organe, sowie b) Arzneimittel, die aus oder unter Verwendung von Organen hergestellt sind und den Vorschriften des Arzneimittelgesetzes über die Zulassung oder Registrierung unterliegen oder durch Rechtsverordnung von der Zulassung oder Registrierung freigestellt sind;</i> (2) <i>Ebenso ist verboten, Organe, die nach Absatz 1 Satz 1 Gegenstand verbotenen Handeltreibens sind, zu entnehmen, auf einen anderen Menschen zu übertragen oder sich übertragen zu lassen.</i>
	Art. 18	Trade of organs and tissues: (1) Whoever trades with an organ in violation of sec. 17 par. 1, 1st sentence, or removes, transplants or has transplanted to himself an organ in violation of sec. 17 par. 2, shall be punished with imprisonment of up to five years or with a fine. (2) If the offender acts professionally in cases under par. 1, the punishment is imprisonment from one year to five years; (3) An attempt is punishable; (4) The court may refrain from punishment under sec. 1 or alleviate the punishment in accordance with its discretion (sec. 49 par. 2 Criminal Code) in the case of organ donors whose organs were objects of prohibited trade in organs or receivers of organs.

Other relevant legislation (e.g. forced labour, prostitution) in Germany

CC, as amended 2005	Art. 176	<p>Sexual Abuse of Children: (1) Whoever commits sexual acts on a person under fourteen years of age (a child), or allows them to be committed on himself by the child, shall be punished with imprisonment from six months to ten years; (2) Whoever induces a child to commit sexual acts on a third person, or to have them committed on the child by a third person, shall be similarly punished; (3) In especially serious cases imprisonment of not less than one year shall be imposed; (4) Whoever: 1.commits sexual acts in front of a child; 2.induces the child to commit sexual acts on his own body; 3.exerts influence on a child by writings (Section 11 subsection 3) to induce him to commit sexual acts on or in front of the perpetrator or a third person or by the perpetrator or a third person on the child, or 4.exerts influence on a child by showing him pornographic illustrations or images, by playing him audio recording media with pornographic content or by corresponding speech, shall be punished with imprisonment from three months to five years; (5) Whoever offers or is shown to have promised a child for an act under subsections (1) to (4) or who arranges with another to commit such an act, shall be punished with imprisonment from three months to five years; (6) An attempt shall be punishable; this shall not apply for acts under subsection (4), numbers 3 and 4 and subsection (5).</p>
	Art. 176a	<p>Serious Sexual Abuse of Children: (1) The sexual abuse of children shall be punished with imprisonment for no less than one year in cases under Section 176 subsections (1) and (2), if the perpetrator has been convicted in a final judgment of such a crime within the previous five years; (2) The sexual abuse of children shall be punished with imprisonment for no less than two years in cases under Section 176 subsections (1) and (2), if: 1.a person over eighteen years of age completes an act of sexual intercourse or similar sexual acts with the child, which are combined with a penetration of the body, or allows them to be committed on himself by the child; 2.the act is committed jointly by more than one person; or 3.the perpetrator by the act places the child in danger of serious health damage or substantial impairment of his physical or emotional development; (3) Whoever, in cases under Section 176 subsections (1) to (3), (4) nos. 1 or 2, or Section 176 subsection 6, acts as a perpetrator or other participant with the intent of making the act the object of a pornographic writing (Section 11 subsection (3)), which is to be disseminated pursuant to Section 184b subsections (1) to (3), shall be punished with imprisonment for not less than two years; (4) In less serious cases under subsection (1), imprisonment from three months to five years shall be imposed, in less serious cases under subsection (2), imprisonment from one year to ten years; (5) Whoever, in cases under Section 176 subsections (1) to (3), seriously physically abuses the child or places the child in danger of death, shall be punished with imprisonment for not less than five years.</p> <p>(6) The time in which the perpetrator is in custody in an institution pursuant to order of a public authority shall not be credited to the term indicated in subsection (1). An act as to which judgment was rendered abroad shall be deemed equivalent in cases under subsection (1), to an act as to which judgment was rendered domestically, if under German criminal law it would have been such an act under Section 176 subsections (1) or (2).</p>
	Art. 176b	<p>Sexual Abuse of Children Resulting in Death: If by the sexual abuse (Sections 176 and 176a) the perpetrator at least recklessly causes the death of the child, then the punishment shall be imprisonment for life or for not less than ten years.</p>
	Art. 177	<p>Sexual Coercion; Rape: (1) Whoever coerces another person: 1.with force; 2.by a threat of imminent danger to life or limb; or 3.by exploiting a situation in which the victim is unprotected and at the mercy of the perpetrator's influence, to suffer the commission of sexual acts of the perpetrator or a third person on himself or to commit them on the perpetrator or a third person, shall be punished with imprisonment for not less than one year: (2) In especially serious cases the punishment shall be imprisonment for not less than two years. An especially serious case exists, as a rule, if: 1.the perpetrator completes an act of sexual intercourse with the victim or commits similar sexual acts on the victim, or allows them to be committed on himself by the victim, which especially degrade the latter, especially if they are combined with penetration of the body (rape); or 2.the act is committed jointly by more than</p>

		one person; (3) Imprisonment for not less than three years shall be imposed, if the perpetrator: 1.carries a weapon or another dangerous tool; 2.otherwise carries a tool or means in order to prevent or overcome the resistance of another person through force or threat of force; or 3.places the victim by the act in danger of serious health damage; (4) Imprisonment for not less than five years shall be imposed, if: 1.the perpetrator uses a weapon or another dangerous tool during the act; or 2.the perpetrator: a) seriously physically maltreats the victim through the act; or b) places the victim in danger of death through the act; (5) In less serious cases under subsection (1), imprisonment from six months to five years shall be imposed, in less serious cases under subsections (3) and (4), imprisonment from one year to ten years.
	Art. 178	Sexual Coercion and Rape Resulting in Death: If the perpetrator through sexual coercion or rape (Section 177) at least recklessly causes the death of the victim, then the punishment shall be imprisonment for life or for not less than ten years.
	Art. 179	Sexual Abuse of Persons Incapable of Resisting: (1) Whoever abuses another person, who is incapable of resisting: 1.because of a mental or emotional illness or disability, including an addiction or because of a profound consciousness disorder; or 2.physically, in that he, by exploiting the incapability of resisting, commits sexual acts on the person, or allows them to be committed on himself by the person, shall be punished with imprisonment from six months to ten years; (2) Whoever abuses a person incapable of resisting (subsection (1)), in that he induces the person, by exploiting the incapability of resisting, to commit sexual acts on a third person, or to allow them to be committed on the person by a third person, shall be similarly punished; (3) In especially serious cases imprisonment for no less than one year shall be imposed; (4) An attempt shall be punishable; (5) Imprisonment for no less than two years shall be imposed, if: 1.the perpetrator completes an act of sexual intercourse or similar sexual acts with the victim, which are combined with a penetration of the body, or allows them to be committed on himself by the victim; 2.the act is committed jointly by more than one person; or 3.by the act the perpetrator places the victim in danger of serious health damage or substantial impairment of his physical or emotional development; (6) In less serious cases under subsections (5), imprisonment from one year to ten years shall be imposed; (7) Sections 177 subsection (4) no. 2 and 178 shall apply correspondingly.
	Art. 180b, Art. 181	Repealed.
	Art. 233b	<i>Führungsaufsicht (supervision of conduct), erweiterter Verfall.</i>
	Art. 234	<i>Menschenraub (kidnapping).</i>
	Art. 240	Coercion: (1) Whoever unlawfully with force or threat of an appreciable harm compels a human being to commit, acquiesce in or omit an act, shall be punished with imprisonment for not more than three years or a fine; (2) The act shall be unlawful if the use of force or the threat of harm is deemed reprehensible in relation to the desired objective; (3) An attempt shall be punishable; (4) In especially serious cases the punishment shall be imprisonment from six months to five years. An especially serious case exists as a rule, if the perpetrator: 1.coerces another person to commit a sexual act or to enter into marriage; 2.coerces a pregnant woman to terminate the pregnancy; or 3.abuses his powers or position as a public official.
CC, 2002	Art. 181a	Procuring: (1) Whoever: 1.exploits another person who engages in prostitution; or 2.for a material benefit supervises another person's engagement in prostitution, determines the place, time, extent or other circumstances of the engagement in prostitution, or takes measures to prevent the person from giving up prostitution, and in that regard maintains a relationship with the person which goes beyond a particular case shall be punished with imprisonment from six months to five years; (2) Whoever impairs another person's personal or financial independence through promoting that person's engagement in prostitution by procuring sexual relations on a commercial basis, and in respect thereof maintains such relations with the

Annex A

		person concerned as go beyond the individual case shall be punished with imprisonment for not more than three years or a fine; (3) Whoever commits the acts named in subsection (1), numbers 1 and 2 or the promoting indicated in subsection (2) in relation to his spouse, shall also be punished pursuant to subsections (1) and (2) [...].
	Art. 180a	<p>Exploitation of prostitutes:</p> <p>(1) Wer gewerbsmäßig einen Betrieb unterhält oder leitet, in dem Personen der Prostitution nachgehen und in dem diese in persönlicher oder wirtschaftlicher Abhängigkeit gehalten werden, wird mit Freiheitsstrafe bis zu drei Jahren oder mit Geldstrafe bestraft.</p> <p>(2) Ebenso wird bestraft, wer 1. einer Person unter achtzehn Jahren zur Ausübung der Prostitution Wohnung, gewerbsmäßig Unterkunft oder gewerbsmäßig Aufenthalt gewährt oder 2. eine andere Person, der er zur Ausübung der Prostitution Wohnung gewährt, zur Prostitution anhält oder im Hinblick auf sie ausbeutet.</p>
Prostitution Act, 2001	Art. 1	Sind sexuelle Handlungen gegen ein vorher vereinbartes Entgelt vorgenommen worden, so begründet diese Vereinbarung eine rechtswirksame Forderung . Das Gleiche gilt, wenn sich eine Person, insbesondere im Rahmen eines Beschäftigungsverhältnisses, für die Erbringung derartiger Handlungen gegen ein vorher vereinbartes Entgelt für eine bestimmte Zeitdauer bereithält.
	Art. 2	Die Forderung kann nicht abgetreten und nur im eigenen Namen geltend gemacht werden. Gegen eine Forderung gemäß § 1 Satz 1 kann nur die vollständige, gegen eine Forderung nach § 1 Satz 2 auch die teilweise Nichterfüllung, soweit sie die vereinbarte Zeitdauer betrifft, eingewendet werden. Mit Ausnahme des Erfüllungseinwandes gemäß dem § 362 des Bürgerlichen Gesetzbuchs und der Einrede der Verjährung sind weitere Einwendungen und Einreden ausgeschlossen.
	Art. 3	Bei Prostituierten steht das eingeschränkte Direktionsrecht im Rahmen einer abhängigen Tätigkeit der Annahme einer Beschäftigung im Sinne des Sozialversicherungsrechts nicht entgegen.

Domestic Law on data protection in Germany

Witness Protection Harmonisation Act, 2001	Art. 4	1) Die Zeugenschutzdienststelle kann Auskünfte über personenbezogene Daten der zu schützenden Person verweigern, soweit dies für den Zeugenschutz erforderlich ist; (2) Öffentliche Stellen sind berechtigt, auf Ersuchen der Zeugenschutzdienststelle personenbezogene Daten der zu schützenden Person zu sperren oder nicht zu übermitteln. 2Sie sollen dem Ersuchen entsprechen, soweit entgegenstehende öffentliche Interessen oder schutzwürdige Interessen Dritter nicht überwiegen. 3Die Beurteilung der Erforderlichkeit der Maßnahme durch die Zeugenschutzdienststelle ist für die ersuchte Stelle bindend; (3) Die Zeugenschutzdienststelle kann von nicht öffentlichen Stellen verlangen, personenbezogene Daten der zu schützenden Person zu sperren oder nicht zu übermitteln; (4) Bei der Datenverarbeitung innerhalb der öffentlichen und nicht öffentlichen Stellen ist sicherzustellen, dass der Zeugenschutz nicht beeinträchtigt wird; (5) Die §§ 161, 161a der Strafprozessordnung bleiben unberührt; (6) Die öffentlichen und nicht öffentlichen Stellen teilen der Zeugenschutzdienststelle jedes Ersuchen um Bekanntgabe von gesperrten oder sonst von ihr bestimmten Daten unverzüglich mit.
	Art. 5	Lays down the possibility of a temporary camouflage identity.
Code of Criminal Procedure, 1978	Art. 100(a-b)	It is only permissible to record telecommunications (both phone and e-mail) in serious cases of THB, i.e. in cases under secs. 232 par. 3 to 5, and 233 par. 3, each in so far as they constitute serious criminal offences.

A.8 Hungary

International Law ratified in Hungary

2005	Council of Europe Convention on Action against THB, ratified on 10.10.2007.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the sale of Children, child prostitution and child pornography, ratified on 11 March 2002.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 27.11.2006.
1989	Convention on the Rights of the Child, ratified on 7.10.1991.
1979	UN CEDAW ratified on 17.07.1980.
1976	International Covenant on Civil and Political Rights, ratified in 1974.
1966	UN ICESCR ratified in 1974.
1950	Council of Europe European Convention on Human Rights..., ratified in 1992.
1949	UN Convention for the Suppression of the Traffic in Persons... , ratified on 29.09.1955
1930	ILO Forced Labour convention, ratified in 1956.

Domestic Law on THB in Hungary

Trafficking in Human Beings for Sexual Exploitation

Act CXXI/2001; Criminal Code 1998.	Art. 175/B (1-5)	Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, or appropriates one for such purpose for another party, commits a felony offence and is punishable with imprisonment of up to three years.
CC 2002	Art. 175/B(6)	Any person who makes preparations for trafficking in human beings is guilty of misdemeanour and is punishable by imprisonment not to exceed two years.

Trafficking in Human Beings for Labour Exploitation, Trafficking in Children & Trafficking in Human Beings for the Removal of Organs

Act CXXI/2001; Criminal Code 1998	Art. 175/B (1-5)	
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Other relevant legislation (e.g. forced labour, prostitution) in Hungary

Act CXXI/2001; Criminal Code 1998	Art. 175(2-3)	Violation of personal freedom: Any person "who acquires another person through trafficking in human beings and maintains the status of deprivation of the victim's personal freedom, and forces such victim into forced labor, commits a felony offense".
	Art. 174	Coercion
	Art. 195	Endangering children
	Art. 204	Forbidden pornographic recordings
	Art. 205	Compelling or Promoting prostitution: "(1) Any person who makes available a building or another place for another person to engage in prostitution is guilty of a felony punishable by imprisonment for up to three years; (4) Any person who persuades another person to engage in prostitution is punishable in accordance with Subsection (1)".
	Art. 206	Living on Earnings of Prostitution - Any person who supports himself wholly or in part from the earnings of a person engaging in prostitution is guilty of a felony and is punishable by imprisonment for up to three years.
	Art. 207	Pandering (1) Any person who solicits a person for sexual intercourse or fornication for another person for any financial gain is guilty of a felony and is punishable by imprisonment for up to three years. (2) The punishment is imprisonment between one to five years if pandering is committed in a pattern of criminal business operation.
CC 1999		
CC/21.12.1978	Section 173/H	Violation of Right of Autonomy Concerning Medical Procedures (1) Any person who, without the consent or permission of the entitled party, performs c) a procedure to remove an organ or tissue for transplantation purposes, or organ or tissue transplant which is subject to prior consent, permission and information disclosure, or who fails to disclose the information required by law, commits a felony offense and is punishable with imprisonment of up to three years.
	Section 173/I	Illegal use of human body: (1) Any person who illegally acquires, sells or places on the market for pecuniary gain human genes, cells, gametes, embryos, organs, tissues, or a cadaver or part(s) of such, commits a felony offense and is punishable with imprisonment of up to three years.

Domestic Law on data protection in Hungary

2003, Code on Criminal Procedure	Art. 95	The witness shall be provided with protection in the interest of protecting her/his life, bodily integrity or personal liberty, and in the interest of ensuring that the witness fulfils the obligation to give testimony and can do so without fear.
	Art. 96(2)	"If the processing of the personal data of the witness has been ordered in a confidential manner, then from that moment on a) the proceeding court, public prosecutor and the investigating authority guarantee that the confidentially processed data of the witness shall not be able to be identified from the other data related to the procedure, b) the proceeding court, public prosecutor and the investigating authority shall establish the identity of the witness by looking at those documents which are appropriate for such identification, c) the termination of confidential processing can only occur with the agreement of the witness."; "From the moment that the confidential processing of the witness's data is ordered the participants of the criminal procedure may only receive copies of the witness's personal documents which do not contain her/his personal information.

Act 85/2001 on Witness Protection		Introduces the first ever witness protection program into Hungary. The programme is applicable to the co-operative defendant, the witness – including the victim of traffic; their relatives and other relevant persons (foreign nationals may be also included in the program). An agreement within the framework of a civil law legal relationship can be concluded with the injured party participating in the protection program (if s/he wishes to give testimony). The agreement is concluded between the potentially threatened individual and the police. The Protection Program may be implemented during or after the criminal procedure. In the course of the programme, special protection measures may be applied such as: a) moving the person to a safe place, b) use of personal protection, c) ordering the confidential treatment of her/his data in registries, or requiring notification in case of requests for data registered, d) change of name, e) change of personal identity and f) participation in international co-operation (if the protection of the effected person can not be guaranteed within Hungary, there is an opportunity to move abroad).
Order 4/1999 of the Minister of the Interior on Victim Protection		When transmitting criminal press announcements and reports, the privacy, human dignity and piety of the victim must not be infringed. The publication of the injured party's personal data shall be adequately limited. In case of minor injured parties, victims of crimes of sexual nature and in the case of people blackmailed and intimidated in organized criminal cases special attention shall be paid to the protection of privacy and personality rights.

A.9 Ireland

International Law ratified in Ireland

2005	Council of Europe Convention on Action against THB, signed on 13.04.2007. ³¹²
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, signed on 13.12.2000.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed on 07.09.2000. ³¹³
1999	ILO Convention 182 on the worst forms of child labour, ratified on 21.12.1999.
1996	CoE Revised European Social Charter, ratified on 04.11.2000.
1989	Convention on the Rights of the Child, ratified on 28.09.1992.
1979	UN CEDAW, 23.12.1985 (Accession).
1966	International Covenant on Civil and Political Rights, ratified on 08.12.1989.
1966	UN ICESCR, ratified on 08.12.1989.
1950	Council of Europe European Convention on Human Rights..., signed on 13.12.1957.
1949	UN Convention for the Suppression of the Traffic in Persons...
1930	ILO Forced Labour convention, ratified on 02.03.1931.

Domestic Law on THB in Ireland

Trafficking in Human Beings for Sexual Exploitation

Criminal Law (Human Trafficking) Act 2008	Art. 1	<p>In this Act—</p> <p>“ child ” means a person under the age of 18 years;</p> <p>“ exploitation ” means—</p> <p>(a) labour exploitation,</p> <p>(b) sexual exploitation, or</p> <p>(c) exploitation consisting of the removal of one or more of the organs of a person;</p> <p>“ labour exploitation ” means, in relation to a person (including a child)—</p> <p>(a) subjecting the person to forced labour,</p> <p>(b) forcing him or her to render services to another, or</p> <p>(c) enslavement of the person or subjecting him or her to servitude or a similar condition or state;</p> <p>“ sexual exploitation ” means, in relation to a person—</p> <p>(a) the production of pornography depicting the person either alone or with others,</p> <p>(b) causing the person to engage in sexual activity for the purpose of the production of pornography,</p> <p>(c) the prostitution of the person,</p> <p>(d) the commission of an offence specified in the Schedule to the Act of 2001 against the person; causing another person to commit such an offence against the person; or causing the person to commit such an offence against another person, or</p> <p>(e) otherwise causing the person to engage or participate in any sexual, indecent or obscene act;</p> <p>“ trafficks ” means, in relation to a person (including a child)—</p> <p>(a) procures, recruits, transports or harbours the person, or</p>
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³¹² http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Profiles/IRELANDProfile_en.asp.

³¹³ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en.

		<p>(i) transfers the person to,</p> <p>(ii) places the person in the custody, care or charge, or under the control, of, or</p> <p>(iii) otherwise delivers the person to, another person,</p> <p>(b) causes a person to enter or leave the State or to travel within the State,</p> <p>(c) takes custody of a person or takes a person—</p> <p>(i) into one's care or charge, or</p> <p>(ii) under one's control, or</p> <p>(d) provides the person with accommodation or employment.</p>
	Art. 4	<p>Trafficking of persons other than children</p> <p>(1) A person (in this section referred to as the "trafficker") who trafficks another person (in this section referred to as the "trafficked person"), other than a child or a person to whom <i>subsection (3)</i> applies, for the purposes of the exploitation of the trafficked person shall be guilty of an offence if, in or for the purpose of trafficking the trafficked person, the trafficker—</p> <p>(a) coerced, threatened, abducted or otherwise used force against the trafficked person,</p> <p>(b) deceived or committed a fraud against the trafficked person,</p> <p>(c) abused his or her authority or took advantage of the vulnerability of the trafficked person to such extent as to cause the trafficked person to have had no real and acceptable alternative but to submit to being trafficked,</p> <p>(d) coerced, threatened or otherwise used force against any person in whose care or charge, or under whose control, the trafficked person was for the time being, in order to compel that person to permit the trafficker to traffick the trafficked person, or</p> <p>(e) made any payment to, or conferred any right, interest or other benefit on, any person in whose care or charge, or under whose control, the trafficked person was for the time being, in exchange for that person permitting the trafficker to traffick the trafficked person.</p> <p>(2) In proceedings for an offence under this section it shall not be a defence for the defendant to show that the person in respect of whom the offence was committed consented to the commission of any of the acts of which the offence consists.</p> <p>(3) A person who trafficks a person who is mentally impaired for the purposes of the exploitation of the person shall be guilty of an offence.</p> <p>(4) A person who—</p> <p>(a) sells another person, offers or exposes another person for sale or invites the making of an offer to purchase another person, or</p> <p>(b) purchases or makes an offer to purchase another person, shall be guilty of an offence.</p> <p>(5) A person who causes an offence under <i>subsection (1), (3) or (4)</i> to be committed shall be guilty of an offence.</p> <p>(6) A person who attempts to commit an offence under <i>subsection (1), (3), (4) or (5)</i> shall be guilty of an offence.</p> <p>(7) A person guilty of an offence under this section shall be liable upon conviction on indictment—</p> <p>(a) to imprisonment for life or a lesser term, and</p> <p>(b) at the discretion of the court, to a fine.</p> <p>(8) In this section "mentally impaired" has the same meaning as it has in the Criminal Law (Sexual Offences) Act 1993.</p>
Illegal Immigrants (Trafficking) Act 2000 ³¹⁴	Art. 2	<p>Trafficking in illegal immigrants.</p> <p>(1) A person who organises or knowingly facilitates the entry into the State of a person whom he or she knows or has reasonable cause to believe to be an illegal immigrant or a person who intends to seek asylum shall be guilty of an offence and shall be liable—</p> <p>(a) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both,</p> <p>(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 10 years or to both.</p> <p>(2) <i>Subsection (1)</i> shall not apply—</p> <p>(a) to anything done by a person otherwise than for gain, or</p> <p>(b) to anything done to assist a person seeking asylum by a person in the course of his or her employment by a <i>bona fide</i> organisation if the purposes of that organisation include giving assistance to persons seeking asylum.</p> <p>(3) <i>Subsection (1)</i> shall apply to acts done or omissions made outside, as well as to acts done or omissions made, in the State.</p>

³¹⁴ <http://www.irishstatutebook.ie/2000/en/act/pub/0029/sec0002.html#sec2>. This law addresses the issue of smuggling of human beings.

Annex A

Immigration, Residence and Protection Bill 2008 ³¹⁵	Art. 124	<p><i>Section 124</i> makes provision for certain immigration-related matters concerning the treatment of suspected victims of trafficking. By <i>subsections (1) and (2)</i>, a suspected victim of trafficking may be granted a recovery and reflection period of 45 days during which the person can remain in the State. The purpose of a recovery and reflection period is to enable the suspected victim to recover and escape the influence of the alleged perpetrators of the trafficking so that he or she can take an informed decision as to whether to assist the Garda Síochána or other relevant authorities in relation to any investigation or prosecution arising in relation to the alleged trafficking (<i>subsection (3)</i>). By <i>subsection (4)</i>, a recovery and reflection period can be terminated where the Minister is satisfied: that the suspected victim has renewed contact with the alleged perpetrators of the trafficking; that it is in the interest of public security, public policy or public order ("<i>ordre public</i>") to do so; or where the victim status was improperly claimed. By <i>subsection (6)</i> a suspected victim will not be removed from the State for so long as the recovery and reflection period relating to him or her remains in force. <i>Subsection (7)</i> makes provision for a temporary residence permission to be granted to the suspected victim where it is necessary to allow the suspected victim to continue to assist the Garda Síochána or other relevant authorities in relation to any investigation or prosecution arising in relation to the alleged trafficking.</p>
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Trafficking in Human Beings for Labour Exploitation and Trafficking in Human Beings for the Removal of Organs

Criminal Law (Human Trafficking) act 2008	Art. 1	
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Trafficking in Children

Criminal Law (Human Trafficking) act 2008	Art. 2	<p>Trafficking, etc., of children</p> <p>(1) A person who trafficks a child for the purposes of the exploitation of the child shall be guilty of an offence.</p> <p>(2) A person who—</p> <p>(a) <u>sells a child</u>, offers or exposes a child for sale or invites the making of an <u>offer to purchase a child</u>, or</p> <p>(b) purchases or makes an offer to purchase a child, shall be guilty of an offence.</p> <p>(3) A person who causes an offence under <i>subsection (1) or (2)</i> to be committed shall be guilty of an offence.</p> <p>(4) A person who attempts to commit an offence under <i>subsection (1), (2) or (3)</i> shall be guilty of an offence.</p> <p>(5) A person guilty of an offence under this section shall be liable upon conviction on indictment—</p> <p>(a) to imprisonment for life or a lesser term, and</p> <p>(b) at the discretion of the court, to a fine.</p> <p>(6) In this section "exploitation" does not include sexual exploitation.</p>
Child Trafficking and Pornography Act 1998 ³¹⁶	Art. 3	<p>Child trafficking and taking, etc., child for sexual exploitation.</p> <p>(1) Any person who organises or knowingly facilitates—</p> <p>(a) the entry into, transit through or exit from the State of a child for the purpose of his or her sexual exploitation, or</p> <p>(b) the provision of accommodation for a child for such a purpose while in the State, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life.</p> <p>(2) Any person who—</p> <p>(a) takes, detains, or restricts the personal liberty of, a child for the purpose of his or her sexual exploitation,</p>

³¹⁵ <http://www.oireachtas.ie/documents/bills28/bills/2008/0208/B0208D.pdf>.

³¹⁶ <http://www.irishstatutebook.ie/1998/en/act/pub/0022/sec0003.html#zza22y1998s3>.

		<p>(b) uses a child for such a purpose, or</p> <p>(c) organises or knowingly facilitates such taking, detaining, restricting or use, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding 14 years.</p> <p>(3) In this section "sexual exploitation" means—</p> <p>(a) inducing or coercing the child to engage in <u>prostitution</u> or the production of <u>child pornography</u>,</p> <p>(b) using the child for prostitution or the production of child pornography,</p> <p>(c) inducing or coercing the child to participate in any sexual activity which is an offence under any enactment, or</p> <p>(d) the commission of any such offence against the child.</p>
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Other relevant legislation (e.g. forced labour, prostitution) in Ireland

Sexual Offences Jurisdiction Act 1996	Art. 2	<p>Sexual offences committed outside State.</p> <p>(1) Where a person, being a citizen of the State or being ordinarily resident in the State, does an act, in a place other than the State ("the place"), against or involving a <u>child</u> which—</p> <p>(a) constitutes an offence under the law of the place, and</p> <p>(b) if done within the State, would constitute an offence under, or referred to in, an enactment specified in the <i>Schedule</i> to this Act, he or she shall be guilty of the second-mentioned offence.</p> <p>(2) Where a person, being a citizen of the State or being ordinarily resident in the State, attempts to commit an offence which is an offence by virtue of <i>subsection (1)</i> of this section ("the principal offence"), he or she shall be guilty of an offence and shall be liable on conviction on indictment to a penalty not greater than the penalty to which he or she would have been liable if he or she had been convicted of the principal offence.</p> <p>(3) Where a person aids, abets, counsels or procures, in the State, the commission of an offence, which is an offence by virtue of <i>subsection (1)</i> of this section, he or she shall be guilty of that offence.</p> <p>(4) Where a person, being a citizen of the State or being ordinarily resident in the State, aids, abets, counsels or procures, outside the State, the commission of an offence, which is an offence by virtue of <i>subsection (1)</i> of this section, he or she shall be guilty of that offence.</p> <p>(5) Where a person conspires with, or incites, inside the State, another person to commit an offence, which is an offence by virtue of <i>subsection (1)</i> of this section ("the principal offence"), he or she shall be guilty of an offence and shall be liable on conviction on indictment to a penalty not exceeding the penalty to which he or she would be liable if he or she were convicted of the principal offence.</p> <p>(6) Where a person, being a citizen of the State or being ordinarily resident in the State, conspires with, or incites, outside the State, another person to commit an offence, which is an offence by virtue of <i>subsection (1)</i> of this section ("the principal offence"), he or she shall be guilty of an offence and shall be liable on conviction on indictment to a penalty not exceeding the penalty to which he or she would be liable if he or she were convicted of the principal offence.</p> <p>(7) For the purposes of proceedings for an offence to which this section relates, a person shall be deemed to be ordinarily resident in the State if he or she has had his or her principal residence within the State for the period of 12 months immediately preceding the alleged commission of the said offence.</p>
The Children Act 2001 ³¹⁷	Art. 247	<p>Begging</p> <p>(1) A person is guilty of an offence if he or she causes or procures a child or, having the custody, charge or care of a child, allows the child to be in any street or public place, or to make house to house visits, for the <u>purpose of begging or receiving alms or of inducing the giving of alms</u> (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise).</p> <p>(2) If a person who has the custody, charge or care of a child is charged with an offence under this section, and it is proved that the child was in any street, public place or house for any purpose referred to in <i>subsection (1)</i>, the person shall be presumed to have allowed the child to be in the street, public place or</p>

³¹⁷[http://www.irishstatutebook.ie/plweb-cqi/fastweb?state_id=1248711536&view=aq-view&numhitsfound=10&query_rule=\(\\$query3\)\)%3Alegtitle&query3=The%20Children%20Act%202001&docid=61372&docdb=Acts&dbname=Acts&dbname=SI&sorting=none&operator=and&TemplateName=predoc.tmpl&setCookie=1](http://www.irishstatutebook.ie/plweb-cqi/fastweb?state_id=1248711536&view=aq-view&numhitsfound=10&query_rule=($query3))%3Alegtitle&query3=The%20Children%20Act%202001&docid=61372&docdb=Acts&dbname=Acts&dbname=SI&sorting=none&operator=and&TemplateName=predoc.tmpl&setCookie=1).

Annex A

		<p>house for that purpose, unless the contrary is proved.</p> <p>(3) A person found guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding—</p> <p>(a) in the case of a first offence, £250, or</p> <p>(b) in the case of a second or any subsequent offence, £500.</p> <p>(4) In this section—</p> <p>“house” includes any building occupied for residential or business purposes and any part of a building so occupied;</p> <p>“public place” means any place to which the public have or are permitted to have access whether as of right or by permission and whether on payment or without payment;</p> <p>“street” includes any road, bridge, lane, footway, subway, square, alley or passage, whether a thoroughfare or not, which is for the time being open to the public, and any ground or carpark adjoining and open to a street shall be treated as forming part of a street.</p>
	Art. 248	<p>Allowing child to be in brothel.</p> <p>(1) A person is guilty of an offence if, having the custody, charge or care of a child, he or she allows the child to reside in or to frequent a brothel.</p> <p>(2) A person found guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £1,500 or imprisonment for a term not exceeding 12 months or both.</p>

Domestic Law on data protection in Ireland

Data Protection (Amendment) Act 2003	Art. 2A and 2B	<p>Processing of personal data, and of sensitive personal data.</p> <p>(3) The Minister may by regulations make such provision as he considers appropriate for the protection of data subjects in relation to the processing of personal data as to—</p> <p>(a) the commission or alleged commission of any offence by data subjects,</p> <p>(b) any proceedings for an offence committed or alleged to have been committed by data subjects, the disposal of such proceedings or the sentence of any court in such proceedings, (c) any act or omission or alleged act or omission of data subjects giving rise to administrative sanctions,</p> <p>(d) any civil proceedings in a court or other tribunal to which data subjects are parties or any judgment, order or decision of such a tribunal in any such proceedings, and processing of personal data shall be in compliance with any regulations under this subsection.</p>
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A.10 Italy

International Law ratified in Italy

2007	The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed on 07.11.2007, not yet ratified.
2005	Council of Europe Convention on Action against THB, signed on 08.06.2005.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 02.08.2006.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 02.08.2006.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 07.06.2000.
1996	CoE Revised European Social Charter, ratified on 05.07.1999, with reservations. ³¹⁸
1989	Convention on the Rights of the Child, ratified on 05.09.1991.
1979	UN CEDAW ratified on 10.06.1985.
1966	International Covenant on Civil and Political Rights, ratified on 15.09.1978.
1966	UN ICESCR, ratified on 16.12.1978, with reservations. ³¹⁹
1950	Council of Europe European Convention on Human Rights..., ratified on 26.10.1955.
1949	UN Convention for the Suppression of the Traffic in Persons... 18.01.1980 (Accession). ³²⁰
1930	ILO Forced Labour convention, ratified on 18.06.1934.

