

Menschenhandel Österreich

Trafficking in Human Beings Austria 2015

The online report



Dear Readers,

Although slavery has been abolished in all countries of the world, it continues to exist in the form of trafficking in human beings, in Austria also. The forms of exploitation vary considerably, ranging from exploitation of the body, forced begging and even labour exploitation to exploitation for the purpose of committing offences. Investigating these kinds of offences is quite difficult for the police, as the victims rarely confide in other people. The Austrian police take firm action against this type of modern slavery.

Not only at national level are the Austrian police forces well prepared due to their numerous contacts to other ministries concerned, NGOs, etc., but also at international level they are participating in various operations and projects to combat trafficking in human beings (THB).

Therefore, we would like to take this opportunity to thank in particular those officers who are there for these victims every day so that their human dignity is restored, and those who have made it their business to bring the offenders to justice.

Wolfgang Sobotka
Federal Minister of the Interior

General Franz Lang
Director of the Criminal Intelligence Service Austria

Michael Fischer
Deputy Director of the Criminal Intelligence Service Austria

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Introduction

Trafficking in human beings is a violation of human rights which may affect women, men and children equally. The UN protocol on trafficking in human beings defines trafficking in human beings / children as „the recruitment, transportation, transfer, harbouring or receipt of persons (...) for the purpose of exploitation“. This is mostly done by „means of threat or use of force or other forms of coercion, of abduction, fraud, deception, of the abuse of power or of a position of vulnerability“. In many cases children are simply „bought“ from their parents or legal guardians. When children are involved, it is also trafficking in human beings regardless whether pressure was put on them or not. Any „consent“ the child or the legal guardian may have given is irrelevant. ‚Children‘, by definition, are girls and boys under the age of 18.

In Austria, this definition has been included in its national legislation. Pursuant to section 104a of the Austrian Penal Code, exploitation includes sexual exploitation, exploitation by removal of organs, labour exploitation, exploitation for the purposes of begging, and for the purpose of committing punishable acts. Section 217 of the Austrian Penal Code regulates cross-border trade in prostitution.

To date no cases of exploitation by removal of organs have been recorded in Austria. The main form of exploitation in Austria is sexual exploitation, but cases of labour exploitation, exploitation for the purpose of begging and exploitation for the purpose of committing punishable acts have also been reported.

Due to its geographic situation at the centre of Europe, Austria is used not only as a destination but also transit country.

THB and cross-border trade in prostitution are so-called „police check related offences“. These kinds of offences can only be detected by police checks and would otherwise remain unnoticed. Therefore, it is estimated that the percentage of undetected offences of this type is much higher. Such offences are hardly ever reported as they are committed in the red-light scene. Another reason for the large number of unreported cases is that victims are often illegally employed or staying in the country. Even witnesses and third parties involved are rarely willing to cooperate with the police.

Combatting THB is a multidisciplinary task for which preventive, repressive, supportive and coordinating measures have to be combined. Globalisation has not only connected economies and politics but also crime, as a result of which THB remains to be a profitable business on the rise.

Following the increase in the migration flows to Europe, the public eye has turned its attention to exploitation of migrants and, in particular, unaccompanied refugee minors (UMR). Therefore, this situation report has placed its focus on this sensitive issue.

Statistical Data 2015

In 2015, a total of 56 police investigations for suspicion of THB (pursuant to section 104a of the Austrian Penal Code) and 42 police investigations for suspicion of cross-border trade in prostitution (pursuant to section 217 of the Austrian Penal Code) were completed and reported to the public prosecutor's office.

