



## DISRUPT

# Enhance Digital led InvestigationS, pRosecutions and jUdicial resPonses for dismantling Trafficking chains of children

### WP2 Analysis of fieldwork data

#### D2.1 Research findings

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## 1. Summary

This report provides a comprehensive examination of policies and legislation in the field of human trafficking (THB) for sexual exploitation, with a particular focus on child victims across several EU countries. In Section 1, the report introduces the EU's general approach to combating THB, offering an overview, and detailing the existing cooperation mechanisms among member states.

Section 2 delves into the national contexts of partner countries, including Austria, Belgium, Bulgaria, Malta, and Italy, assessing their individual strategies, legal frameworks, and the challenges they face in addressing THB.

Section 3 offers a legal overview and scrutinizes national judicial procedures related to child victims of THB in the five countries. It provides insights into case law and evaluates non-legal policies and measures implemented to protect and support child victims. This section also highlights specific national challenges, such as fragmented legal approaches in Bulgaria, Malta's issues with victim identification and prosecution, and Austria's implementation of a National Referral Mechanism with limited practitioner awareness.

Section 4 shifts the focus to other relevant countries, examining THB from the perspective of countries of origin, using Romania as a case study. All in all, the report underscores the need for enhanced legislative frameworks, better victim support services, and stronger enforcement mechanisms to effectively address and prevent human trafficking, particularly for child victims.

## 2. Trafficking of human beings for sexual exploitation with a focus on child victims at EU level

### 2.1. EU approach to combating THB for sexual exploitation

In 2023, Eurostat's latest data on trafficking across the EU revealed a 9.5% rise in registered victims. Between 2020 to 2021 there were 7,155 victims, of whom 35% were children and 41% were non-EU nationals. Additionally, between 2019-2020, 6,539 prosecutions and 3,019 convictions for trafficking occurred in the European Union (EU).<sup>1</sup>

Women and girls constitute 68% of the victims, trafficked mostly for sexual exploitation (56% of cases). Male victim numbers are increasing, again primarily for sexual exploitation (labour exploitation follows at 28%). As identifying victims of trafficking remains challenging, these figures reflect only a fraction of the population.

Trafficking in the EU is carried out predominantly by EU citizens, around 75% of traffickers are men. Luxembourg, the Netherlands, Austria, Latvia, France, Estonia, Romania, and Finland have the highest victim rates per million inhabitants, while Czechia, Spain, and Croatia have the lowest. Over half the victims are EU citizens, many trafficked within their own countries, particularly in Bulgaria, Romania, and Hungary.<sup>2</sup>

EU Member States' obligations regarding fundamental rights stem from legislation of the United Nations (UN), the Council of Europe (CoE), and the European Union (EU). The EU is a signatory to the *UN's Protocol to Prevent, Suppress and Punish Trafficking in Persons*, which serves as the world's primary legal instrument to combat human trafficking, within its area of competence, following Council Decision on 24 July 2006.<sup>3</sup> While specific measures target the trafficking of human beings (THB) and victims of trafficking, ancillary instruments, which do not specifically focus on THB, also influence trafficking initiatives.

THB is a grave violation of fundamental rights and is prohibited by the *EU Charter of Fundamental Rights* (Article 5).<sup>4</sup> The *Treaty on the Functioning of the European Union* (Article 83) considers it a serious form of organised crime.<sup>5</sup>

<sup>1</sup> European Parliament, Preventing and combating trafficking in human beings (2022) , available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/749775/EPRS\\_BRI\(2023\)749775\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/749775/EPRS_BRI(2023)749775_EN.pdf)

<sup>2</sup> Eurostat, Trafficking in human beings statistics (2023), available at: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Trafficking\\_in\\_human\\_beings\\_statistics#cite\\_note-5](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Trafficking_in_human_beings_statistics#cite_note-5)

<sup>3</sup> UNODC, The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000), available at: <https://www.unodc.org/unodc/en/human-trafficking/protocol.html>; Council Decision (EC) 2006/618 on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of this Protocol fall within the scope of Articles 179 and 181a of the Treaty establishing the European Community, OJ L 262, 22 September 2006, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32006D0618>

<sup>4</sup> EU Charter of Fundamental Rights, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12016P/TXT&rid=3>

<sup>5</sup> Treaty on the functioning of the European Union (Article 83), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E083>

While the *Victims' Rights Directive*<sup>6</sup> establishes minimum standards for the rights and support of all victims, the *EU Anti-Trafficking Directive*<sup>7</sup> - under revision since September 2022 - defines offences and sanctions for trafficking. Furthermore, it also strengthens victim protection, assistance, and prevention efforts. The revised version will likely equip law enforcement agencies with tools to tackle new exploitation forms, propose mandatory sanctions against trafficking-involved entities, and improve victim identification and support via a European Referral Mechanism.

Additionally, the *EU Strategy on Combating Trafficking in Human Beings* (2021-2025)<sup>8</sup>, closely linked to the *EU Strategy to Tackle Organised Crime* (2021-2025)<sup>9</sup>, focuses on prevention, victim protection, empowerment, and justice. It aims to reduce trafficking demand, disrupt criminal models, and enhance global cooperation.

Other relevant legislation includes Council Directive 2004/81/EC (on residence permits for victims of human trafficking)<sup>10</sup>, Council Directive 2002/90/EC (defining the facilitation of unauthorised entry, transit and residence)<sup>11</sup>, Council Framework Decision 2002/946/JHA (on strengthening the penal framework to prevent the facilitation of unauthorised entry, transit and residence)<sup>12</sup>, Council Directive 2004/80/EC relating to compensation to crime victims<sup>13</sup>, Directive 2011/99/EU on the European protection order<sup>14</sup>, Regulation 2018/1805/EU of the European Parliament and of the Council on the mutual recognition of freezing and confiscation orders<sup>15</sup>.

The Council of Europe's Convention on Action against Trafficking<sup>16</sup> implements and promotes a human rights-based approach to combating THB. It is overseen and monitored by the Group of Experts on Action against Trafficking in Human Beings (GRETA).<sup>17</sup>

<sup>6</sup> Victims' Rights Directive (2012), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0029>

<sup>7</sup> EU Anti-Trafficking Directive (2011), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0093>

<sup>8</sup> EU Strategy on Combatting Trafficking in Human Beings (2021-2025), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0171>

<sup>9</sup> EU Strategy to Tackle Organised Crime (2021-2025), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0170&qid=1651774322788>

<sup>10</sup> 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), available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0081>

<sup>11</sup> Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence (2002), available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32002L0090>

<sup>12</sup> Council framework Decision 2002/946 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (2002), available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32002F0946>

<sup>13</sup> Council Directive relating to compensation to crime victims (2004), available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:261:0015:0018:en:PDF>

<sup>14</sup> Directive 2011/99/EU on the European protection order (2011), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0099&from=HU>

<sup>15</sup> Regulation 2018/1805/EU on the mutual recognition of freezing orders and confiscation orders (2018), available at: [https://commission.europa.eu/document/download/bc0d2542-cd7b-4d0a-bd3c-2ec159d39155\\_en](https://commission.europa.eu/document/download/bc0d2542-cd7b-4d0a-bd3c-2ec159d39155_en)

<sup>16</sup> Council of Europe, Convention on Action against Trafficking in Human Beings, available at: <https://www.coe.int/en/web/impact-convention-human-rights/council-of-europe-convention-on-action-against-trafficking-in-human-beings#/>

<sup>17</sup> About GRETA: <https://www.coe.int/en/web/anti-human-trafficking/greta>

## 2.2. EU approach to combating THB for sexual exploitation with a focus on child victims

### 1.2.1 General Overview

Child trafficking persists as an underreported issue in the EU. 25% of all trafficked victims are children, 64% of whom are sexually exploited. Alarming, 75% of these exploited children are female.<sup>18</sup> The children, destined for countries such as Austria, Belgium, and the United Kingdom, usually enter the EU via Spain and Italy. While trafficking networks often originate from countries such as Nigeria, Vietnam, and Afghanistan, etc., intra-EU trafficking is increasingly becoming a concern. Europol has noted an increase in trafficking – from Bulgaria, Romania, and Slovakia, etc. – of minors (mainly girls aged 12 to 17) for sexual exploitation.<sup>19</sup>

The EU Anti-Trafficking Directive is crucial to combating child trafficking for sexual exploitation. The directive emphasises children's vulnerability and mandates that child victims should receive all necessary assistance, support, and protection. It is complemented by the EU Strategy on Child Victims,<sup>20</sup> the EU Strategy on combatting trafficking in human beings and the EU Strategy for a more effective fight against child sexual abuse.

Further, the proposed Regulation on detection, removal and reporting of child sexual abuse online, together with the establishment of an EU Centre to prevent and counter child sexual abuse represent key tools to EU's fight against trafficking.<sup>21</sup> They acknowledge that while technology has been used to facilitate child sexual exploitation, it can also be leveraged to combat child trafficking.

In 2018, the Commission introduced new rules to improve access to (digital) e-evidence, through the Regulation on European production and preservation orders for e-evidence in criminal proceedings. This regulation allows judicial authorities to generate orders to obtain or preserve e-evidence, regardless of the data's location (including data on cybercrime, child pornography, counterfeiting of non-cash means of payment, and terrorism). In this context, it is also relevant to mention the CoE Convention on Cybercrime, the first international treaty on crimes committed via the Internet and computer networks, which addresses child pornography, among other crimes, and contains powers and procedures enabling computer networks to be searched and data intercepted.

### 1.2.2 Existing forms of cooperation mechanisms

In the field of THB, it is important to differentiate between various forms of cooperation, ranging from cross-national cooperation, cross-sectoral cooperation, as well as local-federal cooperation, and strategic or operational exchange among practitioners. In Austria, an illustrative example of strategic exchange is the "Task Force Human Trafficking", set up in 2004 by the Ministry of

<sup>18</sup> European Parliament, Preventing and combating trafficking in human beings (2022), available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/749775/EPRS\\_BRI\(2023\)749775\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/749775/EPRS_BRI(2023)749775_EN.pdf)

<sup>19</sup> Europol, Criminal Networks Involved in the Trafficking and Exploitation of Underage Victims in the European Union (2018), available at: [https://www.europol.europa.eu/cms/sites/default/files/documents/23-11\\_report\\_child\\_trafficking.pdf](https://www.europol.europa.eu/cms/sites/default/files/documents/23-11_report_child_trafficking.pdf)

<sup>20</sup> European Commission, EU strategy on the rights of the child (2021), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021DC0142>

<sup>21</sup> EIGE (2018), Gender-specific measures in anti-trafficking actions: report, available at: [https://eige.europa.eu/publications-resources/publications/gender-specific-measures-anti-trafficking-actions-report?language\\_content\\_entity=en](https://eige.europa.eu/publications-resources/publications/gender-specific-measures-anti-trafficking-actions-report?language_content_entity=en)

European and International Affairs. This task force convenes bi-annually, and is composed of federal and regional stakeholders, including public and private (CSO, NGO) actors.

With respect to day-to-day operational exchange in Austria two main forms exist. Firstly, there is a mandatory referral mechanism within LEA, directing cases from non-specialised frontline practitioners to the specialised Joint Operations Office located in Vienna. Additionally, there is a mandatory referral of THB victims identified by LEA to officially recognised victim support organisations.

This form of cooperation presupposes the professionalisation and specialisation of personnel in the field of THB on the one hand, as well as expansion of shared training of personnel aiming at increasing sensitivity and general awareness on the other. It is based on a legal framework, regulating the personal data exchange between victim support organisations and police as well as the independent (state) funding of victim organisations from the necessity of cases to have been reported to police.

### Good practice #1

<b>Title:</b>	Federal strategic exchange “Task Force Human Trafficking”
<b>Country/Region:</b>	Austria, nationally
<b>Objective:</b>	Strategic coordination of local and federal actors, as well as state and non-state actors to identify new phenomena, and problems of cooperation in the field of THB
<b>Target group:</b>	A description of the intended beneficiaries of the practice.
<b>Implementation:</b>	It was set up in 2004 and operates under the coordination of the Austrian Ministry of Foreign Affairs. The Task Force oversees elaborating National Action Plans on Combating Human Trafficking and of monitoring their implementation. Every three years, the Task Force prepares reports on the implementation of Austria's measures against trafficking in human beings to the government and the parliament.
<b>Results/Impact:</b>	Ongoing exchange of operational actors; Ongoing monitoring of policy implementation; reporting of implementation to the parliament
<b>Lessons learned:</b>	Importance to set up specialised units in police, as well as within the criminal justice system; Importance to guarantee recognised victims organisations continuous funding independent of a victims' willingness to report; Importance of shared and ongoing training of police and victim organisations personnel; Changing phenomena of exploitation forms, target group, and nationalities being interlinked with the priorities of the actors of the Task Force; Task Force as deliberative body has limited ability to de jure commit all stakeholders to shared actions.
<b>Transferability:</b>	This format has been taken up for other phenomena (e.g. violence against women, domestic violence), and is in principle transferable to other countries.



<b>Resources/Support:</b>	N/A
<b>Source:</b>	<p>Federal Ministry of European and International Affairs (2023) Combating Trafficking in Human Beings, URL: <a href="https://www.bmeia.gv.at/en/european-foreign-policy/human-rights/combating-trafficking-in-human-beings">https://www.bmeia.gv.at/en/european-foreign-policy/human-rights/combating-trafficking-in-human-beings</a></p> <p>Federal Ministry of European and International Affairs (2021) National Action Plan for Combating Human Trafficking, URL: <a href="https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/National_Action_Plan_2021-2023.pdf">https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/National_Action_Plan_2021-2023.pdf</a></p>

## Good practice #2

<b>Title:</b>	Mandatory referral mechanism from LEA to victim organisations
<b>Country/Region:</b>	Austria, nationally
<b>Objective:</b>	Mandatory referral of victims from the moment of identification by police to receive support through recognised victim organisations
<b>Target group:</b>	Victims of THB; police officers; victim support
<b>Implementation:</b>	<p>The basis of effective interventions of victims' organisations is based on the Ministerial Decree (Erlass) requesting that every victim identified by police is mandatorily referred to victims' organisations, without needing the prior consent of the victim. There is a proactive approach of the police to refer victims to the NGOs, and the burden is removed from victims to decide in this initial stage of identification to reach out to a support service. Three legal provisions (§25 (3), §38a (4), §56 (1) 3. SPG) determine the legal basis for the cooperation between recognised victims' organisations and the police. In addition, the Code of Criminal Procedure (Strafprozessordnung - StPO) enshrines the Legal and Psycho-Social Trial Assistance (Rechtliche und Psychosoziale Prozessbegleitung, §66b StPO) allowing victims' organisations to work independent of whether the victim has made a report to the police and initiate the work with the victim pre-trial and continue it beyond.</p>
<b>Results/Impact:</b>	Proactive contact of victims by victim support organisations from the moment of identification; free legal and psychosocial support independent of reporting to police; support independent of status of legal proceedings.
<b>Lessons learned:</b>	See above.
<b>Transferability:</b>	This format has been taken up for other phenomena (e.g. violence against women, domestic violence), and is in principle transferable to other countries.