Domestic Law on THB in Italy

Trafficking in Human Beings for Sexual Exploitation

Criminal Code (<i>Codice Penale</i>) Amended by the 228/ 2003 Law. ³²¹	Art. 601	<p>Trafficking in human beings: "Whoever carries out trafficking in persons who are in the conditions referred to in article 600, that is, with a view to perpetrating the crimes referred to in the first paragraph of said article; or whoever leads any of the aforesaid persons through deceit or obliges such person by making use of violence, threats, or abuse of power; by taking advantage of a situation of physical or mental inferiority, and poverty; or by promising money or making payments or granting other kinds of benefits to those who are responsible for the person in question, to enter the national territory, stay, leave it or migrate to said territory, shall be punished with imprisonment from eight to twenty years.</p> <p>The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in this present article are perpetrated against <u>minors</u> under eighteen or <u>for sexual exploitation, prostitution or organ removal purposes</u>".</p>
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³¹⁸ <http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=163&CM=8&DF=11/23/2008&CL=ENG&VL=1>.

³¹⁹ http://www.unhchr.ch/html/menu3/b/treaty4_asp.htm.

³²⁰ <http://www.unhchr.ch/html/menu3/b/treaty11a.htm>.

³²¹ <http://www.legislationline.org/documents/action/popup/id/4968>.

Legislative decree no. 286/1998	Art. 18	<p>Consolidation on provisions concerning immigration discipline and rule on the foreigner condition "Soggiorno per motivi di protezione sociale" (Legge 6 marzo 1998, n. 40, Art. 16).</p> <ol style="list-style-type: none"> 1. Quando, nel corso di operazioni di polizia, di indagini o di un procedimento per taluno dei delitti di cui all'articolo 3 della legge 20 febbraio 1958, n. 75, o di quelli previsti dall'articolo 380 del codice di procedura penale, ovvero nel corso di interventi assistenziali dei servizi sociali degli enti locali, siano accertate situazioni di violenza o di grave sfruttamento nei confronti di uno straniero ed emergano concreti pericoli per la sua incolumità, per effetto dei tentativi di sottrarsi ai condizionamenti di un'associazione dedita ad uno dei predetti delitti o delle dichiarazioni rese nel corso delle indagini preliminari o del giudizio, il questore, anche su proposta del Procuratore della Repubblica, o con il parere favorevole della stessa autorità, rilascia uno speciale permesso di soggiorno per consentire allo straniero di sottrarsi alla violenza e ai condizionamenti dell'organizzazione criminale e di partecipare ad un programma di assistenza ed integrazione sociale. 2. Con la proposta o il parere di cui al comma 1, sono comunicati al questore gli elementi da cui risulti la sussistenza delle condizioni ivi indicate, con particolare riferimento alla gravità ed attualità del pericolo ed alla rilevanza del contributo offerto dallo straniero per l'efficace contrasto dell'organizzazione criminale, ovvero per la individuazione o cattura dei responsabili dei delitti indicati nello stesso comma. Le modalità di partecipazione al programma di assistenza ed integrazione sociale sono comunicate al Sindaco. 3. Con il regolamento di attuazione sono stabilite le disposizioni occorrenti per l'affidamento della realizzazione del programma a soggetti diversi da quelli istituzionalmente preposti ai servizi sociali dell'ente locale, e per l'espletamento dei relativi controlli. Con lo stesso regolamento sono individuati i requisiti idonei a garantire la competenza e la capacità di favorire l'assistenza e l'integrazione sociale, nonché la disponibilità di adeguate strutture organizzative dei soggetti predetti. 4. Il permesso di soggiorno rilasciato a norma del presente articolo ha la durata di sei mesi e può essere rinnovato per un anno, o per il maggior periodo occorrente per motivi di giustizia. Esso é revocato in caso di interruzione del programma o di condotta incompatibile con le finalità dello stesso, segnalate dal procuratore della Repubblica o, per quanto di competenza, dal servizio sociale dell'ente locale, o comunque accertate dal questore, ovvero quando vengono meno le altre condizioni che ne hanno giustificato il rilascio. 5. Il permesso di soggiorno previsto dal presente articolo consente l'accesso ai servizi assistenziali e allo studio, nonché l'iscrizione nelle liste di collocamento e lo svolgimento di lavoro subordinato, fatti salvi i requisiti minimi di età. Qualora, alla scadenza del permesso di soggiorno, l'interessato risulti avere in corso un rapporto di lavoro, il permesso può essere ulteriormente prorogato o rinnovato per la durata del rapporto medesimo o, se questo é a tempo indeterminato, con le modalità stabilite per tale motivo di soggiorno. Il permesso di soggiorno previsto dal presente articolo può essere altresì convertito in permesso di soggiorno per motivi di studio qualora il titolare sia iscritto ad un corso regolare di studi. 6. Il permesso di soggiorno previsto dal presente articolo può essere altresì rilasciato, all'atto delle dimissioni dall'istituto di pena, anche su proposta del procuratore della Repubblica o del giudice di sorveglianza presso il tribunale per i minorenni, allo straniero che ha terminato l'espiazione di una pena detentiva, inflitta per reati commessi durante la minore età, e ha dato prova concreta di partecipazione a un programma di assistenza e integrazione sociale.
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		L'onere derivante dal presente articolo é valutato in lire 5 miliardi per l'anno 1997 e in lire 10 miliardi annui a decorrere dall'anno 1998. ³²²
	Art. 13	<ol style="list-style-type: none"> 1. Fuori dei casi previsti dall'articolo 16-bis del decreto-legge 15 gennaio 1991, n. 8, convertito, con modificazioni, dalla legge 15 marzo 1991, n. 82, e successive modificazioni, per le vittime dei reati previsti dagli <u>articoli 600 e 601</u> del codice penale, come sostituiti, rispettivamente, dagli articoli 1 e 2 della presente legge, é istituito, nei limiti delle risorse di cui al comma 3, uno speciale programma di assistenza che garantisce, in via transitoria, adeguate condizioni di alloggio, di vitto e di assistenza sanitaria. Il programma é definito con regolamento da adottare ai sensi dell'articolo 17, comma 1, della legge 23 agosto 1988, n. 400, su proposta del Ministro per le pari opportunità di concerto con il Ministro dell'interno e con il Ministro della giustizia. 2. Qualora la vittima del reato di cui ai citati <u>articoli 600 e 601</u> del codice penale sia persona straniera restano comunque salve le disposizioni dell'articolo 18 del citato testo unico di cui al decreto legislativo n. 286 del 1998. 3. All'onere derivante dall'attuazione del presente articolo, determinato in 2,5 milioni di euro annui a decorrere dal 2003, si provvede mediante corrispondente riduzione dello stanziamento iscritto, ai fini del bilancio triennale 2003-2005, nell'ambito dell'unità previsionale di base di parte corrente "Fondo speciale" dello stato di previsione del Ministero dell'economia e delle finanze per l'anno 2003, allo scopo parzialmente utilizzando l'accantonamento relativo allo stesso Ministero. 4. Il Ministro dell'economia e delle finanze é autorizzato ad apportare, con propri decreti, le occorrenti variazioni di bilancio.

Trafficking in Human Beings for Labour Exploitation, Trafficking in Children and Trafficking in Human Beings for the Removal of Organs

Criminal Code	Art. 601	
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Other relevant legislation (e.g. forced labour, prostitution) in Italy

Criminal Code (<i>Codice Penale</i>) Amended by the 228/ 2003 Law	Art. 600	<p>Placing or holding a person in conditions of slavery or servitude:</p> <p>"Whoever exerts on any other person powers and rights corresponding to ownership; places or holds any other person in conditions of continuing enslavement, sexually exploiting such person, imposing coerced labour or forcing said person into begging, or exploiting him/her in any other way, shall be punished with imprisonment from eight to twenty years.</p> <p>Placement or maintenance in a position of slavery occur when use is made of violence, threat, deceit, or abuse of power; or when anyone takes advantage of a situation of physical or mental inferiority and poverty; or when money is promised, payments are made or other kinds of benefits are promised to those who are responsible for the person in question.</p> <p>The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in the first paragraph above are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes".</p>
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³²² http://www.giustizia.it/cassazione/leggi/dlgs286_98.html#ART18.

	Art. 602	<p>Sale and purchase of slaves:</p> <p>"Whoever, in cases other than the ones referred to in article 601, purchases or sales or transfers any person, who is in any of the conditions referred to in article 600, shall be punished with imprisonment from eight to twenty years.</p> <p>The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in this present article are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes".</p>
	Art. 416 §6	Organised crime
Criminal Code amended by the 38/2006 Law	Art. 600bis ³²³	Child prostitution
	Art. 600ter	Child pornography
	Art.600quater	Acquisition and possession of child pornographic material
	Art. 600quinquies	<i>Iniziativa turistiche volte allo sfruttamento della prostituzione minorile.</i>
Law 75/1958	Art. 3	<p>Article 3 comprises a series of crimes aimed at sanctioning all activities, which in any way would facilitate, abet and procure prostitution. All offences, even though differing in terms of gravity, are punished with imprisonment from 2 to 6 years and a fine ranging from five hundred thousand to twenty million <i>lire</i>. Para. 2, no. 6 envisages the offence of "inducement to move to a given location or place to carry out prostitution" providing for penalties for those who induce another person to move from one place to another, within the same country or to another country, in order to engage in prostitution; while no. 7 punishes the activity of national or foreign associations and organisations dedicated to the recruitment and exploitation of prostitutes, and the aiding and abetting by said organisations or associations.</p> <p>"Art. 3 Le disposizioni contenute negli artt. 531 a 536 del c.p. sono sostituite dalle seguenti:</p> <p>È punito con la reclusione da due a sei anni e con la multa da L.100.000 a 4.000.000, salvo in ogni caso l'applicazione dell'art.240 del c.p.:</p> <p>1) chiunque, trascorso il termine indicato nell'art.2, abbia la proprietà o l'esercizio, sotto qualsiasi denominazione, di una casa di prostituzione, o comunque la controlli, o diriga, o amministri, ovvero partecipi alla proprietà, esercizio o direzione o amministrazione di esse; 2) chiunque, avendo la proprietà o l'amministrazione di una casa o altro locale, li conceda in locazione a scopo di esercizio di una casa di prostituzione; 3) chiunque, essendo proprietario, gerente o preposto ad albergo, casa mobiliata, pensione, spaccio di bevande, circolo, locale da ballo, o luogo di spettacolo, o loro annessi e dipendenze, o qualunque locale aperto al pubblico o utilizzato dal pubblico, vi tollera abitualmente la presenza di una o più persone che, all'interno del locale stesso, si danno alla prostituzione; 4) chiunque recluti una persona al fine di farle esercitare la prostituzione, o ne agevoli a tal fine la prostituzione; 5) chiunque induca alla prostituzione una donna di età maggiore, o compia atti di lenocinio, sia personalmente in luoghi pubblici o aperti al pubblico, sia a mezzo di pubblicità; 6) chiunque induca una persona a recarsi nel territorio di un altro Stato o comunque in un luogo diverso da quello della sua abituale residenza, al fine di esercitarvi la prostituzione, ovvero si intrometta per agevolarne la partenza; 7) chiunque espliciti un'attività in associazione ed organizzazioni nazionali od estere dedite al reclutamento di persone da destinare alla prostituzione od allo sfruttamento della prostituzione, ovvero in qualsiasi forma e con</p>

³²³ Articles 600bis, 600ter, and 600quater were introduced in the Criminal Code by the Law 269/1998 and amended by the Law 38/2006, which implemented the EU decision 2004/68/JHA on combating the sexual exploitation of children and child pornography.

		<p>qualsiasi mezzo agevoli o favorisca l'azione o gli scopi delle predette organizzazioni; 8) chiunque in qualsiasi modo favorisca o sfrutti la prostituzione altrui.</p> <p>In tutti i casi previsti nel numero 3) del presente articolo, alle pene in essi comminate sarà aggiunta la perdita della licenza di esercizio e potrà essere ordinata la chiusura dell'esercizio. I delitti previsti dai numeri 4) e 5), se commessi in territorio estero, sono punibili in quanto le convenzioni internazionali lo prevedano.³²⁴</p>
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Domestic Law on data protection in Italy

Personal Data Protection Code (Legislative Decree no. 196 of 30 June 2003)	§ 1 (Right to the Protection of Personal Data) Art. 1	1. Everyone has the right to protection of the personal data concerning him or her.
	§ 52 (Information Identifying Data Subjects) Art. 5	5. Without prejudice to Section 734-bis of the Criminal Code as applying to victims of sexual violence, whoever discloses judgments or other measures by judicial authorities at all levels and of all instances shall be required to omit, in any case, name(s), other identification data and other information, also concerning third parties, that may allow detecting - directly or not - the identity of children or else of parties to proceedings concerning family law and civil status - irrespective of the absence of the notice referred to in paragraph 2.

³²⁴ <http://www.osservatoriotratta.it/download/Legge%20merlin.pdf>.

A.11 The Netherlands

International Law ratified in the Netherlands

2007	CoE Convention on the protection of children against sexual exploitation and sexual abuse, signed on 25.09.2007.
2005	Council of Europe Convention on Action against THB, signed on 17.11.2005. ³²⁵
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 23.08.2005.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 23.08.2005.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 14.02.2002.
1996	CoE Revised European Social Charter, ratified on 03.05.2006.
1989	Convention on the Rights of the Child, signed on 26.01.1990.
1979	UN CEDAW ratified on 23.07.1991.
1966	International Covenant on Civil and Political Rights, ratified on 11.12.1978.
1966	UN ICESCR, ratified on 11.12.1978.
1950	Council of Europe European Convention on Human Rights..., ratified on 31.08.1954.
1949	UN Convention for the Suppression of the Traffic in Persons...
1930	ILO Forced Labour convention, ratified on 31.03.1933.

Domestic Law on THB in the Netherlands

Trafficking in Human Beings for Sexual Exploitation

Penal Code <i>(Wetboek van Strafrecht)</i> From 1 January 2005	Art. 273f	<p>1. Any person who:</p> <p>(a) by force, violence or other act, by the threat of violence or other act, by extortion, fraud, deception or the misuse of authority arising from the actual state of affairs, by the misuse of a vulnerable position or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, moves, accommodates or shelters another person, with the intention of <u>exploiting</u> this other person or <u>removing</u> his or her <u>organs</u>;</p> <p>(b) recruits, transports, moves, accommodates or shelters a person with the intention of exploiting that other person or removing his or her organs, when that person has <u>not yet reached the age of eighteen years</u>;</p> <p>(c) recruits, takes with him or abducts a person with the intention of inducing that person to make himself/herself available for performing <u>sexual acts</u> with or for a third party for remuneration in another country;</p> <p>(d) forces or induces another person by the means referred to under (a) to make himself/herself available for performing work or services or making his/her organs available or takes any action in the circumstances referred to under (a) which he knows or may reasonably be expected to know will result in that other person making himself/herself available for performing labour or services or making his/her organs available;</p>
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³²⁵ http://www.coe.int/t/dghl/monitoring/trafficking/default_en.asp.

		<p>(e) induces another person to make himself/herself available for performing sexual acts with or for a third party for remuneration or to make his/her organs available for remuneration or takes any action towards another person which he knows or may reasonably be expected to know that this will result in that other person making himself/herself available for performing these acts or making his/her <u>organs available for remuneration</u>, when that other person has not yet reached the age of eighteen years;</p> <p>(f) wilfully profits from the <u>exploitation</u> of another person;</p> <p>(g) wilfully profits from the <u>removal of organs</u> from another person, while he knows or may reasonably be expected to know that the organs of that person have been removed under the circumstances referred to under (a);</p> <p>(h) wilfully profits from the <u>sexual acts</u> of another person with or for a third party for remuneration or the removal of that person's organs for remuneration, when this other person has not yet reached the age of eighteen years;</p> <p>(i) forces or induces another person by the means referred to under (a) to provide him with the proceeds of that person's sexual acts with or for a third party or of the removal of that person's organs;</p> <p>shall be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding six years and a fifth category fine*, or either of these penalties:</p> <p>2. Exploitation comprises at least the <u>exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, slavery, slavery like practices or servitude</u>.</p> <p>3. The following offences shall be punishable with a term of imprisonment not exceeding eight years and a fifth category fine*, or either of these penalties:</p> <p>(a) offences as described in the first paragraph if they are committed by two or more persons acting in concert;</p> <p>(b) offences as described in the first paragraph if such offences are committed in respect of a person who is under the age of sixteen.</p> <p>4. The offences as described in the first paragraph, committed by two or more persons acting in concert under the circumstance referred to in paragraph 3 under (b), shall be punishable with a term of imprisonment not exceeding ten years and a fifth category fine*, or either of these penalties.</p> <p>5. If one of the offences described in the first paragraph results in serious physical injury or threatens the life of another person, it shall be punishable with a term of imprisonment not exceeding twelve years and a fifth category fine*, or either of these penalties.</p> <p>6. If one of the offences referred to in the first paragraph results in death, it shall be punishable with a term of imprisonment not exceeding fifteen years and a fifth category fine*, or either of these penalties.</p> <p>*A fifth category fine is a fine of maximum € 67.000.</p>
Aliens Circular 2000	Chapter B-9 (B-9 Regulation)	<p>The B-9 regulation (Chapter B-9 of the Aliens Act Implementation Guidelines) allows foreign nationals who are (or might be) victims of or witnesses to THB to reside legally in the Netherlands on a temporary basis during the investigation and prosecution, so as to be available to the police and the Public Prosecution Service (PPS). The police ought to inform any foreign national who might be a victim of THB, when there is a slight indication of THB, of the rights described in the B-9 regulation, and offer him or her a period for reflection. The reflection period gives victims time to decide whether or not they want to report the criminal offence. For a period of maximum three months the expulsion of the victim from the Netherlands is suspended. The B-9 regulation has undergone a range of amendments since the new THB provision came into effect.³²⁶</p>

³²⁶ Fifth Report of the Dutch National Rapporteur, Hague: 2007, p. 15.

Annex A

Trafficking in Human Beings for Labour Exploitation and Trafficking in Human Beings for the Removal of Organs

Penal Code	Art. 273f	
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Trafficking in Children

Penal Code	Art. 273f	<p>1. Any person who:</p> <p>(b) recruits, transports, moves, accommodates or shelters a person with the intention of exploiting that other person or removing his or her organs, when that person has <u>not yet reached the age of eighteen years</u>;</p> <p>(e) induces another person to make himself/herself available for performing sexual acts with or for a third party for remuneration or to make his/her organs available for remuneration or takes any action towards another person which he knows or may reasonably be expected to know that this will result in that other person making himself/herself available for performing these acts or making his/her organs available for remuneration, when that other person has <u>not yet reached the age of eighteen years</u>;</p> <p>(h) wilfully profits from the sexual acts of another person with or for a third party for remuneration or the removal of that person's organs for remuneration, when this other person has <u>not yet reached the age of eighteen years</u>; shall be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding six years and a fifth category fine [...].</p>
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Other relevant legislation (e.g. forced labour, prostitution) in the Netherlands

Penal Code 2005	Art. 248b	Child prostitution: "Hij die ontucht pleegt met iemand die zich beschikbaar stelt tot het verrichten van seksuele handelingen met een derde tegen betaling en die de leeftijd van zestien jaren maar nog niet de leeftijd van achttien jaren heeft bereikt, wordt gestraft met een gevangenisstraf van ten hoogste vier jaren of geldboete van de vierde categorie." ³²⁷
	Art. 274	Slavery: "Hij die voor eigen of vreemde rekening slavenhandel drijft of opzettelijk daaraan middellijk of onmiddellijk deelneemt, wordt gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie."
	Art. 197a	<p>Smuggling</p> <p>"1.Hij die een ander behulpzaam is bij het zich verschaffen van toegang tot of doorreis door Nederland, een andere lidstaat van de Europese Unie, IJsland, Noorwegen of een staat die is toegetreden tot het op 15 november 2000 te NewYork totstandgekomen Protocol tegen de smokkel van migranten over land, over de zee en in de lucht, tot aanvulling van het op 15 november 2000 te NewYork totstandgekomen Verdrag tegen transnationale georganiseerde misdaad, of hem daartoe gelegenheid, middelen of inlichtingen verschaft, terwijl hij weet of ernstige redenen heeft te vermoeden dat die toegang of doorreis wederrechtelijk is, wordt als schuldig aan mensensmokkel gestraft met gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie.</p> <p>2.Hij die een ander uit winstbejag behulpzaam is bij het zich verschaffen van verblijf in Nederland, een andere lidstaat van de Europese Unie, IJsland, Noorwegen of een staat die is toegetreden tot het in het eerste lid genoemde protocol, of hem daartoe gelegenheid, middelen of inlichtingen verschaft, terwijl hij weet of ernstige redenen heeft te vermoeden dat dat verblijf wederrechtelijk is, wordt gestraft met een gevangenisstraf van ten hoogste vier jaren of geldboete van de vijfde categorie.</p> <p>3. Indien een van de feiten, omschreven in het eerste en tweede lid, wordt begaan in de uitoefening van enig ambt of beroep, wordt gevangenisstraf van</p>

³²⁷ http://wetten.overheid.nl/BWBR0001854/TweedeBoek/TitelXIV/Artikel248b/geldigheidsdatum_29-06-2009.

		<p>ten hoogste zes jaren of geldboete van de vijfde categorie opgelegd en kan ontzetting worden uitgesproken van de uitoefening van het recht het ambt te bekleden of het beroep uit te oefenen en kan de rechter openbaarmaking van zijn uitspraak gelasten.</p> <p>4. Indien een van de feiten, omschreven in het eerste en tweede lid, wordt begaan door een persoon die daarvan een beroep of gewoonte maakt of in vereniging wordt begaan door meerdere personen, wordt gevangenisstraf van ten hoogste acht jaren of geldboete van de vijfde categorie opgelegd.</p> <p>5. Indien een van de feiten, omschreven in het eerste en tweede lid, zwaar lichamelijk letsel ten gevolge heeft of daarvan levensgevaar voor een ander te duchten is, wordt gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie opgelegd.</p> <p>6. Indien een van de feiten, omschreven in het eerste en tweede lid, de dood ten gevolge heeft, wordt een gevangenisstraf van het hoogste vijftien jaren of geldboete van de vijfde categorie opgelegd.”</p>
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Domestic Law on data protection in the Netherlands

Personal Data Protection Act ³²⁸	Art. 9	<p>1. Personal data shall not be further processed in a way incompatible with the purposes for which they have been obtained.</p> <p>2. For the purposes of assessing whether processing is incompatible, as referred to under (1), the responsible party shall in any case take account of the following:</p> <ul style="list-style-type: none"> a. the relationship between the purpose of the intended processing and the purpose for which the data have been obtained; b. the nature of the data concerned; c. the consequences of the intended processing for the data subject; d. the manner in which the data have been obtained, and e. the extent to which appropriate guarantees have been put in place with respect to the data subject. <p>3. The further processing of personal data for historical, statistical or scientific purposes shall not be regarded as incompatible where the responsible party has made the necessary arrangements to ensure that the further processing is carried out solely for these specific purposes.</p> <p>4. The processing of personal data shall not take place where this is precluded by an obligation of confidentiality by virtue of office, profession or legal provision.</p>
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³²⁸ The Act focuses on the processing of personal data – defined as “any information relating to an identified or identifiable natural person” – whereas the previous Act concentrated on the registration of personal data. The term “processing” applies to the entire processing chain and means “any (set of) operation(s) concerning personal data”. This includes inter alia the collection, recording, storage, modification, retrieval, use, dissemination by means of transmission, distribution or making available in any other form, merging, linking, blocking, erasing or destroying of data. Printing data and sending data by fax or e-mail now fall under the term “processing”, therefore broadening the scope of the Act. Institute for Information Law - University of Amsterdam <http://www.ivir.nl/publications/sitompoe/pdra.html>.

A.12 Poland

International Law ratified in Poland

2005	Council of Europe Convention on Action against THB, entered into force on 21.06.2008.
2004	Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, transposed by OJ L 261, 6.8.2004.
2003	Council framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography, transposed by OJ L 13, 20.1.2004.
2002	Council framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings, transposed by OJ L 203, 1.8.2002.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 26.09.2003.
2000	UN Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organised Crime, ratified on 26.09.2003.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, entered into force on 09.08.2005.
1999	ILO Convention 182 on the worst forms of child labour, entered into force on 09.08.2003.
1996	CoE Revised European Social Charter, ratified on 25.06.97.
1989	Convention on the Rights of the Child, ratified on 7.06.1991.
1979	UN CEDAW, ratified 30.09.1980.
1966	UN ICESCR, accession on 7.11.1991.
1950	Council of Europe European Convention on Human Rights..., ratified on 19.01.1993.
1949	UN Convention for the Suppression of the Traffic in Persons... , ratified on 2.06.1952.
1930	ILO Forced Labour convention, ratified on 28.11.58.

Domestic Law on THB in Poland

Trafficking in Human Beings for Sexual Exploitation

Criminal Code, 6.06.1997	Art. 253(1)	The definition of trafficking in people provided by the Protocol to the UN Convention for Prevention, Fighting and Penalizing Trafficking in People, Women and Children was introduced to the Polish Criminal Code in 2004. (1). Whoever performs trafficking in persons even with their consent, shall be subject to the penalty of the deprivation of liberty for no less than 3 years.
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Trafficking in Human Beings for Labour Exploitation

CC, 1997	Art. 253(1)	
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Trafficking in Children

CC, 1997	Art. 253(1-2)	(2). Whoever, in order to gain material benefits, organises the adoption of children in violation of the law, shall be subject to a penalty.
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Trafficking in Human Beings for the Removal of Organs

CC, 1997	Art. 253	
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Other relevant legislation (e.g. forced labour, prostitution) in Poland

CC, 1997	Art. 197	<p>(1). Whoever subjects another person to sexual intercourse by force, illegal threat or deceit shall be subject to the penalty of deprivation of liberty for a term of between two and twelve years.</p> <p>(2). If the perpetrator subjects another person to a sexual act or makes them perform such an act in the manner specified in (1) they shall be subject to the penalty of deprivation of liberty for a term of between six months and eight years.</p> <p>(3). If the perpetrator commits rape together with another person they shall be subject to the penalty of deprivation of liberty for a term of minimum three years.</p> <p>(4). If the perpetrator of the offences described in (1-3) acts with particular cruelty they shall be subject to the penalty of deprivation of liberty for a term of minimum five years.</p>
	Art. 199	<p>(1). Whoever subjects another person to sexual intercourse or any other sexual act or makes them perform such an act, abusing a relationship of dependence or taking advantage of a critical situation, shall be subject to the penalty of deprivation of liberty for a term of maximum three years.</p> <p>(2). If the offence described in § 1 is committed to the detriment of a minor the perpetrator shall be subject to the penalty of deprivation of liberty for a term between three months and five years.</p> <p>(3). The penalty under (2) shall be imposed on a person who subjects a minor to a sexual act or makes them perform such an act, abusing a relationship of trust or in consideration of a material or personal benefit or a promise thereof given to the minor.</p>
	Art. 200	<p>(1) Whoever submits a <u>minor under the age of 15</u> to sexual intercourse or commits any other sexual act thereon or causes a minor under the age of 15 to submit themselves to or to perform such acts shall be subject to the penalty of deprivation of liberty for a term of between two and 12 years.</p> <p>(2) The same penalty shall be imposed on a person who, in order to satisfy their sexual needs, shows a sexual act to a minor under the age of 15.</p>
	Art. 202	<p>(1) Whoever publicly presents pornographic content in a manner which may result in forcing a person who wishes otherwise to receive such content shall be subject to a fine, a penalty of limitation of liberty or a penalty of deprivation of liberty for a maximum term of one year.</p> <p>(2) Whoever presents pornographic content to a minor under the age of 15 or makes available objects of this nature thereto or disseminates pornographic content in a manner allowing the minor to access such content shall be subject to a fine, penalty of limitation of liberty or deprivation of liberty for a maximum term of two years.</p> <p>(3) Whoever produces records or imports to disseminate, keeps or holds or distributes or publicly presents the pornographic content in which a minor (...) participates shall be subject to a penalty of deprivation of liberty for a term of between six months and eight years.</p> <p>(4) Whoever records pornographic content in which a minor under the age of 15 participates shall be subject to a penalty of deprivation of liberty for a term of between one and ten years.</p>

Annex A

		(4a) Whoever imports, keeps or holds pornographic content in which a minor under the age of 15 participates shall be subject to a penalty of deprivation of liberty for a term of between three months and five years.
	Art. 203	Whoever, by force , illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation, subjects another person to practice prostitution shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.
	Art. 204	(1). Whoever, in order to gain material benefits, impels another person to prostitution or facilitates it, shall be subject to the penalty of deprivation of liberty for a term of up to 3 years. (2). Whoever gains material benefits from prostitution of another person shall be subject to penalty specified in § 1. (3). If a person specified in § 1 or § 2 is a minor, the offender shall be subject to penalty of deprivation of liberty for a term between 1 year and 10 years. (4). Whoever entices or abducts another person with the aim of having him/her engage in prostitution abroad shall be subject to penalty specified in § 3 (i.e. deprivation of liberty for a term of between 1 year and 10 years).
	Art. 189	(1). Whoever deprives a human being of their liberty shall be subject to a penalty of deprivation of liberty for a term of between three months and five years. (2). If the deprivation of liberty exceeded the period of seven days or was associated with particular torment the perpetrator shall be subject to a penalty of deprivation of liberty for a term of between one year and ten years.
	Art. 190	(1). Whoever makes a threat to another person to commit an offence to the detriment of such a person or their close relatives and partners, provided the threat causes in the person threatened a justified fear that it will be carried out, shall be subject to a fine, penalty of limitation of liberty or penalty of deprivation of liberty for a maximum term of two years. (2). The offence is prosecuted on a motion of the aggrieved party.
	Art. 191	(1). Whoever uses violence or an illegal threat against another person with the purpose of compelling another person to conduct themselves in a specified manner, or to resist from or to submit to a certain conduct, shall be subject to the penalty of deprivation of liberty for a term of three years. (2). If the perpetrator acts in the manner described in § 1 in order to extort the return of a debt they shall be subject to the penalty of deprivation of liberty for a term of between three months to five years.
Labour Code 1974/1997	Art. 190(2)	Prohibits the employment of a person under the age of 16. Juvenile persons aged between 16 and 18 may be employed under the special conditions precisely defined by law.
Petty Offences Code 1971/1994	Art. 104	A person inducing a minor, a helpless person, a ward or a person remaining in a relationship of dependency with them to beg shall be subject to a penalty of custody, limitation of liberty or a fine.
Act on taking, storing and transplanting cells, tissues and organs] (Dz. U of 01.07.2005 No.169 item 1411)	Art. 43- 46	Penalises taking, transplanting, acquiring, acting as an agent in acquiring or selling cells, tissues and organs. Depending on the type of the offence, a five-year term of deprivation of liberty may even be imposed upon the perpetrator.

Domestic Law on data protection in Poland

Act on the Protection of Personal Data/ 29.08.1997, amended in 2002 and 2004	Art. 18	1. In case of any breach of the provisions on personal data protection, the Inspector General ex officio or upon a motion of a person concerned, by means of an administrative decision, shall order to restore the proper legal state, and in particular: 1) to remedy the negligence, 2) to complete, update, correct, disclose, or not to disclose personal data, 3) to apply additional measures protecting the collected personal data, 4) to suspend the flow of personal data to a third country, 5) to safeguard the data or to transfer them to other subjects, 6) to erase the personal data.
	Art. 23	1. The processing of data is permitted only if: a) the data subject has given his/her consent, unless the processing consists in erasure of personal data, b) processing is necessary for the purpose of exercise of rights and duties resulting from a legal provision, c) processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract, d) processing is necessary for the performance of tasks provided for by law and carried out in the public interest, e) processing is necessary for the purpose of the legitimate interests pursued by the controllers or data recipients, provided that the processing does not violate the rights and freedoms of the data subject. 2. The consent referred to in paragraph 1, point a) may also be applied to future data processing, on the condition that the purpose of the processing remains unchanged. 3. Should the processing of data be necessary to protect the vital interests of the data subject and the condition referred to in paragraph 1, point a) cannot be fulfilled, the data may be processed without the consent of the data subject until such consent can be obtained.
	Art. 27	1. The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, religious, party or trade-union membership, as well as the processing of data concerning health, genetic code, addictions or sex life and data relating to convictions, decisions on penalty, fines and other decisions issued in court or administrative proceedings shall be prohibited.
	Art. 32	1. The data subject has a right to control the processing of his/her personal data contained in the filing systems, and in particular he/she has the right to: 1) obtain extensive information on whether such system exists and to establish the controller's identity, the address of its seat and its full name, and in case the controller is a natural person to obtain his/her address and his/her full name, 2) obtain information as to the purpose, scope, and the means of processing of the data contained in the system, 3) obtain information since when his/her personal data are being processed and communication to him/her in an intelligible form of the content of the data, 4) obtain information as to the source of his/her personal data, unless the controller is obliged to keep it confidential as a state, trade or professional secrecy, 5) obtain information about the means in which the data are disclosed, and in particular about the recipients or categories of recipients of the data, 5a) obtain information about the prerequisites of taking the decision referred to in Article 26a paragraph 2, 6) demand the data to be completed, updated, rectified, temporally or permanently suspended or erased, in case they are not complete, outdated, untrue or collected with the violation of the act, or in case they are no longer required for the purpose for which they have been collected, 7) make a justified demand in writing, in cases referred to in Article 23 paragraph 1 point 4 and 5, for the blocking of the processing of his/her data, due to his/her particular situation, 8) object to the processing of his/her personal data in cases referred to in Article 23 paragraph 1 point 4 and 5, should the controller intend to process the data for marketing purposes or to object to the transfer of the data to another controller, 9) make a demand to a controller for reconsidering of the individual case settled in contravention of Article 26a paragraph 1.