In these cases, police identified 74 persons as suspects of THB and 58 persons as suspects of cross-border trade in prostitution

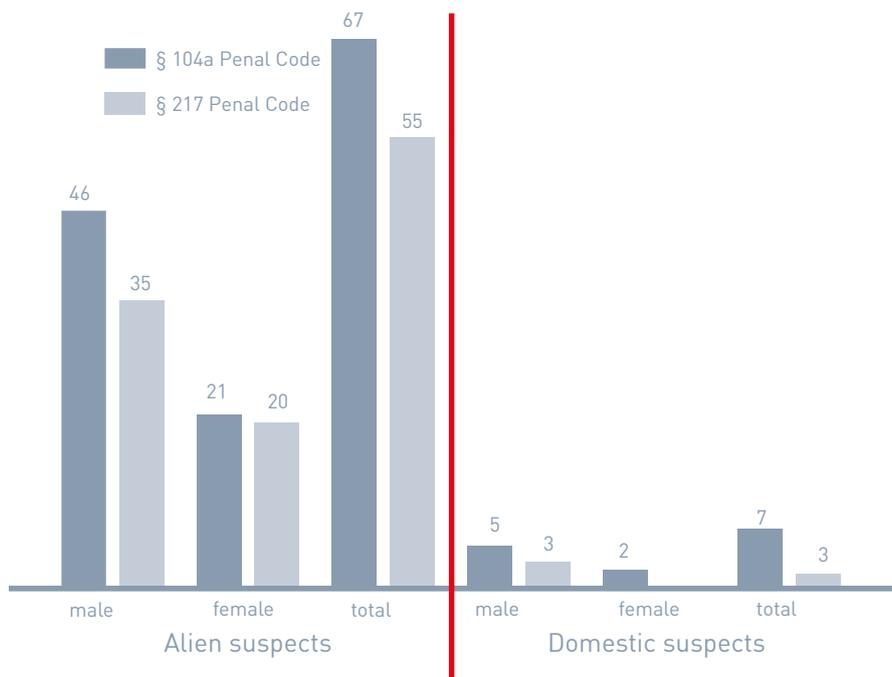


Illustration 1: Identified suspects in 2015

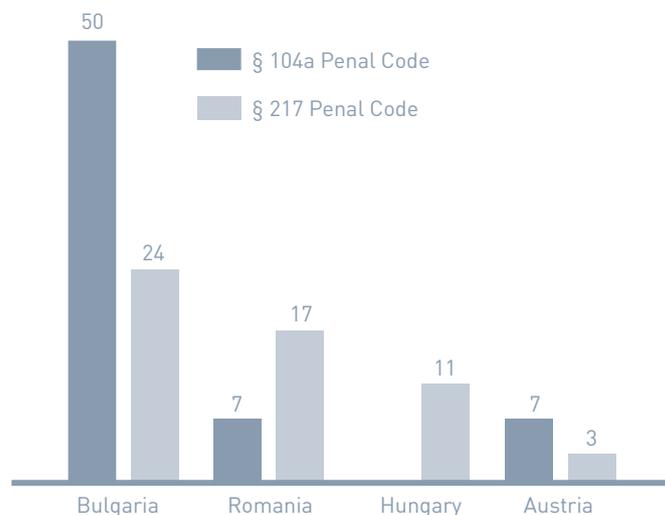


Illustration 2: Countries of origin of identified suspects in 2015

A total of 62 victims of THB and 57 victims of cross-border trade in prostitution have been identified. 87 per cent of the victims come from EU Member States. 13 per cent of them were third country nationals, with China figuring among the leading countries of origin when it comes to sexual exploitation. In 2015, no Austrian national was identified as victim.