<b>Resources/Support:</b>	N/A
<b>Source:</b>	<u>Federal Ministry of European and International Affairs (2023) Combating Trafficking in Human Beings. URL: <a href="https://www.bmeia.gv.at/en/european-foreign-policy/human-rights/combating-trafficking-in-human-beings">https://www.bmeia.gv.at/en/european-foreign-policy/human-rights/combating-trafficking-in-human-beings</a></u> <u>Federal Ministry of European and International Affairs (2021) National Action Plan for Combating Human Trafficking. URL: <a href="https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/National_Action_Plan_2021-2023.pdf">https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/National Action Plan 2021-2023.pdf</a></u>

### 3. Trafficking of human beings at the partner countries' national level

Human trafficking remains a significant global issue, with statistics indicating its pervasive nature across various countries and regions. While not limited solely to child victims, trafficking in persons (THB) affects individuals of all ages, genders, and nationalities. Data on THB reveals its occurrence in countries of origin, transit, and destination, both within and outside the European Union (EU). Victims hail from diverse nationalities, with routes often traversing multiple countries before reaching their final destination. Gender approaches to addressing trafficking highlight the need for tailored interventions, recognizing the differing vulnerabilities and experiences faced by male, female, and non-binary victims. At the national level, policies and strategies linking THB and cybercrime are increasingly recognized as crucial components of combating modern-day exploitation. National legal frameworks play a pivotal role in addressing THB, encompassing legislation aimed at prevention, prosecution, and protection of victims, reflecting a commitment to combating this heinous crime.

#### 3.1. Austria

In 2021, a total of 28 preliminary proceedings on suspicion of Section 104a StGB trafficking in human beings and 20 preliminary proceedings on suspicion of Section 217 cross-border trafficking in prostitution were concluded throughout Austria. In these completed 38 suspects, including 25 males and 13 females under section 104a StGB and 31 suspects, including 23 males and eight females under § 217 StGB were reported to the police.

		§ 104a StGB	§ 217 StGB
<b>Non-Citizens</b>	male	24	23
	female	8	7
	total	32	30
<b>Austrian Citizens</b>	male	1	-
	female	5	1
	total	6	1

The suspects with regard to Section 104a of the Criminal Code on Trafficking in Human Beings came from Romania (12), followed by Austria (6) and Serbia (5). (12), followed by Austria (6) and Serbia (5). With regard to § 217 StGB, the largest number of suspects were found to come from Romania (18), followed by Hungary (8).

<b>Nationality Perpetrators</b>	<b>of</b>	<b>§ 104a StGB</b>	<b>§ 217 StGB</b>
Croatia		1	-

Nigeria	1	-
Austria	6	1
Romania	12	18
Serbia	6	2
Slovakia	6	-
Slovenia	2	1
Turkey	2	1
Hungary	2	8
Total	38	31

### Victims

In 2021, a total of 75 victims, including 24 males and 51 females under § 104a StGB and 44 victims, including one male and 43 females under Section 217. There was thus an increase of around 34 per cent in identified victims compared to 2020 (66 victims).

87 per cent of the victims came from member states of the European Union or other third countries, such as Romania, Moldova, and Hungary. 13 per cent are third-state nationals from Serbia and Nigeria. Nine Austrian victims could also be identified.

States	§ 104a StGB	§ Section 217 StGB
EU-member	63	40
Third Country	12	4
Total	75	44

Source: [https://bundeskriminalamt.at/304/files/Schlepperei-Bericht\\_2021.pdf](https://bundeskriminalamt.at/304/files/Schlepperei-Bericht_2021.pdf)

### Child trafficking

Every year, the Federal Ministry of the Interior publishes Austria's police crime statistics, which include the number of identified underage victims of human trafficking:

Year	§ 104a StGB	§ Section 217 StGB
2018	8 (1m/7f)	9f
2019	14 (4m/10f)	14f
2020	10 (6m/4f)	3f

The Federal Ministry of Justice provided the following data on the number of convictions for Section 104a (5) of the Criminal Code and Section 217 of the Criminal Code to the detriment of underage victims:

Year	§ Section 104a (5) StGB	§ Section 217 StGB to the detriment of minor victims
2018	3	2
2019	3	1
2020	1	1

### **Recorded suspected cases of child trafficking by the child and youth welfare services in the provinces.**

Drehscheibe - Krisenzentrum für unbegleitete minderjährige Fremde der Stadt Wien - Kinder- und Jugendhilfe (Hub - Crisis Centre for Unaccompanied Minors of the City of Vienna - Children and Youth Welfare) also keeps records on the perception of suspected cases of child trafficking. The table below shows the number of children who were suspected of being victims of child trafficking by the staff in the years 2018-2020.

Year	Number of suspected cases
2018	22
2019	3
2020	2

In addition, records are kept of the form of exploitation that may have occurred in these suspected cases.

Year	Pickpocketing	Prostitution	Begging
2018	13	4	5

2019		3	
2020		1	1

Source:

[https://www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Menschenrechte/Beilage\\_5\\_Bericht\\_der\\_Arbeitsgruppe\\_Kinderhandel\\_2018-2020.pdf](https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Beilage_5_Bericht_der_Arbeitsgruppe_Kinderhandel_2018-2020.pdf)

## 3.2. Belgium

In 2021, 313 human trafficking offences were recorded in Belgium, of which sexual exploitation (51%) and labour exploitation (47%) were the most prominent. Belgium is both a transit and destination country for a number of these victims. However, Flanders has the highest number of sexual exploitation cases<sup>22</sup>, with Antwerp, Ghent, Liege, and Ostend – as well as Brussels-Capital – being the major trafficking centres. Victims of sexual exploitation that agreed to cooperate with Belgian judicial authorities in 2021 were most often women from Nigeria, Venezuela, and Bulgaria. Identifying victims is challenging, making combating child trafficking a persistent challenge. In 1995, Belgium adopted legal measures to combat THB which were amended in 2005, 2013 and 2016. The Belgian national legal framework on THB includes:<sup>23</sup>

- Penal Code of 8 June 1867: basis for THB law.
- Law of 15 December 1980: immigration and residency issues, relevant to THB.
- Royal Decree of 21 July 2014 focuses on combating trafficking and smuggling.
- Royal Decree of 27 April 2007 addresses immigration and residency concerning THB.
- Circular of 23 December 2016 provides guidelines for multidisciplinary cooperation in combating THB.
- Royal Decree of 18 April 2013 establishes specialised victim support centres.

Belgium adopted a 2021-2025 national action plan on fighting human trafficking<sup>24</sup>, which will enhance legislative or regulatory instruments; train specialist and non-specialist stakeholders; refine victim status and improve reception centres; provide international cooperation; and raise public awareness.<sup>25</sup> Stronger collaboration with federal entities is a major goal.<sup>26</sup> The Belgian approach is comprehensive, multidisciplinary, and includes specialised actors (police officers, labour inspectors, prosecutors, specialist victim shelters, Immigration office).<sup>27</sup> The plan will

<sup>22</sup> Myria, Annual Report Trafficking and Smuggling (2022), available at: [https://www.myria.be/files/2022\\_MYRIA\\_Annual\\_report\\_Trafficking\\_and\\_smuggling.pdf](https://www.myria.be/files/2022_MYRIA_Annual_report_Trafficking_and_smuggling.pdf)

<sup>23</sup> Myria, Législation en matière de traite et de trafic des êtres humains, available at: <http://www.myria.be/fr/traite/legislation>

<sup>24</sup> Belgium Action Plan Fighting Human Trafficking 2021-2025, available at: [http://www.dsb-spc.be/doc/pdf/NAP\\_TIP\\_2021\\_2025\\_ENG.pdf](http://www.dsb-spc.be/doc/pdf/NAP_TIP_2021_2025_ENG.pdf)

<sup>25</sup> GRETA, Evaluation Report Belgium: Access to justice and effective remedies for victims of trafficking in human beings (2022), available at: <https://rm.coe.int/3rd-greta-evaluation-report-on-belgium/1680a8940b>

<sup>26</sup> Belgium, Action Plan Fighting Human Trafficking (2021-2025), available at: [http://www.dsb-spc.be/doc/pdf/NAP\\_TIP\\_2021\\_2025\\_ENG.pdf](http://www.dsb-spc.be/doc/pdf/NAP_TIP_2021_2025_ENG.pdf)

<sup>27</sup> European Commission, Migration and Home Affairs Situation on Trafficking in Human Beings, available at: [https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/belgium\\_en](https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/belgium_en)

complement other relevant national action plans including the National Action Plan to Combat Gender-Based Violence<sup>28</sup> and the National Action Plan on Women, Peace and Security.<sup>29</sup>

The National Referral Mechanism, updated in 2016, highlights the issue of exploitation of minors. New databases were created to promote coordination among various prosecutors' offices.

The 2017 legislation, relating to use of digital evidence, expands on special investigation methods and searches of IT systems. Additionally, the 2000 law on computer crime introduced new investigative opportunities to the Code of Criminal Procedure (networks searches and seizure of data), making it possible for judicial police officers and Public Prosecutors to order the search of IT systems. Covert searches of, and wiretaps on, e-mails, Skype, WhatsApp, Facebook, Snapchat, etc. in cases of human trafficking and smuggling are included under this regulation.<sup>30</sup>

### 3.3. Bulgaria

In Bulgaria, the number of human trafficking victims experienced a reduction in 2018-2019, but this decline was offset in 2020, largely due to the impact of the Covid-19 pandemic. The pandemic exacerbated the phenomenon by temporarily reducing preventive mechanisms' efficacy, thereby contributing to the rise in human trafficking cases<sup>31</sup>.

Regarding child victims of human trafficking in Bulgaria, the reported numbers may be deceptively low due to inherent challenges in data collection. The absence of a coherent mechanism for transparent and disaggregated data collection hinders the accurate representation of child exploitation. Moreover, the categorization of children engaged in prostitution or minor offences, such as forced begging, as minor offenders rather than trafficking victims further skew the statistics. These cases fall under the jurisdiction of the "Central Commission for Combating Offences Perpetrated by Minors within the Ministerial Council", rather than the "National Commission for Combating Trafficking in Human Beings (NCCTHB)". Consequently, the established reporting mechanism fails to capture the true extent of child trafficking in Bulgaria, limiting the scope to sexual exploitation of adults and trafficking of babies<sup>32</sup>.

An additional challenge stems from discrepancies in statistical reporting by various entities within Bulgaria's legal system. The Prosecutor's Office statistics pertain only to individuals officially recognized as victims during the third instance (the Cassation phase) of judicial proceedings. As a result, these figures may not align with data from the Ministry of Interior, social services, or non-governmental organisations (NGOs), contributing to statistical disparities<sup>33</sup>.

Considering these complexities, the provided tables aim to illustrate the distinct datasets offered by the "Prosecutor's Office of the Republic of Bulgaria" and the "National Commission for Combating Trafficking in Human Beings (NCCTHB)". Understanding these variations in reporting is crucial for comprehending the full extent of human trafficking and its impact on victims in

<sup>28</sup> Belgium, National Action Plan to Combat All Forms of Gender-based Violence (2015-2019), available at: [https://igvm-iefh.belgium.be/sites/default/files/comprehensive\\_press\\_file\\_0.pdf](https://igvm-iefh.belgium.be/sites/default/files/comprehensive_press_file_0.pdf)

<sup>29</sup> Institute for the Equality of Women and Men, National Action Plan 'Women, Peace, Security', available at: [https://igvm-iefh.belgium.be/en/publications/national\\_action\\_plan\\_women\\_peace\\_security](https://igvm-iefh.belgium.be/en/publications/national_action_plan_women_peace_security)

<sup>30</sup> Myria, Annual Report Part 2: The role of social media and the internet in human trafficking and smuggling (2017), available at: <https://www.myria.be/files/Report-trafficking-smuggling-2017-focus.pdf>

<sup>31</sup> National Commission for Combatting Trafficking in Human Beings, 2022 National Report <https://antitraffic.government.bg/en/about> accessed 9<sup>th</sup> July 2023.

<sup>32</sup> Ibid.

<sup>33</sup> Prosecutors Office, <https://prb.bg/en/prosecutors-office> (Prosecutors Office, n.d.) accessed 14<sup>th</sup> July 2023.

Bulgaria. Efforts to improve data collection methodologies, enhance cooperation between relevant agencies, and address the unique challenges faced by child victims are imperative in combating this grave human rights violation<sup>34</sup>.

Victims	2015	2016	2017	2018	2019	2020	2021
<b>Sexual Exploitation</b>	<b>314</b>	<b>329</b>	<b>323</b>	<b>309</b>	<b>258</b>	<b>366</b>	<b>282</b>
Women as a part of the above #	311	318	316	307	255	333	278
Minors (14-18)	24	19	32	48	24	20	17
Minors (<14)	2	1	0	1	0	4	1
Men as a part of the above #	3	11	7	2	3	3	4
Minors (14-18)	0	1	0	0	0	0	0
Minors (<14)	1	0	0	0	0	0	0
<b>Servitude</b>	<b>6</b>	<b>5</b>	<b>17</b>	<b>8</b>	<b>14</b>	<b>8</b>	<b>27</b>
Women as a part of the above #	6	3	14	5	11	6	25
Men as a part of the above #	0	2	3	3	3	2	2

<sup>34</sup> Ibid.



Source: Prosecutor's Office of the Republic of Bulgaria<sup>35</sup>

<b>Victims</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Total # of Victims</b>	<b>131</b>	<b>130</b>	<b>94</b>	<b>60</b>	<b>132</b>
Women as a part of the above #	69		50	39	86
Minors (14-18)			3	3	11
Minors (<14)			6	1	9
Men as a part of the above #	34		44	21	46
Minors (14-18)			3	0	10
Minors (<14)			4	0	6
<b>Sexual Exploitation</b>	<b>52</b>		<b>31</b>	<b>27</b>	<b>47</b>
Women as a part of the above #	50		31	26	45
Minors (14-18)	10		2	3	4
Minors (<14)			2	0	0
Men as a part of the above #	2		0	1	2
Minors (14-18)			0	0	1
Minors (<14)			0	0	0

<sup>35</sup> See *ibid.* 6.

Source: Report of the National Commission for Combating Trafficking in Human Beings<sup>36</sup>

### 3.4. Italy

Italy's effort and approach with relation to trafficking in human beings (THB) still must be implemented. The overall situation shows that Italy is a country of destination or transit towards other EU countries for victims coming mainly from Nigeria (65,5%), followed by Pakistan (4,5%), Morocco, Gambia, and Ivory Coast (around 2,5% each), but also from Eastern Europe (Romania, Albania, Bulgaria).<sup>37</sup>

In 2021, around 2 thousand victims of THB have been registered, most of them being women (around 76%), while minors victims represented the 3,3% of the total. Out of these data, the main form of exploitation is the sexual one (around 50%), followed by labour exploitation (approximately 20%). Indeed, among the high-risk sectors there are agriculture, textile, domestic service, construction, hospitality, and restaurants.