Annex A

	Art. 36	<p>1. The controller shall be obliged to implement technical and organisational measures to protect the personal data being processed, appropriate to the risks and category of data being protected, and in particular to protect data against their unauthorised disclosure, takeover by an unauthorised person, processing with the violation of the Act, any change, loss, damage or destruction.</p> <p>2. The controller shall keep the documentation describing the way of data processing and measures referred to in paragraph 1.</p> <p>3. The controller shall appoint an administrator of information security who supervises the compliance with security principles referred to in paragraph 1, unless the controller performs these activities by himself.</p>
Act on Access to Public Information (2001 as amended 2004)	Art. 5	<p>1. The right to public information is subject to limitation to the extent and on the principles defined in the provisions on the protection of confidential information and on the protection of other secrets being statutorily protected.</p> <p>2. The right to public information is subject to limitation in relation to privacy of a natural person or the secret of an entrepreneur. The limitation does not relate to the information on persons performing public functions, being connected with performing these functions, including the conditions of entrusting and performing these functions and in the event when a natural person or entrepreneur resigns from the right to which he was entitled to.</p>
Regulation 29.04.2004 by the Minister of Internal Affairs and Administration		As regards personal data processing documentation and technical and organisational conditions which should be fulfilled by devices and computer systems used for the personal data processing.
Classified Information Protection Act/1999		Defines the standards and requirements for safeguarding information expressed in whatever form and manner.

A.13 Portugal

International Law ratified in Portugal

2005	Council of Europe Convention on Action against THB, ratified on 14.01.2008.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 10.05.2004.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified in 2003.
1999	ILO Convention 182 on the worst forms of child labour, ratified in 2000.
1996	CoE Revised European Social Charter, ratified on 30.05.2002.
1989	Convention on the Rights of the Child, ratified on 21.09.1990.
1979	UN CEDAW ratified on 30.07.1980.
1976	International Covenant on Civil and Political Rights, ratified on 15.06.1978.
1966	UN ICESCR, ratified on 31.07.1978.
1950	Council of Europe European Convention on Human Rights..., ratified in 1991.
1949	UN Convention for the Suppression of the Traffic in Persons... , ratified on 30.09.1992.
1930	ILO Forced Labour convention, ratified on 26.06.1956.

Domestic Law on THB in Portugal

Trafficking in Human Beings for Sexual Exploitation

Penal Code, Law 59/4.09.2007	Art. 160(1)	<p>"Anyone who offers, delivers, lures, accepts, transports, gives accommodation to or receives people for the purposes of sexual exploitation, labour exploitation or for removal of organs:</p> <ul style="list-style-type: none"> • By means of violence, kidnapping or serious threats; • Through deception or fraudulent practice; • Through the abuse of authority resulting from dependency of a hierarchical, economic, labour or family relative relationship; • By taking advantage of the diminished psychological capacity or particularly vulnerable situation of the victim; • By obtaining the consent of the person in charge of the victim, shall be sentenced with a prison term of 3-10 years." <p>None of the conditions in the bulleted points above need to exist when the victim is a minor, but the same prison term applies (see §160(2), section on trafficking in children).</p>
	Art. 160(5)	<p>Anyone who knowingly benefits from the services of a victim of trafficking in human beings or organs removed from such a victim can be sentenced to 1-5 years imprisonment.</p> <p>§160(5) applies to offenders regardless of where the trafficking originated and the penalty is the same. International rules of penal jurisdiction must be abided by.</p>

Annex A

Trafficking in Human Beings for Labour Exploitation and Trafficking in Human Beings for the Removal of Organs

Penal Code, Law 59/4.09.2007	Art. 160(1-6)	
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Trafficking in Children

Penal Code, Law 59/4.09.2007	Art. 160(2)	The same penalty [3-10 years of imprisonment] is applied to whosoever and by any means captures, transports, makes procedures for housing or harbouring a minor or delivers, offers or takes a minor for the purposes of sexual exploitation, labour exploitation and for the removal of organs.
	Art. 160(4)	It is a crime to offer, deliver, and request or receive a child and consent to his/her adoption against payment or other benefit. This crime is punishable by up to 1-5 years imprisonment.

Other relevant legislation (e.g. forced labour, prostitution) in Portugal

Penal Code, Law 99/25.08.2001	Art. 163(1)	Sexual coercion: “ <i>Quem, por meio de violência, ameaça grave, ou depois de, para esse fim, a ter tornado inconsciente ou posto na impossibilidade de resistir, constranger outra pessoa a sofrer ou a praticar, consigo ou com outrem, acto sexual de relevo é punido com pena de prisão de um a oito anos</i> ”.
	Art. 164(1)	Rape: “ <i>Quem, por meio de violência, ameaça grave, ou depois de, para esse fim, a ter tornado inconsciente ou posto na impossibilidade de resistir, constranger outra pessoa: a) A sofrer ou a praticar, consigo ou com outrem, cópula, coito anal ou coito oral; ou b) A sofrer introdução vaginal ou anal de partes do corpo ou objectos; é punido com pena de prisão de três a dez anos</i> ”.
	Art. 169	Pimping (lenocínio): (1) For whosoever, acting in a professional capacity or with intent to profit, encourages or facilitates the exercise of prostitution by another person, the penalty is imprisonment from 6 months to 5 years. (2) If the agent of the crime set forth in the previous paragraph commits the crime by: a) using violence or serious threat b) deceitful trickery or manoeuvre; c) abuse of authority in a relationship of hierarchical, economic or employment dependency, or by taking advantage of any situation in which there is particular vulnerability, the penalty is imprisonment from 1 to 8 years.
	Art. 175	Pimping (lenocínio) of minors
	Art. 176(1-2)	Pornography of minors: For whosoever entices, transports, receives or harbours a minor under the age of 16, or supplies the conditions for the minor to engage, in a foreign country, in prostitution or significant sexual acts, the penalty is imprisonment of between 1 and 8 years. If the agent uses violence, serious threat, trickery, deceitful manoeuvre, abuse of authority in a relationship of hierarchical, economic or employment dependency, act in a professional capacity or with intent to profit, or take advantage of the victim's psychological incapacity, or any other situation of particular vulnerability, or if the minor is less than 14 years of age, the penalty is imprisonment of between 2 and 10 years.
	Art. 159	Criminalisation of slavery: For whosoever a) reduces another person to the state or to the condition of slavery or b) alienates, concedes, acquires or comes over a person with the intention to maintain this person in a situation set forth in paragraph a), the penalty is imprisonment from 5 to 15 years.

Domestic Law on data protection in Portugal

Law on the Protection of Witnesses in Criminal Proceedings, Decree 190/22.08.2003, regulating law 93/14.07.1999	Art. 4,5,16	Provides for a number of protection measures such as concealing the witness's image and/or distorting their voice while testifying or giving evidence (§4). The use of teleconference is also admissible for relaying witness statements or evidence (§5). The law also provides for non-disclosure of the witness's identity, which may apply to one or all stages of the proceeding (§16).
	Art. 20, 21, 22	Special security measures (§20) and witness protection programmes (§21 and §22) provide for: indication during the proceedings of an address that is different to that of the witness's usual place of residence; police protection for the witness, relatives or close associates; provision of new official documents with altered identification details to replace the witness's original documents; granting of a new place of residence, either within the country or abroad; provision of a subsistence allowance for a limited period of time.

A.14 Romania

International Law ratified in Romania

2007	CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed on 25.10.2007.
2005	Council of Europe Convention on Action against THB, ratified on 21.08.2006.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 16.10.2002.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 20.09.2001.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 15.10.2000.
1996	CoE Revised European Social Charter, ratified on 07.05.1999.
1989	Convention on the Rights of the Child, ratified on 28.09.1990.
1979	UN CEDAW ratified on 07.01.1982.
1966	International Covenant on Civil and Political Rights, ratified on 09.12.1974.
1966	UN ICESCR, ratified on 09.12.1974.
1950	Council of Europe European Convention on Human Rights..., ratified on 20.06.1994.
1949	UN Convention for the Suppression of the Traffic in Persons..., ratified on 15.02.1955.
1930	ILO Forced Labour convention, ratified on 28.05.1957.

Domestic Law on THB in Romania

Trafficking in Human Beings for Sexual Exploitation

Law No. 678/2001 on Preventing and Combating Trafficking in Human Beings ³²⁹	Art. 12	<p>Art.12 - (1) It is an offence for anyone who recruits, transports, transfers, harbours or receives a person, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or by taking advantage of that person's inability to defend him-/herself or to express his/her will, or by giving, offering or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation and is punishable by imprisonment for 3 to 12 years and interdiction of certain rights.</p> <p>(2) Any trafficking offence committed under either of the following circumstances, a) offence committed by more than 2 perpetrators; b) victim sustains grievous bodily or mentally harm; c) offence committed by a public servant while performing his legal duties, is punishable by imprisonment for 5 to 15 years and interdiction of certain rights.</p> <p>(3) In case the offence has resulted in the victim's death or suicide, the punishment shall be 15 to 25 years imprisonment and interdiction of certain rights.</p>
	Art. 13	<p>Art. 13 - (1) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered an offence and shall be punished by imprisonment for 5 to 15 years and interdiction of certain rights.</p>

³²⁹ Law amended and supplemented by G.E.O. [Government Emergency Ordinance] No. 143/2002, Law No. 39/2003, G.E.O. No. 79/2005

		<p>(2) If the offence referred to in paragraph (1) is committed by means of threats and violence or use of other forms of coercion, of kidnapping, of fraud or of deception, of the abuse of power or by taking advantage of the minor's inability to defend himself or to express his will or by offering, by giving or receiving payments or benefits to achieve the consent of a person having control over the minor, it is punishable by imprisonment for 7 to 18 years and interdiction of certain rights.</p> <p>(3) Acts referred to in paragraphs (1) and (2) committed under the circumstances set forth in Article 12, paragraph (2) shall be sanctioned by imprisonment for 7 to 18 years and interdiction of certain rights for an offence established in accordance with paragraph (1) and 10 to 20 years imprisonment and interdiction of certain rights for an offence established in accordance with paragraph (2).</p> <p>(4) Acts established in accordance with this article resulting in the death or suicide of the victim, shall be sanctioned by imprisonment for 15 to 25 years imprisonment and interdiction of certain rights.</p>
	Art. 39	Victims of trafficking are entitled to a reflection period of 90 days.
Criminal Code (updated 2004)	Art. 204	<p>Trafficking in adult persons</p> <p>Article 204 – (1) The act of recruiting, conveying, transferring, lodging or taking over a person by threat or by other forms of coercion, by abduction, fraud or deceit, abuse of authority or taking advantage of the person's inability to defend him/herself and to express his/her will, or by giving, accepting or receiving money or other benefits in order to obtain consent from the person having authority over another person in order to exploit that person, shall be punished by strict imprisonment from 3 to 12 years and the prohibition of certain rights.</p> <p>(2) The penalty shall be severe detention from 15 to 20 years and the prohibition of certain rights, if: a) the act has been committed by two or more persons together; b) if the victim suffered serious injury of corporal integrity or health; c) the act produced significant material benefits.</p> <p>(3) If the act resulted in the victim's death or suicide, the penalty shall be severe detention from 15 to 25 years and the prohibition of certain rights.</p> <p>(4) The penalty para.(1) shall also sanction the act of determining or allowing, in full knowledge, either directly or indirectly, the entrance or stay on Romanian territory of a person who is not a Romanian citizen or does not domicile in Romania, and who is a victim of trafficking in persons, committed in one of the following circumstances: a) by using fraudulent means, violence, threats or any other form of coercion against the victim; b) by abusing the special condition of the victim, because of his/her illegal or poor situation of entrance or stay in the country, or because of pregnancy, disease or disability or a physical or mental disability.</p> <p>(5) If the act in para.(4) is committed repeatedly, the special maximum of the penalty shall be increased by 2 years.</p>
	Art. 205	<p>Trafficking in minors</p> <p>Article 205 – (1) The act of recruiting, conveying, transferring, lodging or taking over a person aged 15 to 18 in order to exploit that person, shall be punished by strict imprisonment from 3 to 12 years and the prohibition of certain rights.</p> <p>(2) The penalty shall be severe detention from 15 to 20 years and the prohibition of certain rights, if: a) the act has been committed against a person under the age of 15; b) the act has been committed by threat, violence or other forms of coercion, by abduction, fraud or deceit, by abuse of authority or taking advantage of the minor's inability for defence or to express will, or by giving, accepting or receiving money or other benefits to receive consent from the person having authority over the minor; c) the act has been committed by two or more persons together; d) the victim suffered serious injury of corporal integrity or health; e) the act produced significant material benefits.</p> <p>(3) If the act resulted in the victim's death or suicide, the penalty shall be life detention or severe detention from 15 to 25 years and the prohibition of certain rights.</p>

Annex A

	Art. 206	The victim's consent Article 206 – (1) For offences in Art.204 and Art.205, the victim's consent is not a justifying cause.
	Art. 207	(1) For the purposes of Art.204 and Art.205, a person's exploitation means : a) the execution of <u>labour</u> or the performance of services, in a forced manner, while transgressing the legal norms concerning working conditions, remuneration, health and security; b) maintenance in <u>slavery</u> or other similar means of <u>deprivation of freedom</u> or subjection; c) obligation to practice <u>prostitution</u> , to pornographic performance in order to produce or disseminate pornographic material or other forms of sexual exploitation; d) obligation to practice <u>begging</u> ; e) extraction of <u>organs</u> .

Trafficking in Human Beings for Labour Exploitation and Trafficking in Human Beings for the Removal of Organs

Criminal Code (updated 2004)	Art. 207	
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Trafficking in Children

Law No. 678/2001 on Preventing and Combating Trafficking in Human Beings	Art. 13	
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Other relevant legislation (e.g. forced labour, prostitution) in Romania

Criminal Code (updated 2004)	Art. 203	"The act of subjecting a person, in other cases than those provided in the law, to any kind of labour against his/her will or to any kind of obligatory labour, shall be punished by strict imprisonment from one to 3 years."
Law No. 678/2001	Art. 2	Art. 2 (2) "exploitation of a person" shall mean: a) performing labor or services by force or by violating the legal norms regarding labor conditions, payment, health and security keeping such persons in a state of slavery or using other ways to deprive a person of his/her freedom or to force the person into submission; b) compelling a person to engage in prostitution, in pornographic performances for the production and distribution of pornographic material, or in other forms of sexual exploitation; c) harvesting of human organs; d) engaging in other such activities that violate fundamental human rights and liberties.

Criminal Code (updated 2004)	Art. 328	The deed of the person, who earns a living by sexual relations with different persons is punished by 3 months to 3 years of jail.
	Art. 329	<p>Encouragement or constraint to prostitution, its facilitation or making profit out of it by a person, as well as recruitment of persons for prostitution or traffic of persons for prostitution are punished by 2 to 7 years of jail and interdiction of certain rights.</p> <p>If the deed stipulated in paragraph 1 is committed against a minor or has another serious aspect, the punishment is 3 to 10 years of jail and interdiction of certain rights.</p> <p>Money, values or any other goods that served or were destined to serve, directly or indirectly to the perpetration of the crime stipulated in paragraphs 1 and 2, and those acquired by its perpetration are confiscated, and if they are not found, the convict is obliged to cover their equivalent in money.</p> <p>The attempt is punished.</p>

Domestic Law on data protection in Romania

Law No. 677/2001 for the protection of persons as concerns the processing of personal data and free movement of these data ³³⁰	Art. 7	Article 7: The processing of some special categories of data (1) The processing of personal data linked to ethnic or racial origin, to political, religious or philosophical opinions or of another, (or similar) nature, to trade-union membership adhesion, and also of personal data referring to state of health or sexual life, is prohibited.
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³³⁰ Modified by Law No. 102/2005, G.E.O. [Government Emergency Ordinance] No. 36/2007 and Law No. 278/2007.

A.15 Spain

International Law ratified in Spain

2005	Council of Europe Convention on Action against THB, ratified on 9.07.2008.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 21.02.2002.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 05.12.2001.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 14.03.2001.
1996	CoE Revised European Social Charter, ratified on 23.10.2000.
1989	Convention on the Rights of the Child, ratified on 6.12.1990.
1979	UN CEDAW ratified in 1984.
1976	International Covenant on Civil and Political Rights, ratified on 27.04.1977.
1966	UN ICESCR, ratified on 27.07.1977.
1950	Council of Europe European Convention on Human Rights..., ratified on 4.10.1979.
1949	UN Convention for the Suppression of the Traffic in Persons... , ratified on 18.06.1962.
1930	ILO Forced Labour convention, ratified in 1932.

Domestic Law on THB in Spain

Trafficking in Human Beings for Sexual Exploitation

Ley Orgánica (LO) 13/ 19.11.2007 amending LO 6/1985		Organic Law on the cross-border prosecution of trafficking in human beings and illegal immigration [<i>Para la persecución extraterritorial del tráfico ilegal o la inmigración clandestina de personas</i>]: extends the jurisdiction of the Spanish courts so that they can judge crimes committed by Spaniards or foreigners outside Spanish territory. This legal norm applies to crimes punishable by the Spanish Criminal Code as "crimes related to the prostitution and corruption of minors and persons without legal capacity" (Art. 187-190, CC), or as "trafficking in human beings and illegal immigration, regardless of whether the 'transported' person is an employee or not", "and other crimes which must be prosecuted in Spain in accordance with international treaties and conventions".
Criminal Code (Código Penal/LO 10/1995 (23.11.1995), modified by LO 4/2000; LO 15/2003; LO 13/2007	Art. 318 bis	(1) A person who directly or indirectly promotes, encourages or facilitates the illegal trafficking in or the smuggling of persons from, in transit through, or with destination to Spain or another European Union country, will be punished with four to eight years imprisonment. (2) If the intention of the illegal trafficking or the smuggling of persons is the <u>sexual exploitation</u> of those persons, punishment will be ten years imprisonment. (3) Those who carry out the activities described in either of the previous two sections with the intention of making profit, or by using violence, intimidation, deceit, or by abusing a situation of superiority over, or the special vulnerability of, the victim, or if the victim is a minor or disabled, or by putting the lives, health or the integrity of those persons in danger, will be punished with the upper half of the range of penalties.

CC, LO 10/1995 modified by LO 15/2003	Art. 515,6	Unlawful associations which promote illegal trafficking are subject to punishment.
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Trafficking in Human Beings for Labour Exploitation

LO 13/2007		
Criminal Code (Código Penal/LO 10/1995 (23.11.1995), modified by LO 4/2000; LO 15/2003; LO 13/2007	Art. 318 bis	
CC, LO 10/1995	Art. 312	Provides for imprisonment from two to five years and for a fine from six to twelve months for those who deal with illegal trafficking for the purpose of labour.
CC, LO 10/1995 modified by LO 15/2003	Art. 515,6	

Trafficking in Children

LO 13/2007		
Criminal Code (Código Penal/LO 10/1995 (23.11.1995), modified by LO 4/2000; LO 15/2003; LO 13/2007	Art. 318 bis	
CC, LO 10/1995 modified by LO 15/2003	Art. 515,6	

Trafficking in Human Beings for the Removal of Organs

LO 13/2007		
Criminal Code (Código Penal/LO 10/1995 (23.11.1995), modified by LO 4/2000; LO 15/2003; LO 13/2007	Art. 318 bis	

Annex A

CC, LO 10/1995 modified by LO 15/2003	Art. 515,6	
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Other relevant legislation (e.g. forced labour, prostitution) in Spain

Law 54/28.12.2007	Art. 4(1)(b)	International Adoption (<i>Adopción Internacional</i>): passed in order to better prevent the sale and trafficking in children for adoption. The Law prohibits inter alia adoption from countries undergoing armed conflict or from countries which lack a special adoption authority.
CC,(LO 10/1995) modified by LO 11/1999)	Art. 187	Those who induce promote or facilitate the prostitution of a minor or an unfit person, will be punished with imprisonment from one to four years and a fine from 12 to 24 months.
	Art. 188	(1)Those who determine –by using violence, intimidation, deceit or by abusing a situation of superiority over, or the needs or a special vulnerability of, the victim– an adult person to engage in prostitution or to remain in it, will be punished with imprisonment of two to four years and a fine of 12 to 24 months. The same punishment will be received by those who exploit the prostitution of another person, even if it is done with their consent. (5)The above mentioned punishments will be applied in the respective cases without prejudice to what is due to the prostituted person for the aggressions or the sexual abuses she/he has suffered.
CC, LO 10/1995	Art. 149	Punishes persons who remove or disable a major organ or bodily member of another person with imprisonment from six to twelve years.
	Art. 150	Stipulates imprisonment of three to six years if the removed or disabled organ is not a major organ .
	Art. 156	Declares null and void any declaration of consent by a minor or his/her legal representative to any physical harm including the removal of organs. The removal of an organ of a minor, with or without his/her consent, and with or without the consent of his/her parents or legal representative, always constitutes a bodily injury.
	Art. 189	(1)Shall be punished with imprisonment of one to four years: a. those who use minors or unfit persons for exhibitionist or pornographic aims or shows, either public or private, or in order to produce any type of pornographic material, no matter the medium, or to fund any kind of such activities. b. those who will produce, sell, distribute, exhibit or facilitate the production, sell, distribution or exhibition through any kind of means of pornographic material for the elaboration of which minors or unfit persons have been employed, even if the material originates abroad or from an unknown source. (2). Those who for their own use will possess pornographic material , for which minors or unfit persons have been used, shall be punished with imprisonment from three months to one year and a fine of six months to two years.
	Art. 221	Persons who deliver a minor to a third party and are not themselves related to the minor and avoid the legal procedures for custody and adoption in order to establish a relationship similar to that of filiation between the minor and the third party, are subject to imprisonment of one to five years. The same penalties apply to a person who receives the minor as to the intermediary even if the minor is delivered to a foreign country.

	Art. 232	"1. Persons who use or 'borrow' a minor to carry out mendicity, even when covert, are subject to imprisonment of between six months and one year. 2. If a minor has been trafficked or subject to violence or intimidation or if harmful substances have been given to the minor for the purposes of the preceding paragraph, a prison sentence of between one and four years will be applicable."
	Art. 311	The law provides for imprisonment from six months to three years and a fine from six to twelve months for those who by means of deceive or by abuse of the vulnerable situation of workers impose on them working conditions or conditions of social security that are detrimental to, suppress or restrict workers' rights recognized by law, collective agreements or by an individual contract.
CC, LO 10/1995, reformed by LO 13/2007	Art. 313	Persons who, simulating the existence of a contract or other employment relationship, or using a similar deception, induce or facilitate the immigration of another person to a foreign country are subject to imprisonment of between two and five years and to a fine, with no distinction as to whether the victim is a minor or not.
Law 30/27.10.1979	Art. 4	Removal and transplanted of organs [<i>Extracción y trasplante de órganos</i>]: prohibits the donation of organs by live minors. Nevertheless, the law allows a minor's organs to be donated if he/she is dead or brain dead, with the consent of the child's parents or legal guardian.

Domestic Law on data protection in Spain

Witness Protection Law LO 19/1994	Art. 2 and Art. 3	The personal data of victims may not be disclosed and procedures are laid down to prevent visual identification of victims. The police, district attorneys and judges must ensure that no pictures or images of protected witnesses are taken: any such material must be confiscated (§3). The district attorney may ask for police protection for the victim throughout legal proceedings against traffickers should serious danger for the victim exist. Exceptionally, the victim may be issued with new identity documents and given economic assistance to change address or job. The witness may also request to be driven to court in an official vehicle and to be secluded in a reserved area with suitable protection.
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A.16 Sweden

International Law ratified in Sweden

2005	Council of Europe Convention on Action against THB, signed on 16.05.2005, but not yet ratified.
2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organised Crime, ratified on 1.7.2004.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 1.01. 2007.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 13.06.2002.
1996	CoE Revised European Social Charter, ratified on 29.05.1998 with reservations.
1989	Convention on the Rights of the Child, ratified on 29.06.1990.
1979	UN Convention on the Elimination of all Forms of Discrimination against Women, ratified on 3.09.1981.
1966	UN International Covenant on Economic, Social and Cultural Rights, ratified on 3.01.1976.
1950	Council of Europe European Convention on Human Rights, ratified on 4.02.1952.
1949	UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others: n.a.
1930	ILO Forced Labour convention, ratified on 22.12.1931.

Domestic Law on THB in Sweden: Trafficking in Human Beings for Sexual Exploitation

Criminal Code, as amended 1 July 2004	Chapter 4 Section 1a	<p>Before 1st July 2002, the statutes on procuring and aggravated procuring were used to deal with cases of the nature of human trafficking. On July 1, 2002, legislation that imposed criminal liability for trafficking in human beings for sexual purposes entered into force in Sweden. On July 1, 2004, the CC was amended to also include forms of <u>trafficking in human beings other than for the purpose of sexual exploitation</u>, implementing the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Crime along with the EU Council framework decision on combating trafficking in human beings (2002/629/RIF).</p> <p>A person who, in cases other than those stated in §1, by the use of unlawful coercion or deceit, by exploiting someone's vulnerable situation or by any other such improper means recruits, transports, houses, receives or takes any other such measure with a person, and in so doing takes control of that person in order for the person to be 1). Exposed to crime as in chap. 6 §1,2,3,4,5 or 6, exploited for casual sexual relations, or in any other way exploited for <u>sexual purposes</u>, 2). Exploited in active military service or <u>forced labour</u> or some other similar compelled status, 3). Exploited for the <u>removal of organs</u>, or 4). <u>In any other way exploited</u> in a situation involving distress on the part of the person thus exploited, shall be sentenced for trafficking in human beings to a prison sentence of at least two and at most ten years.</p> <p>The same applies to anyone who, for such a purpose as stated in the first paragraph 1) hands control over a person to someone else, or 2) accepts control over a person from someone else.</p> <p>Anyone who commits a crime stated in the first paragraph against a person who has <u>not yet reached the age of eighteen</u> shall be sentenced for trafficking in human beings even if such improper means as stated therein have not been used.</p>
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		If the crime stated in the first to third paragraphs is of a less gross nature, the perpetrator shall be sentenced a term of imprisonment of at most four years.
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Trafficking in Human Beings for Labour Exploitation, Trafficking in Children and Trafficking in Human Beings for the Removal of Organs

CC, as amended 2004	Chapter 4 Section 1a	
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In its Thematic Study on Child Trafficking on Sweden, the European Union Agency for Fundamental Rights (FRA)³³¹ reports that a government report "Trafficking in human beings and child marriage, a strengthened protection in the criminal law"³³² has envisaged amendments to the THB domestic law. The amendments are planned to enter into force on July 2009 and some of them concern:

- The current wording of the provision on THB (Chapt.4, Section 1a; CC) – it refers to conduct involving to a large extent other offences, such as procuring and aggravated procuring (according to Chap.6, Section 12; CC).
- The offence of trafficking in human beings shall contain requisites that clarify the fact that the offence involves a violation of personal integrity, which is currently indicated through a requirement being imposed on the perpetrator having made use of improper means.
- The requisites that describe the improper means shall be given a somewhat clearer and more readily understood meaning than they have at present. It will consequently be stated that anyone who makes use of unlawful coercion or deception, abuses someone's vulnerable situation, abuses someone's youth or defenselessness, or abuses someone's dependent status, has used such a means that may result in liability for trafficking in human beings.
- The current list of the kinds of acts of trafficking covered shall be supplemented by the possibility of a person, who by some improper means controls another in order to exploit her or him, being penalized for trafficking in human beings.
- As regards the elements concerning the aim of the exploitation, the current subjective requisite "with the aim that" should be removed and replaced with "with the intention of". In the future, it shall consequently no longer be necessary for the perpetrator to have had the direct aim of exploiting the victim in order for the act to be punishable. It will instead be deemed sufficient for the perpetrator to have acted with indirect intent or with intention through indifference.
- In order to clarify the vulnerable position of the child, it should be indicated by Chapter 4, Section 1 a, third paragraph of the Penal Code that anyone committing an act as referred to in the first paragraph of the provision against a child should always be deemed to have abused the child's defenselessness.

³³¹ <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>, pp. 63-65 (23.07.09).

³³² Swedish Government Official Reports (Statens offentliga utredningar, SOU), http://mmhf.se/joomla/images/stories/pdf/ovrig/2009/10/remissyttrande_om_manniskohandel_och_barnktens_kap_sou%202008-41.pdf.

Annex A

Other relevant legislation (e.g. forced labour, prostitution) in Sweden

CC, as amended 1.07.2006	Chap.7, Section 2	Criminalizes intermediary improper incitement to consent to adoption . The provision has been established in order to fully meet the commitments contained in the UN Optional Protocol on the Rights of Child on the Sale of Children, Child Prostitution and Child Pornography in the case to prevent children are sold for the purpose of adoption of a child.
CC, 1999, as amended 2005	Chap. 6 Section 9	A person who induces a child under 18 years of age to undertake or endure a sexual act in return for payment, shall be sentenced for purchase of a sexual act from a child and ordered to pay a fine or face imprisonment from six months for up to two years. This provision extends to include a person who exploits a sexual act paid for by another person. "Payment" is not restricted to money but also includes clothing, jewellery and other forms of compensation.
	Chap. 6 Section 11	A person who, otherwise than as previously provided in this Chapter, obtains a casual sexual relation in return for payment, shall be sentenced for purchase of sexual services to a fine or imprisonment for at most six months. The provision of the first paragraph also applies if the payment was promised or given by another person.
CC, 1999	Chap 6 Section 12	<p>Anyone who encourages or improperly economically exploits a person having casual sexual relations in return for payment is sentenced for procuring to a term of imprisonment of at most four years.</p> <p>If a person who has leased an apartment with a right of usage becomes aware that the apartment is being used entirely or to a significant degree for casual sexual relations in return for payment and does not do what may reasonably be expected in order for the lease to come to an end, and if this activity continues or is resumed in the apartment, then he or she shall be regarded as having promoted the activity and will be sentenced for culpability in accordance with paragraph 1.</p> <p>If a crime as intended in paragraph 1 or 2 is regarded as gross, then the perpetrator shall be sentenced for aggravated procuring to a term of imprisonment of at least two and at most eight years. When considering whether or not the crime is gross, special attention shall be paid to whether the activity was conducted on a large scale, entailed significant financial gain or involved the ruthless exploitation of another person.</p>

Domestic Law on data protection in Sweden

1998 Personal Data Act		
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A.17 United Kingdom

International Law ratified in the United Kingdom

2007	CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed on 05.05.2008.
2005	Council of Europe Convention on Action against THB, ratified on 17.12.2008.
2000	Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children, ratified on 06.02.2006.
2000	Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified on 20.02.2009.
1999	ILO Convention 182 on the worst forms of child labour, ratified on 22.03.2000.
1996	CoE Revised European Social Charter, signed on 07.11.1997.
1989	Convention on the Rights of the Child, ratified on 16.12.1991.
1979	UN CEDAW ratified on 07.04.1986.
1966	International Covenant on Civil and Political Rights, ratified on 20.05.1976.
1966	UN ICESCR, ratified on 20.05.1976.
1950	Council of Europe European Convention on Human Rights..., ratified on 08.03.1951.
1949	UN Convention for the Suppression of the Traffic in Persons...
1930	ILO Forced Labour convention, ratified on 03.06.1931.