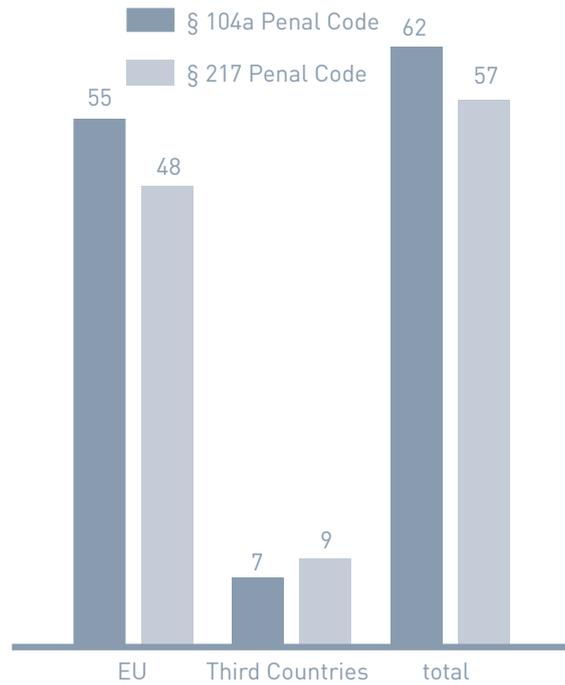


Illustration 3: Identified victims in 2015

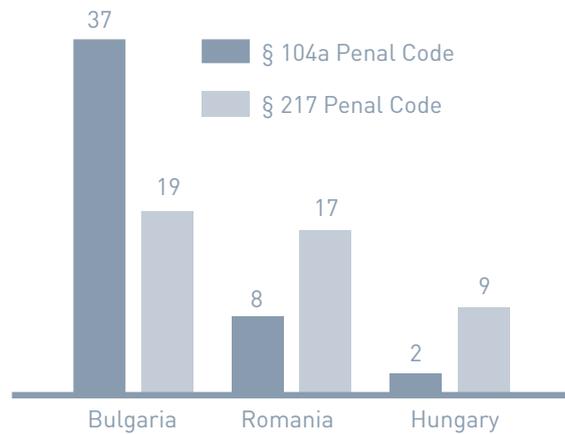


Illustration 4: Countries of origin of victims in 2015

Identification of Victims

The identification of victims is a major challenge and investigating officers have to display and act with the greatest possible sensitivity. Many victims do not see themselves as victims and, for that reason, make reports to the police in very few cases only. Irrespective of the form of exploitation, the majority of the victims identified in Austria come from Europe.

Victims have a right to be protected by the police authorities. The Criminal Intelligence Service Austria (BK) has set up a victim protection programme for victims at highest risk. Furthermore, LEFÖ/IBF, a NGO dealing with persons affected of trafficking in women, takes care of such victims. This NGO acts on behalf of the Federal Chancellery and the Federal Ministry of the Interior. LEFÖ/IBF was founded in 1998 and supports women who fell victim to trafficking pursuant to sections 104 a and 217 of the Austrian Penal Code, who were ruthlessly exploited, threatened and physically or psychologically abused as prostitutes and in the course of other activities. Whenever police officers identify women as victims of trafficking in women, but do not classify them as „high-risk victims“, they will immediately be referred to LEFÖ-IBF for support and guidance.

Since 01 December 2013 Vienna men's health centre „MEN VIA“ has been offering support for male victims of THB, just like LEFÖ/IBF does for female victims.

In Vienna, Municipal Department MA11 („Drehscheibe“) takes care of minor victims, and in the other provinces this service is provided by the child and youth service. These children receive appropriate care through a long-lasting, confidence-building process. Successful treatment and overcoming of traumatic experiences can only be achieved when the children's trust is gained. Employees of „Drehscheibe“ have good contacts to employees of embassies and NGOs in the countries of origin that help locate family members and provide care for the children if they return. They are also closely involved in the children's reintegration in their home countries.

Forms of exploitation

In 2015, sexual exploitation was clearly the most frequent form of exploitation, representing 73 per cent of all completed police investigations for THB.

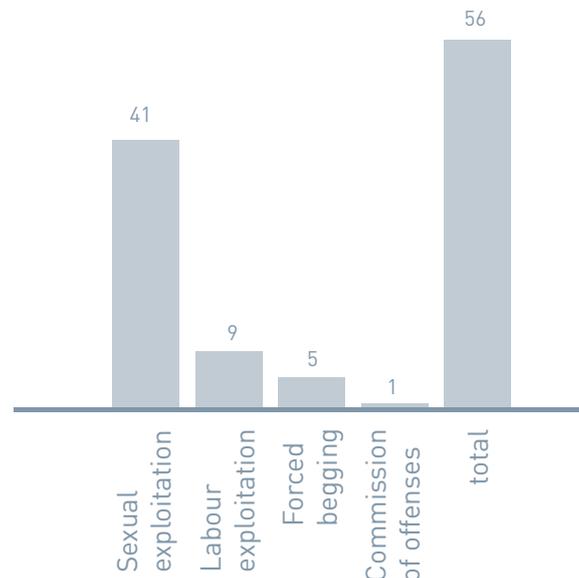


Illustration 5: Forms of exploitation pursuant to section 104a of the Austrian Penal Code in 2015