Increasing concern is rounding on Ivorian women and girls with minor children, who most of time experience re-victimization through extortion due to their status of vulnerable young mothers.<sup>38</sup> Victims from Eastern Europe are mostly women involved in prostitution or in-door exploitation, who also experience extreme condition in the agricultural sector and frequent sexual violence episodes. During the pandemic, online pedopornography increased by 47% with respect to the data of 2020, and involved children aged between 10 and 13 years of age. Moreover, the consequent economic crisis put at risk other vulnerable groups such as unaccompanied male minors, easily exploited, and involved in the black labour market due to their necessity to find a job to financially support their families which is a factor that contributes to their mental stress.<sup>39</sup>

Moreover, many THB victims are forcibly returned to Italy from other EU countries under the Dublin Regulation. In 2021, most of the targeted victims were Nigerian pregnant women or with young children. The failure of the anti-trafficking system and the Dublin transfer system to coordinate the transfer of returning migrants to Italy creates risks for trafficking, putting them at risk of mistreatment and serious human rights violations.<sup>40</sup>

The legal framework on trafficking of human beings in Italy is provided by Law 228/2003 which include substantial reforms of existing provisions in the criminal code addressing different situations of slavery and other forms of exploitation, and the related punishment.<sup>41</sup> In general, most of the provisions are the reception of international conventions and EU directives aimed at

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<sup>36</sup> See *ibid.* 4.

<sup>37</sup> Save the Children (27 July 2022), *Tratta e sfruttamento minorile: per l'Organizzazione, 1 vittima su 4 in Europa è minorenne. In aumento in Italia le giovani ivoriane ad alto rischio e le mamme vittime con bambini spesso utilizzati come oggetto di ricatto dagli sfruttatori*: <https://www.savethechildren.it/press/tratta-e-sfruttamento-minorile-save-children-1-vittima-su-4-europa-e-minorenne-aumento-italia>.

<sup>38</sup> *Ibidem.*

<sup>39</sup> *Ibidem.*

<sup>40</sup> Council of Europe, Group of Experts on Action Against Trafficking in Human Beings (GRETA), Evaluation Report - Italy, Access to justice and effective remedies for victims of trafficking in human beings (23 February 2024): <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-its-third-report-on-italy>.

<sup>41</sup> Camera dei deputati, *La tratta di esseri umani: quadro normativo*, Giustizia - Tutela delle vittime dei reati: <https://temi.camera.it/leg17/post/la-tratta-di-esseri-umani-quadro-normativo-e-statistiche.html?tema=temi/tutela-delle-vittime-dei-reati#:~:text=La%20tratta%20di%20esseri%20umani%20%C3%A8%20espressamente%20punita%20nel%20nostro,600%2C%20601%20e%20602>.

the prevention and fight against trafficking of human beings, the protection of victims, and the promotion of international judicial cooperation in this regard.<sup>42</sup>

The trafficking prevention and combating policy coordination, monitoring and evaluation system is based on legislative decree 24/2014, implementing EU directive 36/2011. The system resulted in the adoption of the Piano nazionale d'azione contro la tratta e il grave sfruttamento 2022-2025, a relevant policy instrument first implemented in 2016.<sup>43</sup> As a result of the first implementation, the Plan aims are, among others, to increase the efforts to prevent trafficking in labour exploitation, the protection of minors, to adopt new tools to identify victims and facilitate access to justice and effective remedies.<sup>44</sup>

### 3.5. Malta

Malta is a country of origin and destination. The victims are both domestic and foreign. In 2022, authorities have identified 14 foreign trafficking victims (including 12 sex trafficking victims and two forced labour victims). This was a slight decrease compared with 18 victims identified in 2021. All identified victims were foreign national adults. Most THB victims identified in Malta originate from China, Eastern Europe, Central America, or Southeast Asia. The victims are mainly women (especially in the cases of sex trafficking).

In what concerns the online dimension of THB, Malta's effort in this field targets both awareness raising and reporting. In terms of awareness raising, there is [The BeSmartOnline!](#) framework, a national initiative to establish a Safer Internet Center in Malta with the support of a consortium coordinated by the Foundation for Social Welfare Services (FSWS), which brings together several public institutions, such as the Office of the Commissioner for Children, the Directorate for Learning and Assessment Programmes (DLAP) and the Malta Police Force - Cyber Crime Unit.

In terms of reporting, there is a dedicated platform ([www.childwebalert.gov.mt](http://www.childwebalert.gov.mt)) for online reporting of illegal online content, particularly child abuse material. The platform also offers support services to respective victims.

#### Policies

Policies in the field of THB prevention and countering focus on:

- Awareness raising activities within the community, but also in schools, among the business community etc.
- Training for practitioners.
- Investigation and prosecution

#### Brief overview of national legislation:

Overall, Malta had adequate legislation focused on combating trafficking in human beings. This can be found in the Criminal Code (Chapter 9 of the Laws of Malta) which was amended in 2019. Further improvements have been recently made especially in what concerns child victims,

<sup>42</sup> UN Convention against Transnational Organized Crime (2000), Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000), CoE Budapest Convention on Cybercrime (2001), CoE Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007), Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

<sup>43</sup> Piano nazionale d'azione contro la tratta e il grave sfruttamento 2022-2025, Legislative Decree 24/2014, Italy: <https://www.pariopportunita.gov.it/media/2427/piano-anti-tratta-2022-2025-ita.pdf>.

<sup>44</sup> *Ibidem*.

through the amendment of the Victims of Crime Act, which now allows a judge to appoint a specially trained expert as a support person to assist a child victim throughout the court proceedings and for a further period following its conclusion. In July 2019, the Child Protection (Alternative Care) Act was substituted by the Minor Protection (Alternative Care) Act which covers various aspects of child protection including a review of the childcare system, protection of children during judicial procedures, the availability of children's advocates, and issues related to foster care.

## 4. Trafficking of human beings for sexual exploitation with a focus on child victims in partner countries

### 4.1. Legal overview

Within the context of combating human trafficking, a comprehensive understanding of national legal frameworks is essential. These frameworks typically involve different stakeholders engaged in judicial procedures, ranging from prosecution offices for adults, organised crime directorates, to armed forces, among others. The interplay between these stakeholders forms a crucial component in the effective investigation, prosecution, and prevention of trafficking crimes. Approaches employed within these procedures often emphasise a child-centric and trauma-informed perspective, recognizing the unique vulnerabilities and experiences of victims. By integrating these approaches into judicial processes, authorities aim to not only hold perpetrators accountable but also to provide adequate support and protection for survivors of trafficking.

#### 3.1.1 Austria

The protection of children's rights is guaranteed at the constitutional level in Austria by the **Federal Constitutional Act on the Rights of Children**, first and foremost by the principle of priority of the best interests of the child enshrined in Article 1. According to Article 3, child labour is prohibited, and Article 5 provides for the right of every child to protection against economic and sexual exploitation as well as the right of every child victim of violence or exploitation to adequate compensation and rehabilitation. Also relevant is the prohibition of slavery and forced labour under Article 4 of the European Convention on Human Rights.

Child trafficking is a serious violation of human rights and constitutes a criminal offence punishable by the courts under Austrian law. The forms of commission are manifold, ranging from petty crime, domestic servitude, begging, drug trafficking, child trafficking in connection with an illegal adoption to forced labour, sexual exploitation (including pornography and virtual pornography) and organ trafficking.

**Section 104a of the Criminal Code (StGB)**, which is based on the definition of the Palermo Protocol, differentiates between trafficking in human beings for the exploitation of adults and trafficking in human beings for the exploitation of minors (child trafficking). In contrast to trafficking in human beings with adult victims, no use of unfair means (such as violence or dangerous threat) is required to fulfil the criminal offence of "child trafficking".

According to Section 104a (5) of the Criminal Code, a person is guilty of child trafficking if he or she recruits, harbours, or otherwise takes in, transports or offers or passes on to another a minor with the intention that the minor will be exploited. The exploitation may be labour exploitation, exploitation for begging, sexual exploitation, exploitation by removal of organs and exploitation for the commission of acts punishable by law (section 104a (3) StGB).

"Cross-border trafficking in prostitution" is punishable under section 217 of the Criminal Code.

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the EU Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, the EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, as well as recommendations of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) on monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, were amended by the 2011 Criminal Code Amendment (BGBl. I No. 130/2011) and the Sexual Offences Amendment Act 2013 (Federal Law Gazette I No. 116/2013).

### 3.1.2 Belgium

Belgium has ratified the Convention on the Rights of the Child (1991)<sup>45</sup> and the Optional Protocol addressing the sale of children, child prostitution, and child pornography (2006).<sup>46</sup> It has also endorsed the Stockholm Declaration and Agenda for Action (1996).<sup>47</sup>

National legal measures include ratification of Convention No. 182, concerning the Worst Forms of Child Labour (2002)<sup>48</sup>, and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (2004)<sup>49</sup> as well as the Council of Europe Conventions on Action against Trafficking in Human Beings (2009)<sup>50</sup>, Cybercrime (2012)<sup>51</sup>, and the Protection of Children against Sexual Exploitation and Sexual Abuse (2007)<sup>52</sup>.

National policies highlight initiatives identifying trafficked minors. The **Bureau of Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings (ICP Bureau)**<sup>53</sup> coordinates a multidisciplinary approach through<sup>54</sup>:

- Investigating judges: human trafficking and smuggling specialists.
- Federal Prosecutor Attorney: coordinates information exchanges between prosecutors, magistrates, and police services.

<sup>45</sup> OHCHR, Convention on the Rights of the Child (1989), available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>46</sup> OHCHR, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000), available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>

<sup>47</sup> UNICEF, World Congress III against Sexual Exploitation of Children and Adolescents (2008), available at: <https://www.unicef.org/documents/world-congress-iii-against-sexual-exploitation-children-and-adolescents>

<sup>48</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C182](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182)

<sup>49</sup> International Labour Organisation, Worst Forms of Child Labour Convention (1999), available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

<sup>50</sup> Council of Europe, Convention on Action against Trafficking in Human Beings (2005), available at: <https://rm.coe.int/168008371d>

<sup>51</sup> Council of Europe, The Budapest Convention, available at: <https://www.coe.int/en/web/cybercrime/the-budapest-convention>

<sup>52</sup> Council of Europe, Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (2007), available at: <https://www.coe.int/en/web/children/lanzarote-convention>

<sup>53</sup> European Commission, Migration and Home Affairs Situation on Trafficking in Human Beings, available at: [https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/belgium\\_en](https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/belgium_en)

<sup>54</sup> Myria, webpage on Interdepartmental Coordination Unit (in NL & FR), available at: <https://www.myria.be/nl/mensenhandel-smokkel/multidisciplinaire-aanpak#Federale%20Overheidsdienst%20Buitenlandse%20Zaken>

- College of Public Prosecutors: ensures the coherent implementation of criminal policy.
- Criminal Policy Service: assists the Minister of Justice and the College of Public Prosecutors to develop criminal policy.
- Federal Police: judicial districts host specialist Human Trafficking Units
- Inspection Services at Federal Public Service Employment: investigate risk sectors.
- Federal Public Service Foreign Affairs: coordinates with Belgian missions on prevention, protection, and reintegration mechanisms
- Immigration Office: dedicated human trafficking unit provides temporary residence permits and collates information on countries engaged in illegal trafficking.
- A Financial Intelligence Processing Unit representative ensures financial transactions linked to human trafficking are readily identified.
- Specialist reception centres Pag-Asa in Brussels, Sürya in Liège, and Payoke in Antwerp.

In coordination with Europol, the Federal Police operate an **Internet Investigation Unit of the Directorate of Serious and Organised Crime – i2/BE-IRU** to coordinate internet searches for terrorism, violent radicalism, human trafficking, and smuggling content. They provide operational support to national units, and strategic analysis and assistance in prevention, coordination, and awareness-raising.<sup>55</sup>

Belgium's legal system criminalises trafficking of children for sexual purposes, though it does not prevent the sale of children for such purposes. Legislation exists against the sexual penetration of minors under 16.<sup>56</sup>

Child-friendly justice is promoted by the **Criminal Investigation Code**. Minors are entitled to free legal assistance and accompaniment by a support worker, and to have videotaped interviews conducted by trained police officers. Their identification and confidentiality are protected during investigations.<sup>57</sup>

Under the ICP, working groups address the care of trafficked minors: one looks at measures for the Flemish Region, the other oversees French- and German-speaking Communities.<sup>58</sup>

### 3.1.3 Bulgaria

**Article 159** more specifically paragraphs 2 and 3<sup>59</sup>, considers two types of aggravating circumstances. In the hypothesis of a trafficked child or "a person under the age of eighteen years [...] the penalty [for the perpetrator] shall be imprisonment for three to ten years and a fine of ten thousand to twenty thousand leva". On the other hand, in the case of a pregnant woman, where the trafficker is planning to sell her child "the penalty shall be imprisonment from three to fifteen years and a fine from twenty thousand to fifty thousand leva".

The **Law on Combating Trafficking in Human Beings**<sup>60</sup> also has specific provisions which deal exclusively with the hypothesis of a child victim of human trafficking. According to Article 21<sup>61</sup>,

<sup>55</sup> Myria, Annual Report External contribution (2017), available at: <https://www.myria.be/files/Report-trafficking-smuggling-2017-contribution1.pdf>

<sup>56</sup> ECPAT, *Do Belgian laws sufficiently protect boys from sexual exploitation?* (2022), available at: <https://ecpat.be/en/ressources/>

<sup>57</sup> ECPAT, Sexual Exploitation of Boys Belgium Report (2022), available: [https://ecpat.org/wp-content/uploads/2022/07/GLOBAL-BOYS\\_BELGIUM\\_2022.pdf](https://ecpat.org/wp-content/uploads/2022/07/GLOBAL-BOYS_BELGIUM_2022.pdf)

<sup>58</sup> GRETA, Evaluation Report Belgium: Access to justice and effective remedies for victims of trafficking in human beings (2022), available at: <https://rm.coe.int/3rd-greta-evaluation-report-on-belgium/1680a8940b>

<sup>59</sup> See *ibid.* 17, Section IX, Article 159, paras. 2-3.

<sup>60</sup> See *ibid.* 28.