Domestic Law on THB in the United Kingdom

Trafficking in Human Beings for Sexual Exploitation

Sexual Offences Act 2003	Art. 57	Trafficking into the UK for sexual exploitation (1) A person commits an offence if he intentionally arranges or facilitates the arrival in the United Kingdom of another person (B) and either— (a) he intends to do anything to or in respect of B, after B's arrival but in any part of the world, which if done will involve the commission of a relevant offence, or (b) he believes that another person is likely to do something to or in respect of B, after B's arrival but in any part of the world, which if done will involve the commission of a relevant offence. (2) A person guilty of an offence under this section is liable— (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both; (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.
	Art. 58	1.4.2 Trafficking within the UK for sexual exploitation (1) A person commits an offence if he intentionally arranges or facilitates travel within the United Kingdom by another person (B) and either— (a) he intends to do anything to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence, or (b) he believes that another person is likely to do something to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence. (2) A person guilty of an offence under this section is liable— (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both; (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

	Art. 59	<p>Trafficking out of the UK for sexual exploitation</p> <p>(1) A person commits an offence if he intentionally arranges or facilitates the departure from the United Kingdom of another person (B) and either—</p> <p>(a) he intends to do anything to or in respect of B, after B's departure but in any part of the world, which if done will involve the commission of a relevant offence, or</p> <p>(b) he believes that another person is likely to do something to or in respect of B, after B's departure but in any part of the world, which if done will involve the commission of a relevant offence.</p> <p>(2) A person guilty of an offence under this section is liable—</p> <p>(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;</p> <p>(b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.</p>
	Art. 60	<p>2.4.2 Sections 57 to 59: interpretation and jurisdiction</p> <p>(1) In sections 57 to 59, "relevant offence" means—</p> <p>(a) an offence under this Part,</p> <p>(b) an offence under section 1(1)(a) of the Protection of Children Act 1978 (c. 37),</p> <p>(c) an offence listed in Schedule 1 to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)),</p> <p>(d) an offence under Article 3(1)(a) of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)), or</p> <p>(e) anything done outside England and Wales and Northern Ireland which is not an offence within any of paragraphs (a) to (d) but would be if done in England and Wales or Northern Ireland.</p> <p>(2) Sections 57 to 59 apply to anything done—</p> <p>(a) in the United Kingdom, or</p> <p>(b) outside the United Kingdom, by a body incorporated under the law of a part of the United Kingdom or by an individual to whom subsection (3) applies.</p> <p>(3) This subsection applies to—</p> <p>(a) a British citizen,</p> <p>(b) a British overseas territories citizen,</p> <p>(c) a British National (Overseas),</p> <p>(d) a British Overseas citizen,</p> <p>(e) a person who is a British subject under the British Nationality Act 1981 (c. 61),</p> <p>(f) a British protected person within the meaning given by section 50(1) of that Act.</p>
Asylum and Immigration (Treatment of Claimants, etc) Act 2004	Art. 4	<p>(1) A person commits an offence if he arranges or facilitates the arrival in the United Kingdom of an individual (the passenger) and</p> <p>(a) he intends to exploit the passenger in the United Kingdom or elsewhere, or</p> <p>(b) he believes that another person is likely to exploit the passenger in the United Kingdom or elsewhere.</p> <p>(2) A person commits an offence if he arranges or facilitates travel within the United Kingdom by an individual (the passenger) in respect of whom he believes that an offence under subsection (1) may have been committed and"</p> <p>(a) he intends to exploit the passenger in the United Kingdom or elsewhere, or</p> <p>(b) he believes that another person is likely to exploit the passenger in the United Kingdom or elsewhere.</p> <p>(3) A person commits an offence if he arranges or facilitates the departure from the United Kingdom of an individual (the passenger) and</p> <p>(a) he intends to exploit the passenger outside the United Kingdom, or</p> <p>(b) he believes that another person is likely to exploit the passenger outside the United Kingdom.</p> <p>(4) For the purposes of this section a person is exploited if (and only if)</p> <p>(a) he is the victim of behaviour that contravenes Article 4 of the Human Rights Convention (slavery and forced labour),</p> <p>(b) he is encouraged, required or expected to do anything as a result of which he or another person would commit an offence under the Human Organ Transplants Act 1989 (c. 31) or the Human Organ Transplants (Northern Ireland) Order 1989 (S.I. 1989/2408 (N.I. 21)),</p> <p>(c) he is subjected to force, threats or deception designed to induce him"</p> <p>(i) to provide services of any kind,</p> <p>(ii) to provide another person with benefits of any kind, or</p>

		<p>(iii) to enable another person to acquire benefits of any kind, or</p> <p>(d) he is requested or induced to undertake any activity, having been chosen as the subject of the request or inducement on the grounds that—</p> <p>(i) he is mentally or physically ill or disabled, he is young or he has a family relationship with a person, and</p> <p>(ii) a person without the illness, disability, youth or family relationship would be likely to refuse the request or resist the inducement.</p> <p>(5) A person guilty of an offence under this section shall be liable—</p> <p>(a) on conviction on indictment, to imprisonment for a term not exceeding 14 years, to a fine or to both, or</p> <p>(b) on summary conviction, to imprisonment for a term not exceeding twelve months, to a fine not exceeding the statutory maximum or to both.</p>
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Trafficking in Human Beings for Labour Exploitation and Trafficking in Human Beings for the Removal of Organs

Asylum and Immigration (Treatment of Claimants, etc) Act 2004	Art. 4	
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Trafficking in Children

Sexual Offences Act 2003	Art. 57 - 60	
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Other relevant legislation (e.g. forced labour, prostitution) in the UK

Sexual Offences Act 2003	Art. 52	<p>3.4.2 Causing or inciting prostitution for gain</p> <p>(1) A person commits an offence if—</p> <p>(a) he intentionally causes or incites another person to become a prostitute in any part of the world, and</p> <p>(b) he does so for or in the expectation of gain for himself or a third person.</p> <p>(2) A person guilty of an offence under this section is liable—</p> <p>(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;</p> <p>(b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.</p>
	Art. 53	<p>4.4.2 Controlling prostitution for gain</p> <p>(1) A person commits an offence if—</p> <p>(a) he intentionally controls any of the activities of another person relating to that person's prostitution in any part of the world, and</p> <p>(b) he does so for or in the expectation of gain for himself or a third person.</p> <p>(2) A person guilty of an offence under this section is liable—</p> <p>(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;</p> <p>(b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.</p>
	Art. 54	<p>5.4.2 Sections 52 and 53: interpretation</p> <p>(1) In sections 52 and 53, "gain" means—</p> <p>(a) any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount; or</p> <p>(b) the goodwill of any person which is or appears likely, in time, to bring financial advantage.</p> <p>(2) In those sections "prostitute" and "prostitution" have the meaning given by section 51(2).</p>

Annex A

	Art. 55	<p>6.4.2 Penalties for keeping a brothel used for prostitution</p> <p>(1) The Sexual Offences Act 1956 (c. 69) is amended as follows.</p> <p>(2) After section 33 insert—</p> <p style="padding-left: 40px;"><i>5.6.1 "33A Keeping a brothel used for prostitution</i></p> <p>(1) It is an offence for a person to keep, or to manage, or act or assist in the management of, a brothel to which people resort for practices involving prostitution (whether or not also for other practices).</p> <p>(2) In this section "prostitution" has the meaning given by section 51(2) of the Sexual Offences Act 2003."</p> <p>(3) In Schedule 2 (mode of prosecution, punishment etc.), after paragraph 33 insert (as a paragraph with no entry in the fourth column)—</p>
	Art. 56	<p>7.4.2 Extension of gender-specific prostitution offences</p> <p>Schedule 1 (extension of gender-specific prostitution offences) has effect.</p>
Immigration Act 1971 ³³³	Art. 25	<p>(1) A person commits an offence if he—</p> <p>(a) does an act which facilitates the commission of a breach of immigration law by an individual who is not a citizen of the European Union,</p> <p>(b) knows or has reasonable cause for believing that the act facilitates the commission of a breach of immigration law by the individual, and</p> <p>(c) knows or has reasonable cause for believing that the individual is not a citizen of the European Union.</p> <p>(2) In subsection (1) "immigration law" means a law which has effect in a member State and which controls, in respect of some or all persons who are not nationals of the State, entitlement to—</p> <p>(a) enter the State,</p> <p>(b) transit across the State, or</p> <p>(c) be in the State.</p>

Domestic Law on data protection in the United Kingdom

Data Protection Act 1998	Schedule 6. 7 – (2)	<p>(2) Rules under this paragraph may in particular make provision-</p> <p>(a) with respect to the period within which an appeal can be brought and the burden of proof on an appeal, (b) for the summoning (or, in Scotland, citation) of witnesses and the administration of oaths,</p> <p>(c) for securing the production of documents and material used for the processing of personal data,</p> <p>(d) for the inspection, examination, operation and testing of any equipment or material used in connection with the processing of personal data, (e) for the hearing of an appeal wholly or partly in camera, (f) for hearing an appeal in the absence of the appellant or for determining an appeal without a hearing,</p> <p>(g) for enabling an appeal under section 48(1) against an information notice to be determined by the chairman or a deputy chairman, (h) for enabling any matter preliminary or incidental to an appeal to be dealt with by the chairman or a deputy chairman,</p> <p>(i) for the awarding of costs or, in Scotland, expenses,</p> <p>(j) for the publication of reports of the Tribunal's decisions, and</p> <p>(k) for conferring on the Tribunal such ancillary powers as the Secretary of State thinks an necessary for the proper discharge of its functions.</p>
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³³³ http://www.uk-legislation.hmso.gov.uk/RevisedStatutes/Acts/ukpga/1971/cukpga_19710077_en_5#pt3-l1q21.

Annex B: Data Tables

B.1 Austria

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	<p>Federal Ministry of Interior and Federal Criminal Police Office (Bundeskriminalamt):</p> <p>Crime Reports 2005 and 2006 (Kriminalitätsbericht), and Police Criminal Statistics 2008, data (not accredited) provided by Christina Schuster, Federal Criminal Police Office, Büro 4.3 Statistik, obtained per e-mail on 29.1.2009.</p>	<p>1) The Crime Reports are based on the Police Criminal Statistics and collect data on all reported cases by the respective security authorities (police). It contains data on reported cases (registered and resolved cases), ascertained perpetrators and victims.</p> <p>2) (a) refers to "registered" investigations</p> <p>3) (a1) refers to "resolved" investigations ("geklärte Fälle"). A case can be considered as "resolved" if a suspect has been identified (e.g. confession, sufficient evidence). However, one suspect can be involved in more than one case (offence), and one case can involve several suspects.</p> <p>The number of registered cases is slightly lower than the number of cleared (geklärt) cases, as the latter refers to concluded investigations with sufficient evidence to lead to the conviction of the perpetrator. .</p> <p>4) a2 refers to identified suspects. Respective data are only available for 2005 and 2006 according to the crime of trafficking in human beings.</p> <p>5) a3 refers to the number of under-age victims identified in the Crime Reports. In 2005, 13 victims for §217 were between 14 and 18 years of age, and 2 for §104a. In 2006, the relation was 8 to 1.</p>
(b)	<p>Statistics Austria: Judicial Crime Statistics 2005, 2006 and 2007 (Gerichtliche Kriminalstatistik).</p>	<p>Data on convictions refers to the number of perpetrators who have been issued a final sentence. The Statistics for an unknown reason does not enumerate data on §104a, trafficking in human beings, but the very same article is referred to as "Exploitative Smuggling" (Ausbeuterische Schlepperei), according to the law amendment from 1996.</p> <p>For the other years only aggregated data is available.</p>

Annex B

(c)	Task Force Human Trafficking, Federal Ministry of European and International Affairs: First Austrian Report on Combating Human Trafficking, 2008.	<p>1) Data is derived from the court automation system.</p> <p>2) Data on convictions excludes the number of dismissals (see below)</p> <p>3) Additional data:</p> <p>Data on total proceedings (T), dismissals (D), acquittals (A), and pending procedures (PP), 2005-2007 for §104a:</p> <p>2005: T: 16, D: 12, A: 0, PP: 3</p> <p>2006: T: 33, D: 11, A: 5, PP: 8</p> <p>2007: T: 18, D: 9, A: 1, PP: 6</p> <p>for §217:</p> <p>2005: T: 542, D: 299, A: 35, PP: 132.</p> <p>2006: T: 395, D: 169, A: 29, PP: 30.</p> <p>2007: T: 524, D: 232, A: 30, PP: 177.</p>
(d)	Federal Ministry of Interior: 1534/AB XXIV. GP - response to inquiry from 25.05.2009.	Data on identified victims according to §104a and §217 CC: The data refers to police data, although the source is not specified exactly. Data is disaggregated by the nationality of the victims.
(e)	Working Group on Child Trafficking under the Task Force Human Trafficking (2009) Child Trafficking in Austria. Report prepared under the aegis of the Federal Ministry of Economy, Family and Youth, February 2009.	<p>The data draws on the responses of 7 out of 9 Austrian federal provinces /Youth Welfare Organisations) to a survey sent out by the responsible Ministry in order to assess the availability of data on child trafficking in Austria. Except for the year 2006, all data exclusively refers to data reported by the Drehscheibe crisis centre operated by the city of Vienna.</p> <p>The data refers to the total number of cases registered by the Drehscheibe and involves multiple countings (e.g. one child being brought to Drehscheibe several times). According to the Drehscheibe, in 2005, for example, 701 enrolments compare to a total number of 250-270 children involved.</p>
Non-government		
(f)	<p>University of Padua, La Strada, Ludwig Boltzmann Institut für Menschenrechte, Human Rights Human Development Association (2007) Der Handel mit Frauen und jungen Menschen - europäische Dimensionen einer Menschenrechtsverletzung. Country report Austria delivered by Dina Nachbaur in the framework of the research project „Human Rights and Trafficking in Women and Young People.An Educational Toolkit for Teachers and Students“ , Daphne II program,</p> <p>http://www.univie.ac.at/bim/php/bim/get.php?id=596 (10.06.2008).</p>	<p>Data on convictions refers to the Judicial Crime Statistics (gerichtliche Kriminalstatistik).</p> <p>Data on identified victims and criminal cases investigated refers to the Police Crime Statistics (Polizeiliche Kriminalstatistik).</p>

International		
(g)	UNODC (2009) Global Report on Trafficking in Persons, http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (20.2.2009).	<p>Data on convictions refers to convictions according to §217 Criminal Code plus §116 Aliens Police Act (Exploitation of an Alien).</p> <p>UNODC (2009) also published data on victims sheltered by NGOs in Vienna (no further specification) that are very similar to data from LEFÖ-IBF:</p> <p>2003: 45. 2004: 35. 2005: 37. 2006: 38. 2007: 33.</p>
(h)	US Department of State (2009) Trafficking in persons report, June 2009.	<p>1) Data by the US Department of State refers to Art.104a and 217 of the CC, and Art."114 Aliens Police Act".</p> <p>2) Data on identified victims refers to the number of persons identified by police and NGOs.</p> <p>3) Data on investigations refers to cases.</p> <p>4) Data on convictions refers to offenders convicted with THB as leading charge.</p>
Other organisations publishing data on THB (not included in the tables)		
	<i>Drehscheibe</i> , Municipal Administration Unit 11 (MA 11), City of Vienna.	The <i>Drehscheibe</i> Vienna operated by the city of Vienna is the only official referral point in Austria for child victims of trafficking. The <i>Drehscheibe</i> collects data on identified victims of child trafficking, repatriation of child victims of trafficking to their country of origin, as well as data on indictments and convictions for child trafficking for the purpose of sexual exploitation, however, only at the level of the province of Vienna.
	Intervention Centre for Women affected by Trafficking (<i>Interventionsstelle für Betroffene des Frauenhandels</i>), LEFÖ-IBF.	<p>The LEFÖ-IBF collects data on victims of trafficking who received shelter in one of the NGO's facilities in the city of Vienna:</p> <p>In 2005: 151 victims of trafficking identified by LEFÖ (according to University of Padua et al. 2007).</p> <p>2006: 28 clients at LEFÖ. 2007: 36. 2008: 37.</p>

Annex B

Table 1: Data on trafficking in human beings - §104a Trafficking in human beings									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims						10(a)	10(a)		
						34 (d)	33 (d)	31 (d)	41 (d)
						10 (f)			
								170 (h)	203(h)
Criminal cases investigated						92 (a, d)	7 (a, d)		
						92(a1)	5(a1)	11 (a, d)	4 (a, d)
						16(a2)	9(a2)	10(a1)	4(a1)
					238 (f)	92(f)			
Criminal cases with conviction								89 (h)	50(h)
						1 (c)			
						0 (b)	9 (c)	2 (c)	
					0(f)	0 (f)			
							18 (h)	30 (h)	

Table 2: Data on trafficking in human beings for sexual exploitation §217									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									
						63 (a, d)	80 (a, d)	166 (d)	32 (d)
Criminal cases investigated						76 (a, d)	86 (a, d)		
						73(a1)	82(a1)	70 (a, d)	46 (a, d)
						93(a2)	128(a2)	67(a1)	45(a1)
	125 (f)	56 (f)	70 (f)	169 (f)	165 (f)	76(f)			
Criminal cases with conviction									
						25 (b)	18(b)	29(b)	
						76(c)	75(c)	85 (c)	
	10 (f)	11 (f)	27 (f)	11 (f)	44 (f)	25(f)			
						30(g)		33(g)	

Table 3: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									
					315 (e)	15(a3)	9(a3)		
						701(e)	320(e)	72(e)	88(e)
						13/S(f)			

B.2 Belgium

Organisations publishing data on THB ³³⁴		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	FPS Justice (2008) (information provided directly to the ICMPD for research purposes).	<p>Victims identified</p> <p>In 2004, 13 requests for stay permits were filled by minor THB victims.</p> <p>In 2007, 178 victims were identified. 105 victims were repatriated, of which 1 was a minor. 52 victims received permanent residence permits.</p> <p>Cases investigated</p> <p>In 2006, 451 THB cases were opened by Prosecutor's Offices, out of which 127 dropped and 324 transferred for further investigation, merging of cases, or transferred for trial with indictment. Of the total cases investigated, 289 were cases of THB for sexual exploitation and 135 of THB for labour exploitation.</p> <p>In 2007, 418 of the cases were opened by the Prosecutor's Offices, out of which 118 were dropped and 300 transferred for further investigation, merging of cases, or transferred for trial with indictment. Of the total cases investigated, 168 were for THB for sexual exploitation and 219 of THB for labour exploitation. 5 investigations were of trafficking for organ removal and there were also 26 "other" investigations.</p> <p>Cases with conviction:</p> <p>(a1) In 2004, there were at least 363 convictions, out of which 148 were based on the 1980 legislation, non-harmonised with the Palermo Protocol, and 195 were based on the new legislation.</p> <p>In 2005, there were at least 282 convictions, out of which 87 were based on the 1980 legislation, non-harmonised with the Palermo Protocol, and 195 were based on the new legislation.</p>
(b)	Federal Police 2005, 2006, 2007 Annual Reports.	<p>Cases investigated:</p> <p>(b) In 2003, there were 26 files linked to trafficking in human beings and 18 financial investigations ("<i>enquêtes patrimoniales</i>") related to eventual benefits from trafficking (Federal Police 2005:56).</p> <p>In 2004, 122 files linked to THB and 54 financial investigations related to eventual benefits from THB were registered (Federal Police 2005:56).</p> <p>In 2005, 144 files linked to THB and 58 financial investigations related to eventual</p>

³³⁴ Within this section, all instances of "*" refer to different subsets of data found within the same document, publishing source, primary source.

		<p>benefits from THB were registered (Federal Police 2005:56).</p> <p>In 2006 there were 247 files linked to trafficking and smuggling of human beings and 76 financial investigations related to eventual benefits from trafficking or smuggling of human beings (Federal Police 2006:51).</p> <p>In 2007, there were 196 cases registered by the Federal Police (Federal Police 2007: 16).</p> <p>(b)* In 2006, there were 184 new cases registered by the Federal Police (Federal Police 2007:16).</p> <p>(b)** In 2004, there were 281 persons arrested ("<i>auteurs mis à la disposition du juge d'instruction</i>") on the grounds of trafficking or smuggling of human beings (Federal Police 2007:27).</p> <p>In 2005, there were 231 persons arrested on the grounds of trafficking and smuggling of human beings (Federal Police 2007:27).</p> <p>In 2006, 232 persons were arrested on the grounds of trafficking and smuggling of human beings (Federal Police 2007:27).</p> <p>In 2007, 342 persons were arrested on the grounds of trafficking and smuggling of human beings (Federal Police 2007:27).</p>
(c)	<p>n.a. (2005) <i>Rapport annuel du Gouvernement relatif à la lutte contre la traite des êtres humains et la pornographie infantile en 2004</i>. http://www.mvcr.cz/mvcren/file/12-rapport-annuel-du-gouvernement-relatif-a-la-lutte-contre-la-traite-des-etres-humains-et-la-pornographie-enfantile-en-2004.aspx (09.03.2009).</p>	<p>Primary source: CEOOR</p> <p>(c) In 2003, there were 667 (potential) victims of THB reported to NGOs (337 to Pagasa, 196 to Payoke and 134 to Surya) (n.a. 2005:40).</p> <p>In 2004, there were 586 (potential) victims of THB reported to NGOs (278 to Pagasa, 228 to Payoke and 80 to Surya) (n.a. 2005:40).</p> <p>(c)* In 2003, out of the 667 persons reported, 175 were assisted (105 by Pagasa, 47 by Payoke and 23 by Surya) (n.a. 2005:40).</p> <p>In 2004, out of the 586 persons reported, 144 were assisted (58 by Pagasa, 43 by Payoke and 43 by Surya) (n.a. 2005:40).</p>
(d)	<p>Bureau of the Interdepartmental Cell for the Coordination of the Fight against THB (ICC) (composed of the FPS Justice, FPS External Relations, Immigration Office, State Security, FPS Employment, FPS Social Security, the Centre for Equality of Opportunities and Opposition to Racism). Response to the ICMPD questionnaire "<i>Assessment of the Extent of Different Types of Trafficking</i>".</p>	<p>Primary sources:</p> <p>(d1) Immigration Office, FPS Home Affairs.</p> <p>(d2) Board of Prosecutors General database.</p> <p>(d3) FPS Justice, database of condemnations.</p> <p>Identified victims</p> <p>(d1) In 2005, there were 145 assisted victims and 160 in 2006. The figures are based on documents of residence delivered to victims over one year, but the database of the Immigration Office does not refer to the category of THB as such.</p> <p>In 2006, 14 unaccompanied minors were found on the Belgian territory. The procedure of help and assistance for THB</p>

		<p>victims has been used for those 14 unaccompanied minors (i.e. granting of a temporary document of residence while waiting for a possible identification of these unaccompanied minors as THB victims). At the end, only one of these unaccompanied minors has actually been identified as a THB victim by economic exploitation. However, in the meantime, the respective victim had come of age.</p> <p>Cases investigated</p> <p>(d2) In 2006, 291 offenders were investigated for trafficking for sexual exploitation, 135 for trafficking labour exploitation, 0 for trafficking for removal of organs, and 25 for begging or for committing a crime/offence against the will of the victim.</p> <p>Cases with indictment</p> <p>(d2) In 2006, 40 offenders were indicted for trafficking for sexual exploitation, 17 for trafficking labour exploitation, 0 for trafficking for removal of organs, and 2 for begging or for committing a crime/offence against the will of the victim.</p> <p>Cases with conviction</p> <p>(d3) In 2006, 17 offenders were convicted for trafficking or smuggling for sexual exploitation, 77 for trafficking or smuggling for labour exploitation. No data were available for convictions for removal of organs, for begging or for committing a crime/offence against the will of the victim.</p> <p>(d3)* In 2006, 45 persons were convicted for trafficking or smuggling for both sexual and labour exploitation.</p>
(e)	<p>Centre for Equal Opportunities and Opposition to Racism (CEOOR) Documents</p> <p>CEOOR (2005). <i>Annual Raport. Belgian Policy on Trafficking in and Smuggling of Human Beings: Shadows and Lights</i>. http://www.diversiteit.be/diversiteit/files/File/publications/rapport_annuel/05_reportrafficking.pdf (24.01.2009).</p> <p>CEOOR (2006). <i>Annual Report. Annex: Une Analyse Qualitative et Quantitative de la Base de Données Victimes de la Traite de Êtres Humains</i>. Recherche réalisée par le prof. Dr. Gert Vermeulen (IRCP/UGand).</p> <p>CEOOR (2007). <i>Rapport traite des etres humaines 2006. Les victimes sous le projecteurs</i>. http://www.diversite.be/?action=publication_detail&id=6&thema=2 (24.01.2009).</p> <p>CEOOR (2008). <i>Rapport 2007. Trafficking and Smuggling of Human Beings. Report 2007 (English Version)</i>. Preface & Part I: An integral evaluation of policy in the fight against trafficking in human beings.</p>	<p>Primary sources: Payoke, Pag-Asa and Sürya (since 2003).</p> <p>Identified victims:</p> <p>(e)* Between 1999 and 2005 3.332 potential victims were reported to specialised reception centres (CEOOR 2008: 59; CEOOR 2007: 90). A third of the 3.332 reported persons (1.101) received effective support. The files of 914 of these assisted victims were analysed in depth, and 39,6% (362) were confirmed as THB for sexual exploitation and 20,1% (184) as THB for labour exploitation (CEOOR 2008:59; CEOOR 2007:90).</p> <p>Cases investigated:</p> <p>(e) Between 1999-2005 CEOOR reports on 82 cases of sexual exploitation and simultaneously on 34 cases investigated on THB for sexual exploitation. Most cases had 1 or 2 defendants. For the same time period, CEOOR reports on 37 cases of labour exploitation and 13 cases of THB for labour exploitation (CEOOR 2006). Most cases had 1 or 2 defendants.</p>

	http://www.diversiteit.be/diversiteit/files/File/publications/rapport_annuel/07_reporttrafficking_CEOOR.pdf (15.09.2009).	<p>Cases with indictment</p> <p>(e) From 1999 to 2005, 1074 files (<i>dossiers judiciaires</i>) had reached the court.</p> <p>Civil suits:</p> <p>(e) In 2005, 36 victims were parties in civil suits for THB for sex exploitation, and 17 victims in civil suits for labour exploitation. Furthermore, 24 victims were parties in civil suits for smuggling and sexual exploitation combined; 4 for sexual and labour exploitation combined (CEOOR 2007:118).</p>
Non-government		
(f)	Nuyts, Gert, (2005) Awareness-Raising of Judicial Authorities Concerning the Trafficking of Human Beings, Country Report: Belgium.	<p>Primary source: FPS Justice (data quoted by the Central Unit Human Trafficking of the Federal Police).</p> <p>Cases investigated</p> <p>(f) Between September 1999 and August 2000, there were 1.076 cases registered by the different Prosecutor's Offices (Nuyts 2005:11).</p> <p>In 2003, 332 investigations were undertaken by the local judicial services of the Federal Police. At the central level 31 operational criminal analyses were executed. (Nuyts 2005:12).</p> <p>Cases with indictment</p> <p>(f) Between September 1999 and August 2000, about 40% of the 1076 cases registered by the Prosecutor (430) never made it to court either because of insufficient evidence or unknown offenders and other critical reasons. (Nuyts 2005:11)</p> <p>Cases with conviction</p> <p>(f) In 2002, there were 136 condemnations.</p> <p>(f)* In 2002, the 136 condemnations for THB concerned 130 defendants. All of the convicts primarily received a prison sentence of 30, 5 months on average. Moreover, 110 additional fines were pronounced adding up to the sum of 9.150 Euro and 59 privations of civil right were pronounced. In addition, there were 31 confiscations (whereas only 5 for 2001) (Nuyts 2005:11-12).</p>
(g)	Payoke (2009) Response to the ICMPD questionnaire "Assessment of the Extent of Different Types of Trafficking".	<p>Identified Victims</p> <p>In 2008, there were 85 victims of trafficking registered, including 5 persons who were smuggled, of which 2 disappeared. Regarding trafficking for sexual exploitation, also in 2008, Payoke identified 29 victims of THB-S (4 of which rejected assistance; 3 presumed victims disappeared), 50 victims of trafficking for labour exploitation (6 rejected assistance; 3 presumed victims disappeared), and one victim of trafficking in children.</p>

International		
(h)	<p>UNICEF Belgique (2002). Le trafic d'enfants, p. 7.</p> <p>http://www.unicef.be/MFiles/TrafficEnfant.pdf (25.01.2009)</p>	<p>Primary source: ECPAT (2002). <i>Enfants du 21e siècle. Exploitation au Nord et au Sud</i>. Actes de la journée d'étude du 4 décembre 2001.</p> <p>In 2000, out of the 5.380 VoTs, 1.309 were minors (360 unaccompanied).</p>
(i)	<p>UNODC (2009). <i>Global Report on Trafficking in Persons</i></p> <p>http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (03.08.2009).</p>	<p>Primary sources:</p> <p>(i1) Immigration Office, FPS Home Affairs.</p> <p>(i2) FPS Justice, database of condemnations.</p> <p>Identified victims:</p> <p>(i1) In 2004, there were 184 victims of trafficking in persons and smuggled migrants identified by state authorities in Belgium. The state authorities identified 22 minor victims of trafficking in persons and smuggled migrants. (UNODC 2009:238).</p> <p>In 2005, there were 145 victims of trafficking in persons and smuggled migrants identified by state authorities in Belgium. Furthermore, 15 victims were smuggled and 4 were trafficked for other purposes. The state authorities identified 7 minor victims of trafficking in persons and smuggled migrants. (UNODC 2009:238).</p> <p>In 2006, there were 160 victims of trafficking in persons and smuggled migrants identified by state authorities in Belgium. Of these, 87 were women and 73 men. Furthermore, 22 victims were smuggled, 2 were trafficked for begging and 15 for other purposes. The state authorities identified 14 minor victims of trafficking in persons and smuggled migrants. (UNODC 2009:238).</p> <p>Cases with conviction:</p> <p>(i2) Data for 2003, 2004, and 2005 refers to persons convicted of trafficking in persons and smuggling of migrants.</p> <p>In 2003, 327 of the 401 persons convicted were male and 61 women. For 12 persons the sex was unknown and one person was minor. One person received more than 10 years in prison; 65 persons received 5 to 10 years; 269 persons received 1 to 5 years; 41 persons received less than 1 year detention; and 349 persons received non-custodial sanctions. (UNODC 2009:237).</p> <p>In 2004, 303 of the 362 persons convicted were male and 58 women. For one person the sex was unknown. 66 persons received 5 to 10 years in prison; 235 persons received 1 to 5 years; 47 persons received less than 1 year detention; and 315 persons received non-custodial sanctions. (UNODC 2009:237).</p> <p>In 2005, 237 of the 282 persons convicted were male and 44 women. For one person the sex was unknown. One person received more than 10 years in prison; 33 persons received 5 to 10 years; 202 persons received 1 to 5 years; 29 persons received</p>

		less than 1 year; and 237 persons received non-custodial detention. (UNODC 2009:237).
(j)	<p>US Department of State <i>Trafficking in Persons Reports</i> for 2003, 2004, 2005, 2007, 2008 and 2009.</p> <p>http://www.state.gov/q/tip/rls/tiprpt/index.htm (05.08.2009).</p>	<p>Primary sources:</p> <p>(j1) Payoke, Pag-Asa and Sürya</p> <p>(j2) unspecified official sources</p> <p>Information on cases of trafficking in human beings and cases of smuggling in human beings is mixed due to the fact that criminal justice statistics concerning trafficking in persons and the smuggling of migrants were aggregated into a single databank. (US Department of State 2005).</p> <p>Identified victims:</p> <p>(j1) In 2002, three shelters reported assisting over 500 victims. (US Department of State 2004).</p> <p>In 2004, the shelters cared for 893 victims. (US Department of State 2004).</p> <p>In 2007, the three specialised shelters registered 619 victims; however the government reported that only 176 of them accepted assistance. (US Department of State 2008:69). 62 victims qualified for full victim status in 2007. (US Department of State 2009).</p> <p>In 2008, 169 residence permits were awarded. 47 of the victims who received a residence permit qualified for full victim status and an additional 122 victims received permanent residence status because they participated in trafficking investigations and prosecutions. (US Department of State 2009).</p> <p>(j1)* Between April 2007 and March 2008, 202 of the 495 persons referred to the shelters were identified as potential trafficking victims. (US Department of State 2009).</p> <p>Cases investigated:</p> <p>(j2) In 2002, there were 71 pending investigations. (US Department of State 2003).</p> <p>In 2003, there were 126 new trafficking investigations opened up by the federal police. Of these, 97 involved sexual exploitation and 29 dealt with economic exploitation. (US Department of State 2004).</p> <p>In 2004, there were 276 cases of trafficking investigated by the government. (US Department of State 2006).</p> <p>In 2007, the government reported 1204 trafficking investigations. (US Department of State 2009).</p> <p>(j2)* In 2002, 80 people were arrested for trafficking crimes. (US Department of State 2008).</p>

		<p>Cases with indictment:</p> <p>(j2) In 2006, there were 451 trafficking cases prosecuted by the government. (US Department of State 2007).</p> <p>Cases with conviction:</p> <p>(j2) Data on cases with conviction between 2002 and 2007 refers to convicted persons.</p> <p>In 2002, the prison sentences received by the 130 defendants convicted on trafficking-related charges ranged from 3 months to 8 years, with an average sentence of 3 years. (US Department of State 2004).</p> <p>In 2004, there where at least 50 traffickers convicted. (US Department of State 2006).</p> <p>In 2005, the sentences for the 282 traffickers convicted ranged from 1 to 10 years imprisonment. (US Department of State 2008:61).</p> <p>In 2006, there were 238 prosecuted and convicted offenders. (US Department of State 2009).</p> <p>In 2007, the government reported that 70% percent of the 223 convicted traffickers (156) received prison sentences ranging from 1 year to more than 10 years detention. (US Department of State 2009).</p>
(k)	<p>European Parliament (2005). Study on National Legislation on Prostitution and the Trafficking in Women and Children.</p> <p>http://transcrime.cs.unitn.it/tc/fso/Altre%20pubblicazioni/legislation_on_prostitution_english.pdf (15.09.2009).</p>	<p>Primary source: Institute for International Research on Criminal Policy (IRCP), University of Ghent.</p> <p>Identified victims</p> <p>Between 1999 and 2001, 173 victims of THB for sexual exploitation were identified. (European Parliament 2005:80).</p> <p>Cases with investigation</p> <p>Between 1999 and 2001, 159 offenders were identified. (European Parliament 2005:80).</p>

Annex B

Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims				667(c) 175(c)*	586(c) 144(c)*	145(d1)	160(d1)	178(a)	
									85(g)
				3332 (e) 1101 (e)*					
	5380(h)		500(j1)		184(i1) 893(j1)	145(i1)	160(i1)	619(j1) 176 (j1) 495(j1)* 202(j1)*	169(j1)
Criminal cases investigated				26(b)	122(b) 281(b)**	144(b) 231(b)**	451(a) 247(b) 184(b)* 232(b)**	418(a) 196(b) 342(b)**	
	1076(f)			332(f)					
			71(j2) 80(j2)*	126(j2)	276(j2)			1204(j2)	
	159(k)								
Criminal cases with indictment				1074(e)					
							451(j2)		
Criminal cases with conviction					363(a)	282(a)			
			136(f) 130(f)*						
			130(j2)	401(i2) 170(j2)	362(i2) 50(j2)	282(i2) 282(j2)	238(j2)	223(j2)	

Table 2: Data on trafficking in human beings for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims	362(e)*								
									29(g)
	173(k)					69(i1)	57(i1)		
Criminal cases investigated							289(a) 291(d2)	168(a)	
	34(e)								
				97(j2)					
Criminal cases with indictment							40(d2)		
Criminal cases with conviction							17(d3) 45(d3)*		

Table 3: Data on trafficking in human beings for labour exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims	19(e)	18(e)	19(e)	33(e)	48(e)				
									50(g)
	184(e*)								
Criminal cases investigated						57(i1)	65(i1)		
	13 (e)								
				29(j2)					
Criminal cases with indictment							17(d2)		
Criminal cases with conviction							77(d2)		

Annex B

Table 4: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims					13(a)		4(a)	9(a)	
	1309(h)				22(i1)	7(i1)	14(i1)		
Criminal cases investigated									
Criminal cases with indictment									
Criminal cases with conviction									

B.3 Bulgaria

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	National Commission for Combating Trafficking of Human Beings (NCCTHB); Report on the activity of NCCTHB for 2007; http://antitrafficking.government.bg/index.php?option=com_content&task=view&id=105&Itemid=141&lang=english ; (24.06.09); PPT Presentation of the NCCTHB at the Transnational Seminar in Varna 2009: "Actual Information on Combating THB in Bulgaria".	1) Data on identified victims includes foreign and national citizens. 2) Data on cases investigated for 2007 refers to cases, not to persons. 3) Data on civil suits for compensation of the victim and on civil cases with conviction refers to Art 159a – 159c of the Criminal Code (CC).
(b)	Ministry of Interior (MoI)	
(c)	Supreme Cassation Court (<i>Върховен Касациски Суд</i> -BKC): Activity of the Supreme Cassation Prosecution Office in 2007; http://www.mvr.bg/NR/rdonlyres/5658548C-B0F5-45F2-81B6-469C2CAB5C6A/0/annex_11_EN_.pdf , (24.06.09).	Data on criminal cases with conviction refers to persons.
Non-government		
(d)	State Agency for Child Protection (SACP); Answers to the UN questionnaire, preparation materials for the Study on Violence against Children by the United Nations Secretary-General – Data; http://www.stopech.sacp.government.bg/?sid=professional_eng&pid=0000000037 , (24.06.09).	
International		
(e)	UNODC (2009) Global Report on Trafficking in Persons; http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (20.2.2009).	1) Data for 2008 refers to the period between Jan. – Oct. 2008. 2) Data on cases investigated refers to persons. 3) Data on cases with conviction refers to persons.
(f)	International Organisation for Migration (IOM); IOM 2005: "Second Annual Report on Victims of Trafficking in South-Eastern Europe 2005" http://www.iom.int/jahia/webdav/site/myi/aliasite/shared/shared/mainsite/published_docs/studies_and_reports/second_annual_05.pdf (24.06.09). IOM (2005a): Bulgaria. Country Report on Awareness – Raising of Judicial Authorities Concerning Trafficking in Human Beings, http://www.iom-nederland.nl/dsresource?objectid=665&type=org (10.02.2009). IOM 2003: First Annual Report on Victims	1) Data on identified victims refers to foreign nationals. The figure includes all foreign victims trafficked and primarily assisted within Bulgaria and thereafter voluntarily returned to their countries of origin. 2) Data on identified victims for sexual and labour exploitation refers to assisted victims. 3) Data on trafficking in children: IOM reports that the total number of Bulgarian minors identified and assisted between January 2000 and June 2003 was 100; according to IOM minors were particularly represented among trafficking for labour, begging and delinquency. For 2004, minors represented 45.5 per cent of the total of assisted victims of all forms of exploitation.