Sexual exploitation

Like in previous years, in 2015 not only criminal organisations were being investigated but increasingly also lone offenders. Criminal organisations still use threats and violence or false pretences to take victims to Austria. When lone offenders recruit victims, the relationship between offender and victim plays a major role. This recruitment method is referred to as „lover boy method“, however, the relationship between victims and their families, relatives, friends or acquaintances is also crucial. The „lover boy“ method is used by lone offenders who recruit victims in their home countries and pretend to be passionately in love with them. Subsequently, by socially separating them from their families and friends, the women are made emotionally dependent. Then the offenders persuade these women to work as prostitutes in Austria for a short while, since a lot of money could be earned that way, which in turn would help them to lay the foundation for a good life together in the home country. When after some time these women realize that they are not allowed to keep anything of the income they earn and that no cash reserve is built for their future as a couple in the home country or if they wish to stop working as prostitutes, the offenders would make threats and use physical violence.

Victims continue to be recruited through print media, the Internet, model agencies and by the offenders themselves in discos and night clubs. In many cases, women who are already working as prostitutes are recruited. In most cases, victims identified of sexual exploitation come from the EU Member States Bulgaria, Romania and Hungary. The majority of suspects sent their victims to work as prostitutes on the streets, in brothels and illegally in flats.

Labour exploitation

In 2015, a total of nine investigations for suspicion of THB with the purpose of labour exploitation were conducted. In most cases victims are recruited under false pretences, especially by being promised a legal employment with a high income. Victims from third countries particularly often face threats once they have started to work in Austria because of their illegal residence status or illegal employment. For that reason many of them decide not to file a report with the police, in the hope that they would still get paid and could continue to work. Labour exploitation has been established in domestic work, the care sector, cleaning business, construction sector, agriculture and forestry. The majority of victims of labour exploitation come from Romania, Serbia and the Philippines.

Forced begging

In 2015, a total of five investigations for suspicion of THB with the purpose of exploitation by begging were conducted. Most victims come from Romania, Bulgaria and Slovakia. In the course of these investigations, only male victims have been identified. They were either adults between the ages of 40 and 60, often with physical impairment, or minor males. This type of exploitation is very difficult to investigate as victims are seldom willing to cooperate with the police, because their exploiters often come from the same family. The police have to conduct very time-consuming inquiries, requiring a lot of staff and technology in order to positively complete the investigations.

Exploitation with the purpose of committing offences

In 2015, two investigations for suspicion of THB with the purpose of committing offences were completed. In one case two minor Romanian nationals had been forced to commit walk-in thefts or residential burglaries. The second investigation was about three Hungarian victims between the ages of 18 and 20 years who had been forced by violence and threats to shoplift.

THB in relation to migration flows

To date no cases of THB relating to migration flows have been documented in Austria. In this connection, the BK did not only follow up reports made in this respect, but also carried out inquiries, however, nothing was found to prove THB. These investigations have been started in early June 2015 and are still ongoing.

Furthermore, awareness-raising talks and trainings with all persons concerned, such as stakeholders among the police force, child and youth welfare offices, Federal Office for Immigration and Asylum, initial reception centre and refugee centres as well as NGOs, are conducted.

The focus of these investigations was on the identification of unaccompanied minors as victims of exploitation. Employees of BK's Sub-Department combatting THB and human smuggling questioned numerous minors; however, no information indicating any type of exploitation was obtained. Austria's Crime Statistics 2015 recorded a total of seven such cases, among them a total of ten minor victims (under the age of 18) of foreign origin have been identified. The victims came from Bosnia and Herzegovina, Bulgaria, Slovakia and Romania.