<sup>61</sup> *Ibid.*, Article 21.



when authorities receive information about a child who is a victim of human trafficking, they are required to immediately notify the State Agency for Child Protection. The agency is then responsible for taking appropriate measures in accordance with the Child Protection Act. Article 22<sup>62</sup> states that child victims of trafficking must be accommodated separately from adults. Additionally, Article 23<sup>63</sup> highlights that children, who are victims of trafficking, as well as children of trafficking victims, have the right to receive education in state or municipal schools, following the procedures outlined in the Law on Pre-school and School Education. The designated child protection authorities specified in the Child Protection Act<sup>64</sup> are obligated to take necessary measures to protect the rights of child victims of human trafficking, ensuring their well-being and safety.

The main stakeholders involved in combating and the prevention of trafficking in human beings for sexual exploitation in Bulgaria are the National Investigation Service, the Prosecutor's Office, the Ministry of Interior, the Supreme Cassation Court, the Social Assistance Agency, the Social Assistance Agency, and the State Agency for Child Protection. Their functions are briefly described below.

**National Investigation Service:** The National Investigation Service conducts thorough investigations into human trafficking offences, with a particular focus on sexual exploitation and other forms of trafficking.

In addition to their investigative work, the Deputy Director of the Service actively participates in various prevention initiatives, such as academic assemblies and meetings with organisations like the NCCTHB. This involvement aids in evaluating the implementation of the National Strategy for Combating Trafficking in Human Beings and contributes to prevention efforts<sup>65</sup>.

**Prosecutor's Office:** The Prosecutor's Office plays a pivotal role in investigating human trafficking crimes. As the primary legal authority responsible for criminal prosecutions, it conducts thorough investigations into cases related to human trafficking. The Prosecutor's Office examines the evidence, gathers witness testimonies, and collaborates with law enforcement agencies to build strong cases against traffickers. They employ various investigative techniques, including analysing financial transactions to uncover money laundering and financial crimes associated with trafficking networks.

Moreover, the Prosecutor's Office enhances the capacity of prosecutors and investigative bodies through thematic training, focusing on different modalities and best practices for investigating human trafficking. This includes training on investigating financial crimes, utilising information, and communication technologies, and leveraging open data. By equipping prosecutors with specialised knowledge and skills, the Prosecutor's Office strengthens the combat against human trafficking<sup>66</sup>.

**Ministry of Interior:** The Directorate General for Combating Organized Crime (DGCOC) is instrumental in combating human trafficking as it plays a vital role in apprehending perpetrators. Operating under the Ministry of Interior, the DGCOC implements initiatives outlined in the

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<sup>62</sup> Ibid, Article 22.

<sup>63</sup> Ibid, Article 23.

<sup>64</sup> Child Protection Act, State Gazette Issue, No. 28 (14th April 2000).

<sup>65</sup> Bulgarian National Investigation Service, <https://prb.bg/nsis/>.

<sup>66</sup> See *ibid.* 6.

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Furthermore, it provides expert assistance and support to other public authorities in developing and implementing information campaigns and training programs aimed at combating human trafficking. One notable example is the European #BlindBetting campaign, which focused on sexual exploitation and was executed simultaneously across 26 European countries. Through such large-scale prevention campaigns and collaborative efforts, the DGCOC actively contributes to curbing human trafficking and raising awareness about its dangers<sup>68</sup>.

**Supreme Cassation Court:** The Supreme Court of Cassation (SCC) serves a significant role in combating human trafficking through its general function as the highest judicial authority. As a responsible institution, the SCC contributes to the fight against human trafficking by ensuring the proper application of the law and delivering fair and just verdicts in trafficking-related cases. By upholding the principles of justice and the rule of law, the SCC plays a critical role in holding traffickers accountable for their crimes, thereby deterring future instances of human trafficking.

In the context of establishing an electronic register of human trafficking cases and conducting periodic data analysis, the SCC actively engages in prevention efforts. By maintaining accurate and comprehensive records, the SCC provides a valuable resource for research, analysis, and statistical reporting on human trafficking. This data-driven approach allows for a deeper understanding of the dynamics of human trafficking, which in turn helps inform the development and implementation of effective prevention strategies. Through its commitment to data analysis and research, the SCC supports the identification of key trends and patterns, enabling the implementation of targeted prevention measures to combat human trafficking more effectively<sup>69</sup>.

**Social Assistance Agency:** The Social Assistance Agency plays a significant role in combating human trafficking by making referrals for social services to children, parents, families, and individuals in need. Referrals are made for child protection measures under the Child Protection Act, as well as for individuals facing crises, victims of domestic violence, and victims of trafficking. By facilitating access to social services, the agency provides crucial support to victims and contributes to their rehabilitation and reintegration into society<sup>70</sup>.

**State Agency for Child Protection:** Finally, the State Agency for Child Protection focuses on implementing the Coordination Mechanism for cases of unaccompanied Bulgarian children and child victims of trafficking returning from abroad. This involves close collaboration with both Bulgarian and international institutions to address specific cases of unaccompanied Bulgarian children and child trafficking victims in Europe. By coordinating efforts and working in partnership, the agency contributes to combating human trafficking and ensuring the protection and care of child victims<sup>71</sup>.

**Other relevant stakeholders:** Other relevant stakeholders dealing with human trafficking peripherally and mainly through organising educational training for the purposes of prevention

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<sup>67</sup> Operational Action Plan 2023 of the European Multidisciplinary Platform against Threats of Crime (EMPACT), 2023, < [https://home-affairs.ec.europa.eu/policies/law-enforcement-cooperation/operational-cooperation/empact-fighting-crime-together\\_en](https://home-affairs.ec.europa.eu/policies/law-enforcement-cooperation/operational-cooperation/empact-fighting-crime-together_en)> (accessed 19th July 2023).

<sup>68</sup> Bulgarian Ministry of Justice, <https://www.justice.government.bg/>.

<sup>69</sup> Supreme Cassation Court, <https://www.vks.bg/> (accessed 21<sup>st</sup> July 2023).

<sup>70</sup> Bulgarian Ministry of Labor and Social Policy - Social Assistance, <https://www.mlsp.government.bg/eng/social-assistance> (accessed 21<sup>st</sup> July 2023).

<sup>71</sup> State Agency for Child Protection, <https://sacp.government.bg/en> (accessed 21<sup>st</sup> July 2023).



include but are not limited to the Ministry of Education, Sofia Municipality, Ministry of Justice, and Ministry of Foreign Affairs.

### 3.1.4 Italy

The Italian legislation on trafficking in human beings is primarily located within the **Penal Code, specifically in Article 601**. This article must be read together with the rules on slavery (Articles 600 and 602 of the criminal code) and the new case of trafficking in organs taken from a living person (Article 601 bis of the criminal code). Recent changes have made the Italian system compliant with the complex international framework of protection.

Although the prohibition of trade in human beings has been presented in the international context since the beginning of the last century, it was with the Additional Protocol to the Convention of Palermo in 2000, the Warsaw Convention of the Council of Europe, and Directive 2011/36/EU that the multilevel discipline definitively detached itself from the late nineteenth-century concept, adopting a more fluid, modern concept of trafficking managed by various criminal actors involved in an articulated criminal process.

The international law enforcement strategy is based on the so-called Four Ps (prevention, protection, prosecution, and partnership). Italy underwent five different legislative amendments from 2003 to 2018 to ensure compliance with this strategy. The crime of trafficking is placed within **Title XII of Book II of the Criminal Law Code**, among crimes against the person, and specifically within Section I – crimes against individual freedom.

All the criminal cases referred to in Article 601 of the criminal code can be committed by anyone; however, the situation is different for the new paragraphs 3 and 4, added by the recent legislative decree n. 21 of 2018, which include aggravating circumstances linked to the subjective qualifications of the active subject of the crime (being commanded or an officer of the ship). Additionally, an autonomous criminal offence relating to all members of the crew, like a specific crime, was introduced.

The first paragraph of Article 601 of the criminal code provides two different abstract cases which differ in the qualities of the victim. The first case aims to protect subjects who find themselves in the conditions of Article 600 (slavery or servitude), while the second case extends the area of criminally relevant behaviour to indiscriminate subjects. Furthermore, the second paragraph of Article 601 provides for a different criminal case characterised by the peculiarities of the taxable person; in this case, the victim of the crime is a minor.

The crime sanctions anyone who recruits, introduces into the territory of the State, transfers, transports, assigns authority, or hosts one or more people who find themselves in the conditions described by Article 600 of the criminal code. Trafficking in human beings is a transnational crime organised by organised crime. The international trafficking of people has therefore only recently found its precise structure with the adoption of two Additional Protocols to the United Nations Convention against Transnational Organized Crime signed in Palermo on December 12, 2000.

These protocols affirmed the need for action to contrast national and international organised crime with a harmonious regulatory discipline at the level of international law and on the strengthening of judicial cooperation choices. Ample space is then dedicated in the Additional Protocol on trafficking to the protection of victims of trafficking and to the methods of protection and assistance that can be activated.

These measures include the protection of the confidentiality and identity of the victim, the possibility of providing technical-legal assistance during the phases of the proceeding in which they are present as offended persons, the adoption of measures aimed at the physical,

psychological, and social recovery of the victims, also in collaboration with non-governmental organisations. In particular, the possibility of providing adequate accommodation, material assistance, and employment opportunities is envisaged, as well as ensuring the safety of the victims of trafficking present on Italian territory.

With the **Law of August 11, 2003, n. 228**, new measures against human trafficking were introduced, including the provision of new crime hypotheses: the reduction or maintenance of slavery or servitude (Article 600 of the criminal code), the crime of trafficking in persons (Article 601 of the criminal code), and a new paragraph of Article 416 of the criminal code which provides for an increase in the penalty for associations committing any of the crimes.

The amendment of the Penal Code is accompanied by significant procedural provisions, which provide for the competence of the District Anti-Mafia Directorates and the coordination of the National Anti-Mafia Directorate for the crimes and the possibility of applying preventive measures. It extends anti-mafia legislation to human trafficking, including the possibility of special benefits for potential collaborators of justice, assigning the District Anti-Mafia Directorates the competence of the investigations since these are facts committed by organised crime.

Some of the investigative and judicial cooperation tools that assume specific importance in the fight against trafficking in human beings include the principle of the availability of information, special investigative techniques, joint investigation teams, and the rules on confiscation.

### 3.1.5 Malta

There are several laws which directly or indirectly impact the way THB is addressed in Malta.

- The Criminal Code, Chapter 9 of the Laws of Malta.
- Victims of Crime Act, Chapter 539 of the Laws of Malta.
- The White Slaves Traffic (Suppression) Ordinance, Chapter 63 of the Laws of Malta.
- The Employment and Industrial Relations Act, Chapter 452 of the Laws of Malta.
- Human Organs, Tissues and Cell Donation Act, Chapter 558 of the Laws of Malta.
- The Children and Young Persons (Care Order) Act, Chapter 258.
- Minor Protection (Alternative Care) of 2019, Chapter 602 of the Laws of Malta.
- Permission to Reside for victims of Trafficking or Illegal Immigration who cooperate with the Maltese Authorities Regulations, Subsidiary Legislation 217.07.
- Minimum Standards on Sanctions and Measures against Employers of Illegally Staying Third-Country Nationals Regulations, Subsidiary Legislation 217.14.
- Young Persons (Employment) Regulations, Subsidiary Legislation 452.92.
- Legal Aid Agency (Establishment) Order, Subsidiary Legislation 595.11.
- Legal Notice 418 of 2020, Victim Support Agency,
- Legal Notice 205 of 2009, Agency for the Welfare of Asylum Seekers Regulations, 2009.

**Article 248A(1) of the Criminal Code (CC)** criminalises THB for the following purposes of exploitation with the following non-exhaustive list:

- a) in the production of goods, or provisions of services; or
- b) slavery or practices similar to slavery; or
- c) servitude or forced labour; or
- d) activities associated with begging or;
- e) any other unlawful activities which are not specifically provided elsewhere under article 248(A).

**Article 248E (1)** defines the trafficking of ‘persons’ or of ‘minors’ as: ‘the recruitment, transportation, sale or transfer of a person, or of a minor, as the case may be, including harbouring

or subsequent reception or exchange or transfer of control over that person or minor, and includes any behaviour which facilitates the entry into, transit through, residence in, or exit from the territory of any country for any of the purposes mentioned in the preceding articles’.

By **Act XXVIII** adopted in June 2016, three new aggravating circumstances for trafficking offences were introduced to the CC: “when the offender has been previously convicted of an offence” of trafficking; when the offence “has resulted in harm to the psychological health of the victim”; and when it “is committed by a member of the child’s family, a person cohabiting with the child or a person who has abused a recognised position of trust or authority”.

As regards children, in July 2019 the Child Protection (Alternative Care) Act was substituted by the **Minor Protection (Alternative Care) Act** which covers various aspects of child protection, including a review of the childcare system, protection of children during judicial procedures, the availability of children’s advocates, and issues related to foster care.

With regards to the trafficking of children, the national legislation is in line with the Convention to a certain extent as none of the ‘means’ mentioned in Article 248 A(2) need to have been used to establish the crime of THB. In addition, if any of the means have been used to traffic children, the punishment shall be increased by one degree.

However, the GRETA report has flagged the fact that the act should be amended to introduce as an aggravating circumstance the offence of THB committed against a child, regardless of the means used.

**Stakeholders:** The current institutional framework aimed at addressing THB is extremely complex and may need to be simplified to achieve more coordination and efficiency. It includes most ministries (with the Ministry for Home Affairs, Security, Reforms and Equality playing the most important role), Malta Police Force, International Protection Agency, Identity Malta, Agency for the Welfare of Asylum Seekers, Office of the Attorney General, Office of the State Advocate, Victim Support Agency, Foundation for Social Welfare Services, Office of the Commissioner for Children,

**Approach:** Psychological assistance is also available to adults and child victims as provided by Articles 12 and 15 to the VCA for as long as necessary and irrespective of the victim’s willingness to cooperate in the investigations or criminal proceedings. However, victims who are third country nationals can only access free-of-charge psychological support if they do not have sufficient resources.

The **Victims of Crime Act (VCA)** entered into force on 02 Aprils 2015 which provides for access of victims of trafficking and their families to assistance services and compensation under the Criminal Injuries Compensation Scheme. A new article, Art. 14A was introduced allowing a judge to appoint a specially trained expert as a support person to assist a child victim throughout the court proceedings and for a suitable period of time following their conclusion (see paragraphs 138 and 139). The VCA was further amended in December 2018 by Act XLII.12. Two new services were added to the list of minimum services for victims of crimes in Article 12: medical treatment and protection measures against the risks of intimidation and retaliation. The amendments also clarified that these services are to be provided to victims even when the offence was committed in another EU Member States.

## 4.2. National Judicial Procedure

### 3.2.1 Austria

#### Initial Report and Investigation:

The process typically begins with the receipt of information about a potential human trafficking case either as a criminal report to the police (or proactive policing actions in identifying victims) or to victim support organisations (however, not automatically triggering criminal proceedings).