Annex B

	<p>of Human Trafficking in South-Eastern Europe, Counter Trafficking, Regional Clearing Point, http://www.iom.hu/PDFs/First%20Annual%20Report%20on%20VoT%20in%20SEE.pdf.</p>	<p>4) Data on cases investigated refers to cases. For 2004, IOM provides two different figures in two different reports. In the report "Second Annual Report on Victims of Trafficking in South-Eastern Europe 2005" the number of cases is 116 (f1). In the report "Bulgaria. Country Report on Awareness – Raising of Judicial Authorities Concerning Trafficking in Human Beings", the number of cases is 97 (f2).</p> <p>5) Data on cases with indictment refers to cases: for 2004 IOM provides two different figures in two different reports. In the report "Second Annual Report on Victims..." the number of cases is 55 (f1). In the report "Bulgaria. Country Report on Awareness...", the number of cases is 35 (f2).</p>
(g)	<p>United Nations Development Programmes, UNDP 2005: Trafficking in Human Beings in South Eastern Europe 2004 - Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered, Province of Kosovo, http://www.unicef.org/ceecis/Trafficking.Report.2005.pdf (12.02.09).</p>	<p>Data on identified victims refers to assisted victims.</p>
(h)	<p>ICMPD Questionnaire on Transnational Referral Mechanisms.</p>	<p>1) Data on identified victims for 2005 is based on two primary sources- according to NGOs the number of identified victims is 55 (h1) and according to IOM, it is 70 (h2). Among the 70 cases there is one case of illegal adoption.</p> <p>2) Data on identified victims for sexual exploitation for 2005: primary source is IOM.</p> <p>3) Data on identified victims for labour exploitation for 2005: primary source is IOM and data includes victims of begging and stealing as well as victims of forced labour.</p> <p>4) Data on identified victims is for child trafficking for 2005: primary source is IOM.</p>
(i)	<p>US Department of State, reports 2008 and 2009, http://www.state.gov/g/tip/rls/tiprpt/index.htm (24.06.09).</p>	<p>1) Data for 2008 covers the period April 2008 - March 2009; Data for 2007 covers the period April 2007- March 2008. The report lists cases of trafficking proceed under the procurement law statute and forced labour statute.</p> <p>3) Data on identified victims for 2006 refers to victims who testified.</p> <p>4) Data on cases with indictment refers to persons.</p> <p>5) Data on cases with conviction includes offenders.</p>

Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims						200 (b)			250(a)
	24(f)	41(f)	4(f)	24(f) 104(g, i)	161(f) 170(e) 474(i)	55(h1) 70(h2) 211(e)	340(e) 11(i)	288(e; i)	210(e) 250(i)
Criminal cases investigated								50(a)	
				19(f)	116(f1) 97(f2) 130(e)	159(e)	219(e)	209(e)	74(e)
Criminal cases with indictment								45(c)	
				13(e) 6(f, i)	44(e) 55(f1) 35(f2) 27(i)		97(e) 129(i)	78(i)	
Criminal cases with conviction									
				0(f)	3(e; f) 7(i)	33(e) 34(i)	71(e; i)	85(e)	69(i)
Civil suits for compensation of victim							2(a)	1(a)	
Civil cases with conviction							2(a)	1(a)	
Number of repatriations									
	24(f)	41(f)	4(f)						

Annex B

Table 2: Data on trafficking in human beings for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims				4(f)	7(f)	43(h)			
Criminal cases investigated						134(i)	202(i)	179(i)	187(i)
Criminal cases with indictment									79(i)
Criminal cases with conviction								71(i)	66(i)

Table 3: Data on trafficking in human beings for labour exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims					3(f)	5(h)			
Criminal cases investigated						7(i)	6(i)	22(i)	25(i)
Criminal cases with indictment									8(i)
Criminal cases with conviction								2(i)	3(i)

Table 4: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims			10(d)						38(a)
						10/S(h)			
					40 (e)	11/L(h)			23(e)
				51/L(g)		61 (e)	63(e)	53(e)	38(i)

B.4 Czech Republic

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	<p>Ministry of Interior. (2005). "National Strategy of the Fight against Trafficking in Human Beings (for the period of 2005 - 2007)". http://www.mvcr.cz/soubor/national-strategy-2005-2007-pdf.aspx (3.08.2009).</p> <p>Ministry of Interior (2006). "Combating Commercial Sexual Exploitation of Children. National Plan 2006-2008" http://web.mvcr.cz/archiv2008/dokument/2007/kszd-aj-2006-8.pdf (6.08.2009).</p> <p>Ministry of Interior (2009). "2008 Status Report on Trafficking in Human Beings in the Czech Republic".</p>	<p>Primary sources:</p> <p>(a1): Police of the Czech Republic</p> <p>(a2): Public Prosecutor</p> <p>(a3): IOM database</p> <p>Identified victims of sexual and labour exploitation: Data for the years 2002-2008 is from the IOM database. For the year 2008 the data on sexual exploitation is not complete.</p> <p>Identified victims of unspecified trafficking: In 2008 the Czech Police has identified 119 victims of trafficking. Among these there are 11 women, and 11 groups. "The police statistics register victims either as individuals or as groups of victims (for example on a large scale case); then the number of victims in a group is recorded." (MoI 2009: 29) Between 2003 and 2008 89 victims of trafficking were included in the Programme of the Ministry of the Interior on Support and Protection of Victims of Trafficking in Human Beings.</p>
(b)	<p>National Strategy of Combating Trafficking in Human Beings for the Purpose of Sexual Exploitation in the Czech Republic. Draft Resolution of the Government of the Czech Republic. 3.9.2003. No. 849.</p>	<p>Primary sources:</p> <p>(b1): Police headquarters - crimes</p> <p>(b2): Ministry of Justice</p> <p>Cases investigated:</p> <p>2000: 13 crimes exposed, 13 solved and 21 persons investigated and prosecuted (reported by Police headquarters - crimes). 16 persons are reported by the Ministry of Justice as sentenced.</p> <p>2001: 25 of 27 exposed crimes were solved and 26 persons investigated and prosecuted (Police headquarters - crimes). The Ministry of Justice reports 15 persons sentenced in 2001.</p> <p>2002: 15 exposed crimes of which 10 were solved and 12 persons were investigated and prosecuted (reported by the Police headquarters - crime). 20 persons sentenced (reported by the Ministry of Justice).</p> <p>2003: 10 crimes solved, 19 persons investigated and prosecuted (reported by Police headquarters - crimes). 5 persons were reported by the Ministry of Justice as convicted.</p> <p>The crime statistics for any given year are not directly comparable to the statistics maintained by the Ministry of Justice, being a statistics owner for the prosecuting attorney's offices and courts, due to the fact</p>

Annex B

		that a significant lapse of time, sometimes several years, may occur between the closing of a specific case in the various stages of the criminal proceedings. The police statistics record the case at the beginning of the proceedings, whereas the court statistics record the closed cases. The discrepancies are also caused by the fact that the police statistics also record cases with unknown perpetrator.
Non-government		
(c)	La Strada. (2005). "Trafficking in Human Beings in Central Europe" http://www.strada.cz/download/files/publikace/trafficking_CE.pdf .	Primary sources: (c1): Ministry of Interior (c2): Ministry of Justice Data on cases investigated for unspecified THB refers to "crimes of THB in the files of prosecuting attorney's office". Data for 2000 - 2003 represents the number of crimes reported by the Ministry of Justice. Sexual exploitation: In 2003 there were 10 detected cases, 10 clarified and 19 persons investigated/ prosecuted. Number reported by the Ministry of Interior.
International		
(d)	UN Convention of the Elimination of All Forms of Discrimination against Women (UN CEDAW) (2006) Committee on the Elimination of Discrimination against Women. Responses to the list of issues and questions for consideration of the third periodic report - Czech Republic.	Primary sources: (d1): Police (d2): Ministry of Interior 1) Identified victims: Data for the years 2003-2006 represents number of victims as recorded by the Police. 2) Data on cases investigated represents investigated and prosecuted persons. 3) Data on cases with indictment represents the number of instances ascertained by the Police of the Czech Republic. 4) Data on cases with conviction represents persons convicted for THB (primary source - Ministry of Interior).
(e)	UNODC (2009) Global Report on Trafficking in Persons, http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (20.2.2009).	Primary sources: (e1): Czech Police Statistics (e2): Ministry of Justice (e3): Programme to Support and Help Victims of Trafficking in Human Beings
(f)	ICMPD, Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe 2005, 2007.	Data on cases investigated refers to apprehended traffickers in 2004 and 2005. Data is from the Analytical and Operational Unit of Alien and Border Police Service (ICMPD 2005).
(g)	US Department of State Trafficking in Persons 2003, 2004, 2005, 2006, 2007, 2008, 2009 Reports. US Department of State Country Report on Human Rights Practices 2004 - the Czech Republic, 28 February 2005. Online. UNHCR Refworld,	1) Identified victims: In July 2007, the country's forced labor unit of the Police dismantled a labor trafficking ring, rescuing approximately 50 mostly Ukrainian and Bulgarian victims. From January 2004 to January 2005, 14 trafficking victims including one forced labor

	http://www.unhcr.org/refworld/docid/4226d97e20.html .	<p>victim took part in the program (Programme to Support and Help Victims of Trafficking in Human Beings).</p> <p>Data on victims from 2006 represents assisted victims.</p> <p>Data on victims from 2004 represents the sum of 14 assisted victims within the national program for support and protection of victims of trafficking in persons (among which one for labour exploitation), and 68 victims provided with shelter by NGOs.</p> <p>In 2005, 17 victims enrolled in the victim assistance program.</p> <p>Data on cases investigated refers to investigations.</p> <p>Data on number of repatriations for 2003 refers to people extradited.</p>
(h)	FRA (2008) Thematic Study on Child Trafficking. Czech Republic, July 2008.	<p>Identified victims:</p> <p>Data from 2004 to 2007 represent trafficked children receiving full health care services.</p>

Annex B

Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims				53(a1) 5*(a)	72(a1) 11*(a)	43(a1) 17*(a)	63(a1) 14*(a)	33(a1) 18*(a)	119(a1) 24*(a)
				53(d1) 53(e1) 380(g)	72(d1) 72(e1) 82(g)	37(d1) 43(e1)	72**(e1) 5(f) 67(g)	33(f) 75(g)	76(g)
Criminal cases investigated	13(b1) crimes 21(b1) persons	27(b1) crimes 26(b1) persons	15(b1) crimes 12(b1) persons	10(b1) crimes 19(b1) persons	13(b1) crimes 30(b1) persons	16(b1) crimes 18(b1) persons	16(b1) crimes 11(b1) persons	11(b1) crimes 20(b1) persons	29(b1) crimes 22(b1) persons
	36(c2)	40(c2)	19(c2)	27(c2)					
	21(d)	26(d)	12(d) 19(g)	19(e1) 19(d)	30(e1) 30(g) 61(f)	18(e1) 18(g) 25(f)	11(e1) 16(g)	11(g)	81(g)
Criminal cases with indictment	21(a1)	26(a1)	12(a1)	19(a1)	30(a1)	18(a1)	11(a1)	20(a1) 14(a2)	22(a1) 21(a2)
	21(d1)	26(d1)	12(d1) 14(g)	19(d1) 24(e2) 19(g)	30(d1) 19(e2) 19(g)	18(d1) 12(e2) 12(g)	14(e2) 151(g)	121(g)	110(g)
Criminal cases with conviction	16(b2)	15(b2)	20(b2)	5(b2)	12(b2)	20(b2)	2(b2)	4(b2)	3(b2)
	16(c2) 16(d2)	15(d2)	20(d2)	5(d2) 4(e2) 5(g)	12(d2) 12(e2) 12(g)	20(d2) 20(e2) 20(g)	2(e2) 72(g)	78(g)	64(g)
Number of repatriations									10(a)
									10(g)
Number of residence permits to victims									
						2(g)	1(g)	3(g)	20(g)

* These are assisted victims included in the Programme to Support and Help Victims of Trafficking in Human Beings.

** This includes the number of identified victims of sexual and labour exploitation.

Table 2: Data on trafficking in human beings for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims			4(a3)	1(a3)	17(a3)	11(a3)	46(a3)	48(a3) 15*(a)	2(a3) 8*(a)
							10(e1)		
Criminal cases investigated	13(b1)	27(b1)	15(b1)	10(c1)				8(a1)	19(a1)
Criminal cases with indictment									
Criminal cases with conviction									
						20(e2)	2(e2)		

* These are assisted victims included in the Programme to Support and Help Victims of Trafficking in Human Beings.

Table 3: Data on trafficking in human beings for labour exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims			4(a3)		26(a3)	40(a3)	31(a3)	39(a3) 3*(a)	16*(a)
					1(g)		4(e3)	50(g)	
Criminal cases investigated								3(a1)	10(a1)
									10(g)

* These are assisted victims included in the Programme to Support and Help Victims of Trafficking in Human Beings.

Table 4: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims						2(a)			4(a1)
					79(h)	113(h)	133(h)	105(h)	
Criminal cases investigated		5(a1)	2(a1)	1(a1)	1(a1)	4(a1)			

B.5 Denmark

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Governmental		
(a)	Ministry of Foreign Affairs and Department of Gender Equality (Seventh Periodic Report by the Government of Denmark on Implementation of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW report, 2008), http://www.lige.dk/files/PDF/cedaw_rapport2008.pdf .	
(a1)	Danish Ministry of Refugee Immigration and Integration Affairs- answers to ICMPD questionnaire on the extent of trafficking in Europe received on 30th June 2009.	<p>1) Data provided by the Danish Immigration Service (DIS) refers only to asylum seekers and foreigners who do not have the permission to stay in Denmark (not all foreigners in Denmark who have been exposed to trafficking fall within the field of competence of the immigration authorities);</p> <p>2) For 2008, DIS reports 10 cases of assumed victims who disappeared (that includes victims who disappeared and victims who has chosen to travel home themselves).</p> <p>3) Trafficking in children – from 1 August 2007 to 12 June 2009 only 1 case concerning possible trafficking involved a child. In this case the child was not trafficked to Denmark.</p>
(a2)	Department of Gender Equality, answers to ICMPD questionnaire on the extent of trafficking in Europe received in June 2009.	<p>1) Data regarding sexual exploitation is collected by the Danish Immigration Service and the Danish Anti-trafficking Centre. It is made public in an annual report. According to the annual report (March 2007 - 30 April 2009), the Danish Immigration Service identified 49 victims of sexual exploitation from August 2007 until 30 April 2009. Six of the 49 accepted the offer of a prepare return. Social workers under the Danish Anti-trafficking Centre identified app. 45 victims of sexual exploitation who are not under the responsibility of the Danish Immigration Service. There are no victims registered under other forms of trafficking.</p> <p>2) Data regarding labour exploitation: according to the Department of Gender Equality: "Denmark has a very regulated labour market and so far no cases of trafficking for labour exploitation have been registered. To be sure that trafficking for labour exploitation is not a problem that is overlooked by the authorities in Denmark; the Danish Anti-trafficking Centre is currently investigating the area together with relevant actors on the labour market".</p>
(a3)	Danish Centre against Human Trafficking; answers to ICMPD questionnaire on the extent of trafficking in Europe received in June 2009.	Data regarding trafficking in children for 2008: refers to presumed amount of victims (begging and organized theft).

(b)	Statistics Denmark (Crime Statistics).	
(c)	Interministerial working group for combating THB (<i>Statusrapport 2007/2008 for Handlingsplan til bekæmpelse af handel med mennesker 2007-2010, 2008</i>).	Data on residence permits for 2008 refers to the number of victims who have been granted temporary stay during the reflection period.
(d)	<i>Rigspolitiet</i> , Danish National Police ("Beskrivelse af politiets indsats mod prostitutionens bagmaend i 2007", March 2008).	Regarding data on convictions, "all decisions", including fines and dismissals, are listed.
Non-government		
(e)	Save the Children Denmark (Trafficking in Children to Denmark, December 2003), http://www.childcentre.info/projects/trafficking/denmark/dbaFile11026.pdf (1.10.09).	
(e1)	Save the Children Denmark, answers to ICMPD questionnaire on the extent of trafficking in Europe received in June 2009.	<p>(1) Save the children published an assessment reg. the number of suspected child VoT in 2007-2008. The number of suspected VoTs is 69 for both years. Most cases relate to suspected exploitation for the organized begging and theft, but none of the children involved have been identified as VoT probably due to lack of investigation into a possible trafficking aspect of the cases.</p> <p>(2) Regarding areas related to trafficking, Save the Children informs on Au-pair girls being exploited for labour purposes. This aspect of trafficking is currently under investigation by Center against THB.</p>
International		
(f)	Council of the Baltic Sea States (Weyler, Svante: "The Frail Chain – Support for Child Victims of Trafficking in the Baltic Sea Region", Daphne report, Council of the Baltic Sea States, 2008, http://www.childcentre.info/projects/trafficking/denmark/dbaFile15588.html (23.6.2009).	
(g)	UNODC (Global Report on Trafficking in Persons, June 2009, http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (20.2.2009).	The primary source is the Danish National Police.
(h)	US Department of State (Trafficking in Persons Reports 2008 and 2009).	<p>1) Differences in number can be explained by a) a different reporting period (April 2008-March 2009), and b) by a different coverage (the report also lists cases of trafficking proceeded under law statutes other than THB, such as crimes under the procurement law for example).</p> <p>2) Data on convictions for 2006 also includes cases under the procurement law. For the years 2007 and 2008, 21 and 12 additional cases were proceeded under the procurement law.</p> <p>3) Data on residence permits for 2008 refers to permits given to victims that are in the reflection period (h) and permits given to victims because of other reasons (h1).</p>

Annex B

(i)	Eurojust (Human Trafficking- State of Affairs, Eurojust and the University of Amsterdam, 2005 report) .	
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Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									72(a3)
				14(h)	29 (h)	60 (h)		148(h)	72(h)
Criminal cases investigated				1(b, g)	1(b)	4(b, g)	5(b, g)	11(b, g)	3(b)
					13(h)				
					2(g)		21(h)	34(h)	34(h)
Criminal cases with indictment									
				7(g)	4(g)	3(g) 4(h)	2(g) 14(h)	23(g) 52(h)	81(h)
Criminal cases with conviction					4(d)	8(d)	8(d)	10(d, h)	
					3(g) 8(h)	7(g, h)	3(g, h)	8(g)	7 (h)
Number of repatriations									18(c)
									3 (h)
Number of residence permits to victims									18(c)
									24(h)
								3(h)	1(h1)

Table 2: Data on trafficking in human beings for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims								250(a)	72(a3)

Table 3: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims							7(a)		14/L(a3
				20/L(e) 4/S(e)					
								14(f)	

B.6 Germany

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	<p> BKA, German Federal Criminal Police Office (<i>Bundeskriminalamt</i>): Annual Situation Report Trafficking in Human Beings (<i>Bundeslagebild Menschenhandel</i>). </p>	<p>1) The Annual Situation Report is operated as an entry statistics that is all registered cases are listed. The data refers to "complex procedures", that is cases that may involve several statutory offences but with THB as primary offence.</p> <p>2) Identified victims: From 2000-2002 the number of identified victims only includes foreign victims; as of 2003 the data also includes numbers of German victims.</p> <p>3) Number of investigations: the BKA data from 2000-2004 refers to all initiated investigations that were reported by the Criminal Police Offices of the Länder to the Federal Criminal Police Office in the reporting period. Since 2005 the data refers to concluded investigations only.</p> <p>4) "a1" refers to suspects identified by the police.</p> <p>In 2007 on average 2 suspects were identified per investigated case, which indicates that big organisations behind single traffickers cannot be identified.</p> <p>5) Numbers of repatriations: the data refers to the number of voluntary returns, expulsions, and deportations of victims of trafficking. The data refers to cases. As the categories are not exclusive, double-counting may occur. (one person issued an expulsion and being deported afterwards).</p> <p>6) Number of residence permits to victims of trafficking:</p> <p>Values refer to number of "Exceptional permit to remain" (<i>Duldung</i>) - which in fact means a preliminary adjournment of deportation - issued to victims of trafficking, applicable to persons who have entered the territory illegally. Persons with "Duldung" may be returned, deported or receive a residence permit after the status ends.</p> <p>The values in brackets refer to the number of victims of THB accepted in the victim protection programme and were granted a preliminary residence permit as witnesses.</p> <p>7) The primary source for data on trafficking for labour exploitation is the Police Crime Statistics.</p> <p>8) Data on child trafficking refers to under-21 year olds.</p> <p>The number of minors out of the number of victims/cases of THB in general.</p>

(b)	Federal Criminal Police Office: Police Crime Statistics (<i>Polizeiliche Kriminalstatistik</i>).	<p>1) The Police Crime Statistics is operated as an "exit" statistic; it counts all registered ("erfasste Fälle") and concluded investigations ("geklärte Fälle") on single criminal acts that have been forwarded to the public prosecutor. For the purpose of this table only the registered cases are listed. The number of concluded investigations is generally slightly lower than the number of registered cases (e.g. by about 100 cases in 2007).</p> <p>2) The Police Crime Statistics lists all single statutory offences (primary and minor), not complex cases.</p> <p>3) "b1" refers to the number of suspects identified by the police.</p> <p>4) Data on child trafficking:</p> <ul style="list-style-type: none"> - data refers to all minors under 21 years of age, as for this age group the proof of "means" is not required. - Data is disaggregated by the purpose of exploitation (S=sexual exploitation, L=labour exploitation). - Data refers to the number of minors out of the number of victims/cases of THB in general. - As of 2005, data on investigations is disaggregated according to Art. 232 (3) 1, that is cases involving children (under-14 year olds). - "b2" refers to the number of under-14 year olds, who are "children" according to the legal definition. - "b3" refers to cases of child trafficking according to Art. 236 of the German Penal Code ("Kinderhandel", 0-18 years of age). <p>5) the Police Crime Statistics also lists investigations for Art. 233a of the Penal Code (Promotion of Human Trafficking): in 2003: 3 ; 2006: 52; 2007: 55, 2008: 26.</p> <p>As well as suspects identified for Art.233a: 2006: 54, 2007: 73, 2008: 28 persons.</p>
(c)	Federal Ministry of Interior, Federal Ministry of Justice: Periodic Security Report (<i>Periodischer Sicherheitsbericht</i>) 2001 and 2006.	<p>1) Primary data source is mainly the Criminal Prosecution Statistics (<i>Strafverfolgungsstatistik</i>), which counts only the primary statutory offense.</p> <p>2) Data on convictions is only available for the former Republic of Germany plus East Berlin.</p> <p>3) Data on child trafficking refers to the number of minors out of the numbers of victims/cases of THB for sexual, labour or unspecified type of exploitation.</p>
(d)	Federal Ministry of Justice: <i>Bundeszentralregister (BZR)</i> .	The BZR is a judicial crime register and documents all legally binding decisions. It counts the primary, but also "minor" statutory offenses. The BRZ does not extradite acquittals.

Annex B

Non-government		
(e)	Research project Clandestino: Undocumented Migration Counting the Uncountable. Data and Trends across Europe: Cyrus, Norbert (2008) Clandestino Country report Germany, December 2008, http://clandestino.eliamep.gr/clandestino-country-reports/ .	1) Primary data source: Federal Ministry for Migration and Refugees - BAMF 2007. 2) Number of victims of trafficking in the voluntary return program REAG. Number of repatriations includes voluntary return expulsion and deportation.
International		
(f)	UNODC: Global Trafficking in Persons Report 2009.	Data published by UNODC refers to data from the Federal Criminal Office and the Police Criminal Statistics mainly. If the data in the UNODC report has diverged from the above sources it was listed extra in the tables below.
(g)	US Department of State, Trafficking in Persons Report 2009.	1) Data published by the US Department of State in its 2009 report refers to the Criminal Police Office as primary data source. It includes data on identified victims and investigations for 2006 and 2007. This data was not listed extra, as it complies with the above source. 2) Data on cases with indictment and convictions for 2006 and 2007 was listed extra, if additional to the data by national sources.
Other organisations publishing data on THB		
(h)	Federal Statistical Office (2007) <i>Lange Reihen zur Strafverfolgungsstatistik: II. Verurteilte nach ausgewählten Straftaten, Geschlecht und Altersgruppen (Früheres Bundesgebiet einschl. Berlin-West, seit 1995 einschl. Gesamt-Berlin); 2006 (Stand: 01.11.2007), Wiesbaden.</i>	The FSO accounts for the number of convicted persons for the offences promotion of prostitution, human trafficking, and procuring (Art. 180a-181a) from 2000-2006: 2000: 452 convicted persons, for 2001: 452; for 2002: 367; for 2003: 290; for 2004: 226; for 2005: 232; for 2006: 80.
	Council of Europe; Steering Committee in Bioethics (CDBI), European Health Committee (CDSP) (2003) - Replies to the questionnaire for Member States on organ trafficking. Strasbourg, 17.12.2003.	According to the reply to the questionnaire for Member States on organ trafficking from 7.12.2003, in Germany two court judgments on organ trafficking were reported, one preliminary investigation was discontinued by the public prosecutor. Two preliminary investigations by the public prosecutor were pending at the time of this report. However it is not clear to which time period this data refers.

Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims	926 (a)	987(a)	811(a)	1235(a)	972 (a)				
	1197(b)	923(b)	988(b)	1118(b)	1074(b)				
Criminal cases investigated	321 (a)	273(a)	289(a)	431 (a)	320 (a)				
	837(a1)	747(a1)	821(a1)	1110(a1)	777(a1)	705(c)			
	1016(b)	746 (b)	827(b)	850 (b)	820 (b)	683 (a1)			
	927(b1)	773 b1)	799(b1)	855(b1)	935 (b1)	633 (b1)			
Criminal cases with indictment									
							193(g)		
Criminal cases with conviction	148(c)								
	163(d)	151(c)	159(c)	152(c)	141(c)		150(c)		
						136(f)		133(g)	
Number of repatriations	455(a)	369(a)	437(a)	588(a)	343(a)				
				152(e)	112(e)	106(e)			
Number of residence permits to victims									
		124(21) (a)	104(35) (a)	130(31) (a)	103 (18) (a)				

Annex B

Table 2: Data on trafficking in human beings for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims						652(a)	775(a)	689(a)	
						763(b)	802(b)	791(b)	782 (b)
Criminal cases investigated							353 (a)	454 (a)	
							664 (a1)	714 (a1)	
						317(a)	762 (b)	655 (b)	704 (b)
Criminal cases with indictment						699(b)	642(b1)	681 (b1)	671(b1)
								155(g)	

Table 3: Data on trafficking in human beings for labour exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims						3(b)	83(a)	101(a)	96 (b)
Criminal cases investigated							78 (a,b)	92 (a,b)	
							101 (a1,b1)	71 (a1,b1)	27 (b)
						3(b)			44 (b1)
Criminal cases with indictment									
								13(g)	

Table 4: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims	270 (a)	248(a)			351/S	234/S	382/S	385/S	478/S
	671 (b)	429(b)	222 (a)	352 (a)	(a)	(a)	(a)	(a)	12/L (b)
	14 (b2)	38(b2)	431 (b)	491 (b)	424/S (b)	343/S (b)	7/L (b)	13/S (b2)	22/S (b2)
			23 (b2)	16 (b2)	18 (b2)	16 (b2)	3/S (b2)	14 (b3)	11 (b3)
Criminal cases investigated							5/S	14/S	
						18/S	0/L (b)	0/L (b)	17/S
						(b; c)	5 (b3)	15 (b3)	0/L (b)
						0/L(b)	6/S (b1)	11/S (b1)	12/S (b1)

B.7 Hungary

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
Non-government		
International		
(a)	IOM (2005): Hungary. Country Report on Awareness – Raising of Judicial Authorities Concerning Trafficking in Human Beings, http://www.iom-nederland.nl/dsresource?objectid=669&type=org (23.01.2009).	<p>1) Primary Source: Criminal statistics, Uniform Police and Prosecutors' Criminal Statistics (ERÜBS).</p> <p>3) Data on cases with indictment refers to offenders prosecuted under THB law.</p> <p>4) For 2005 ERÜBS provides a total number of cases with indictment for the period between 2000 and 2005, which is 153 cases.</p> <p>5) Data on cases with conviction refers to persons convicted and includes all types of convictions (imprisonment, fines, suspended sentences).</p>
(b)	2006 Committee on the Rights of the Child report on Implementation of the Convention on the Rights of the Child in Hungary, http://www.unicef.hu/download/ensz_gyermekjogi_jelentes_angol_2005dec1.pdf (4.09.09).	<p>1) Primary Source: ERÜBS.</p> <p>2) The Statistics on victims cover crimes perpetrated in Hungary and/or crimes perpetrated by Hungarian citizens abroad. No more disaggregated data is available.</p> <p>3) Data on victims refers to VoTs identified by state authorities.</p>
(c)	UNODC (2009) Global Report on Trafficking in Persons, http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (20.2.2009).	<p>1) Primary source is the Ministry of Justice and Law Enforcement, Department of Statistics.</p> <p>2) Data on victims refers to victims identified by state authorities.</p> <p>3) Data on cases investigated refers to persons investigated for trafficking in persons.</p> <p>4) Data on cases with conviction refers to persons and includes all types of convictions (imprisonment, fines, suspended sentences).</p>
(d)	Council of Europe; CoE (2006): Action against trafficking in human beings: prevention, protection and prosecution, http://www.coe.int/t/dq2/trafficking/campaign/Source/eg-thb-sem1_2006_Proceedings.pdf (27.01.2009).	<p>1) Primary source - Police statistics.</p> <p>2) Data on cases with conviction refers to persons.</p>
(e)	US Department of State, reports 2008 and 2009, http://www.state.gov/q/tip/rls/tiprpt/index.htm (24.06.09).	<p>1) Data for 2008 covers the period April 2008 - March 2009; Data for 2007 covers the period April 2007- March 2008. The report lists cases of trafficking proceed under the procurement law statute and forced labour statute.</p>

		<p>2) Data on victims refers to victims referred and assisted by NGOs.</p> <p>3) Data on cases investigated refers to investigations conducted by police and border guards.</p> <p>4) Data on cases with indictment refers to suspected traffickers prosecuted by authorities.</p> <p>5) Data on cases with conviction includes the number of traffickers convicted and refers to all types of convictions (traffickers who served in prison, traffickers with suspended sentences or fines, etc.).</p>
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Table 1: Data on trafficking in human beings – total number									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									
					22(a, b)	28(c, d)	5 (c)		
			33(b)	18(c, b)	23 (c)	12 (e)	23(e)	45(e)	88(e)
Criminal cases investigated									
		64 (c)	31 (c)	37 (c)	10 (c)	28(e)	22(e)	48(e)	21(e)
Criminal cases with indictment									
			19(a)						
Criminal cases with conviction									
	15 (a)	39(a)	19(a)	23 (c)	23 (c)	24 (c)	21 (e)	17 (e)	18(e)

Table 2: Data on trafficking in human beings for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Criminal cases with conviction									
								14(e)	16(e)

Annex B

Table 3: Data on trafficking in human beings for labour exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Criminal cases with conviction									
								3(e)	2(e)

Table 4: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									
			1(b)	8(b, c)	2(b, c)	11(c)	4(c)		

B.8 Ireland

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
Non-government		
(a)	Ruhama, Biennial Report http://ruhamaphp.users29.donhost.co.uk/easyedit/files/BiennialReport2005-2006.pdf .	<p>The number for 2006 is the number of women representing new cases per annum.</p> <p>Between 2000 and 2006 Ruhama is aware of over 200 women trafficked into Ireland for the purpose of sexual exploitation and has come in contact with 132 women.</p> <p>It is important to stress that authorities are now less likely to identify East Europeans as potential trafficked victims, as under Irish law trafficking is viewed primarily as an illegal immigration issue or from a criminal justice perspective. This not only fails to address the exploitative nature of trafficking but also fails to recognize that trafficking can – and does – take place within borders as well as being (primarily) a transnational activity. This approach inevitably results in a failure to identify victims and has been an ongoing concern of Ruhama in recent years. (Ruhama, Bienenal report 2005-2006).</p>
(b)	Eilis Ward (Dpt. Of Political Science & Sociology, NUIG) and Gillian Wylie (Irish School of Ecumenics, Trinity College, Dublin), "The Nature and Extent of Trafficking of Women into Ireland for the Purposes of Sexual Exploitation 2000 - 2006: a report from findings".	<p>Between 2000 and 2006 there were 76 identified victims.</p> <p>Between 2000 and 2006 14 women were repatriated.</p>
(c)	Immigrant Council of Ireland in collaboration with the Women's Health Project (HSE) and Ruhama, 2009, "Globalization, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland.	<p>Between January 2007 and September 2008 102 victims of trafficking were identified by 10 services.</p> <p>Between January 2007 and September 2008 11 children were victims of trafficking.</p>
(d)	Migrant Rights Center Ireland, Submission to the Proposed National Action Plan to Prevent and Combat Human Trafficking, December 2007 http://www.mrci.ie/policy_work/trafficking_forcedLabour.htm .	Between July 2005 and Dec 2007 there were 46 victims of trafficking for sexual exploitation (data from MRCI's Case Management System).
International		
(e)	US Dpt. of State, Trafficking in Persons Report, June 2008.	An NGO working with immigrants reported 46 cases of suspected labour trafficking from July 2005 to December 2007.