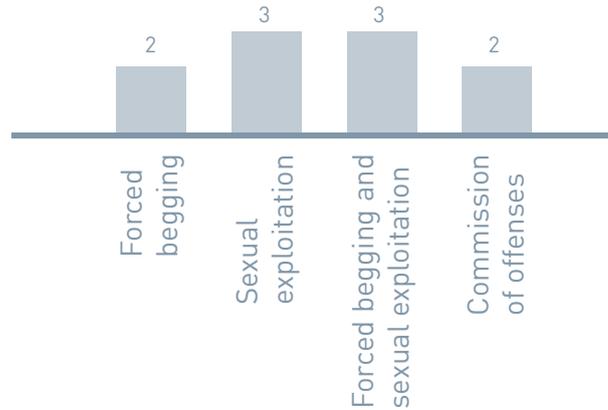


Illustration 6: THB with URM in 2015 according to the type of exploitation

In 2015, a total of seven asylum seekers were identified as victims. However, they were not directly related to the migration crisis. Six victims of cross-border trade in prostitution came from China and had been taken to Austria with the purpose of prostitution. One victim of THB for sexual exploitation came from Liberia. However, in the course of the investigation sufficient evidence for a trial was not obtained. The victim stated that she had left Liberia voluntarily in order to escape from her parents who had planned to have her circumcised. Shortly after her arrival at the Vienna International Airport, she asked an unknown man for help who took her with him and wanted to force her into prostitution. She managed to escape, but since she could give information neither on the unidentified man nor on the place of offence, all inquiries with a view to locating the unidentified offender have proved negative.

Prostitution

Prostitution comprises all sexual acts provided on a business-like basis and against payment and involving physical contact. In Austria, engaging in prostitution is regulated by laws at the national and provincial levels, thus it is legal as long as the regulatory framework is adhered to. Since 1984 individuals providing sexual services have been liable to pay income tax and since 1998 they can be insured for social security purposes. Contrary to a decision taken in 1989, the Supreme Court declared in its verdict in 2012 that sexual services which are paid for are no longer unethical. If the sexual act was performed or endured against previously agreed payment, this agreement constitutes an enforceable payment claim. There is no enforceable claim to performance or endurance of sexual acts. Nevertheless this profession is still highly stigmatised.

The AIDS Act and the Sexually Transmitted Diseases Act provide for medical examinations by public health officers. Sex workers have to be tested for sexually transmitted diseases by a public health officer before they start working and after taking up the job every six weeks. These examinations as well as quarterly tests by a public health officer for HIV infection and an annual tuberculosis test are recorded in a check-up card.

All other provisions, in particular the prerequisites for providing and engaging in sexual services, are regulated by provincial laws. Thus, the individual provinces have different regulations.

In 2015, 772 red-light establishments, mainly brothels, walk-in brothels, sauna clubs, gogo bars, studios, strip clubs and peep shows have been licenced in Austria according to the BK (compared to 2014:770). In Vorarlberg, no brothel has been licensed by the authorities; the 17 registered bars are gogo bars. In Tyrol there are 23 gogo bars and ten brothels, which is a high number compared to the eastern provinces and Vorarlberg. In 2015, most red-light businesses were in Vienna (329), Styria (106) and Upper Austria (103). The other businesses were in Lower Austria (65), Salzburg (48), Carinthia (40) and Burgenland (31).

In 2015, approx. 7,200 sex workers were registered in Austria, which is a slight decrease compared to 2014, with approx. 7,400. As Vienna is the only province where sex workers are registered centrally, these numbers are based on the findings of structure-related investigations and checks. The three most common countries of origin in 2015 were Romania, Hungary and Bulgaria, like in the previous year.

Engaging in Prostitution - Types and Trends

It can be confirmed for all provinces that nowadays hardly any Austrian nationals provide sexual services, - at least not legally. About 95 per cent of sex workers in brothels and in the streets are migrants, the majority comes from the new EU Member States, in particular Romania, Bulgaria and Hungary. To be able to provide sex work legally on a self-employed basis depends on whether or not the persons have the right to stay and work in Austria. In principle, nationals of EU Member States have the right to do so. However, for third-country nationals the legal situation is much more restrictive. For example, a residence permit a third-country national received from another EU country does not give them the right to work as prostitute in Austria.

The trend observed during the past few years to open mega-brothels cum naturist spas with up to 60 sex workers continues. The objects are built by construction companies set up specifically for this purpose, or former company buildings are converted. To run the brothel, an operating company of its own is founded. The investors often come from Austria's neighbouring countries. However, the holders of the brothel licences to run the brothels continue to be Austrians. Some of the newly opened brothels with up to ten sex workers are operated by nationals of the new EU Member States.