#### Special victim protection measures:

Victims of THB are entitled to legal assistance (*juristische Prozessbegleitung*). Legal assistance for the proceedings includes legal advice and representation by a lawyer. It is provided free of charge, independent of the victim's financial situation and provided through specialised victim support organisations (LEFÖ-IBF and MEN VIA).

The right to legal assistance exists before and during criminal proceedings, irrespective of immigration status or type of exploitation. In civil cases, the conditions for access to free legal aid (*Verfahrenshilfe*) for victims of THB, including children, are part of the general system of legal aid funded by the state.

Furthermore, victims of THB as other victims of crime are entitled to psychological care. LEFÖ-IBF provides holistic psycho-social services to female victims before, during and after the legal procedures, as well as in cases where there is no legal procedure. A trained psychosocial counsellor of LEFÖ-IBF oversees child victims. MEN VIA provides similar services to male victims.<sup>72</sup>

#### Digital evidence<sup>73</sup>:

The specialised Joint Operations Office to investigate cases of Human trafficking is, as any police unit, required to process any digital evidence through the specific C4 forensic unit of the Austrian Law Enforcement. This unit is not only focused on fighting cybercrime offences but to aid other investigations with analysing digital evidence. The increase in offences requiring the processing and analysis of digital evidence challenges the speed of investigations. The JOO has piloted a digital pre-screening tool, which allows to screen any device on site, whether specific contents are included. If the tool detects the respective content, it produces a short initial report, and the tool is transferred for further analysis.<sup>74</sup>

#### Indictment and Court Proceedings:

The case is typically a regional court or a higher regional court, depending on the severity of the charges. However, de facto it is possible to have virtually all THB cases processed by one court and a collective of judges. While this focus is not prescribed legally or by policy, it is in practice leading to a high level of specialisation within the court system.

#### Special victim protection measures:<sup>75</sup>

To avoid secondary victimisation as well as direct contact between victims, witnesses and defendants, Section 165 of CCP (*kontradiktorische Vernehmung*, translated as “adversarial

<sup>72</sup> <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>

<sup>73</sup> <https://bundeskriminalamt.at/306/start.aspx>

<sup>74</sup> [https://bundeskriminalamt.at/306/files/Cybecrime\\_2022\\_V20230517\\_webBF.pdf](https://bundeskriminalamt.at/306/files/Cybecrime_2022_V20230517_webBF.pdf)

<sup>75</sup> <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>

witness questioning”) provides for the possibility of questioning indirectly victims with special protection needs. The hearing takes place in a separate room, with the use of audio and video recording. An expert may be commissioned to conduct the questioning. In any case, it must be ensured that the victim or witness does not meet the accused and other parties to the proceedings.

### **Victims ‘rights’:<sup>76</sup>**

Victims of THB have, inter alia, the following rights: to receive a written confirmation of the complaint; to have access to files concerning them; to be informed by the public prosecutor if proceedings are going to be dropped or continued and about the possibility to request continuation of proceedings; to participate in cross-examinations of other witnesses and perpetrators; to be present at the main trial and to question perpetrators, witnesses and official experts. Further, particularly vulnerable victims have the rights: to be questioned by a person of the same sex; to refuse to answer questions which concern the most private sphere and details of the crime; to have interviews conducted by way of “adversary questioning”; to request a non-public trial; to be informed ex officio about the release of the offender from custody immediately without exception; according to their application to be informed about the escape and arrest or release of the offender from the jail; to be accompanied by a confidant in investigation and court hearings.

### **Interpreters:<sup>77</sup>**

A court interpreter is an interpreter who is specifically available for courts and authorities (police, asylum authorities, etc.) and must have specific knowledge accordingly. The general swearing-in and certification are carried out through a judicial administrative procedure in which strict selection criteria are applied.

### **Civil claims in criminal procedures:**

Through adhesive or subsequent procedures, a victim can claim and enforce his/her right to become a civil claimant during criminal proceedings. If a victim joins criminal proceedings as a civil claimant, he/she can make use of additional rights, namely: request the collection of evidence; request continuation of proceedings as a subsidiary prosecutor if the public prosecutor drops proceedings; appeal against the prosecutor’s decision to close the case; apply for legal representation free of charge if victim assistance services are not granted; be present during the main proceedings, make use of the right to ask questions, and have the opportunity to make and explain claims following the public prosecutor’s closing speech; appeal for nullity; and appeal against the court’s decision on the civil claim. The victim can submit his/her declaration to become a civil claimant to the police or the public prosecutor during preliminary proceedings after the case is brought to court.

### **Verdict and Sentencing:<sup>78</sup>**

For an overview of crime report data on THB suspects, victims, and child victims please see Section 1 (this report).

In 2013, following amendments to the Austrian Criminal Code, the penalty for the basic offence of trafficking in human beings in Section 104a, paragraph 1, of the CC was increased from up to three years’ imprisonment to between six months and five years’ imprisonment, and the penalty for trafficking of children between the age of 14 and 18 was increased from up to three years to one

<sup>76</sup> <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>

<sup>77</sup> <https://www.oesterreich.gv.at/lexicon/G/gerichtsdolmetscher.html>

<sup>78</sup> <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>

to 10 years' imprisonment (Section 104a, paragraph 5, of the CC). The Austrian authorities consider that the ranges of penalties for THB offences are effective, proportionate, and dissuasive.<sup>79</sup>

According to statistical information provided by the Austrian authorities, there were 61 investigations as defined by the Ministry of the Interior under Section 104a of the CC (trafficking in human beings) in 2015, 23 in 2016, 34 in 2017, and 71 in 2018. Additionally, there were 42 investigations under Section 217 of the CC (trans-border prostitution trade) in 2015, 28 in 2016, 23 in 2017, and 27 in 2018. The number of investigations as defined by the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice was considerably higher. The Austrian authorities have explained that the different figures are due to the fact that three different authorities record data according to different criteria. During police investigations, data is recorded in police crime statistics. The Public Prosecutor's Office keeps its own statistics according to its own parameters and some double counting is possible. The judiciary, for its part, only records cases in which there has been a conviction.<sup>80</sup>

According to information provided by the Austrian authorities, the number of convictions for THB was two in 2015 (both for labour exploitation), 10 in 2016 (six for sexual and two for labour exploitation, and two not defined), three in 2017 (two for sexual exploitation and one not defined), and nine in 2018 (three for labour exploitation, two for sexual exploitation, one for child labour, and three not defined). Additionally, there were several convictions for trans-border prostitution trade (13 in 2015, 16 in 2016, 7 in 2017, 5 in 2018) and three convictions for exploitation of foreigners in 2018.<sup>81</sup>

### **Confiscation and Compensation:**

In cases where traffickers are convicted, Austrian law allows for the confiscation of assets obtained through human trafficking. These assets may be used to compensate victims and fund victim support services.

In Austria, there are several measures to deprive perpetrators of the proceeds of crime or property of an equivalent value to those proceeds: securing (Section 110, paragraph 1, of the CCP) or sequestration (Section 115, paragraph 1, of the CCP) with the aim to secure a decision by the court concerning confiscation (Section 19a of the CC), forfeiture (Section 20 of the CC), extended forfeiture (Section 20b of the CC), and seizure of assets (Section 26 of the CC). These measures also apply to properties which have been purchased with the proceeds of illicit activities. In general, a seizure is executed by the criminal police upon an order of the public prosecution office. If law enforcement authorities intend to obtain banking information to determine whether assets can be seized, the public prosecutor can order the bank that it is obliged to keep secret all related facts and operations vis-à-vis its customers and third parties (Section 116, paragraph 5, of the CCP). The Financial Investigations and Asset Recovery Sub- Department of Criminal Intelligence Service Austria is involved in all THB investigations. Any orders for seizing assets are issued by the respective public prosecutor's office or court. In cases of forfeiture or extended forfeiture, if compensation has been awarded to the victim, but has not yet been paid, the victim has the right to demand the settlement of the assets forfeited.<sup>82</sup>

If seized assets cannot be awarded to the victim or if the case does not involve an award of removed assets, the criminal court has to decide on compensation claims in an adhesive

<sup>79</sup> <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>

<sup>80</sup> <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>

<sup>81</sup> <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>

<sup>82</sup> <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>



procedure in terms of Section 1323 if the Austrian Civil Code (e.g. replacement of suffered damages or loss of earnings or redemption payment for a caused offence). According to specialised NGOs, in practice, this is not implemented.<sup>83</sup>

### 3.2.2 Belgium

The Federal Prosecutor's Office plays a pivotal role in coordinating national prosecutions and fostering cooperation with countries of origin.<sup>84</sup> Initial investigations are carried out by the public prosecutor's office. To ensure effective victim protection, key frontline services (the police, labour inspectors, migration, and asylum services, etc.) must inform potential victims about the special victim procedure.<sup>85</sup> This means notifying the public prosecutor, engaging with specialist centres, and involving the Immigration Office when dealing with third-country national victims. Detection methods include self-reporting, awareness campaigns, intelligence gathering, and proactive screening within asylum procedures.<sup>86</sup>

Since the inception of human trafficking law in 1995, staff at the specialist reception centres (PAG-ASA, Payoke, and Sürya) have the right to participate in and initiate legal proceedings against human traffickers on behalf of the victims. These associations may join victims as co-litigants in criminal proceedings against perpetrators, providing essential support throughout the legal process.<sup>87</sup>

The detection of victims and perpetrators is followed by identification. In Belgium, public prosecutors are exclusively authorised to identify victims of human trafficking within the special residence procedure. PAG-ASA, Payoke, and Sürya, are responsible for initiating this procedure. Other frontline actors can only detect victims and guide them through the referral process.<sup>88</sup>

#### **Investigation, hearing, and prosecution:**<sup>89</sup>

Human trafficking cases start from reports to law enforcement agencies, spurred by victims, concerned individuals, NGOs, or intelligence gathered by the authorities. Preliminary investigations encompass victim identification, suspect surveillance, and evidence collection via phone investigations, social media analysis, financial inquiries, and physical searches, etc. Due to their vulnerability, interviews with victims and witnesses are conducted sensitively. Suspects are then interrogated.

<sup>83</sup> <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>

<sup>84</sup> Myria, webpage on Interdepartmental Coordination Unit (in NL & FR), available at:

<https://www.myria.be/nl/mensenhandel-smokkel/multidisciplinaire-aanpak#Federale%20Overheidsdienst%20Buitenlandse%20Zaken>

<sup>85</sup> Myria, webpage on victim status, available at: <https://www.myria.be/en/traff-and-smuggling/victim-status>

<sup>86</sup> European Migration Network Belgium, Third-Country National Victims of Trafficking in Human Beings in Belgium: Detection, Identification and Protection (2022), available at: [https://emnbelgium.be/sites/default/files/publications/EMN\\_traffick\\_in\\_human\\_beings\\_2022\\_study\\_belgianstandalone.pdf](https://emnbelgium.be/sites/default/files/publications/EMN_traffick_in_human_beings_2022_study_belgianstandalone.pdf)

<sup>87</sup> GRETA, Evaluation Report Belgium: Access to justice and effective remedies for victims of trafficking in human beings (2022), available at: <https://rm.coe.int/3rd-greta-evaluation-report-on-belgium/1680a8940b>

<sup>88</sup> European Migration Network Belgium, Third-Country National Victims of Trafficking in Human Beings in Belgium: Detection, Identification and Protection (2022), available at: [https://emnbelgium.be/sites/default/files/publications/EMN\\_traffick\\_in\\_human\\_beings\\_2022\\_study\\_belgianstandalone.pdf](https://emnbelgium.be/sites/default/files/publications/EMN_traffick_in_human_beings_2022_study_belgianstandalone.pdf); Myria, Annual Report Part 2: The role of social media and the internet in human trafficking and smuggling (2017), available at: <https://www.myria.be/files/Report-trafficking-smuggling-2017-focus.pdf>

<sup>89</sup> Myria, Annual Report Part 2: The role of social media and the internet in human trafficking and smuggling (2017), available at: <https://www.myria.be/files/Report-trafficking-smuggling-2017-focus.pdf>

During the investigation phase, social media platforms, notably Facebook, Instagram, Twitter, and various online forums, are used as essential resources to identify victims and offenders. Open-source Facebook investigations are highly productive. The abovementioned i2/BE-IRU<sup>90</sup> supports the investigation units with judicial orders to investigate online and freely available content. The technical examination of devices is instrumental in retrieving data, including chat messages, images, and locations, which contribute to building a comprehensive case.

For instance, in a human trafficking case involving Kurdish smugglers, the Belgian authorities successfully located incriminating images on the main defendant's public Facebook profile that were included as objective evidence in the official case report.<sup>91</sup>

Since March 2020, the Belgian police have been using an investigation management system, named ARTEMIS, to digitally store case evidence and data. ARTEMIS also hosts the investigation results and selected information on the victims, especially on the care provided to minors by specialised reception centres.<sup>92</sup>

On finishing the investigation, the judge or public prosecutor will decide whether there's enough evidence for trial. If so, the case proceeds to court and an indictment outlining charges is presented based on the evidence gathered. The hearing phase is multifaceted and includes case summarisation, witness and expert testimonies, statements from involved parties, and concluding remarks.<sup>93</sup>

The role of social media and the internet extends into the hearings phase. Digital evidence, gathered from platforms such as Facebook and Google Maps, can provide additional context and leads for the ongoing inquiry. Law enforcement agencies leverage information from these digital platforms to interrogate defendants. Texts, photographs, and locations accessed through these platforms can be used as evidence against individuals involved in these activities.

In a noteworthy Belgian case involving a Loverboy scheme connected to various criminal activities, a victim presented a USB flash drive containing crucial Facebook messages and photographs during her second hearing. This evidence contributed significantly to the investigation's progress.

In an Iraqi human smuggling case, the Belgian authorities successfully restored approximately 9000 messages from deleted files, many of which contained incriminating content related to trafficking operations and smugglers' activities.<sup>94</sup>

As noted previously, child victims benefit from special safeguards and procedural accommodations during the investigation and prosecution processes. Interviews are conducted

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<sup>90</sup> In coordination with Europol, the Federal Police operate an Internet Investigation Unit of the Directorate of Serious and Organised Crime – i2/BE-IRU to coordinate internet searches for terrorism, violent radicalism, human trafficking, and smuggling content. They provide operational support to national units, and strategic analysis and assistance in prevention, coordination, and awareness-raising. See Myria, Annual Report External contribution (2017), available at: <https://www.myria.be/files/Report-trafficking-smuggling-2017-contribution1.pdf>

<sup>91</sup> Myria, Annual Report Part 2: The role of social media and the internet in human trafficking and smuggling (2017), available at: <https://www.myria.be/files/Report-trafficking-smuggling-2017-focus.pdf>

<sup>92</sup> Myria, Annual Report Trafficking and Smuggling (2022), available at: [https://www.myria.be/files/2022\\_MYRIA\\_Annual\\_report\\_Trafficking\\_and\\_smuggling.pdf](https://www.myria.be/files/2022_MYRIA_Annual_report_Trafficking_and_smuggling.pdf)

<sup>93</sup> Belgian Federal Public Service Justice, Court Hearing, information available at: [https://justitie.belgium.be/nl/themas\\_en\\_dossiers/wat\\_moet\\_u\\_doen\\_als\\_slachtoffer/als\\_slachtoffer\\_tussenkomen\\_in\\_de\\_procedure\\_5](https://justitie.belgium.be/nl/themas_en_dossiers/wat_moet_u_doen_als_slachtoffer/als_slachtoffer_tussenkomen_in_de_procedure_5)

<sup>94</sup> Myria, Annual Report Part 2: The role of social media and the internet in human trafficking and smuggling (2017), available at: <https://www.myria.be/files/Report-trafficking-smuggling-2017-focus.pdf>



by videotaped hearings conducted by trained police officers, minors over 12 must consent to such hearings. Free legal assistance and accompaniment by a support worker are available to all minors; their identification and confidentiality is protected during investigations.<sup>95</sup>

### **Judicial response:**

In terms of the judicial response, most convictions result in prison sentences.