Annex B

Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									
							18(a)		

B.9 Italy

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	National Antimafia Bureau	<p>Data from the National Antimafia Bureau is obtained through direct contact with the Bureau. The Bureau's statistics are broken on years and on the Criminal Code Articles 600, 601, and 602. Data for 2003 covers the period from the 7th of September until the end of the year. Data from this table represents the sums of identified victims/cases with indictment under all the three articles in one year. Data under the cases with indictment represents the number of individuals (see below also the number of cases).</p> <p>Identified victims under Art. 601: In 2003 there were 99 identified victims (out of which 8 minors) in 55 investigations ("procedimenti"). In 2004 there were 401 identified victims (out of which 47 were minors) in 184 cases. In 2005 there were 435 identified victims (out of which 34 minors) in 179 cases. In 2006 there were 504 identified victims (out of which 42 minors) in 189 cases. In 2007 there were identified 484 victims of trafficking (out of which 54 were minors) in 181 cases. In 2008 there were 222 identified victims (out of which 27 were minors) in 200 cases.</p> <p>Identified victims under Articles 600, 601 and 602: Sept – Dec 2003: 99 (Art. 600) 65 (Art. 601) 4 (Art. 602)</p> <p>2004: 401 (Art. 600) 150 (Art. 601) 19 (Art. 602)</p> <p>2005: 435 (Art. 600) 244 (Art. 601) 25 (Art. 602)</p> <p>2006: 504 (Art. 600) 210 (Art. 601) 28 (Art. 602)</p> <p>2007: 484 (Art. 600) 126 (Art. 601) 12 (Art. 602)</p> <p>2008: 222 (Art. 600) 90 (Art. 601) 22 (Art. 602)</p>

Annex B

		<p>Data on cases investigated refers to investigated persons:</p> <p>Sept – Dec 2003:</p> <p>232 (Art. 600) 112 (Art. 601) 44 (Art. 602)</p> <p>2004:</p> <p>760 (Art. 600) 263 (Art. 601) 49 (Art. 602)</p> <p>2005:</p> <p>692 (Art. 600) 301 (Art. 601) 96 (Art. 602)</p> <p>2006:</p> <p>711 (Art. 600) 344 (Art. 601) 93 (Art. 602)</p> <p>2007:</p> <p>473 (Art. 600) 205 (Art. 601) 58 (Art. 602)</p> <p>2008:</p> <p>414 (Art. 600) 231 (Art. 601) 18 (Art. 602)</p>
	<p><i>Polizia di Stato</i> http://www.governo.it/GovernoInforma/Dossier/156anniversario_polizia/Compendio_2007.pdf.</p>	<p>During Spartacus Project (Oct 2006 - Jan 2007) 1.311 persons were investigated and 784 individual cases with indictment were undertaken (<i>arresti</i>).</p> <p>During Davide Project (19 Feb - 6 May 2007) 172 persons were investigated and 107 cases with indictment were undertaken (<i>arresti</i>).</p>
Non-government		
(b)	<p><i>Osservatorio Tratta</i> http://www.osservatoriotratta.it/index.php?option=com_frontpage&Itemid=62.</p>	<p>Primary sources:</p> <p>(b1): Censis (<i>Centro Studi Investimenti Sociali</i>) su dati del Dipartimento Diritti e Pari Opportunità</p> <p>(b2): Censis su Dati Direzione Nazionale Antimafia</p> <p>(b3): Direzione Centrale Polizia Criminale, Servizio per il Sistema Informativo Interforze, Divisione 2 Ced</p> <p>(b4): Censis su dati Ministero della Giustizia Dipartimento Organizzazione Giudiziaria del Personale e dei Servizi - Direzione Generale di Statistica</p> <p>(b5): Istat, Statistiche Giudiziarie</p> <p>(b6): Censis su dati Ministero dell'Interno</p> <p>Identified victims (b1):</p> <p>From March 2000 to Feb 2001 1.755 victims of trafficking were included in social protection projects, out of which 75 were minors. From March 2001 to March 2002, 1.836 victims were supported, out of which 80 were minors. From March 2002 to March 2003, 1.797 victims of trafficking were supported, out of which 70 were minors. From June 2004 to June 2005, 2.219 victims were supported, out of which 139 were minors. From June 2005 to June 2006,</p>

		<p>1.828 victims were supported, out of which 137 were minors. This data refers to 74% of the social protection projects.</p> <p>From March 2000 to April 2006, 11.541 victims were supported by projects of social protection. (b4)</p> <p>Identified victims (b2):</p> <p>Sept – Dec 2003: 55 (b2) (Art. 600) 29 (b2) (Art. 601) 2 (b2) (Art. 602) 0 (b2) (Art. 416)</p> <p>2004: 219 (b2) (Art. 600) 124 (b2) (Art. 601) 16 (b2) (Art. 602) 69 (b2) (Art. 416)</p> <p>2005: 242 (b2) (Art. 600) 146 (b2) (Art. 601) 11 (b2) (Art. 602) 80 (b2) (Art. 416)</p> <p>Cases investigated (b4) (Persone denunciate):</p> <p>2003: 1.495 (Art. 600 riduzione in schiavitù) 801 (Art. 600-bis sfruttamento della prostituzione minorile) 84 (Art. 602 alienazione e acquisto di schiavi) 184 (Art. 601 tratta e commercio di schiavi) 60 (Legge 228/03 tratta di persone)</p> <p>2004: 1.169 (Art. 600 riduzione in schiavitù) 424 (Art. 600-bis sfruttamento della prostituzione minorile) 96 (Art. 602 alienazione e acquisto di schiavi) 250 (Art. 601 tratta e commercio di schiavi) 23 (Legge 228/03 tratta di persone)</p> <p>2005: 1.048 (Art. 600 riduzione in schiavitù) 627 (Art. 600-bis sfruttamento della prostituzione minorile) 204 (Art. 602 alienazione e acquisto di schiavi) 359 (Legge 228/03 tratta di persone)</p> <p>Cases with indictment: For the years 2003 - 2004, data represents indicted persons (<i>persone denunciate per reati di tratta per i quali l'Autorità giudiziaria ha iniziato l'azione penale</i>) (b5). For the years 2003 - 2005, data represents indicted persons (<i>indagati risultanti dai procedimenti iscritti nei registri per le indagini della Direzione Nazionale Antimafia</i>) (b2). Data for 2003 is from 7th of September to 31st of December.</p>
	Save the Children Italy, <i>Minori Stranieri</i> , Feb 2009	Between 2001 and 2007 938 minor victims of trafficking were beneficiaries of protection and social assistance. Data from <i>Dipartimento Diritti e Pari Opportunità</i> .

Annex B

International		
(c)	US Department of State, Trafficking in Persons 2003, 2004, 2005, 2006, 2007, 2008, 2009 Reports.	<p>The reporting period is between April and March. The report also lists cases of trafficking proceed under the procurement law statute.</p> <p>Data for 2008 is not complete. Data on cases investigated and cases with conviction for 2006 is from the Spartacus Operation which was held between October 2006 and January 2007.</p>
(d)	<p>UNODC (2009) Global Report on Trafficking in Persons,</p> <p>http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html.</p>	<p>Primary sources: (d1): National Antimafia Bureau (d2): <i>Direzione Centrale Polizia Criminale</i></p> <p>Data on cases with indictment for the years 2003 – 2007 refers to:</p> <ol style="list-style-type: none"> 1) Persons arrested under Art. 601. (d2) 2) Persons against whom prosecutions were initiated for "trafficking in persons" under Art. 601. Source (d1). Data from 2003 contains the numbers for persons against whom prosecution was initiated for "trafficking in persons" (Art. 601) only from September 2003. 3) Persons against whom prosecution was initiated for "slavery" under Art. 600. (d1). 4) Persons against whom prosecution was initiated for "trade of slaves" under Art. 602. (d2). <p>About 300 adults and 50 children are identified as victims of trafficking (under Art. 600 "slavery") and about 5 to 20 victims were identified under Art. 602 ("trade of slaves"). These are averages per annum (2003 - 2007).</p>

Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims				168(a)	570(a)	704(a)	742(a)	626(a)	334(a)
					2219(b1) *	1828(b1) *			
	1755(b1)*	1836(b1)*	1797(b1)*	1791(b1) 86(b2)	428(b2) **	479(b2) **			
				32(d1) 6086(c)	115(d1) 8600(c)	197(d1)	160(d1)	69(d1)	
Criminal cases investigated				388(a)	1072(a)	1089(a)	1148(a)	736(a)	663(a)
						912(b3)*			
				2624(b4)	1962(b4)	2238(b4)	906(b3)*		
					1861(c)	2045(c)	1311(c)	1202(c)	1221(c)
Criminal cases with indictment									
				264(b2) 763(b4) 319(b5)	1044(b2) 619(b4) 308(b5)	828(b) 553(b4)			
					868(d1) 130(d2)	949(d1) 157(d2)	846(d1) 140(d2)	541(d1) 167(d2)	
			209(c)	328(c)	120(c)	102(c)	784(c)	80(c)	796(c)
Criminal cases with conviction									
			125(c)	32(c)	77(c)	125(c)		282(c)	225(c)

* These numbers include the cases for child trafficking. Cases under Art. 600-bis *Prostituzione minorile* and 600-quinquies *Iniziative turistiche volte allo sfruttamento della prostituzione minorile* are counted separately under the child trafficking section.

** These numbers include the numbers of child victims.

Annex B

Table 2: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims				11(a)	49(a)	42(a)	53(a)	59(a)	36(a)
				118(b1)	139(b1)	137(b1)			
	75(b1)	80(b1)	70(b1)	17(b2)	36(b2)	28(b2)			
				2(d1)	5(d1)	11(d1)	18(d1)	1(d1)	
Criminal cases investigated									
						339(b3)			
				801(b4)	424(b4)	627(b4)	342(b3)		
Criminal cases with indictment									
				233(b4)	273(b4)				
				2(b5)	77(b5)	231(b4)			

B.10 Netherlands

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	Dutch National Rapporteur on THB, 2007, 2008 reports.	<p>Identified victims in 2001 - 2005 are (possible) victims registered with the Dutch Foundation against Trafficking in Women (STV).</p> <p>Cases Investigated in 2001 - 2006 are cases registered by Public Prosecution Service involving a suspicion of THB. "In the context of prosecution, a (criminal) case is understood to mean a case against a single suspect".</p> <p>Cases with indictment are cases dealt with by the Public Prosecution Service.</p> <p>Cases with conviction: from 2000 - 2005 are sentences. In 2006 there were 90 convictions.</p> <p>Civil suits for compensation of victims in 2000 - 2004 are cases in which victims made claims for compensations "through civil proceedings or joining a claim for civil damages in the criminal proceedings". In 2000, two cases were registered, in 2001 ten, in 2002 four, in 2003 three, and in 2004 there were 13.</p> <p>Residence permits in 2000 - 2004 and 2005 - 2006 are residence permits issued by the Immigration and Naturalisation Service (IND). In 2005 61 resident permits under the B-9 Regulation were issued, while in 2007 150 permits were issued under the B-9 Regulation and 17 were awarded continued residence permits.</p> <p>Trafficking for labour exploitation: "In 2006, one investigation into exploitation in another sector than the sex industry [resulted] in a prosecution and conviction at first instance. In this investigation the police collaborated with the SIOD. The SIOD (co-)initiated seven investigations into THB for exploitation in other sectors than the sex industry in 2005, one of which was successfully [resulted in an official report] concluded in 2005 (the SIOD completed a total of 76 investigations in 2005, with 36 of these relating principally to organised illegal employment). The other six investigations were either completed successfully (4) or discontinued (2) in 2006. In that year, the SIOD commenced five investigations into exploitation in sectors other than the sex industry."</p>

Annex B

	Speech by Minister Donner of Social Affairs and Employment in Utrecht, 13 Feb 2009 http://internationalezaken.szw.nl/index.cfm?fuseaction=dsp_document&link_id=162450 .	The inspectors of the Labour Inspectorate are trained to recognise situations that may involve exploitation. They pass their findings on to the Social Security Information and Investigation Service (SIOD). In the course of 2007 and 2008 the SIOD received information on 28 cases of exploitation and concluded 12 criminal investigations.
Non-government		
(b)	Dutch Foundation against Trafficking in Women (STV).	Data on identified victims in 2000, 2006, 2007 represents notifications about possible victims.
	La Strada International European Network Against Trafficking in Human Beings http://www.lastradainternational.org/?main=information&section=lsinewsarchive&news_id=270 .	In 2006 206 persons pressed charges against their exploiters (the outcome of these proceedings is not known); in 2007, 211 persons pressed charges against their exploiters.
International		
(c)	US Department of State Trafficking in Persons Reports, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009.	<p>1) Reporting period: from April to March.</p> <p>2) Identified victims:</p> <p>2003: 267 victims identified by STV, 257 victims received assistance, 2004: 405 victims registered by STV</p> <p>2004-2005: victims registered by STV</p> <p>2006: The Dutch Foundation against Trafficking in Women (STV), the national reporting centre for registration of and assistance to trafficking victims, registered 333 trafficking victims in the first eight months of 2006, compared to 261 victims in the same period of 2005.</p> <p>2007: 716 victims registered by the government, out of which 382 were exploited for commercial sexual exploitation.</p> <p>2008: the national victim registration centre [STV] identified and registered 826 trafficking victims.</p> <p>3) Cases with indictment are cases prosecuted.</p> <p>4) Residence permits are permits under the B9 regulation.</p> <p>5) From 1997 through the first half of 2000, there were 418 cases reported to the office of the prosecutor. Of these, 253 cases were tried in court, resulting in 216 convictions.</p> <p>6) In the first 9 months of 2004 Dutch police initiated 604 investigations and referred 87 cases for prosecution.</p>

(d)	<p>UNODC (2009) Global Report on Trafficking in Persons, http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html.</p>	<p>Identified victims in 2003 - 2006 are (possible) victims registered with the STV. Data from STV reports/ The Bureau Nationaal Rapporteur Mensenhandel (BNRM).</p> <p>Cases with indictment in 2003 - 2006 are persons prosecuted for trafficking in persons. Cases with conviction in 2003 - 2006 are persons convicted of trafficking in persons. Data from the Bureau Nationaal Rapporteur Mensenhandel (BNRM).</p>
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Table 1: Data on trafficking in human beings - overall									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims		248(a)*	243(a)*	257(a)*	405(a)*	424(a)*	579(a)	716(a)	
	341(b)						579(b)	716(b)	
				267(c)	405(c)	424(c)	579(c)		
				257(d)	403(d)	424(d)	580(d)	716(c)	826(c)
Criminal cases investigate		130(a)*	200(a)*	156(a)*	220(a)*	135(a)*	201(a)		
					220(c)	135(c)	201(c)		
Criminal cases with indictment		159(a)	163(a)	175(a)	246(a)	138(a)	216(a)		
				127(c)	253(c)	146(c)			
Criminal cases with conviction			217(c)	155(d)	217(d)	138(d)	199(d)	221(c)	
		74(a)	84(a)	105(a)	135(a)	98(a)	90(a)		
Civil suits for compensation of victim				106(c)		98(c)	90(c)		
				80(d)	116(d)	81(d)	70(d)	97(c)	
Number of residence permits to victims	2(a)	10(a)	4(a)	3(a)	13(a)				
Number of residence permits to victims	58(a)	122(a)	127(a)			61(a)	150(a)		
				84(c)	185(c)				

* These numbers include child victims or cases which involve child victims.

Annex B

Table 2: Data on trafficking in human beings for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									
								382(c)	
Criminal cases investigated									
					216(c)				

Table 3: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims		27(a)	41(a)	20(a)	26(a)	24(a)	103(a)		
				20(d)	26(d)	24(d)			
Criminal cases investigated		27(a)	27(a)	41(a)	32(a)	36(a)			

B.11 Poland

Organisations publishing data on THB ³³⁵		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	Ministry of Internal Administration (MIA) (2008). <i>Trafficking in Human Beings in Poland</i> . http://www.mswia.gov.pl/download.php?s=1&id=5121 (25.01.2009).	<p>Victims identified</p> <p>For 2006-2008, the data refer to victims included in the "Programme for Support and Protection of Victims/Witnesses of THB for foreign nationals". (MIA 2008:14).</p> <p>For 2008, the data refer to the period Jan-Jun 2008.</p>
(b)	National Public Prosecutor's Office (NPPO) (n.d.). <i>Trafficking in Human Beings in Poland. Data of National Public Prosecutor's Office</i> . www.mswia.gov.pl/download.php?s=1&id=3311 (25.01.2009).	<p>Victims identified</p> <p>(b) For 2000-2008, the data refer to persons representing the aggrieved part in the concluded preparatory proceedings in cases dealing with THB. (NPPO n.d.:1).</p> <p>Regarding trafficking in children, the data refer mostly to minor victims below 15 years old. For 2005, 2007 and 2008 the data also include numbers of minors aged 16 and 17. (NPPO n.d.:2).</p> <p>(b)* For 2005-2007, the data refer to women assisted by "La Strada" Foundation. (NPPO n.d.:3).</p> <p>In 2005, 147 women out of the 224 assisted were Polish.</p> <p>In 2006, 198 women out of the 230 assisted were Polish.</p> <p>In 2007, 200 women out of the 276 assisted were Polish.</p> <p>(b)** For 2002-2007, the data refer to victims protected by the Police. (NPPO n.d.:2).</p> <p>Cases investigated</p> <p>For 2000-2008, the data refer to completed preparatory proceedings in cases dealing with THB. (NPPO n.d.:1).</p> <p>Cases with indictment</p> <p>(b) For 2000-2008, the data refer to cases with indictment, out of the total number of concluded preparatory proceedings in cases dealing with THB. (NPPO n.d.:1).</p> <p>In 2000, out of the 43 cases concluded, 38 resulted in bringing an indictment, 1 was discontinued due to not detecting an offender, and 4 discontinued due to not pronouncing an offence.</p> <p>In 2001, out of the 49 cases concluded, 35 resulted in bringing an indictment, 6 were discontinued due to not detecting an</p>

³³⁵ Within this section, all instances of "*" refer to different subsets of data found within the same document, publishing source, primary source.

		<p>offender, and 8 discontinued due to not pronouncing an offence.</p> <p>In 2002, out of the 19 cases concluded, 11 resulted in bringing an indictment, 4 were discontinued due to not detecting an offender, and 4 discontinued due to not pronouncing an offence.</p> <p>In 2003, out of the 45 cases concluded, 30 resulted in bringing an indictment, 4 were discontinued due to not detecting an offender, and 11 discontinued due to not pronouncing an offence.</p> <p>In 2004, out of the 25 cases concluded, 18 resulted in bringing an indictment, 2 were discontinued due to not detecting an offender, and 5 discontinued due to not pronouncing an offence.</p> <p>In 2005, out of the 31 cases concluded, 19 resulted in bringing an indictment, 2 were discontinued due to not detecting an offender, and 10 discontinued due to not pronouncing an offence.</p> <p>In 2006, out of the 26 cases concluded, 17 resulted in bringing an indictment and 9 were discontinued due to not pronouncing an offence.</p> <p>In 2007, out of the 48 cases concluded, 28 resulted in bringing an indictment, 1 was discontinued due to not detecting an offender, and 19 discontinued due to not pronouncing an offence.</p> <p>In 2008, out of the 53 cases concluded, 28 resulted in bringing an indictment, 4 were discontinued due to not detecting an offender, and 21 discontinued due to not pronouncing an offence.</p> <p>(b)* For 2000-2008, the data refer to the number of persons charged as a result of concluded preparatory proceedings in cases dealing with THB. (NPPO n.d.:1).</p>
International		
(c)	<p>M. Gozdzik (2005) <i>Awareness Raising of Judicial Authorities Concerning Trafficking in Human Beings</i>. Country Report Poland. IOM: The Hague. http://www.iom-nederland.nl/dsresource?objectid=670&type=org (25.01.2009).</p>	<p>Primary sources:</p> <p>(c1) National Public Prosecutor's Office (NPPO).</p> <p>(c2) La Strada Poland, Interim Report.</p> <p>(c3) Ministry of Justice.</p> <p>(c1) For 2000-2004, data on identified victims refers to victims proceeded before courts. (Gozdzik 2005:9).</p> <p>(c2) In 2004, La Strada assisted a total of 762 female victims, of which 99 were new victims (38 aliens and 59 Poles) and 663 were victims from previous years (120 aliens and 543 Poles). (Gozdzik 2005:10).</p> <p>Cases investigated</p> <p>(c1) For 2000-2004, the data refers to completed preparatory proceedings in cases dealing with THB. (Gozdzik 2005:9).</p>

		<p>Cases with indictment</p> <p>(c1) For 2000-2004, the data refers to cases with indictment, out of the total number of concluded preparatory proceedings in cases dealing with THB. (Gozdzik 2005:9).</p> <p>(c1)* For 2000-2004, the data refers to the number of persons charged as a result of concluded preparatory proceedings in cases dealing with THB. (Gozdzik 2005:9).</p> <p>Cases with conviction</p> <p>(c) For 2002 and 2003, the data stands for adults sentenced by common courts for crimes prosecuted on the basis of an indictment by Art. 203, 204 and 253. (Gozdzik 2005:6-7).</p> <p>In 2002, 23 of the total 153 adults convicted were women. Moreover, of the total persons convicted, 141 persons were imprisoned.</p> <p>In 2003, 31 of the total 153 adults convicted were women. Moreover, of the total persons convicted, 137 persons were imprisoned.</p> <p>(c3)* From 1995 to 2004, 200 persons were condemned in cases concerning trafficking in human beings by courts of first instance. (Gozdzik 2005:8).</p>
(d)	<p>ICMPD (2008). <i>Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe in 2007. A Survey and Analysis of Border Management and Border Apprehension.</i></p>	<p>Primary Source: Polish Border Guard Headquarters and Office for Foreigners.</p> <p>Victims identified</p> <p>In 2007, the data refers to persons trafficked into Poland identified by the Border Guards. (ICMPD 2008:169).</p> <p>Cases investigated</p> <p>For 2006 and 2007, the data refers to traffickers apprehended by the Border Guards. (ICMPD 2008:165).</p>
(e)	<p>UNODC (2006). <i>Trafficking in Persons: Global Patterns.</i> http://www.unodc.org/documents/human-trafficking/HT-globalpatterns-en.pdf (03.08.2009).</p> <p>UNODC (2009). <i>Global Report on Trafficking in Persons</i> http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (03.08.2009).</p>	<p>Primary sources:</p> <p>(e1) National Public Prosecutor's Office (NPPO)</p> <p>(e2) La Strada Poland</p> <p>(e3) unspecified</p> <p>Victims identified</p> <p>(e2) For 2004-2008, the data refers to adult female victims, as the NGO La Strada provides shelter only for this category. (UNODC 2009:270).</p> <p>In 2008, the data refers only to the period between January and November 2008.</p> <p>(e3) For 2005-2008, the data refers to victims identified by the authorities. (UNODC 2009:269).</p> <p>Cases with indictment</p> <p>(e3) For 2000-2008, the data refers to persons charged. (UNODC 2009:269).</p>

(f)	<p>US Department of State <i>Trafficking in Persons Reports</i> for 2008 and 2009. http://www.state.gov/g/tip/rls/tiprpt/index.htm (05.08.2009).</p> <p>Primary source(s): unspecified official sources.</p> <p>Victims identified</p> <p>(f) Data for 2008 covers the period April 2007 - March 2008; data for 2009 covers the period April 2008 - March 2009.</p> <p>In 2007, 276 of the total of 1015 identified victims received government-funded assistance. (US Department of State 2008).</p> <p>In 2008, the data stands for 315 victims identified by NGOs and authorities. Also in 2008, 2 victims used the reflection period and 21 victims assisted law enforcement with trafficking investigations. (US Department of State 2009).</p> <p>Cases investigated</p> <p>(f) For 2006-2008, the data refers to investigations conducted by the Police under the Articles 253, 203, and 204 (Sections 3 and 4) (US Department of State 2008).</p> <p>Cases with indictment</p> <p>(f) In 2006, there were at least 36 trafficking suspects prosecuted under Art. 203 and Art. 204, Sec. 4. (US Department of State 2008).</p> <p>In 2007, the authorities prosecuted 62 individuals, under Articles 253, 203, and 204, Sec. 3 and 4. (US Department of State 2009).</p> <p>In 2008, the authorities prosecuted 78 individuals, under Articles 253, 203, and 204, Sec. 3 and 4. (US Department of State 2009).</p> <p>Cases with conviction</p> <p>For 2005-2007, the data refers to traffickers convicted.</p> <p>(f) For 2005-2007, the data refers to persons convicted under Art. 203 and Art. 204, Sec. 4. (US Department of State 2008).</p> <p>In 2005, 9 of the 37 convicted traffickers were sentenced to time in prison.</p> <p>In 2006, 14 of the 16 convicted persons were sentenced to time in prison: two were sentenced to 12 months imprisonment; four were sentenced to one to two years imprisonment; three were sentenced to three years imprisonment; and five were sentenced to three to five years imprisonment.</p> <p>(f)* For 2006 and 2007, the data refers to persons convicted in Courts of First Instance under Articles 253 and 203. (US Department of State 2009).</p> <p>In 2006, regarding post-appeal sentencing data, 39 out of 86 (45%) of convicted traffickers were given suspended sentences.</p> <p>In 2007, regarding post-appeal sentencing data, 24 out of 42 convicted traffickers (57%) received suspended sentences; the</p>
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		remaining 18 convicted traffickers were given sentences ranging from 1 to 5 years imprisonment.
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Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims	172(b)	93(b)	167(b) 11(b)*	261(b) 3(b)*	98(b) 2(b)*	99(b) 0(b)* 224(b)**	10(a) 126(b) 0(b)* 230(b)**	20(a) 1021(b) 0(b)* 276(b)**	10(a) 315(b) 4(b)*
	93(c1)	167(c1)	361(c1)	261(c1)	98(c1) 99(c2) 762(c2)*				
					28(e2)	27(e2) 99(e3)	25(e2) 126(e3)	7(d) 35(e2) 102(e3) 1015(f)	22(e2) 315(f)
Criminal cases investigated	43(b)	49 (b)	19 (b)	45 (b)	25(b)	31(b)	26(b)	48(b)	53(b)
	43(c1)	49 (c1)	19 (c1)	45 (c1)	25(c1)		0(d) 21(f)	4(d) 122(f)	119(f)
Criminal cases with indictment	38(b) 119(b)*	35(b) 71(b)*	11(b) 40(b)*	30(b) 134(b)*	18(b) 39(b)*	19(b) 42(b)*	17(b) 36(b)*	28(b) 62(b)*	28(b) 78(b)*
	38(c1) 119(c1)*	35(c1) 71(c1)*	11(c1) 40(c1)*	30(c1) 134(c1)*	18(c1) 39(c1)*				
	119(e3)	71(e3)	40(e3)	134(e3)	39(e3)	42(e3)	36(e3) 36(f)	62(e3) 62(f)	78(e3) 78(f)
Criminal cases with conviction			153(c3)	149(c3)					
			200(c3)*						
						37(f)	16(f)	70(f) 43(f)*	46(f)*

Annex B

Table 2: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims			18(b)	21(b)	2(b)	10(b)	9(b)	6(b)	7(b)
						10(e3)		0(d) 6(e3)	

B.12 Portugal

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(Aa)	National Rapporteur on THB	<p>1) Primary source: answers of the National Rapporteur to the ICMPD Questionnaire on the Extent of THB in EU (June 2009). Data refers to identified victims of THB signaled in 2008 and confirmed until May 2009, by focal points of the law enforcement agents, within the monitoring system GUR (Unique Register - <i>Guia Único de Registo</i>).</p> <p>2) "Trafficking in children"- in 2008 appeared a situation of a trafficking of a minor for adoption.</p> <p>3) Data related to THB for labour exploitation is only enumerated since the last change of the Penal Code in September 2007. Before 2007, Portugal had already an article in the Code referring to trafficking of persons, but only for sexual exploitation.</p> <p>4) Internal trafficking was criminalized with the amendment to the Penal Code in September 2007. Until then the crime of trafficking included transnational trafficking only.</p>
(a)	Ministry of Interior; Annual Reports (<i>Relatórios de Segurança Interna</i>) for 2006, 2007, http://www.mai.gov.pt/docs.asp .	<p>1) Data on cases investigated includes new as well as pending investigations.</p> <p>2) Data on cases with indictment refers to persons (national and foreign citizens). Data on trafficking from 2003-2007 is based on §160 (kidnapping) and §160 (sexual exploitation) of the Criminal Code.</p> <p>3) Data on residence permits indicates the number of permits issued to foreign citizens in irregular situation who collaborated with criminal authorities in relation to Art.109 of the new Immigration Law 23/2007. The law is applicable to victims of THB, but also to other victims of violence.</p>
Non-government		
(b)	Portuguese Association for Victim Support (APAV); Annual Statistics from 2000 to 2008; http://www.apav.pt/portal/index.php?option=com_content&view=article&id=77&Itemid=98 (29.06.09).	<p>1) Data on cases investigated from 2000 to 2004 includes both crimes related to pimping and trafficking of adults /minors.</p> <p>2) For 2005, 2006 and 2007 APAV registered crimes of THB for sexual exploitation and labour exploitation. Of note is the differentiation made between both types of trafficking, having in mind that labour exploitation was included in the Criminal Code only in 2007.</p>

Annex B

International		
(c)	UNODC (2009) Global Report on Trafficking in Persons, http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (20.2.2009).	<p>1) Data on identified victims: between 2003 and 2007 authorities identified 25 adult victims of trafficking in persons and sexual exploitation.</p> <p>2) Data on identified minor victims: between 2003 and 2007 authorities identified 12 child victims of trafficking in persons and sexual exploitation.</p> <p>3) Data on cases investigated refers to persons.</p> <p>4) Data on cases with indictment is provided by the Commission for Citizenship and Gender Equality (CIG) and refers to persons. Data includes both the crime of trafficking in persons (Article 160, CC) and sexual exploitation (lenocínio, Article 169, CC).</p> <p>5) Data on cases with conviction refers to persons and is provided by the CIG. Data includes both the crime of trafficking in persons (Article 160, CC) and sexual exploitation (lenocínio, Article 169, CC).</p>
(d)	US Department of State, reports 2008 and 2009, http://www.state.gov/g/tip/rls/tiprpt/index.htm (24.06.09).	<p>1) Data for 2008 covers the period April 2008 - March 2009; Data for 2007 covers the period April 2007- March 2008. The report also lists cases of trafficking proceeded under the procurement law statute and forced labour statute.</p> <p>2) Data on identified victims refers to assisted victims. The primary source for victims identified for 2003 is ACIME (<i>Alto Comissariado para a Imigração Etnicas Portuguesa</i>); the primary source for victims identified in 2004 is APAV.</p> <p>3) In 2008, out of 138 identified victims, only 22 were granted a 30- to 60-day reflection period.</p> <p>4) Data on cases investigated for 2003 refers to "persons" and data for 2008- to "cases". Other sources such as the Ministry of Interior, APAV, and UNODC also refer to "cases".</p> <p>5) Data on cases investigated for 2002 and 2003 is provided as a total number, which is 329 cases of trafficking-related investigations.</p> <p>7) Data on cases with indictment refers to persons. Data for 2008 includes cases of sexual exploitation and forced labour.</p> <p>8) Data on cases with conviction for 2003 refers to the number of convictions and data for 2005 and 2006 refers to persons convicted. Data includes THB and THB related crimes, such as kidnapping, recruiting illegal workers, pimping and extortion.</p>
(e)	UN Office on Drugs and Crimes Trafficking in Persons Report 2006, http://www.unodc.org/pdf/traffickinginpersons_report_2006-04.pdf (6.02.2009).	Data on identified victims for 2005 is notably high. UNODC does not indicate any concrete primary source, but refers to it as "victims identified by authorities". (UNODC 2006:76).

Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									
				147(d)	20(d)	45(d) 506(e)		10(d)	138(d)
Criminal cases investigated						51(a)	40(a)	28(a)	
	8(b)	5(b)	10(b)	11(b)	11(b)				
				54(d)					55(d)
Criminal cases with indictment									
				51(c)	45(c)	67(c) 45(d) 106(e)	65(c; d)		57(d)
Criminal cases with conviction									
				41(c)		55(c)			
				40(d)	27(c)	27(d)	49(c; d)		
Number of permits to victims								38(a)	
									22(d)

Table 2: Data on trafficking in human beings for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									7(Aa)
Criminal cases investigated									
						2(b)	2(b)	1(b)	3(b)

Annex B

Table 3: Data on trafficking in human beings for labour exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									19(Aa)
Criminal cases investigated									
						3(b)	6(b)	7(b)	5(b)

Table 4: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									1(Aa)
Criminal cases investigated									
	3(b)	3(b)	6(b)	15(b)	9(b)				

B.13 Romania³³⁶

Organisations publishing data on THB ³³⁷		
Type	Name of organisation	Remarks
Government		
(a)	<p>National Agency against Trafficking in Persons (NATP).</p> <p>Documents</p> <p>NATP (2007). <i>Report on Trafficking in Persons in Romania 2006</i>. http://anitp.mai.gov.ro/en/docs/raport_anual_2006.pdf (03.08.2009).</p> <p>NATP (2008a). <i>Report on Trafficking in Persons in Romania 2007</i>. http://anitp.mai.gov.ro/en/docs/raport%202007%20engleza.pdf (03.08.2009).</p> <p>NATP (2008b). <i>Summary of the report on the achievement of objectives in the national action plan 2006-2007 for the implementation of the national strategy against trafficking in persons 2006-2010</i>. http://anitp.mai.gov.ro/en/docs/rezumat%20PNA%202006-2007%20engleza.pdf (03.08.2009).</p> <p>NATP (2009a). <i>Aspecte privind fenomenul traficului de femei in Romania</i>. http://anitp.mai.gov.ro/ro/docs/rapoarte/trafic%20de%20femei%20iunie%202009.pdf (03.08.2009).</p> <p>NATP (2009b). <i>Caracteristici ale minorilor identificati ca victime ale traficului de persoane in anul 2008</i>. http://anitp.mai.gov.ro/ro/docs/rapoarte/minori20082009.pdf (03.08.2009).</p> <p>Tamaş, Ana-Maria (Serviciul Monitorizare, Evaluare, Cercetare a Traficului de Persoane, NATP) (2009). <i>Fenomenul Social al Traficului de Persoane. Analiza cantitativa pentru anul 2008 si primele luni ale anului 2009</i>, http://anitp.mai.gov.ro/ro/docs/rapoarte/analiza_cantitativa_2008.pdf (03.08.2009).</p>	<p>The NATP does not directly collect data, rather it centralises data from a variety of sources, mainly the Inspectorate General of the Romanian Police (IGRP), the Inspectorate General of Border Police (IGBP), the Public Ministry and the Ministry of Justice. Unless otherwise specified, the NATP publishes the data it gathers in a consolidated form.</p> <p>Primary sources</p> <p>(a1) primary source(s) unspecified, NATP consolidated data from NGOs and regional centres for assistance to victims.</p> <p>(a2) IGRP (DGCOC) and IGBP</p> <p>(a3) Directorate for the Investigation of Organized Crime and Terrorism (DIOCTO) of the Public Ministry.</p> <p>(a4) Ministry of Justice</p> <p>Identified victims</p> <p>(a1) For 2005-2006, the data consolidated by the NATP refers to victims assisted by authorities and NGOs and they do not include the number of victims directly assisted by the IOM. (NATP 2007:70).</p> <p>In 2005, 150 of the 175 assisted victims were women and 25 men. (NATP 2007:70).</p> <p>In 2006, the total number of victims appears with different values (NATP 2007:70): 424 when the total number of recorded victims assisted by authorities and NGOs is given or if the sum of the disaggregated data by age is calculated; as 397 if the sum of the separate figures for male and female victims is calculated; and 354 if the sum of the disaggregated data by type of exploitation is calculated. 347 of the 424 assisted victims were women and 50 men. In addition to the 294 assisted victims trafficked for sexual exploitation (of which 94 minors) and 11 for labour exploitation, the NATP database also records that 49 victims had been trafficked for begging (of which 44 minors). (NATP 2007:70).</p> <p>In 2007, the data stands for 837 victims that were evaluated by regional centres. Of these, 699 were assisted by authorities and NGOs (from those assisted by NGOs, 27 were in NGO shelters and 116 at home). Furthermore, out of 837 victims initially</p>

³³⁶ Unless otherwise specified, the data presented in the tables below refer to cases.

³³⁷ Within this section, all instances of "*" refer to different subsets of data found within the same document, publishing source, primary source.

		<p>evaluated, 808 victims accepted to participate as injured parties or witnesses in trial. (NATP 2008a:88, 93).</p> <p>(a2) For 2004-2006, the data stands for victims identified by police structures, including the Border Police. (NATP 2007:32).</p> <p>In 2006, 1701 of the victims identified by the IGRP and the IGBP were women and 584 men. One person was a foreigner and the rest Romanian. In addition to the 1451 victims trafficked for sexual exploitation and the 624 for labour exploitation, 183 persons were trafficked for begging and 27 were recorded under the category of "other". (NATP 2007 Annex:90).</p> <p>In 2007, the figure 1780 stands for the number of total number of victims identified (960 women and 820 men). Of the 1780 identified victims, 726 were in a trafficking situation since 2007, while the rest had been involved in trafficking earlier and identified in 2007. Of the total victims, 3 were re-trafficked and identified as such in the centralised database on victims of trafficking. In addition to these, during the interviews conducted by specialised structures of law enforcement, 110 victims stated that they had been re-trafficked, but the figure cannot be validated as, on the one hand it relies exclusively on the victims' statements, and, on the other hand, the centralised data base has been operating since January 2007, while the victimisation situations had been reported prior to this date. No cases of trafficking involving foreign victims were reported on the Romanian territory. (NATP 2008a:11) In addition to the 724 victims trafficked for sexual exploitation (all females, of which 221 minors) and 877 for labour exploitation (159 women, 697 men and 21 children), the police identified 146 victims trafficked for begging, 10 for theft, 6 for pornography and a further 18 were recorded as victims of "attempted trafficking." The NATP notes in the report that the numbers don't add up because of re-trafficking cases. Of the total victims of trafficking identified, 292 were minors (16%), 127 of which were victims of internal trafficking and 166 of external trafficking. 220 children had been trafficked for sexual exploitation, 21 for labour exploitation, 35 for begging, 5 for theft, 6 for pornography (4 for child pornography and 2 for internet pornography) and a further 5 were recorded as victims of "attempted exploitation". No reports of persons trafficked with the purpose of organ removal were recorded in 2007. (NATP 2008a:21, 24, 31) According to the NATP, the difference between the total number of identified victims reported by the NATP (1780) and the figures in the 2007 US Department of State TIP Report (1662) results from the introduction of 118 victims in the NATP centralised database as reported and subsequently confirmed by specialised police and border police structures during</p>
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		<p>December 2007 and July 2008. (NATP 2008a:11, footnote 8).</p> <p>In 2008, the NATP-centralised data refers to a total of 1240 victims identified in 2008. For the first time since trafficked persons are counted, the percentage of male victims is higher than that of female victims: 51% males, i.e. 626 male victims (though all the victims of trafficking for sexual exploitation are women, men represent the majority of victims of trafficking for labour exploitation). Of the total number of victims, 158 were victims of internal trafficking. Slightly more than half of total internal trafficking are minor female victims: 81 victims between 14-17years old. (NATP 2009a:10). 186 of the total 1240 victims were below 18 years old and 93 of these had been internally trafficked. 163 of the minor victims were girls and 23 boys. Of the minor victims, 74% were trafficked for sexual exploitation, 11 for labour exploitation, 5.5% were trafficked for begging, and 4% for petty theft, infantile pornography and internet pornography; the remaining minors had been in a situation of attempted exploitation only. (NATP 2009b:1-2).</p> <p>(a2)* In 2008, the NATP-centralised data refers to a total of 1375 victims identified during 01.01.2008-23.02.2009. Of these, 183 were victims trafficked internally and 1192 victims trafficked externally. 70% of the 782 persons trafficked for forced labour were male. 110 persons were trafficked for begging. (Tamas 2009:1).</p> <p>Cases investigated</p> <p>(a2) The data for 2005-2007 represents persons investigated for trafficking offences (Police data). (NATP 2007:62; NATP 2008a:83).</p> <p>In 2005, out of the 1567 persons investigated for trafficking offences, 1072 were adult males, 313 adult females and 182 minors. (NATP 2008a:83).</p> <p>In 2006, out of the 1485 persons investigated for trafficking offences, 1026 were adult males, 271 adult females and 188 minors. (NATP 2008a:83).</p> <p>In 2007, out of the 1510 persons investigated for trafficking offences, 1085 were adult males, 273 adult females and 152 minors. Of these, 27 were foreign citizens of Greek, German, Albanian, Italian, English, Spanish and Hungarian nationality. (NATP 2008a:82).</p> <p>(a3) The data for 2006 represents 780 persons charged/accused of trafficking crimes (prosecutor's data). (NATP 2007:62).</p> <p>The data for 2007 represents 2235 persons investigated under charges of trafficking offences (prosecutor's data).</p> <p>(a3)* 916 cases of trafficking in persons and trafficking in minors related offences were solved during 2007 by the prosecutor. (NATP 2008a:82-84).</p>
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		<p>In 2008 there were 180 cases of trafficking and 375 traffickers identified.</p> <p>Cases with indictment</p> <p>(a3) The data refers to persons charged/accused of trafficking crimes (prosecutor's data).</p> <p>In 2006, 780 persons were charged/accused of trafficking crimes. (NATP 2007:62).</p> <p>(a3)* The data refers to indictments filed (prosecutor's data).</p> <p>In 2006, 183 indictments were filed. (NATP 2007:62).</p> <p>(a3)** The data refers to cases of trafficking referred to court (prosecutor's data).</p> <p>In 2007, of the 916 cases of trafficking in persons and trafficking in minors-related offences that were solved by the prosecutor, 160 cases were referred to court. In 745 cases the court decided not to pursue prosecution. In 11 cases prosecution was suspended on grounds that the criminal act involved no social threat. (prosecutor's data) (NATP 2008a:83)</p> <p>(a3)*** The data refers to number of persons referred to court (prosecutor's data).</p> <p>In 2007, the 160 cases referred to court dealt with 429 defendants. (NATP 2008a:83).</p> <p>(a4) For 2005-2007, data represents new cases for disposition received in court in the respective years. (NATP 2007:63; NATP 2008a:84).</p> <p>(a4)* In 2007, the data stands for 429 persons indicted. (NATP 2008a:84).</p> <p>Cases with conviction</p> <p>(a4) The data for 2003-2007 refers to number of persons who received mandatory sentences for offences under the Law 678/2001. (NATP 2008a:84-85).</p> <p>(a4)* The data for 2005-2007 refers to number of total cases disposed of in court in the respective years. (NATP 2008a:84-85).</p> <p>(a4)** In 2007, the figure 427 stands for number of defendants to which the cases disposed of in 2007 refer. (NATP 2008a:84).</p> <p>(a4)*** In 2007, the figure 327 stands for number of persons convicted in court. (NATP 2008a:84).</p> <p>In 2005, out of the 231 total cases for disposition in courts (149 new cases presented and 82 cases in reserve), 124 were disposed of. (NATP 2008a:84).</p> <p>In 2006, out of the 430 total cases for disposition in courts (324 new cases presented and 106 cases in reserve), 189 were disposed of. (NATP 2008a:84).</p> <p>In 2007, out of the 356 total cases for</p>
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		disposition in court (207 new cases presented and 149 cases in reserve), 177 were disposed of, which refer to 427 defendants. Of these, 327 received convictions, 14 were acquitted, 3 were sent back to the Prosecution Office and for 83 persons the court ruled otherwise. 188 persons received mandatory sentences (of these, 27 convicts were repeated offenders and 12 had prior convictions). 144 of the convicted traffickers served time in prison: 36% received sentences over 5 years, 40% minimum penalties, 23% suspended sentence on parole or conditional discharge. (NATP 2008a:84).
(b)	<p>Ministerul Public, Parchetul de pe langa Inalta Curte de Casatie si Justitie (PM/PICCJ) (2005) <i>Raport de Activitate 2005</i>. http://www.mpublic.ro/rap_activ_2005.htm (03.08.2009).</p> <p>PM/PICCJ (2007). <i>Raport de Activitate 2007</i>. http://www.mpublic.ro/raport_activitate_2007/index.html (03.08.2009).</p> <p>PM/PICCJ (2008). <i>Raport de Activitate 2008</i>. http://www.mpublic.ro/rap_activ_2008.pdf (03.08.2009).</p>	<p>Primary source: PM/PICCJ</p> <p>Identified victims</p> <p>The data for 2005 and 2007-2008 stands for victims identified by the Public Ministry. (PM/PICCJ 2005 Annex:3; PM/PICCJ 2007:Ch.IV B; PM/PICCJ 2008:42).</p> <p>In 2008, out of the 758 victims identified by the Public Ministry, 151 were minors. (PM/PICCJ 2008:42).</p> <p>Cases investigated</p> <p>(b) The data for 2007-2008 stands for cases solved by the prosecutor.</p> <p>In 2007, the 916 cases were solved by the prosecutor. (PM/PICCJ 2007:Ch. IV B).</p> <p>In 2008, 620 cases were solved by the prosecutor. (PM/PICCJ 2008:42).</p> <p>Cases with indictment</p> <p>(b) The data for 2002 – 2007 appears on p. 12 of the annex to PM/PICCJ 2008 as representing offences, but the figure for 2008 (333) corresponds to what in the text is described as the number of persons indicted (PM/PICCJ 2008:42), which casts a doubt over whether the rest of the figures refer to the same thing.</p> <p>(b)* The data for 2007-2008 stands for cases with indictment.</p> <p>In 2007, out of the 916 cases solved by the prosecutor, 160 were cases with indictment. (PM/PICCJ 2007:Ch. IV B).</p> <p>In 2008, there were 136 cases with indictment. (PM/PICCJ 2008:42).</p> <p>(b)** In 2007, the 160 cases with indictment refer to 398 defendants. (PM/PICCJ 2007:Ch. IV B).</p>

(c)	<p>Inspectorate General of Border Police (IGBP)</p> <p>Documents</p> <p>IGBP (2008). <i>Bilant Semestrial la Politia de Frontiera Romana</i>, 23.07.2008.</p> <p>http://www.politiadefrontiera.ro/comunicat.php?id_com=226 (03.08.2009).</p> <p>IGBP (2009). <i>Retrospectiva 2008 - Combaterea migratiei ilegale si traficului de persoane</i>, 12/01/2009.</p> <p>www.antitrafic.ro/stiri.php (24.01.2009).</p>	<p>Primary source: IGBP</p> <p>Identified victims</p> <p>In 2008, the data stands for victims identified by the Border Police. (IGBP 2009).</p> <p>Also in 2008, the data on identified victims of trafficking on sexual exploitation covers only the first half of the year. (IGBP 2008).</p>
(d)	<p>Inter-ministerial Working Group for the coordination and evaluation of activities for prevention and combating trafficking of persons (2005). <i>Annual Report 2003-2004</i>.</p> <p>http://www.antitrafic.ro/sections/yjklryl/qig/?t_id=0p19p1&lang=en (12.08.2009).</p>	<p>Primary source: unspecified</p> <p>Identified victims</p> <p>In 2003, the data stands for the approximate number of victims that were given assistance. Of these, 200 testified as witnesses in court.</p> <p>Cases with indictment</p> <p>In 2003, the data refers to persons prosecuted for human trafficking or related crimes.</p> <p>Cases with conviction</p> <p>In 2003, the data refers to persons convicted for human trafficking or related crimes.</p>
(e)	<p>National Agency Against Trafficking in Persons (NATP) (2009c). Response to the questionnaire prepared by ICMPD for this study.</p>	<p>Primary source: unspecified</p> <p>Identified victims</p> <p>In 2008, the data stands for 1288 victims identified. Of these, 507 were assisted and 784 refused assistance (the numbers do not add up). Of the 186 minor victims identified, 111 were assisted and 76 refused assistance.</p> <p>Cases with conviction</p> <p>In 2008, the data stands for persons convicted for trafficking in persons.</p>
(f)	<p>US Embassy to Romania (2005). <i>Country Report on Romania regarding the respect of Human Rights in 2004</i>. Press release, 28.02.2005,</p> <p>http://www.antitrafic.ro/sections/sdfnsf/srjinj/adsd/?t_id=0p15p7p0 (03.08.2009).</p>	<p>Primary sources</p> <p>(f1) unspecified public authorities.</p> <p>(f2) IGRP; data collected during the Operation Mirage (regional anti-trafficking and anti-smuggling action organised by SECI).</p> <p>(f3) IOM</p> <p>Identified victims</p> <p>(f1) In 2004, the data stands for victims identified by authorities in the first 9 months of the year. Of the 217 minors thus identified, 80 were boys and 137 girls.</p> <p>(f2) In 2004, the data stands for Romanian</p>

		<p>victims identified as part of the international Operation Mirage, which started in September 2004.</p> <p>(f3) In 2004, the data stand for victims assisted by IOM. Of these, 120 victims were repatriated and 21 received assistance to integrate. All victims were women and 16 were minors.</p> <p>Cases investigated</p> <p>(f1) In 2003, 658 trafficking offences were identified.</p> <p>(f1)* In 2003, 488 persons were investigated.</p> <p>In 2004, 934 persons were under investigation.</p> <p>(f1)** In 2003, 146 persons were arrested.</p> <p>In 2004, 162 new suspects arrested were starting with September 2004.</p> <p>(f2) In 2004, 261 suspects were arrested during the Operation Mirage, which started in September 2004.</p> <p>(f2)* In 2004, of the 261 suspects arrested during the Operation Mirage, 130 were placed under accusation.</p> <p>Cases with conviction</p> <p>(f1) In 2004, the data refers to final sentences on the basis of THB legislation. Reporting period and primary source unknown for these data.</p>
Non-government		
(g)	<p>Johns Hopkins University - The Protection Project (n. a.). <i>Human Rights Report of Romania</i>. http://www.protectionproject.org/human-rights-reports/ (30.04.2009).</p>	<p>Primary sources</p> <p>(g1) unspecified law enforcement authorities; data collected during the Operation Mirage (regional anti-trafficking and anti-smuggling action organised by SECI).</p> <p>The data for 2002 was quoted in Barbara Limanowska (2003), <i>Trafficking in Human Beings in South Eastern Europe: 2003 Update on Situation and Responses to Trafficking in Human Beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Moldova, Serbia and Montenegro, including the UN Administered Province of Kosovo and Romania</i>, Belgrade: UNICEF, p. 29.</p> <p>The data for 2003 was quoted in David Binder (2003), <i>12 Nations in Southeast Europe Pursue Traffickers in Sex Trade</i>, In The New York Times, 19 October 2003.</p> <p>The data for 2004 was quoted in <i>Albanian Police Announce Success in Anti-Trafficking Operation</i>, Dita, 12 July 2004.</p> <p>(g2) unspecified; data quoted from BBC Monitoring International Reports, "Romania Included in Second Risk Group on Human Trafficking", 10 March 2004.</p> <p>(g3) unspecified; data quoted from Counter-Trafficking Regional Clearing Point (2003),</p>

		<p><i>Country Report: Romania, in First Annual Report on Victims of Trafficking in South Eastern Europe, Geneva, p. 102.</i></p> <p>(g4) IOM; data quoted from <i>Romania - Counter-Trafficking</i>, IOM Press Briefing Notes, 24 October 2003.</p> <p>Identified victims</p> <p>(g1) For 2002-2004, the data stands for victims of trafficking identified by law enforcement authorities during the Operation Mirage. (Protection Project n.a.:13).</p> <p>In 2002, 20.558 establishments were raided or checked, 13.000 women and children were interviewed. The number of persons that were identified as victims of trafficking represents 14% of the suspected victims. 63 victims (4% of the suspected victims) were assisted through IOM and NGOs. (Protection Project n.a.:13).</p> <p>In 2004, the Operation Mirage took place in June. (Protection Project n.a.:14).</p> <p>(g3) Between January 2000 and May 2003, at least 818 victims were identified and assisted in Romania. Of these, 778 were Romanian and 40 foreign. The victims were mainly women and girls voluntarily repatriated to Romania through assistance programs run by the International Organization for Migration (IOM) and other NGOs. All the victims were trafficked for the purpose of sexual exploitation. At the time of their return to Romania, 25% of them were between 16-17 years old (the rest 18 and over) (Protection Project n.a.:3).</p> <p>(g4) As of autumn 2003, the IOM Bucharest had assisted more than 700 female victims of trafficking. (Protection Project n.a.:12).</p> <p>Cases investigated</p> <p>(g1) In 2003, the data stands for 831 suspected traffickers detected by law enforcement authorities during the Operation Mirage. 20,629 places such as border crossings, bars, and nightclubs were checked; identity checks were run on 11,170 people. (Protection Project n.a.:13).</p> <p>In 2004, 545 people were identified as traffickers following the Operation Mirage 2004 which took place in June. (Protection Project n.a.:14).</p> <p>(g1)* In 2003, criminal procedures were started against 499 of the 831 suspects identified during the Operation Mirage. (Protection Project n.a.:14).</p> <p>In 2004, 302 persons from the 545 traffickers identified during the Operation Mirage were charged with trafficking. (Protection Project n.a.:14).</p> <p>(g1)** In 2003, 194 suspected traffickers were arrested following the Operation Mirage. (Protection Project n.a.:13).</p>
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		<p>(g2) As of March 2004, Romanian authorities had investigated 979 persons involved in human trafficking. (Protection Project n.a.:10).</p> <p>(g2)* As of March 2004, 317 persons of the 979 investigated had been charged, and 198 of them were placed in preventive custody. (Protection Project n.a.:10).</p>
(h)	<p>Save the Children/Salvati Copiii (2008). <i>Alternative Report to the Third and Fourth Periodic Report submitted by Romania to the UN Committee on the Rights of the Child 2003-2007</i>. http://www.salvaticopiii.ro/romania/resurs_e/rapoarte_2009/Alternative_Report_SCR_EN.pdf (03.08.2009).</p> <p>Save the Children/Salvati Copiii (2004). <i>Raport privind traficul de copii in Romania</i>. http://www.salvaticopiii.ro/romania/resurs_e/rap_trafic_Romania.pdf (30.04.2009).</p>	<p>Primary sources</p> <p>(h1) IOM</p> <p>(h2) unspecified, data collected by the NATP</p> <p>(h3) IGRP (DGCOC)</p> <p>Identified victims</p> <p>(h1) Between 2000 and 2003, the IOM assisted 161 trafficked children. (Save the Children 2004:19).</p> <p>(h2) In 2007, 166 children were trafficked externally and 127 (116 girls and 11 boys) were victims of internal trafficking. Of the instances of internal trafficking, the highest share of girls (91%) was forced to practice prostitution, 4 girls were exploited for the purpose of child pornography, 2 girls for internet pornography and 5 girls were forced to beg. In the case of the boys, the forms of exploitation included begging and forced labour. (Save the Children 2008:25).</p> <p>(h3) In 2002, 59 returned children declared to have been trafficked. Of these, 22 were used for petty theft, 31 for begging and 6 girls for prostitution (Save the Children 2004:20).</p> <p>Until March 2004, 93 children who had been returned in 2003 declared to have been trafficked (out of 402 interviews conducted up to that point and with 632 interviews still to go). (Save the Children 2004:20).</p> <p>Cases with conviction</p> <p>(h2) For 2002-2007, the data represents the number of traffickers convicted for human trafficking and are quoted from the NATP. (Save the Children 2008:25).</p>
(i)	<p>International Organization for Migration (IOM) - Bucharest</p> <p>IOM (2005). <i>Statistica OIM 2004. Victime Asistate de OIM Bucuresti in 2004</i>. http://www.antitrafic.ro/sections/sdfnsf/sr_inj/adsbn/?t_id=0p15p7p3 (12.08.2009).</p>	<p>Primary source: IOM Bucharest</p> <p>Identified victims</p> <p>For 2003-2004, the data stands for the number of victims assisted by IOM Bucharest.</p> <p>In 2003, 2 of the 158 assisted victims were foreign, and they were assisted with a view to repatriation. In addition those trafficked for labour and sexual exploitation, 3 persons were trafficked for other illicit activities.</p> <p>In 2004, 3 of the 149 assisted victims were foreign, and they were assisted with a view to repatriation. Of all the victims, 25 were minors. All the 132 victims of trafficking for sexual exploitation were Romanian women. 8 out of the 10 persons trafficked for labour</p>

Annex B

		exploitation were women and 2 men. 3 of the assisted victims of trafficking of labour exploitation were minors. In addition, of those trafficked for labour and sexual exploitation, 4 persons were trafficked for other illicit activities.
(j)	http://www.cotidianul.ro/parinti_arestati_pentru_trafic_de_organe-77009.html (30.04.2009).	<p>Primary sources: Local DIOCTO and DGCOB (Bacau)</p> <p>Cases investigated (trafficking in persons for removal of organs)</p> <p>In 2009, 2 persons were arrested for planning to sell two 7-year old children for 12,000 EUR to have a kidney removed from each.</p> <p>Regarding the case above, the director of the National Transplant Agency (Victor Zota) denied that this would have been possible in Romania, since it is illegal to have minors as donors and no commission would have approved this transplant.</p> <p>(http://www.adevarul.ro/articole/specialistii-sustin-ca-traficul-de-organe-este-doar-un-mit.html (18.03.2009)).</p>
(k)	Jurnalul National (newspaper) quoted on http://www.urbaniulian.ro/2008/07/31/traficul-cu-organe-din-romania-nici-o-condamnare-in-justitie-impotriva-unui-singur-membru-al-retelelor-care-activeaza-in-romania/ (text from 31.07.2008, last accessed on 26.03.2009).	<p>Cases investigated (trafficking in persons for removal of organs)</p> <p>In June 2005, a reporter presented a documentary about the routes of trafficking in kidneys in Romania and how it involves hospitals and medical personnel. In 2008, two years after having started a criminal investigation in this file, the Prosecutor's Office from Cluj (<i>Parchetul Cluj</i>), the case has still not been sent to court. The case started from the confession to the Prosecutor's Office of a young man (Iacob Iulian - the name is readily available) who had sold a kidney and then, due to blackmailing, had been lead to enter the organ trafficking black market as an intermediary. He has confessed to having been a victim (in 2000, when he was supposed to receive 7.500 USD - he has received only 2.500 USD) and then a trafficker. The investigation was started simultaneously by the DGOC Brasov and Cluj, under the co-ordination of the Prosecutor's Office in Cluj.</p>
International		
(l)	ICMPD (2008). <i>Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe in 2007. A Survey and Analysis of Border Management and Border Apprehension.</i>	<p>Primary source: IGBP</p> <p>Identified victims</p> <p>For 2006-2007, the data refers to persons being trafficking in Romania identified at the border.</p> <p>In 2006, of the persons trafficked in Romania who were identified at the border, 210 were women and 177 men (excluding children).</p> <p>In 2007, of the 712 persons trafficked in Romania who were identified at the border, 210 were women and 502 men (including</p>

		<p>children). 7 were foreigners and the rest Romanian. Of the 75 minor victims, 65 girls and 10 boys.</p> <p>Cases investigated</p> <p>For 2005-2006, the data refers only to persons apprehended at the border by the IGBP.</p> <p>In 2006, of the 293 traffickers apprehended, 279 were Romanians, 9 Moldovans, 3 Spanish and 2 Italians.</p>
(m)	<p>US Department of State <i>Trafficking in Persons Reports</i> for 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009. http://www.state.gov/g/tip/rls/tiprpt/index.htm (05.08.2009).</p>	<p>Primary sources: unspecified public authorities</p> <p>Identified victims</p> <p>In 2002, the data stands for victims identified in the course of criminal investigations. (2003 US Department of State TIP Report).</p> <p>In 2003, the data stands for victims repatriated from Italy, Bosnia and Herzegovina, France, Spain, and Croatia by the Romanian embassies. (2004 US Department of State TIP Report).</p> <p>In 2004, there were 350 victims repatriated by Romanian embassies. At least 35 minor victims of trafficking were assisted by a local NGO. (2005 US Department of State TIP Report).</p> <p>In 2005, the data stands for victims assisted by the government. Of these, only 29 used the state shelters. (2006 US Department of State TIP Report).</p> <p>In 2006, the data stands for victims of trafficking in persons identified by the police in Romania. Of these, 476 were assisted either by government agencies or NGOs. (2007 US Department of State TIP Report).</p> <p>In 2007, the data stands for victims identified. Of these, 669 were assisted and 69 of them received care: 42 in temporary state-run shelters and 27 in long-term NGO-run shelters. No victims of trafficking were assisted by Romania's witness protection program. The government did not provide a breakdown of data for arrests, prosecutions, convictions, and sentences related to trafficking for forced labour. There were no reported investigations, prosecutions, convictions or sentences of foreign visitors engaging in sexual exploitation of Romanian children. (2008 US Department of State TIP Report).</p> <p>In 2008, the data stands for victims identified. Of these, 306 were provided with government-funded assistance and an additional 234 were assisted by NGO-funded programmes. Moreover, 1053 victims assisted the law enforcement efforts in 2008 by participating in trafficking investigations and prosecutions. (2009 US Department of State TIP Report).</p> <p>(m)* In 2004, there were 100 victims assisted at an NGO-run shelter in Bucharest, for which the Ministry of Interior provided</p>

		<p>security. (2005 US Department of State TIP Report).</p> <p>Criminal cases investigated</p> <p>In 2000, the data stands for the number of traffickers arrested. (2001 US Department of State TIP Report).</p> <p>In 2003, the data stands for persons arrested under the Law 678/2001 by the police. (2004 US Department of State TIP Report).</p> <p>In 2005, the data stands for investigations conducted by the police. (2006 US Department of State TIP Report).</p> <p>In 2006 and 2007, the data stands for cases investigated by authorities both domestically as well as with foreign law enforcement counterparts. (2008 US Department of State TIP Report).</p> <p>In 2008, the data stands for new cases investigated. (2009 US Department of State TIP Report).</p> <p>Criminal cases with indictment</p> <p>In 2005, the data refers to trafficking cases prosecuted by the police. (2006 US Department of State TIP Report).</p> <p>In 2006-2008, the data refers to persons prosecuted for trafficking, at different stages in the criminal procedures: in 2006, persons charged/accused; in 2007, persons indicted; in 2008, not clear (US Department of State TIP Reports 2007, 2008 and 2009).</p> <p>Criminal cases with conviction</p> <p>For 2002-2008, the data on criminal cases with conviction refers to convicted traffickers. (US Department of State TIP Reports 2004, 2005, 2006) At least in 2007, The description of the data in the publishing source is not accurately quoted from the primary source(s). Though described by the publishing source as "offenders convicted", in the original source the data referred to the number of traffickers who received mandatory sentences for THB offences.</p> <p>In 2002, there were 0 traffickers convicted under the THB law. However, though no convictions were brought under the THB law, 150 persons were convicted for an aggregate 168 offences under various provisions of the law. (2003 US Department of State TIP Report).</p> <p>In 2003, penalties in 27 cases ranged from 1-10 years in prison and in 22 cases were a year or less. (2004 US Department of State TIP Report).</p> <p>In 2005, of the 235 traffickers convicted, 137 received prison sentences, while 98 received no prison time. 64 traffickers received between 1-5 years in prison. An additional 64 traffickers were sentenced from 5-10 years. (2006 US Department of State TIP Report).</p>
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		<p>In 2006, 164 of the 187 persons convicted for trafficking offences served time in prison. (2007 US Department of State TIP Report).</p> <p>In 2007, of the 188 persons convicted for trafficking offences, 144 served time in prison. One trafficker was sentenced to 6 to 12 months imprisonment, 76 traffickers were sentenced to 1 to 5 years imprisonment, 66 traffickers were sentenced to 5 to 10 years imprisonment, and 1 trafficker was sentenced to 10 to 15 years imprisonment. (2008 US Department of State TIP Report).</p> <p>Regarding data on trafficking in children, in 2007, there were no reported investigations, prosecutions, convictions or sentences of foreign visitors engaging in sexual exploitation of Romanian children. (2008 US Department of State TIP Report).</p> <p>Regarding data on THB for labour exploitation, in 2007 the government did not provide a breakdown of data for arrests, prosecutions, convictions, and sentences related to trafficking for forced labour. (2008 US Department of State TIP Report).</p> <p>In 2008, during the reporting period, 106 of the 125 convicted traffickers served some time in prison; 19 traffickers were given suspended sentences and served no time in prison. 48 traffickers were sentenced to one to five years imprisonment, 56 traffickers were sentenced to five to 10 years imprisonment, and two traffickers were sentenced to more than 10 years imprisonment. (2009 US Department of State TIP Report).</p>
(n)	<p>UNODC (2009). <i>Global Report on Trafficking in Persons</i> http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (03.08.2009).</p> <p>UNODC (2006). <i>Trafficking in Persons: Global Patterns</i>. http://www.unodc.org/documents/human-trafficking/HT-globalpatterns-en.pdf (03.08.2009).</p>	<p>Primary sources</p> <p>(n1) unspecified</p> <p>(n2) Resource Centre for Combating Trafficking in Persons (RCCTHB) of IGRP</p> <p>(n3) Directorate for the Investigation of Organized Crime and Terrorism (DIOCTO) of the Public Ministry</p> <p>(n4) RCCTHB and DIOCTO</p> <p>(n5) International Organization for Migration (IOM)</p> <p>Identified victims</p> <p>(n2) The data for 2005-2007 stands for victims of trafficking in persons identified by the police in Romania. (UNODC 2009:272-273).</p> <p>In 2005, of the 2251 victims identified by the police, 1694 were women and 557 men. Of the 391 minor victims, 341 were girls and 50 boys. In addition to the 1764 victims trafficked for the purpose of sexual exploitation and the 541 for labour exploitation, the police identified 177 victims trafficked for begging and a further 69 were recorded under the category of "other". (UNODC 2009:273).</p>