The classical forms of engaging in prostitution in brothels, bars, sauna clubs, and massage parlours have not become less important. However, in the past years, providing sexual services via the Internet and/or mobile phones as well as in walk-in brothels has increasingly gained importance.

Furthermore, an increase has been seen in sadomasochistic clubs and in transsexuals engaging in prostitution. There is a steadily growing demand for these two types of prostitution, and „top wages“ can be earned.

It has been difficult to track down prostitution offered via escort agencies, because in this line of business, legal and illegal prostitution is closely intertwined. Officially, an „escort“ is offered, yet in reality in most cases this escort service comprises also sexual services.

Prostitution in private residences - rendering sexual services in private homes - is prohibited in all provinces, except for house calls at the customers' place in some provinces. This illegal form of prostitution is also very difficult to control, and can only be detected by keeping an eye on advertisements in print media and on the Internet.

Legal street prostitution is currently allowed in Vienna only. The places where street prostitution can be carried out legally are regulated by the Vienna Prostitution Act and regulations based on this act. For the areas in Vienna where street prostitution is legal, in the 23rd district (within the area reaching from Carlberggasse, Forchheimergasse, Liesinger-Flur-Gasse, Ketzergasse, Pellmannngasse, Siebenhirtenstrasse and Seybelgasse) and in the 21st district (within the area reaching from Einzingergasse, motorway A 22, the provincial border to Lower Austria, along Lohnergasse to Prager Straße), time restrictions have been set by regulation.

Apart from that, illegal street prostitution has been noticed only in Innsbruck and Salzburg. Therefore, the police have been conducting comprehensive checks and using severe sanctions to curb this trend.

Measures and Initiatives

In November 2004, for a better coordination of the measures against trafficking in human beings, the THB Task Force (Task Force Menschenhandel - TF-MH) was established led by the Federal Ministry for Europe, Integration and Foreign Affairs (BMEIA). The Federal Ministry of the Interior has been participating in this task force very actively, and is also represented in the subgroups for trafficking in children, prostitution and labour exploitation. So far, four national action plans for combatting trafficking in human beings have been published. Currently, the national action plan 2015 to 2017 is being implemented.

International Cooperation

In recent years, Austria has concluded several international agreements on combatting trafficking in human beings, e.g.:

- the UN Convention including the Palermo protocol (1 September 2000 and 15 November 2000),
- Organisation for Security and Co-operation in Europe (OSCE) Action Plan to Combat Trafficking in Human Beings (24 July 2003),
- the Council of Europe Convention on Action against Trafficking in Human Beings (16 May 2005),
- the Stockholm Programme (December 2009) and
- the Directive of the European Parliament and the Council of Europe ?? on combatting trafficking in human beings and protecting its victims (5 April 2011).

Austria is contracting party to all relevant international legal instruments against trafficking in human beings.

Furthermore, Austria supports the international activities of the United Nations Office on Drugs and Crime (UNODC), the United Nations Global Initiative To Fight Human Trafficking (UN.GIFT) and the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA).

In general, national and international coordination and cooperation as well as the fight against poverty in the partner countries are intensified. Crime prevention aims at a general sensitisation and awareness-raising of the public and particular occupational groups. Further important strategies to combat THB refer to victim protection. These are among others improved cooperation in the field of identification of possible victims, comprehensive counselling and support as well as improved social integration of victims of trafficking in human beings.

In 2015, several bilateral investigations for suspicion of THB or cross-border trade in prostitution with Bulgaria, Romania and Hungary, but also with other EU Member States were conducted. In the framework of these investigations numerous operational working meetings were held with partners, which led to the exchange of information on best practices.

Information on current THB-related trends and developments has been exchanged with EU Member States, in particular via Europol.