In 2021, Belgian authorities investigated 383 cases, an increase of 372 from the previous year. Legal action was taken against defendants in 95 instances. However, in 2020 there were 103 convictions, while in 2019 there had been 112. In 2020, 97 individuals were sentenced for trafficking; but in 55 cases, sentences were partially or fully suspended. The length of prison sentences in 2020 were from one to five years, only six were given more than five years.<sup>96</sup>

Experts identified several contributing factors to the significant number of suspended sentences: the overly broad legal definition of human trafficking, the judges' limited grasp of the gravity of labour trafficking offences, and the application of lenient sentences for traffickers occupying minor roles within an organisation.<sup>97</sup>

There were several government-imposed requirements, such as involvement in a criminal case, that made it difficult for victims to access appropriate services. Such practices curtailed victim identification efforts and restricted the availability of vital victim support services.<sup>98</sup>

### **Impact of investigation on victims:**

Victims of human trafficking, by virtue of their status as victims of crime and of human rights violations, have the right of access to justice and effective remedies for any harm committed against them. These rights must be guaranteed to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation. Victims have other rights in terms of compensation and legal redress, as well as procedural rights (including residence permit, access to counselling, information, and free legal aid).

Specialist centres ensure victims of trafficking can access all their rights and avoid secondary and re-victimisation. However, as a police referral to the centre is required and as victims may not be willing to go to a reception centre, victims often miss the opportunity to access both support and their legal rights.

Specialist centres lead the 3-stage process to secure residence permits for human trafficking victims. Presumed victims can obtain a 3-month Temporary Residence Document, followed by a 6-month Subsequent Residence Permit for victims cooperating with authorities. An unlimited-duration Residence Permit can be received depending on various criteria, including cooperation

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<sup>95</sup> ECPAT, Sexual Exploitation of Boys Belgium Report (2022), available: [https://ecpat.org/wp-content/uploads/2022/07/GLOBAL-BOYS\\_BELGIUM\\_2022.pdf](https://ecpat.org/wp-content/uploads/2022/07/GLOBAL-BOYS_BELGIUM_2022.pdf)

<sup>96</sup> Myria, Annual Report Trafficking and Smuggling (2022), available at: [https://www.myria.be/files/2022\\_MYRIA\\_Annual\\_report\\_Trafficking\\_and\\_smuggling.pdf](https://www.myria.be/files/2022_MYRIA_Annual_report_Trafficking_and_smuggling.pdf)

<sup>97</sup> US Department of State, 2022 Trafficking in Persons Report: Belgium, available at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/belgium/>

<sup>98</sup> US Department of State, 2022 Trafficking in Persons Report: Belgium, available at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/belgium/>

with authorities and specialist centres. The aim is to grant victims temporary or permanent residency to demonstrate support for their cooperation.<sup>99</sup>

Foreign or unaccompanied minors are granted a 3-month temporary residence document and are fast tracked to obtain residence permits before turning 18.<sup>100</sup>

### **Gaps:**

Belgium's judiciary understands the importance of international collaboration in human trafficking investigations facilitated by social media and the internet. Agreements between law enforcement agencies and social media companies allow relevant Facebook profiles to be temporarily frozen, preventing suspects from deleting incriminating content.<sup>101</sup> Despite these advancements, challenges – in international cooperation, encrypted communications, and access to devices – persist.

Reviews show that Belgian authorities should better protect victims and witnesses during proceedings; for instance, by using videoconferencing tools to collect testimonies, and not making investigative cooperation a precondition to access to support. Gaps in identification efforts, particularly of children, were noted; trafficking is confused with smuggling or child abuse by the authorities.<sup>102</sup> Therefore, children fail to be referred appropriately and cannot access their rights and recognition as victims.

## **3.2.3 Bulgaria**

### **Investigation, hearing, and prosecution:**

A peculiar aspect of Bulgarian law, specifically the Bulgarian Criminal Procedures Law, is that a significant portion of the evidence must be gathered by the prosecution during the pre-trial investigation phase. If the prosecution fails to do so, it may lead to the Court dismissing the case at later stages. Consequently, it is imperative for the prosecution to accumulate substantial evidence at the outset of a trial.<sup>103</sup>

In view of this, it is not uncommon for the prosecution to initially charge the perpetrator with inducing the victim into acts of prostitution or lewd acts, in accordance with Article 155 of the Bulgarian Criminal Code. Subsequently, after gathering sufficient evidence related to the human trafficking offence, the charge may be escalated to human trafficking under Section IX (articles 159 a-d) of the Criminal Code.<sup>104</sup>

<sup>99</sup> European Migration Network (EMN), Third-country national victims of trafficking in human beings in Belgium: detection, identification and protection (2022), available at: [https://emnbelgium.be/sites/default/files/publications/EMN\\_traffick\\_in\\_human\\_beings\\_2022\\_study\\_belgianstandalone.pdf](https://emnbelgium.be/sites/default/files/publications/EMN_traffick_in_human_beings_2022_study_belgianstandalone.pdf)

<sup>100</sup> Myria, webpage on victim status, available at: <https://www.myria.be/en/traff-and-smuggling/victim-status>; Myria, Annual Report Part 2: The role of social media and the internet in human trafficking and smuggling (2017), available at: <https://www.myria.be/files/Report-trafficking-smuggling-2017-focus.pdf>

<sup>101</sup> Myria, Annual Report Part 2: The role of social media and the internet in human trafficking and smuggling (2017), available at: <https://www.myria.be/files/Report-trafficking-smuggling-2017-focus.pdf>

<sup>102</sup> GRETA, Evaluation Report Belgium: Access to justice and effective remedies for victims of trafficking in human beings (2022), available at: <https://rm.coe.int/3rd-greta-evaluation-report-on-belgium/1680a8940b>; US Department of State, 2022 Trafficking in Persons Report: Belgium, available at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/belgium/>

<sup>103</sup> See *ibid* 53.

<sup>104</sup> See *ibid* 19.

One of the primary shortcomings of THB criminal proceedings pertains to the exclusive reliance on witness testimony. Witnesses fall into two major categories: those associated with the perpetrators and those linked to the victims and/or clients of the victims. Regarding the testimonies of both categories of witnesses, a key gap lies in locating and securing the latter group. In many cases, witnesses can be readily found in INTERPOL or EUROPOL databases, but due to a lack of willingness on the part of authorities, they are not approached. Cross-border cooperation encounters obstacles, and authorities often deem it beyond their jurisdictional responsibility to pursue a perpetrator when an international element is involved in THB prosecutions (which is most common) or in other words, when the perpetrator leaves the specific jurisdiction in question. While Bulgarian law permits witness testimony via video conference to alleviate witness pressure, it fails to fully address the underlying problem. If the search for a crucial witness prolongs excessively, criminal proceedings may be dropped in accordance with Article 244 of the Bulgarian Criminal Procedures Code.<sup>105</sup>

Another significant issue pertains to the possibility of witness testimony being subject to reformulation due to various factors, including threats, bribes, coercion, and so forth. Coercion merits specific attention as it is considered a "results-based crime" under Bulgarian law. This essentially means that to prove victim coercion, a testimony has to be hypothetically reformulated per definition, which is quite challenging in practice. Therefore, police protection is essential to ensure the integrity, completeness, and, most importantly, truthfulness of the provided testimony.

Regarding the use of digital evidence in criminal proceedings against THB perpetrators, the Bulgarian Court has only recently started incorporating it into proceedings, within the past decade. However, it is now relatively common for lawyers to request various social media service providers (such as Facebook Messenger, WhatsApp, and Viber) to provide the trial parties with different messages exchanged between a victim and a perpetrator, even in cases where the communication has been erased due to options present in the concerned social media platforms. This process of obtaining the message exchange may take more than six months, as reported by legal defence representatives. Nevertheless, social media providers cooperate in such legal matters.<sup>106</sup>

However, the most significant problem lies in the phenomenon known as 'secondary victimisation.' Due to the almost exclusive reliance on witness testimony, victims of THB for sexual exploitation (primarily minors, as supported by the above-mentioned statistics) are subjected to repetitive questioning aimed at establishing the perpetrator's guilt. They are first questioned during the pre-trial investigation stage, followed by questioning by a prosecutor, and finally, at the trial stage, they are questioned by a judge. Throughout this process of repetitive questioning, the victim sits in close proximity to the perpetrator, and unnecessary details about the various acts performed are elicited, leading to their ultimate humiliation and shaming. Additionally, the provided translation services are inadequate, with state-provided interpreters often lacking empathy towards the victim and making them uncomfortable about sharing their experiences. This legal process causes the victim to relive past traumatic events, resulting in secondary victimisation.

Although electronic evidence is gradually gaining prominence as an important and valuable source capable of identifying potential perpetrators, witness testimony remains the primary and central means currently used to incriminate an alleged suspect.<sup>107</sup>

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<sup>105</sup> See *ibid* 16, Article 244.

<sup>106</sup> "Crises Hindering Victim Identification: UNODC Human Trafficking Report," <https://news.un.org/en/story/2023/01/1132767> (accessed 2nd August 2023).

<sup>107</sup> *Ibid*.

**Victim-Centred Approach:** Procedurally, trafficking offences often require a victim-centred approach due to the unique vulnerabilities and circumstances faced by victims. Recognizing that victims may be traumatised or coerced, special considerations are taken to protect their rights, provide support, and ensure their participation throughout the judicial process. Victim testimony and cooperation are essential for successfully prosecuting trafficking cases.

**Specialized Units and Expertise:** Many jurisdictions establish specialised units or dedicated teams to investigate and prosecute trafficking offences. These units comprise professionals with expertise in human trafficking, including law enforcement officers, prosecutors, and victim advocates. This specialised approach allows for a more comprehensive understanding of the dynamics of human trafficking and facilitates effective investigation and prosecution.<sup>108</sup>

**Cross-Border and Transnational Aspects:** Trafficking offences often involve cross-border or transnational elements, making international cooperation and coordination crucial. Judicial procedures for trafficking cases may involve collaboration between multiple jurisdictions, extradition requests, and the sharing of information and evidence across borders.

**Protection Measures for Victims:** Trafficking cases may involve the implementation of protection measures to ensure the safety and well-being of victims. These measures can include secure accommodation, provision of support services, and the use of protective orders to prevent re-traumatization or retaliation against victims during the judicial process.<sup>109</sup>

**Complex Evidence Gathering:** Trafficking cases often require gathering complex evidence, such as witness testimonies, financial records, phone records, and digital evidence. This can involve extensive investigation, including surveillance, undercover operations, and analysis of communication networks. Due to the clandestine and organised nature of trafficking networks, specialised techniques may be employed to obtain evidence.

**International Legal Frameworks:** Human trafficking is addressed by international legal frameworks, such as the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons. These frameworks provide guidelines and obligations for member states, influencing the procedural nature of trafficking offences by emphasising the need for victim protection, cooperation, and prosecution of traffickers.<sup>110</sup>

Overall, trafficking offences require specialised attention and procedures to effectively address the unique dynamics of these crimes. The victim-centred approach, specialised units, cross-border collaboration, protection measures, complex evidence gathering, and adherence to international legal frameworks are distinctive elements of the procedural nature of trafficking offences compared to other types of offences.

### 3.2.4 Italy

#### Judicial Response:

Every year, an average of 209 charges of crimes relating to trafficking in human beings are registered in the registers of the GIP/GUP office, and an average of 33 in the register of the Court of Assizes.

<sup>108</sup> Trafficking in Persons: Myths, Methods, and Human Rights — Population Reference Bureau, <https://www.prb.org/resources/trafficking-in-persons-myths-methods-and-human-rights/> (accessed 31<sup>st</sup> July 2023).

<sup>109</sup> Counter-Trafficking of Human Beings — International Organization for Migration (IOM) European Economic Area (EEA), <https://eea.iom.int/counter-trafficking-human-beings> (accessed 3rd August 2023).

<sup>110</sup> See *ibid* 52.

The majority of charges concern reduction into slavery, followed by trafficking in persons, and a minimal number of cases involve the sale and purchase of slaves.

The typical victim of exploitation in Italy is a young woman, with an average age of 25, predominantly of foreign nationality.

Approximately 15.7% of victims are minors who arrive in Italy with or without the consent of their parents, sometimes voluntarily seeking work, sometimes forced.

Half of the cases of exploitation reach the judiciary following a complaint (generally to the judicial police, rarely directly to the prosecutor's office), while the other half are the result of operations by the police forces.

### **Legal Proceedings:**

Most cases undergo the abbreviated procedure. The crimes are characterised by a lower number of perpetrators than victims. On average, each proceeding involves 2.8 perpetrators and 3.4 victims, although some cases may be underestimated due to previous exceptions noted in some files.

### **Civil Actions and Compensation:**

In a quarter of the cases, victims appear as civil parties, and 64% of them obtain civil action compensation. The average sentence given to those convicted of trafficking is 9 years, with a third of cases resulting in sentences between 6 and 9 years.

## **3.2.5 Malta**

### **Investigations, hearing, and prosecution:**

Testimonies are collected at police headquarters, which can be daunting at times due to the long waiting times (several hours), overall environment (rooms quite old and look like interrogation rooms, labyrinth structure, little/absent family facilities) etc<sup>111</sup>. It is, however, expected that the process of collecting testimonies will be improved in the immediate period.<sup>112</sup> When victims/offenders are non-Maltese, proceedings normally take place in the English language.

### **Special victim protection measures**

Victims have a right to a qualified interpreter registered by the court and translation of information.

There is a national referral mechanism, which defines the stakeholders (both governmental and non-governmental) who can be involved in the identification of victims of trafficking and can refer them to assistance and support. There is also a separate NRM, which is specifically designed for child victims.

### **Indictment and court proceedings:**

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<sup>111</sup> There is no direct evidence of the way it works for THB, but there has been a recent debate in Malta on how evidence is collected from domestic violence victims and there is not reason to believe that the situation is different for THB.