		<p>In 2006, of the 2285 victims identified by the police, 1701 were women and 584 men. 476 were assisted either by government agencies or by NGOs. Of the 316 minor victims, 274 were girls and 42 boys. In addition to the 1451 victims trafficked for the purpose of sexual exploitation and the 624 for labour exploitation, the police identified 183 victims trafficked for begging and a further 27 were recorded under the category of "other". (UNODC 2009:273).</p> <p>In 2007, of the 2072 victims identified by the police, 1215 were women and 857 men. All the 724 victims of trafficking for sexual exploitation were women. Of the 292 minor victims, 255 were girls and 37 boys. In addition to the 724 victims trafficked for the purpose of sexual exploitation and the 877 for labour exploitation, the police identified 146 victims trafficked for begging and a further 34 were recorded under the category of "other". (UNODC 2009:273).</p> <p>(n2)* In 2007, the data stands for victims of trafficking identified by state authorities in Romania. 207 of them were victims of domestic trafficking and 611 of international trafficking. (UNODC 2009:273).</p> <p>(n3) The data for 2005-2008 stands for victims of trafficking in persons identified by the Public Ministry in Romania. (UNODC 2009:273-274).</p> <p>In 2005, of the 1141 victims identified by the Public Ministry, 974 were women and 167 men. Of the 252 minor victims, 231 were girls and 21 boys. In addition to the 951 victims trafficked for the purpose of sexual exploitation and the 113 for labour exploitation, the Public Ministry identified 37 victims trafficked for begging and a further 40 were recorded under the category of "other". (UNODC 2009:273).</p> <p>In 2006, of the 1336 victims identified by the Public Ministry, 1086 were women and 250 men. Of the 308 minor victims, 269 were girls and 39 boys. In addition to the 1011 victims trafficked for the purpose of sexual exploitation and the 213 for labour exploitation, the Public Ministry identified 72 victims trafficked for begging and a further 40 were recorded under the category of "other". (UNODC 2009:273).</p> <p>In 2007, of the 1044 victims identified by the Public Ministry, 759 were women and 285 men. Of the 244 minor victims, 217 were girls and 27 boys. In addition to the 658 victims trafficked for the purpose of sexual exploitation and the 328 for labour exploitation, the Public Ministry identified 37 victims trafficked for begging and a further 21 were recorded under the category of "other". (UNODC 2009:273).</p> <p>In 2008, the data covers only the period from January to November (the number of total victims identified by the Public Ministry appears to be 637 in the chart with data disaggregated by gender and age and 635 in</p>
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		<p>the chart with data disaggregated by form of exploitation). Of the total 637 identified victims, 339 were women and 298 men. Of the 131 minor victims, 115 were girls and 16 boys. In addition to the 255 victims trafficked for the purpose of sexual exploitation and the 297 for labour exploitation, the Public Ministry identified 79 victims trafficked for begging and a further 4 were recorded under the category of "other". (UNODC 2009:273).</p> <p>(n5) The data for 2003-2006 stands for victims of trafficking returned to Romania by the IOM. (UNODC 2009:274).</p> <p>In 2005, all the victims returned by the IOM to Romania were Romanian.</p> <p>In 2006, 8 of the victims returned by the IOM to Romania were foreigners and the rest Romanian.</p> <p>Cases with conviction</p> <p>(n1) In 2005, the data refers to persons convicted from January to June 2005. (UNODC 2006:72).</p> <p>(n4) All data on criminal cases with conviction refers to convicted persons. (UNODC 2009:272-274).</p> <p>In 2003, 36 of the 49 convicted traffickers were males and 13 females.</p> <p>In 2004, 86 of the 103 convicted traffickers were males and 17 females.</p> <p>In 2005, 111 of the 146 convicted traffickers were males and 35 females.</p> <p>In 2006, 139 of the 187 convicted traffickers were males and 48 females. In 2006, out of 82 appeals, convictions were upheld in 62 cases; the sentences for 18 of the convicted persons were increased; the punishment was reduced for 23; the sentence remained the same for 21; convictions were overturned in eight cases and a retrial was ordered; and 12 cases had other non-specified outcomes. (UNODC 2009:274).</p> <p>Note: At least in 2007, the description of the data in the publishing source is not accurately quoted from the primary source(s). Though described by the publishing source as "offenders convicted", in the original source, the data referred to the number of traffickers who received mandatory sentences for THB offences. This category of data (the data on convicted persons under mandatory sentences) reflects only a part of the total number of convictions, albeit the largest part.</p>
(o)	<p>R. Surtees (2005). <i>Second Annual Report on Victims of Trafficking in South-Eastern Europe</i>. IOM: Switzerland. http://www.iom.int/jahia/webdav/site/myahiasite/shared/shared/mainsite/published_docs/studies_and_reports/second_annual_05.pdf (03.08.2009).</p>	<p>Primary sources</p> <p>Social Alternatives, <i>Connexiuni</i>, Reaching Out, Adpare, Young Generation, Armonia Association, <i>Arhiepiscopia Ortodoxa Romana a Timisoarei</i>, Artemis, Save the Children/<i>Salvati Copiii</i>, Transit and Assistance Shelter for Victims of Trafficking, Resource Centre for Combating Trafficking in Persons (Ministry of Administration and</p>

		<p>Interior), IOM Mission in Bucharest, Koofra (Germany) and Poppy Project (UK). Other organisations in Romania that participated in the RCP research and provided information include: Centre of Urban and Regional Sociology (CURS), United States Agency for International Development (USAID), International Labour Organization/ International Programme on the Elimination of Child Labour (ILO-IPEC), Ministry of Administration and Interior and Institute for Crime Prevention and Research and Society for Children and Parents (SCOP).</p> <p>Identified victims</p> <p>Data on identified victims for the years from 2000 to 2004 stands for victims trafficked to or originating from Romania referred to assistance upon return. It comprises the number of Romanian victims identified abroad as trafficked and voluntarily returned to Romania as well as victims forcibly returned to Romania and referred by for assistance upon return. Victims who returned to Romania through a voluntary return programme but declined further assistance are included, as they received at least basic assistance. With the exception of information provided by the NGOs Poppy Project (UK) and Koofra (Germany), the figures do not include individual profiles of Romanian victims identified and assisted by NGOs or organisations in third countries who were not subsequently returned or assisted in Romania. (Surtees 2005:438).</p> <p>In 2000, 2 of the assisted victims were foreigners and the rest Romanian.</p> <p>In 2001, all the assisted victims were Romanian.</p> <p>In 2002, 3 of the assisted victims were foreigners, the rest Romanian.</p> <p>In 2003, 8 of the assisted victims were foreigners, the rest Romanian. 167 of the assisted Romanian nationals had been trafficked for the purposes of sexual exploitation (all women, of which 16.3% minors), 22 for labour exploitation (of which 4.6% minors) and 5 for delinquency and begging).</p> <p>In 2004, 18 of the assisted victims were foreigners, the rest Romanian. 164 of the assisted Romanian nationals had been trafficked for the purposes of sexual exploitation (all women, of which 26.8% minors), 14 for labour exploitation (of which 50% minors), 9 for delinquency and begging and 6 persons were recorded as potential victims (of which 88.9% minors).</p>
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(p)	<p>N. Scheper-Hughes (2003). <i>Keeping an eye on the global traffic in human organs</i>. In <i>The Lancet</i>, Vol 361, May 10, 2003, pp. 1645-1648.</p> <p>Trafficking in persons for the removal of organs</p> <p>In one well-travelled route, small groups of Israeli transplant patients go by charter plane to Turkey where they are matched with kidney sellers from rural Moldova and Romania and are transplanted by a team of surgeons — one Israeli and one Turkish. (1645).</p> <p>In today's global market (...) a Moldovan or Romanian kidney yields \$2700 (...). (1467)</p>
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Table 1: Data on trafficking in human beings – unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims						175(a1)	424(a1)	837(a1)	507(e)
					1960(a2)	2551(a2)	2285(a2)	1780(a2)	1240(a2)
									1375(a2)*
					1740(f1) 393(f2) 130(f3)				
						2338(b)		1046(b)	758(b)
				500(d)					1288(e)
			237(q1)	696(q1)	601(q1)				
			818(q3)						
			700(q4)						
				158(i)	149(i)				
	163(o)	261(o)	246(o)	202(o)	211(o)				
						2251(n2)	2285(n2)	2072(n2)	
								1818(n2)*	
						1141(n3)	1336(n3)	1044(n3)	635(n3)
				159(n5)	154(n5)	100(n5)	143(n5)		
							347(l)	712(l)	500(c)
			303(m)	107(m)	350(m) 100(m)*	175(m)	2285(m)	1662(m)	1240(m)

Annex B

Criminal cases investigated		430(a2)	625(a2)	1068(a2)	1648(a2)	1567(a2)	1485(a2)	1510(a2)	
							780(a3)	2235(a3) 916(a3)*	
				658(f1) 488(f1)* 146(f1)**	934(f1)* 162(f1)** 261(f2) 130(f2)*				
								916(b)	620(b)
				831(g1) 499(g1)* 194(g1)**	545(g1) 302(g1)*				
					979(g2) 317(g2)*				
	3(m)			187(m)		231(m)	61(m) 293(l)	232(m) 408(l)	494(m)
Criminal cases with indictment			94(b)	270(b)	258(b)	360(b)	479(b)	411(b) 160(b)* 398(b)**	333(b) 136(b)*
						149(a4)	324(a4)	207(a4) 429(a4)*	
				318(d)					
							780(a3) 183(a3)*	160(a3)** 429(a3)***	
						124(m)	780(m)	398(m)	329(m)
Criminal cases with conviction				49(a4)	103(a4)	146(a4) 124(a4)*	187(a4) 189(a4)*	188 (a4) 177(a4)* 427(a4)** 327(a4)***	
									352(e)
					74(f1)				
				50(d)					
			1(h2)	19(h2)	103(h2)	146(h2)	187(h2)	188(h2)	
				49(n4)	103(n4)	146(n4)	187(n4)	188(n4)	
						125(n1)			
			0(m)	49(m)	103(m)	235(m)	187(m)	188(m)	125(m)

Table 2: Data on trafficking in human beings for sexual exploitation

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims							294(a1)		
							1451(a2)	724(a2)	386(a2)
									426(a2)*
									241(c)
									386(e)
		818 (g3)							
				132(i)	132(i)	175(i)			
						1764(n2)	1451(n2)	724(n2)	
						951(n3)	1011(n3)	658(n3)	255(n3)
				167(o)	164(o)				
								680(m)	287(m)

Table 3: Data on trafficking in human beings for labour exploitation

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims							11(a1)		
							624(a2)	877(a2)	782(a2)*
									716(e)
				21 (i)	10(i)				
						541(n2)	624(n2)	877(n2)	
						113(n3)	213(n3)	328(n3)	297(n3)
								780(m)	at least 649(m)
				22(o)	14(o)				

Annex B

Table 4: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims							168(a1)		
							316(a2)	292(a2)	186(a2)
								246(b)	151(b)
					217(f1)				
					16(f3)				
	25% of the victims identified and assisted in Romania (q3)								186(e)
	161(h1)								
	24.84%(h1) of the victims assisted by IOM	20.73%(h1) of the victims assisted by IOM	22.83%(h1) of the victims assisted by IOM	18.4%(h1) of the victims assisted by IOM					
								293(h2)	
			59(h3)	93(h3)					
				28(o)	51(o)				
						391(n2)	316(n2)	292(n2)	
						252(n3)	308(n3)	244(n3)	131(n3)
							17(l)	75(l)	
					35(m)				

B.14 Spain

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	<p><i>Unidad Tecnica de Policia Judicial de la Guardia Civil</i></p> <p>1) <i>Tráfico de seres humanos con fines de explotación sexual, informe criminológico 2001</i>, http://www.aboliciondelaprostitucion.org/textos/DO_INF_guardcivil_TSH2001.PDF (22.01.2009);</p> <p>2) <i>Tráfico de seres humanos con fines de explotación sexual, informe criminológico 2003-2004</i>, http://www.oas.org/atip/Reports/Trafico_seres_humanos_2003-04.pdf (22.01.2009);</p> <p>3) <i>Tráfico de seres humanos con fines de explotación sexual, informe criminológico 2005</i> http://www.lourdesmunozsantamaria.cat/IMG/pdf/InformeTSH2005GC-1.pdf (22.01.2009);</p> <p>4) <i>VICTIMAS DE TRÁFICO DE SERES HUMANOS EN LA DEMARCACIÓN DE LA GUARDIA CIVIL</i>, www.migualdad.es/mujer/mujeres/cifras/tablas/W874.xls (29.06.09).</p>	<p>1) Data on identified victims refers to victims who testified (also for child trafficking).</p>
(b)	<p>Spanish Ministry of Interior 2007</p> <p>1) <i>Plan integral de lucha contra la trata de seres humanos con fines de explotación sexual en España</i>; http://www.intermigra.info/extranjeria/arcivos/impresos/PlanTrataMIR.pdf (22.01.2009).</p> <p>2) <i>Estudio sobre la explotación sexual de las mujeres, con referencia al trafico ilegal</i>, http://www.migualdad.es/mujer/mujeres/estud_inves/Explotacion_sexual.pdf (22.01.2009).</p> <p>3) Alberola, Cristina & Framis Andrea (2004): <i>Trafficking of Human Beings for the Purpose of Sexual Exploitation in Spain II</i>, http://www.uclm.es/criminologia/pdf/12_2004.pdf.</p> <p>4) Study on National Legislation on Prostitution and the Trafficking in Women and Children Final Study 2005 executed by TRANSCRIME, for the European Parliament, http://www.europarl.europa.eu/comparl/femm/womensday/2006/transcrime_final_study_en.pdf.</p>	<p>1) The primary source of the data is the Spanish Ministry of Interior.</p> <p>2) Regarding THB for sexual exploitation, data on cases investigated refers to persons arrested by both the <i>Guardia Civil</i> as well as the National Police.</p>

Annex B

(c)	The Office of the Public Prosecutor, Memoria 2008 de la Fiscalía General del Estado, www.fiscal.es .	1) Primary data is provided by the National and by the Civil Police.
Non-government		
International		
(d)	UNODC (2009) Global Report on Trafficking in Persons, http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (20.2.2009).	1) The primary source is the <i>Centro de Inteligencia contra el Crimen Organizado</i> . 2) Data on identified victims includes victims of trafficking in persons-related offences (also for child trafficking). 3) Data on cases investigated refers to persons.
(f)	US Department of State, reports 2008 and 2009, http://www.state.gov/g/tip/rls/tiprpt/index.htm (24.06.09).	1) Data for 2008 covers the period April 2008 - March 2009; Data for 2007 covers the period April 2007- March 2008. The report lists cases of trafficking proceed under the procurement law statute and forced labour statute. 2) Data on identified victims refers to assisted victims. 3) Data on identified victims for sexual exploitation and for labour exploitation for 2008 refers to victims identified by authorities. 4) Data on cases of investigation refers to number of people arrested for offences related to THB. 5) Data on cases with indictment refers to trafficking cases prosecuted. 6) Data on cases with conviction refers to trafficking offenders convicted.

Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									
				2541(d)	2745(d)	2162(d)	2447(d)	2416(d)	
Criminal cases investigated									
				1286(d)	1240(d)	1172(d)	1224(d)	1204(d)	
Criminal cases with indictment									
								102(f)	135(f)
Criminal cases with conviction									
								142(f)	107(f)

Table 2: Data on trafficking in human beings for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims					225(a)				
	479(b)	636(b)	791(b)	186(a)				1618(c)	
						1486(d)	2002(d)		
Criminal cases investigated									
	332 (b)	497(b)	671(b)			981(b)	1601(b)	807 (c)	
Criminal cases with indictment									
Criminal cases with conviction									

Annex B

Table 3: Data on trafficking in human beings for labour exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims								1003 (c)	
						681(d)	462(d)		
Criminal cases investigated					233(f)				
								395 (c)	
Criminal cases with indictment									
Criminal cases with conviction									
									14(f)

Table 4: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims						12/S(a)			
				8(d)	23(d)	12(d)	17(d)	5(d)	
Criminal cases investigated									
Criminal cases with indictment			3(a)	1(a)	3(a)	2(a)			

B.15 Sweden

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	The Swedish National Council for Crime Prevention (<i>Brottsförebyggande rådet - Brå</i> , http://www.bra.se/).	<p>1) Data on investigations is specified by sexual exploitation and "other purposes" including forced labour, active military service, organ donation, begging and committing crimes.</p> <p>2) According to the National Criminal Police so far there have been no sentences for trafficking in human beings other than for sexual purposes.</p> <p>3) Data on indictments refers to the "decision to prosecute" under the category "Cleared-up offences where there is a person suspected of offence"</p>
(b)	The National Board of Health and Welfare (<i>Socialstyrelsen</i> , http://www.socialstyrelsen.se).	
(c)	National Criminal Police/National Criminal Investigation Department (<i>Rikskriminalpolisen</i>) (Trafficking in human beings for sexual and other purposes, Situation report 9, 1 January - 31 December 2006 , 2009, http://www.mvcr.cz/mvcren/article/sweden.aspx (20.6.2009).	<p>1) Primary source: Swedish National Council for Crime Prevention, local police offices.</p> <p>2) The number of residence permits to victims of trafficking refers to temporary residence permits.</p> <p>3) According to an estimation made by the NCID from 2003, between 400 and 600 women become victims of trafficking in Sweden every year.</p> <p>In the year 2006 more than half of the victims of human trafficking were younger than 18 years.</p>
International		
(d)	US Department of State (Trafficking in Persons Report 2007, 2008 and 2009).	<p>1) Differences in number can be explained by a) different reporting period (April 2008 - March 2009), and b) different coverage (the report also lists cases of trafficking proceeded under law statutes other than THB, such as aggravated procuring, for example).</p> <p>2) Data on victims identified for 2007 and 2008 refers to victims who received state funded assistance. Data for 2007 refers to female victims only.</p> <p>3) The number of convictions refers to persons convicted.</p> <p>4) Data on residence permits to victims for 2007 and 2008 refers to temporary residence permits granted for the duration of the trial. For 2006, data refers to permanent residence permits (source TIR report 2007).</p>
(e)	Task Force of organised crime of the Baltic Sea Region (Outcome of the OPC Questionnaire on Trafficking in Children 2004, 2. December 2004).	

Annex B

	<p>UNODC (Global Report on Trafficking in Persons, 2009).</p>	<p>Primary source: National Council for Crime Prevention</p> <p>1) Where data from UNDOC was available also by the primary source and was compliant with it, the UNODC was not listed as additional source.</p> <p>2) Data on investigations refers to persons suspected for trafficking.</p>
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Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									
Criminal cases investigated				4(a)	09(a)	30(a)	7(f)		
Criminal cases with indictment									
Criminal cases with conviction									
Number of residence permits to victims							21(c)		
								10(d)	4(d)

Table 2: Data on trafficking in human beings for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Criminal cases investigated				22(a)	29(a)	44(a)	27(a) 26(c)	15(a)	15(a)
Criminal cases with indictment				6(a)	1(a)	15(a)		3(a)	
Criminal cases with conviction				1(a)	0(a)	7(a)	11(a; c)	2(a)	0(a)
								11(d)	4(d)

Table 3: Data on trafficking in human beings for other purposes (forced labour, military service, organ donation, or situations involving distress)									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									
Criminal cases investigated				0(a)	0(a)	0(a)	11(a)	35(a)	8(a)
Criminal cases with indictment								2(a)	
Criminal cases with conviction								2(d)	8(d)

Table 4: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims				3(e)	8(e)				
Criminal cases investigated									
Criminal cases with indictment									
Criminal cases with conviction									

B.16 United Kingdom

Organisations publishing data on THB		
Type	Name of organisation	Remarks (e.g. unit of counting)
Government		
(a)	<p>Home Office</p> <p>Online Report 2007, Trafficking for the purposes of labour exploitation: a literature review, p. 11, http://www.homeoffice.gov.uk/rds/pdfs07/rdsolr1007.pdf.</p> <p>Press Release. Operation Pentameter 2, http://press.homeoffice.gov.uk/press-releases/police-probe-trafficking.</p> <p>January 2006, A Coordinated Prostitution Strategy, http://www.homeoffice.gov.uk/documents/cons-paying-the-price/ProstitutionStrategy.pdf?view=Binary.</p> <p>Walker, A., Flatley, J., Kershaw, C. & Moon, D. (Eds.) (2009), "Crime in England and Wales 2008/09. Volume 1. Findings from the British Crime Survey and police recorded crime". Home Office Statistical Bulletin, July 2009, p. 31, http://www.homeoffice.gov.uk/rds/pdfs09/hosb1109vol1.pdf.</p>	<p>Primary source: Unicef, End Child Exploitation: Stop the Traffic! Unicef: July 2003. 1999-2003: 250 cases of child trafficking (different types of trafficking from the last 5 years).</p> <p>Primary source: Somerset, C. (2004) Cause for Concern? London Social Services and Child Trafficking. London: ECPAT UK. 2004 (the year of publishing): 35 confirmed individual cases (each "case" being one child) across 33 London Boroughs. (Online Report 2007).</p> <p>Oct 2007-March 2008: 167 victims identified, out of which 13 were children, 528 criminal arrested. (Press Release. Operation Pentameter 2).</p> <p>2004: 3 criminal cases with indictment concerning minors (England and Wales).</p> <p>April 2004-April 2005: 102 arrests [criminal cases with indictment]. (A Coordinated Prostitution Strategy 2006).</p> <p>21 recorded crimes for Trafficking for sexual exploitation in 2004/05 (Walker et al. 2009).</p>
(b)	<p>Avenel, J. (May 2008) Home Office, The Research, Development and Statistics Directorate, "Trafficking for sexual exploitation: a process review for Operation Pentameter", http://www.homeoffice.gov.uk/rds/pdfs08/horr07a.pdf.</p>	<p>Between February and May 2006 88 women were rescued.</p>
(c)	UKHTC	<p>ICMPD Questionnaire: "All investigations [are] started by police. [...] There have been 254 prosecutions under dedicated trafficking legislation since 2006."</p> <p>Statistical Quarterly Reports:</p> <p>2008: 227 victims between 1st April 2008 - 31st March 2009) (209 victims between April - Dec 2008)</p>

(d)	Lebov, K. (2009), "Human Trafficking in Scotland 2007/08". Justice Analytical Services/ Organised Crime Unit. Scottish Government Social Research, http://www.scotland.gov.uk/Resource/Doc/266520/0079757.pdf (20.10.2009).	79 victims of human trafficking came into contact with agencies (police, UKBA, TARE, Scot-pep, Social Work Services, The Scottish Refugee Council, the Women and Children's Department of the Legal Services Agency) in Scotland between April 2007 and March 2008 (Justice Analytical Services/ Organised Crime Unit).
(e)	Almandras, S. (20.07.2009), Human trafficking: UK responses, http://www.parliament.uk/commons/lib/research/briefings/snha-04324.pdf (22.10.2009).	<p>Between March 2003 and December 2008, 423 women received support from the Poppy project; 215 benefited from supported accommodation and 208 received outreach support. The Poppy project has developed partnerships with other organisations to help provide alternative services for individuals that do not meet the eligibility criteria or when the project is at capacity. Information on the number of individuals that have been unable to access the Poppy project is not held centrally. (11).</p> <p>In 2007 the Home Office commissioned the Child Exploitation Online Protection Centre (CEOP) to analyse the potential number of children who had been trafficked. 39 CEOP's analysis was published in June 2007. It found 330 children fitting the child-trafficking profile, 85% of whom (276 children) were found to be between the ages of 15 and 17. 24 children were found to be between 13 and 14 years of age, and 14 children were documented as 12 and under, the youngest being a 9-month-old baby. Nearly half the children identified were boys, but for most of these boys the type of exploitation involved was not clear. The study cautioned that it should not be used to estimate the total number of children who have been trafficked into and within the UK, but only as a scoping exercise. (15).</p> <p>During the operation [Pentameter 2] 5 victims (three of which were children) who had been trafficked for forced labour were recovered. (20).</p>
(f)	Scotland Government http://www.scotland.gov.uk/Topics/Justice/crimes/humantraffick/enforcement1/Q/editmode/on/forceupdate/on (29.10.2009).	<p>Operation Pentameter 1 and 2 were UK-wide [then this might mean that the numbers published by Home Office include also the victims and perpetrators identified in Scotland, but this is not clearly specified], police led, anti trafficking operations targeting off street sexual exploitation during February to May 2006 and October 2007 to March 2008 respectively.</p> <p>In Scotland, Pentameter I resulted in 25 premises being visited, 12 arrests being made and the recovery of 10 female adult victims.</p> <p>In Scotland, Pentameter 2 resulted in 56 premises being visited, 59 potential adult victims recovered of which 15 female adults were confirmed as victims. In Scotland, 35 individuals were arrested during Pentameter 2. Of those arrested 18 people have been convicted, mainly for immigration or prostitution offences, and sentences ranging from imprisonment to financial penalties have been imposed.</p>

Annex B

		No child victims of trafficking were recovered in Scotland during either operation.
Non-government		
(g)	Anti-Slavery International, http://www.antislavery.org/homepage/campaign/ukbackground.htm .	<p>Oct 2007-March 2008: "The police identified 167 victims of trafficking, including 16 children, during Pentameter 2, a six month UK-wide operation to tackle trafficking for sexual exploitation which began in October 2007."</p> <p>Up to January 2009 [no starting point of the time interval is provided]: 92 convictions for trafficking for sexual exploitation, 4 convictions for forced labour, 5 known successful compensation awards through the national compensation fund (known as the Criminal Injuries Compensation Scheme).</p>
(h)	Eaves (June 2009), "Of human Bondage. Trafficking in women and contemporary slavery in the UK".	<p>31 referrals received by Poppy between May - December 2008 (36 referrals received by Poppy between May 2008 - January 2009) for women trafficked into forced labour, some of whom have also been forced into prostitution or other form of sexual exploitation. These referrals were made in connection to Operation Tolerance which ran from May to December 2008, providing services until 5 December 2008. The operation was a pilot project investigating the prevalence of trafficking for labour exploitation. In London the focus was on trafficking in women for domestic servitude.</p> <p>(http://www.eaves4women.co.uk/Documents/Recent Reports/Of Human Bondage trafficking in women and contemporary slavery in the UK.pdf (20.10.2009)).</p> <p>The POPPY Outreach Service accepted 65 referrals between 1 January 2007 and 30 September 2007. Between two and ten women were accepted for outreach support each month during this time. There is a high demand for this specialist service, particularly as staff will travel to carry out assessments with women.</p> <p>(http://www.eaves4women.co.uk/Documents/Recent Reports/POPPY%20Project%20Outreach%20Service%20-%20a%20review%20of%20work%20January-September%202007.pdf (08.10.2009)).</p>

International		
(i)	UNODC (2009) Global Report on Trafficking in Persons, http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html (20.2.2009).	<p>Data from United Kingdom Human Trafficking Centre, persons prosecuted, persons convicted.</p> <p>Between 2004 and 2007 253 victims were supported through the Poppy Project.</p> <p>"In 2006 and 2007, all identified of human trafficking were subjected to sexual exploitation as set out in the Sexual Offences Act 2003. [...] According to the National Operations Pentameter 2 [launched at 3 October 2007], a total of 255 victims were rescued from a situation of trafficking for sexual exploitation, and five suspected victims of trafficking for force labour were recovered."</p> <p>From May to September 2008, 18 victims of forced labour were identified through a national campaign to confront THB for labour exploitation.</p>
(j)	US Department of State, Trafficking in Persons Reports United Kingdom 2004, 2005, 2006, 2007, 2008, 2009.	<p>Reporting period: April - March; Data source: the report also lists cases of trafficking proceed under the procurement law statute.</p> <p>In March 2008, the government completed Pentameter II, a large-scale operation aimed at disrupting trafficking networks and rescuing victims, resulting in the identification of 167 potential trafficking victims, the arrest of 528 suspects and over \$5 million in assets seized or forfeited. The UK government reported prosecuting 129 ongoing trafficking cases between March 2008 and March 2009. Twenty-three trafficking offenders were convicted -- four of whom were prosecuted for forced labour offenses -- an increase from 10 in 2007. Sentences imposed on convicted trafficking offenders in 2008 ranged from 18 months to 14 years imprisonment, with an average sentence of five years. In one case, a court sentenced six trafficking offenders to a combined total of 52 years for the trafficking of a Slovakian teenager for the purpose of sexual exploitation from 2006 until her escape in January 2008. The UK government demonstrated sustained efforts to protect victims of sex trafficking in 2008, but it did not provide comprehensive or systematic protections to trafficked children and victims of forced labour. The government provided significant funding for its specialized shelter for sex trafficking victims, allocating \$1.95 million for its operation in 2008. Overall, the shelter received 293 referrals, with law enforcement referring the majority of potential victims. However, due to budget restraints and limited capacity, only 41 women were accommodated by the shelter; others were assisted on an outreach basis with counselling, subsistence allowances, medical treatment, education and training, and legal support. (2009 Report).</p> <p>A "study conducted by the government in 2007 identified a minimum of 330 individual cases of children trafficked into the U.K.</p>

		<p>While the U.K. government stipulates that victims are not inappropriately incarcerated, fined or penalized for unlawful acts as a direct result of being trafficked, some victims reportedly were charged and prosecuted for immigration offenses in 2007." "U.K. police referred 259 trafficking victims to one service-providing organization for shelter and assistance. [...] Out of 888 adult women victims referred to its specialized trafficking shelter, only 181 victims were accommodated by the limited-capacity facilities, with an additional 141 assisted on a non-resident basis only." (2008 Report).</p> <p>"Prosecution and conviction data from 2003 showed 340 prosecutions and 98 convictions. Both sets of data, however, include both alien smuggling and human trafficking." "In 2004, the government reported 60 law enforcement operations resulting in 572 arrests and 66 convictions." Data includes "both alien smuggling and human trafficking." (2005 Report).</p> <p>"In 2006, U.K. authorities prosecuted 109 individuals for trafficking offenses [...] From March to May 2006, the government carried out Operation Pentameter [during which] Police arrested 232 individuals, of whom 134 have been charged with sex trafficking or related crimes" (This counting does not include numbers from the Serious and Organized Crime Agency (SOCA) established in April 2006. It does not include numbers from the UK Human Trafficking Centre (UKHTC) established in October 2006, an entity under the Association of Chief Police Officers that will share trafficking intelligence with SOCA and develop training modules to help attorneys to more effectively prosecute traffickers) (2007 Report).</p> <p>28 people were convicted in 2006, apart from the Pentameter operation. (2007 Report).</p> <p>Statistics on trafficking prosecutions under the above laws were not available, but two special investigative units—Task Force Reflex and Operation Maxim—reported over 200 arrests for organized prostitution and immigration-related crimes, leading to 28 convictions, including one in which the defendant was sentenced to 10 years in prison for trafficking related offenses. The government established anti-trafficking projects with Bulgaria and Romania. As some victims were assisted by other social service agencies, it was difficult to determine the total number of victims assisted. For example, one shelter for victims of sexual exploitation housed a total of 33 trafficking victims and offered outreach support to a further 14. Police most likely to encounter trafficking victims were trained to investigate trafficking cases and followed the victim referral protocols. (2004 Report).</p>
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(K)	ECPAT UK	<p>2006: 80 children (known or suspected to be trafficked). Of the 80 children, 22 (28%) were under 16 years of age, with the youngest being 10 years; 45 children (56%) were either 16 or 17 years; and in 13 cases (16%) the age of the child was not known. Of the 80 children identified through interviews, 50 were female, 19 were male and in 11 cases gender was not specified. (Methodology: This report presents the findings of a small-scale qualitative study across three regions in England – the North East (Manchester), the North West (Newcastle-Upon-Tyne) and the West Midlands (Birmingham, Coventry and Solihull). Interviews were conducted in Manchester and Newcastle during May and June 2006; and in Birmingham, Solihull and Coventry in September and October 2006. As this was the first time case information had been discussed in the context of research on child trafficking interviewees were encouraged to provide information on all case histories no matter how old they were. However the vast majority of case information presented to researchers related to the past 12 months to two years.</p> <p>(Missing out. A study of child trafficking in the North-West, North-East and West Midlands. (2007)</p> <p>http://www.ecpat.org.uk/downloads/ECPAT_UK_Missing_Out_2007.pdf).</p> <p>32 children and young people suspected to be trafficked in Midlands.</p> <p>(Child trafficking in Birmingham, Coventry and Solihull (2007), p. 11</p> <p>http://www.ecpat.org.uk/downloads/Child_Trafficking_in_Birmingham_2007.pdf).</p> <p>28 separated asylum seekers in Manchester suspected of being trafficked.</p> <p>(Child trafficking in Manchester (2007), p. 20</p> <p>http://www.ecpat.org.uk/downloads/Child_Trafficking_in_Manchester_2007.pdf).</p>
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Annex B

Table 1: Data on trafficking in human beings - unspecified									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims							88(b) (Feb-May)		209(c) 79(d) 15(f)
							10(f)		16(g)
								65(h) (1 Jan – 30 Sept)	(Oct 2007 – March 2008)
								259(j) 65(i) (1 Jan – 30 Sept)	293(j)
Criminal cases investigated									
						343(j)			
Criminal cases with indictment									528(a) (Oct 2007 – March 2008) 35(f) 67(c) (April – Dec 2008)
						102(a) (April 2004 – April 2005)	232(a) 12(f)		
				340(j)	4(i) 572(j)	42(i)	89(i) 243(j)	82(i) 75(j)	129(j)
Criminal cases with conviction									25(c) (April – Dec 2008)
					3(i) 98(j)	21(i) 66(i)	32(i) 28(i)		
						22(j)	23(i)		23(j)
Civil suits for compensation of victim									
									5(g)

Table 2: Data on trafficking for sexual exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									71(c) (April – Dec 2008)
								225(i)	
Criminal cases investigated					21(a) (2004/05 England & Wales)	33(a) (2005/06 England & Wales)	43(a) (2006/07 England & Wales)	57(a) (2008/08 England & Wales)	54(a) (2008/09 England & Wales)
Criminal cases with indictment									67(c) (April – Dec 2008)
						8(j)			
Criminal cases with conviction									
									92(g)

Annex B

Table 3: Data on trafficking for labour exploitation									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims									25(c) Domestic Servitude 106(c) Forced Labour (April – Dec 2008)
								5(i)	18(i) (May – Sept 2008)
Criminal cases investigated									
Criminal cases with indictment						1(j)			
Criminal cases with conviction									4(c)
									4(g)
							0(j)	10(j)	4(j)

Table 4: Data on trafficking in children									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Identified victims					35(a) (across 33 London Boroughs)				13(a)
								330(e)	13(c)
									16(g) (Oct – March 2008)
								330(j)	