Austria is a member of the European Multidisciplinary Platform against threats in trafficking in human beings (EMPACT THB), a Europol project in the framework of the EU Policy Cycle. A BK representative has been participating in the quarterly operational meetings. In the course of the implementation of the annual THB operational action plan, the Criminal Intelligence Service Austria also provides assistance and participates in

bilateral and multilateral operational measures. In the framework of EMPACT THB, Austria actively participates in Information-Security-Projects (ISEC) „Etutu“ against THB from Nigeria and in CHINESE THB.

Hotline of the Criminal Intelligence Service Austria

In April 2010, the BK set up a reporting office in order to intensify the fight against trafficking in human beings. Citizens can report information about trafficking in human beings by phone on +43 (677) 1/2483661343434 or by e-mail to menschenhandel@bmi.gv.at. The reporting office is reachable around the clock. In 2015, this hotline received 540 tip-offs and/or inquiries. Tip-offs may be given anonymously. This hotline is not an emergency number, but serves as an additional measure adopted in the fight against trafficking in human beings.

Basic and Advanced Training

To learn how to deal with victims in a considerate manner is central to basic and advanced training programmes of the police. Therefore, the police invest large sums of money in training and sensitisation of officers who often have initial contacts with victims. Courses on the issue of trafficking in human beings are part of the police's basic training programme. However, such courses are also an integral part of training courses for commanding and senior officers. Classes are moreover held as part of in-service training. The Federal Police Academy (SIAK) of the Federal Ministry of the Interior annually offers two advanced training courses for police officers on the issue of trafficking in human beings and victim identification, and one course is held at the Federal Finance Academy for all financial administration officers. These courses were organised by the BK in cooperation with the intervention agency for victims of trafficking in women (LEFÖ/IBF).

The IOM (International Organisation for Migration) Country Office is implementing Project IBEMA II for Austria which aims at increasing the victim identification rate in the Austrian asylum procedure. The project is co-financed by the European Asylum, Migration and Integration Fund and the Austrian Ministry of the Interior and is conducted from 1 July 2015 until 31 December 2016.

The training courses to identify victims of THB are for employees of the Federal Office for Immigration and Asylum, judges of the Federal Administrative Court, employees of company ORS Service GmbH, legal counsellors of such institutions commissioned by the Federal Ministry of the Interior, mobile care workers as well as employees of the Federal Ministry of the Interior working in the field of asylum seekers support. These persons are in direct contact with asylum seekers and therefore may be able to identify THB situations and refer potential victims to organisations that can offer help and protection. The UNHCR, IOM Country Office, Criminal Intelligence Service Austria, NGO LEFÖ/IBF, men's health centre (MEN) as well as the children and youth service centre „Drehscheibe“ of the city of Vienna also contribute their expert knowledge to these trainings. In the framework of Project IBEMA, a total of 20 training sessions will be held in all Austrian provinces.

Furthermore, practice-oriented and target group-specific awareness-raising programmes aiming at victim identification and trainings on the issue of „THB - a police detention centre issue“ will be held at the police detention centres (police detention centres, Vordernberg Detention Centre and Eisenstadt Competence Centre) with a view to continuing and enhancing the so far successful measures towards combatting THB. Trainers will be provided by the Federal Chancellery, the Criminal Intelligence Service Austria and LEFÖ/IBF as well as the Directorate General for Public Security. These training sessions will primarily focus on detention and custody situations of the police. Since leads provided by police officers doing duty in police detention centres play a key role, they contribute significantly to victim protection and offender identification.

Officers of investigation divisions in the Provincial CIDs also hold out annual training courses for the „so-called red-light district investigators“.

Prospects

Just like in 2015, we will continue to place special attention to the identification of potential victims in relation to the current migration flows. The primary focus will be on the identification of labour exploitation in various sectors such as the catering industry, agriculture, construction industry and among domestic workers. One of the objectives is to further enhance cooperation with the financial authorities and the labour inspectorates to be able to be more effective.

Offenders are growing more and more professional and when it comes to planning and carrying out their criminal activities they increasingly use online infrastructures. For that reason, the focus is also on investigations in the Internet and darknet.

It is our goal to exchange knowledge and experiences on this issue in training sessions, presentations and classes with all fellow police officers, institutions and organisational units concerned in order to further improve the identification of potential victims of THB.

More publications 2016

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Sicherheitsbericht 2015

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