<sup>112</sup> Starting with May 2023 the Malta Police Force has reported it has published internally an updated Standard Operating Procedure (SOP) for all its members, which outlines clear guidelines for the procedures police need to undertake when responding to reports of domestic violence or gender-based violence. It also seeks to create new hubs, outside the Police HQ for DV and other gender-related violence which presumably can also be employed for THB. More information is available <https://tvmnews.mt/en/news/santa-lucija-police-station-to-become-first-hub-for-domestic-violence-reports/>.

The Office of the Attorney General has a specialised anti-trafficking unit with lawyers that are dedicated to THB cases. Under Article 14 of the VCA, where children are unaccompanied or separated from his/her family or the Court considers that it is in the child's best interests, the Court should appoint a children's advocate or a legal aid lawyer to represent the child's best interests – even if it is unclear if the victim is a child. The children's advocate, who should have family law experience has to, inter alia, submit the views of the child in court and provide the child with explanations on the possible consequences of his/her decision and any other relevant information.

### **Protection and support of victims:**

Victims of trafficking who do not have sufficient financial resources shall be provided with free legal aid during the reflection period and for the duration of the residence permit.

Victims shall be offered without undue delay and from his/her first contact with a competent authority (such as the Police Vice Squad or the Agency Appogg), information on how and under which conditions he/she can have access to the existing support services, in particular medical care, accommodation, legal aid, interpretation and translation services, protection measures and compensation.

Victims should also be informed of the procedures for filing a complaint to the police, the victim's role in criminal proceedings, remedies in the event that their rights are not respected in criminal proceedings, contact details for communications about their case, and any special measures, procedures, or arrangements available to protect their interests in Malta if they leave the country.

Furthermore, pursuant to Article 6 of the VCA, if criminal proceedings are instituted as a result of a complaint lodged by the victim, the latter shall receive, upon request, information on: "(a) any decision not to proceed with or end an investigation or not prosecute the offender; (b) the time and place of the trial, and the nature of the charges against the offender; (c) any final judgement in a trial; (d) information enabling the victim to know about the state of the criminal proceedings".

During trials the judge can appoint a specially trained expert as a support person to assist a child victim throughout the court proceedings and for a suitable period following their conclusion. Psychological assistance is also available to adult and child victims as provided by Articles 12 and 15 to the VCA for as long as necessary and irrespective of the victim's willingness to cooperate in the investigations or criminal proceedings.

### **Gaps:**

Victims who are third country nationals can only access free-of-charge psychological support if they do not possess sufficient materials and resources.

### **Confiscation and compensation:**

State compensation is regulated under S.L. 9.12 on Criminal Injuries Compensation Scheme Regulations, which explicitly mentions THB among the offences for which a victim may claim compensation. The offence giving rise to compensation should have been the subject of criminal proceedings or have been reported to the police without delay. Maltese citizens, other EU citizens and persons who are residents of Malta are entitled to state compensation. The victim must submit an application along with a police report to the Claims Officer, i.e. the Attorney General, through the Justice Unit of the Ministry for Justice and Governance. As it is expressly laid out in S.L. 9.12 that an applicant may be accompanied by his/her legal adviser at his/her own cost (Article 14), no free legal aid is available for compensation claims. The decision is at the discretion of the Attorney General who will assess whether a victim qualifies to receive compensation and it



will also decide on the amount. The decision will be made according to an individual assessment of the victim's conduct, character or way of life which risks arbitrary restrictions of compensation where the Attorney General disagrees with certain lifestyles and may raise questions of compatibility with the right to respect for private life.

According to S.L. 9.12 a maximum payment of €23 300 to any individual victim or group of victims of the same crime (Article 18). GRETA noted in its third monitoring report that in cases where there are many victims, the application of Article 18 may result in awarding derisory amounts of compensation for each victim.

### **Victim-centred approach:**

Protection is granted under a witness protection programme and there are witness protection agreements with other countries, including, for example, evidence received by video conferencing.

### **Criminal sanctions:**

- Article 248A-G of the criminal code criminalised sex trafficking and labour trafficking, and it prescribed penalties of six to 12 years' imprisonment. In cases of trafficking for the removal of organs, the sentence is imprisonment for a term of between four and twelve years.
- Article 248E (1) defines the trafficking of 'persons' or of 'minors' as: 'the recruitment, transportation, sale or transfer of a person, or of a minor, as the case may be, including harbouring or subsequent reception or exchange or transfer of control over that person or minor, and includes any behaviour which facilitates the entry into, transit through, residence in, or exit from the territory of any country for any of the purposes mentioned in the preceding articles'. Subparagraph (2) provides for the increase of the punishment by one degree for offences under Articles 248A to 248D when it is committed against a vulnerable person within the meaning of Article 208A(2).

### **Verdict and Sentencing:**

Both the prosecution and the defence have an original limit of 40 days to compile evidence and present it to the courts. In cases where evidence is revealed or acquired after the 40-day period, each has an extension of another 30 days to present evidence. Moreover, the trial must start within 12 months from initial arraignment. Trials can take a very long time, due to numerous factors (e.g. number of judges). According to a 2020 Council of Europe report, compared to the EU average, criminal court cases in Malta take between double and five times as long to be concluded. Criminal cases take at least 298 days, double the EU median of 122 days.

## **4.3. Case Law Review**

<b>Case Law Review – United Kingdom – provided by VICESSE - Austria</b>	
<b>Title of case law:</b>	Bsw77587/12

<b>Country/Region:</b>	United Kingdom
<b>Summary</b>	<p>The defendants are two Vietnamese born in 1994 and 1992, respectively, who were discovered by the police in cannabis plantations in 2009. They were arrested and prosecuted for drug cultivation. After pleading guilty, they were sentenced to 20 and 18 months in prison, respectively.</p> <p>Although there had been earlier indications that the two defendants might have been victims of trafficking, they were only recognised as such by the state authorities after their conviction. (Note: In April 2009, the government created a National Referral Mechanism (NRM) to identify and refer potential victims of modern slavery and ensure they receive appropriate support.</p> <p>They then appealed their convictions, arguing in particular that they should not have been prosecuted as victims of trafficking. However, the Court of Appeal dismissed their appeals on 20.2.2012, clarifying that trafficked persons would not automatically enjoy freedom from prosecution and that the decisions in the present cases had been justified and therefore did not constitute an abuse of process. However, the court reduced the prison sentences to twelve and four months respectively.</p>
<b>Result</b>	<p>Art. 4 ECHR, Art. 6 para. 1 ECHR - No sufficient protection for criminally convicted victims of trafficking.</p> <p>Admissibility of the complaints (unanimous).</p> <p>Violation of Art. 4 ECHR (unanimous).</p> <p>Violation of Art. 6 para. 1 ECHR (unanimous).</p> <p>Compensation under Art. 41 ECHR: € 25,000 to each of the defendants for non-material damage; € 20,000 to each of the defendants for costs and expenses (5:2 votes).</p>



<b>Situational Analysis</b>	<p>In this complaint case, the National Referral Mechanism is of importance – establishing whether or not human trafficking has taken place before sentencing accused persons.</p> <p>The court commented:</p> <p>“... it does appear to the court that there are two matters of potential concern. <b>First</b>, there is an appearance that something has gone wrong when one arm of the State (the Home Office) has accepted that a person has been trafficked, but <b>another arm of the State</b> (CPS) has reached the <b>opposite conclusion seemingly without knowledge of the former</b>. It is arguable that as a matter of public law once the government, through the Home Office, has accepted that a person has been trafficked, the CPS ought to proceed on the same basis unless there is some strong reason to do otherwise. <b>Secondly</b>, the applicant appears not to have been given adequate advice about his position, which was an unusual one.” (bold by VICESSE)</p>
<b>Evaluation</b>	Complaint case: question regarding the identification of victims vs perpetrators (their implication in the criminal case vs their victimhood re. human trafficking) and the protection (of criminal prosecution) of humans who have been trafficked.
<b>Source</b>	<p><a href="https://www.ris.bka.gv.at/Dokumente/Justiz/IJT_20210216_AUSL000_000BSW77587_1200000_000/IJT_20210216_AUSL000_000BSW77587_1200000_000.html">https://www.ris.bka.gv.at/Dokumente/Justiz/IJT_20210216_AUSL000_000BSW77587_1200000_000/IJT_20210216_AUSL000_000BSW77587_1200000_000.html</a></p> <p><a href="https://hudoc.echr.coe.int/eng?i=001-207927">https://hudoc.echr.coe.int/eng?i=001-207927</a></p>

Case Law Review - Malta – provided by the University of Malta	
<b>Title of case law:</b>	Police (Inspector Sylvana Gafa) vs. Harish Daswani
<b>Country/Region:</b>	Malta
<b>Summary</b>	On the 6th of June 2013, the complainant Oriance Kelin, an Indonesian national, was employed in the household of the accused through a Singaporean Agency to assist and take care of the accused's 85-year-old father as a home carer. The victim was recruited via an agency. The accused took care of finalising the agreement with the recruitment agency, handling all travel arrangements and documents, completing, and submitting all local administrative documents related to her work permit and employment and introducing her to the household. Upon her arrival to Malta, the complainant was picked up from the airport by the accused and his wife

	and taken to the residence where her passport was taken and held by the accused. After about a month of being in employment, the complainant alleged that the attitude of the accused changed towards her such that she was subjected to ill-treatment, abusive behaviour, physical assault, threats with the use of a knife around her neck, force fed salt by way of punishment, and forced to work long hours with no pay, restrictions to her movement as well as being at the receiving end of verbal abuse. The complainant further stated that throughout this one-year period she received no remuneration except for €6 in total as pocket money when she went out.
<b>Result</b>	The court found the accused guilty of violating Articles 248 A (1) (2) (3), 248 E (1) and 18 of Chapter 9 of the Laws of Malta. Therefore, the Court condemned the accused Harish Daswani to a two-year term of imprisonment and a fine of five thousand euros (€5,000). The Court, to provide for the security of Oriance Kelin, and after having seen article 412 C of Chapter 9 of the Laws of Malta, provided for a Protection Order against the accused in favour of Oriance Kelin and this for a period of three years from the date of judgement. Furthermore, the offender was ordered to pay the following sums: a. the sum of €730.00 representing costs incurred for the report 'Regarding two cellular smart phones' (document SFS1 at folio 231); and b. the sum of €612.14 representing costs incurred for the report 'Computer Forensic Expert's Report'.
<b>Situational Analysis</b>	The court appointed an external expert to carry out the forensic analysis of two cellular smart phones (one belonging to the victim and one to the accused). Digital evidence played an important part in the case, to show the mistreatment of the victim by the accused (e.g., Court makes multiple references to WhatsApp messages extracted by the forensic expert from the two mobile phones). However, there were issues raised as to the admissibility of evidence in court (e.g. photos), as a result of the date of some of the files.
<b>Evaluation</b>	Strong points: digital evidence was requested and employed in court, which lead to the conviction of the accused; The weak point is the duration of the case, which was initiated in 2014 with the final judgement being passed in 2021.
<b>Source</b>	eCourts Platform Malta - <a href="https://ecourts.gov.mt/onlineservices/Judgements/Search">https://ecourts.gov.mt/onlineservices/Judgements/Search</a>

### Case Law Review – Belgium – provided by the Victim Support Europe

<b>Title of case law:</b>	Human trafficking and sexual exploitation of minors by Nigerian Network in Brussels
<b>Country/Region:</b>	Brussels, Belgium

<b>Summary</b>	<p>On December 10, 2021, the Dutch-speaking Criminal Court of Brussels conducted a significant trial involving an international Nigerian prostitution network. Five defendants of Nigerian and Belgian nationality, faced charges related to human trafficking for sexual exploitation, aggravated by the involvement of minor victims. The accused also faced charges of running a criminal organisation, benefiting from illicit proceeds, and possessing child pornography. Numerous victims, including minors, had been trafficked from Nigeria and Turkey to Belgium, Spain, and Norway. The principal defendant had collaborators in countries such as Spain, Turkey, Libya, Italy, Morocco, Denmark, and Canada, indicating the network's global reach. The women were subjected to voodoo practices and had to pay off large debts ranging from approximately EUR 30,000 to EUR 45,000. If the girls did something wrong, their debts increased. Dozens of girls were involved, which, according to the court, was just the tip of the iceberg. Alongside criminal proceedings, several victims pursued civil actions in pursuit of justice.</p>
<b>Result</b>	<p>The primary offenders received jail terms of 12 and 10 years along with monetary penalties of EUR 96,000 and EUR 64,000 correspondingly. The remaining individuals were sentenced to imprisonment for durations of five, four, and three years, and were fined EUR 48,000, EUR 32,000, and EUR 16,000 in that order. An additional EUR 13,300 was seized as part of the proceedings. The first and fifth defendants were handed sentences in absentia. One victim pursued a civil case, resulting in compensation of EUR 55,500, inclusive of EUR 10,000 addressing non-economic damages.</p>
<b>Situational Analysis</b>	<p>The case underscores the significance of international cooperation and technological advancements in law enforcement, while also revealing the challenges within the current legal system. It also reflects the growing complexity of human trafficking criminal networks, its interconnection with financial and cybercrimes, and new digital opportunities.</p> <p>The case took place against a backdrop of growing concerns about transnational organised crime and the exploitation of vulnerable individuals, particularly women and minors, in various parts of the world. The involvement of multiple countries, including Spain, Turkey, Italy, Morocco, Denmark, and Canada, accentuates the global nature of such criminal networks.</p> <p>Technological advancements played a pivotal role, as evidenced by the virtual investigation and identification of victims through phone taps. These methods showcase the evolving tactics used by law enforcement to dismantle international criminal networks.</p> <p>However, the case also revealed challenges in international cooperation. The breakdown in communication between authorities, when trying to assist victims, points to the need for enhanced cross-border collaboration. The case serves as a reminder that despite legal frameworks and cooperation mechanisms, practical challenges in sharing information and executing joint operations persist.</p>

<b>Evaluation</b>	<p>This case was chosen because of its international scope, its financial impact, the scale of the network, the nature of the crimes, and the investigative tools employed. It strongly highlights successful international cooperation and the innovative use of virtual investigation techniques, identifying recruitment platforms and techniques (particularly in the Instagram and Facebook investigations), and identifying victims through phone taps. This approach enabled the authorities to transcend geographical boundaries and collaborate across jurisdictions, ultimately enhancing the case's efficacy.</p> <p>However, it also highlighted weaknesses in international cooperation in victim detection. In one instance, Spanish police tracked down a victim in dire circumstances, but their subsequent actions highlighted important communication issues. Soon after contact had been made with the victim, the absence of ongoing international collaboration between Belgian and Spanish law enforcement agencies made the communication barriers even more apparent. It became evident that there were missed opportunities for the Belgian and Spanish authorities to coordinate through international channels, highlighting the need for improved cross-border measures.</p> <p>In summary, while the case demonstrated the potential of international cooperation and technological methods, it also underscored the importance of refining protocols for seamless cross-border victim assistance and rescue operations.</p>
<b>Source</b>	<p>Myria, <i>Annual Report</i> (2022), <a href="https://www.myria.be/files/2022_MYRIA_Annual_report_Trafficking_and_smuggling.pdf">https://www.myria.be/files/2022_MYRIA_Annual_report_Trafficking_and_smuggling.pdf</a></p>

<b>Case Law Review – Belgium – provided by the Victim Support Europe</b>	
<b>Title of case law:</b>	Sexual exploitation of multiple Hungarian Roma women, including a child, by a Hungarian – Roma Network in Ghent
<b>Country/Region:</b>	Ghent, Belgium
<b>Summary</b>	<p>The case dealt with the sexual exploitation of multiple women in Ghent during 2013 and 2014. The well-organised prostitution network consisted of two Hungarian Roma families who forced young Roma women to prostitute themselves. The victims were sexually exploited in Belgium, the Netherlands, Switzerland, Austria, and the United Kingdom. The case was tried by the Ghent Criminal Court in August 2014.</p> <p>In April 2014, the Ghent public prosecutor's office, with members of the local police and the federal police, opened an integrated investigation. Phone taps provided objective evidence of violence towards the victims. In some</p>

	<p>conversations, orders were given to monitor certain girls, and to threaten and beat them. Additionally, an extensive cyber investigation, along with phone taps, found that the perpetrators used Facebook to select and communicate with their victims. The victims were all from precarious backgrounds and one of the victims was a 17-year-old minor.</p>
<b>Result</b>	<p>The case was dealt with and tried by Ghent Criminal Court on 21 August 2014. None of the victims instituted civil proceedings. Defendants were charged with human trafficking, criminal organisation, and money laundering. The judge handed down prison sentences ranging from one and five years, together with fines between EUR 120,000 to 240,000. The court also ordered a total of EUR 405,980, in amounts between EUR 8,000 and 60,000, to be confiscated. The Hungarian authorities transferred the confiscated proceeds to the Belgian authorities.<sup>113</sup></p>
<b>Situational Analysis</b>	<p>The case encompasses several layers of criminality, including human trafficking, criminal organisation, money laundering, and the exploitation of minors. Various national and international laws and agreements address these issues:</p> <ul style="list-style-type: none"> <li>● Human Trafficking: the forced prostitution of vulnerable women aligns with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) and EU Directive 2011/36/EU on preventing and combating trafficking in human beings. These instruments specifically criminalise trafficking, protect its victims, and prosecute its perpetrators.</li> <li>● Exploitation of Minors: the involvement of a 17-year-old minor underscores the violation of laws related to the protection of minors. International standards such as the UN Convention on the Rights of the Child and domestic laws in various European countries set the foundation for safeguarding minors from exploitation.</li> <li>● Criminal Organisation: the well-organised nature of the prostitution network falls within the scope of laws addressing organised crime.</li> <li>● Money Laundering: the financial gains from these illicit activities led to charges of money laundering.</li> </ul> <p><u>Criminal Layers within Human Trafficking:</u></p> <p>The case highlights the intricate layers within human trafficking for sexual exploitation:</p> <ul style="list-style-type: none"> <li>● Recruitment and Coercion: the perpetrators used tactics such as violence, threats, and manipulation to force vulnerable women into prostitution. This demonstrates the recruitment and coercion used in human trafficking.</li> </ul>

<sup>113</sup> Myria, Annual Report (2015), available at: [https://www.myria.be/files/Pages\\_from\\_Annual-report-2015-trafficking-and-smuggling-P2C2.pdf](https://www.myria.be/files/Pages_from_Annual-report-2015-trafficking-and-smuggling-P2C2.pdf)

	<ul style="list-style-type: none"> <li>• Cross-Border Exploitation: the victims were sexually exploited in multiple countries, reflecting the cross-border nature of human trafficking. This underscores the need for international cooperation in tackling such crimes.</li> <li>• Exploitation of Vulnerability: the victims' precarious backgrounds made them susceptible to exploitation. This emphasises the exploitation of vulnerability and underscores the importance of addressing root causes.</li> <li>• Technological Facilitation: the use of Facebook for victim selection and communication showcases the modern means by which criminal networks operate. This highlights how technology enables human trafficking.</li> </ul>
<b>Evaluation</b>	<p><u>Strengths:</u></p> <ul style="list-style-type: none"> <li>• Online Recruiting Techniques: the case demonstrated the ever-evolving tactics used by criminal networks. The exploitation of online platforms, including Facebook, for victim recruitment, and the occasional use of the Loverboy technique underscored the perpetrators' ability to exploit digital spaces.</li> <li>• International Cooperation: collaboration within Europol and Eurojust was exemplified by the agreement between Belgium, the Netherlands, and Hungary to establish a Joint Investigation Team (JIT) in late 2013. This approach fostered cross-border information sharing and enhanced the efficacy of the investigation. Moreover, the case exhibited a multidisciplinary approach involving various law enforcement agencies, including local and federal police, public prosecutors, the Amsterdam police, and civil society entities.</li> <li>• Victim Protection: the case prioritised victim protection through innovative investigative strategies. The initiation of the investigation and evidence collection through techniques like phone tapping and digital analysis (utilising Facebook), kept victims from the distress of proof submission and direct confrontation with their perpetrators. This approach aligned with the objectives outlined in the JIT agreement, striving to extricate victims from dire circumstances, secure compensation, prevent recidivism, and ensure their overall well-being.</li> <li>• Engagement of Civil Society: the involvement of civil society organisations strengthened the case. These organisations played a role in supporting the victims and raising awareness about human trafficking, thus contributing to a holistic response.</li> </ul> <p><u>Weakness:</u></p> <ul style="list-style-type: none"> <li>• Victim Reluctance: a notable weakness arose from the fact that most victims declined the status of victim offered to them. This may be attributed to various factors such as fear, distrust of authorities, or the victims' precarious situations.</li> <li>• Secondary Victimization: the case brought to light instances of secondary victimisation. Engaging with the victims, despite protective measures, subjected them to further harm or trauma. This demonstrated the complexity</li> </ul>

	<p>of victim engagement and the necessity for sensitive and comprehensive victim support strategies.</p> <p>In conclusion, this case embodies modern criminal techniques, it emphasises international cooperation and the need for a comprehensive approach involving various stakeholders, and it demonstrates the innovative strategies employed for victim protection. However, the reluctance of victims and the potential for secondary victimisation underscored the need for the ongoing refinement of approaches to combat human trafficking while ensuring victim safety and well-being.</p>
<b>Source</b>	<p>Myria Annual Report (2015), available at:  <a href="https://www.myria.be/files/Annual-report-2015-trafficking-and-smuggling-full.pdf">https://www.myria.be/files/Annual-report-2015-trafficking-and-smuggling-full.pdf</a></p>

#### 4.4. Best practices<sup>114</sup>

Good practice No1 – Austria – provided by VICESSE	
<b>Title:</b>	Digital Evidence Pre-Screening Tool
<b>Country/Region:</b>	Austria
<b>Objective:</b>	To quickly scan mobile phones/laptops/other devices for specific content (e.g., weapons, explicit content) to save time and quickly proceed/start an investigation.
<b>Target group:</b>	Police, investigative teams, security personnel.
<b>Implementation:</b>	Still in the development/test phase – the joint operational office in Vienna is driving the development of such a tool – updates are expected throughout the DISRUPT project.
<b>Results/Impact:</b>	No results as of yet; not in general usage.

<sup>114</sup> The collection of best practices was conducted across all five partner countries, but results were obtained from only two (Austria and Belgium), further highlighting the lack of good practices in the other countries.



<b>Lessons learned:</b>	Often time is of the essence, especially in sensitive cases including vulnerable groups and/or high stakes crimes – here the tool can be helpful in shortening response time of police/investigators.
<b>Transferability:</b>	This tool can be used by any professional working in the field. – no special skills (e.g., IT) are needed
<b>Resources/ Support:</b>	Funding for the tool itself, short implementation span – the device itself is self-explanatory.
<b>Source:</b>	Roundtable discussion with the head of JOO (June 2023, A4 project <a href="https://www.a4project.eu/">https://www.a4project.eu/</a> )

<b>Good practice No2 – Belgium – provided by Victim Support Europe</b>	
<b>Title:</b>	Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings (ICP)
<b>Country/Region:</b>	Belgium
<b>Objective:</b>	To address the multi-layered complex issue that is human trafficking, protect its victims and prevent trafficking in human beings
<b>Target group:</b>	Victims of human trafficking
<b>Implementation:</b>	<p>The ICP brings together all operational, political, and federal entities actively involved in fighting human trafficking and smuggling. It includes representatives of competent Ministries including the Prime Minister and the Ministers of Justice, Interior, Employment, Social Security -, representatives of the Board of Prosecutors General, the Federal Public Prosecutor's Office, Child Focus, and the Federal Migration Centre (Independent National Rapporteur). Officially recognised specialist reception centres PAG-ASA, Payoke and Sürya also form an integral part of this collective effort.</p> <p>The platform has been in existence since 1995, with its effectiveness bolstered by the Royal Decrees of 2004 and 2014, which strengthened its efforts in combatting human trafficking and smuggling. The approach is centred around mutual respect and the exchange of information among all relevant stakeholders, both formal and informal, with a keen focus on preventing human trafficking and safeguarding its victims.</p>

	<p>The ICP primarily oversees policy coordination, presentation, and implementation. Furthermore, the platform holds a legal mandate to perform critical assessments and offer recommendations.</p> <p>As the ICP only meets two to three times per year, the ICP Bureau was established to support the ICP's activities; it brings together the most important entities involved in combating human trafficking and human smuggling. The ICP Bureau meets monthly to monitor ICP's daily operations and to prepare/execute decisions, recommendations and initiatives taken by ICP.</p> <p>The fight against trafficking in human beings is an operational priority for the Federal Public Prosecutor's Office. The Federal Public Prosecutor's Office is responsible for legal activities at the national level, as well as for facilitating the flow and exchange of information between the different Public Prosecution Authorities, investigative magistrates, and police services.</p>
<b>Results/Impact :</b>	The ICP aims to achieve the effective coordination of all actors involved in the fight against human trafficking.
<b>Lessons learned:</b>	<p>The ICP's coordination activities are exemplified by the Roma Ghent Network case outlined above in the Case Law review. The case exhibited a multidisciplinary approach involving various law enforcement agencies, including local and federal police, public prosecutors, Amsterdam police, and civil society entities.</p> <p>The Federal Police Internet Investigation Unit of the Directorate of Serious and Organised Crime and Internet Referral Unit further reflects the adaptability and growth of technological developments and the new techniques used by criminal networks in recruiting and exploiting their victims.</p> <p>Finally, its focus on preventing human trafficking and protecting victims is an essential element of its goals.</p>
<b>Transferability :</b>	<p>There is potential for this cooperation mechanism to be replicated in other Member States. The ICP involves various operational, political, and federal entities actively engaged in fighting human trafficking and smuggling. Such a collaborative approach ensures access to a wide range of expertise and resources, making it adaptable to different contexts. The inclusion of representatives from different ministries, law enforcement agencies, legal bodies, and civil society organisations ensures a comprehensive perspective and addresses many issues related to human trafficking. The ICP's involvement in policy coordination, presentation, and implementation is a versatile feature that can be adopted to different contexts to ensure streamlined efforts and consistency in addressing human trafficking.</p> <p>The platform's establishment, and subsequent reinforcement by Royal Decree, demonstrates a strong legal foundation. Its legal mandate enhances its</p>

	<p>credibility and efficacy. While specific legal frameworks may need to be adjusted to suit other jurisdictions, the ICP's solid legal basis can be seen as a transferable asset.</p> <p>The emphasis on multidisciplinary cooperation and information exchange is a crucial factor in comprehensively addressing human trafficking. This aspect can be adapted to other settings by encouraging collaboration between law enforcement, government agencies, NGOs, and other relevant stakeholders.</p> <p>Furthermore, the Federal Police Internet Investigation Unit and the Internet Referral Unit demonstrate an understanding of technological advancements and their role in criminal activities. This ability to adapt to changing criminal techniques showcases a forward-looking approach that should be transferred to other contexts.</p> <p>To assess the transferability of this practice to other settings, the following should be considered:</p> <ul style="list-style-type: none"> <li>● Legal and Institutional Context: legal and institutional frameworks in other countries may differ. Adapting this practice to fit within the legal and governance structures of the new setting is essential.</li> <li>● Cultural and Social Dynamics: human trafficking can have different nuances and underlying causes in various regions. Tailoring the approach to address specific cultural and social factors is crucial.</li> <li>● Resource Availability: the success of the practice relies on the availability of resources, including funding, personnel, and technological infrastructure. Assessment of resources in the new setting is vital.</li> <li>● Collaboration Willingness: the willingness of various stakeholders to collaborate is crucial. Building trust and fostering cooperation may require different strategies in different settings.</li> <li>● Training and Capacity Building: ensuring relevant stakeholders have the necessary skills and knowledge to contribute effectively is important to the success of the practice.</li> <li>● Long-Term Commitment: successful anti-trafficking efforts require sustained, long-term commitment. Consideration of long-term feasibility in the new setting is necessary.</li> </ul> <p>In summary, while the described practice has adaptable elements that are relevant in various contexts, consideration must be given to local factors and the potential for customisation to ensure successful transferability to other settings.</p>
<b>Resources/ Support:</b>	<p>To implement this system in other contexts there must be:</p> <ul style="list-style-type: none"> <li>● Willingness to collaborate among stakeholders.</li> <li>● Development of advanced digital investigation tools and software to monitor online activities and track criminal networks involved in human trafficking and smuggling.</li> </ul>

	<ul style="list-style-type: none"> <li>● Allocation of human resources and associated funds to form specialist units, such as the Federal Police Internet Investigation Unit and the Internet Referral Unit, that are dedicated to combating human trafficking by digital means.</li> <li>● Training and exchange of information and expertise between actors.</li> <li>● Sustainable funding.</li> <li>● Establishment of a policy support and legal framework, especially to facilitate cooperation.</li> <li>● Victim support services targeting survivors of trafficking, including child victims, and coordination between them to ensure comprehensive and survivor-focused actions and policies.</li> <li>● Implementation of public awareness campaigns to educate citizens about human trafficking, its signs, and the importance of reporting suspicious activities.</li> </ul> <p>Collaboration and willingness between all relevant actors (government, police, civil society, victim support services). Technology to carry out digital investigations and human and financial resources to set up specialist units.</p>
<b>Source:</b>	<p>European Commission, Migration and Home Affairs Situation on Trafficking in Human Beings, available at: <a href="https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/belgium_en">https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/belgium_en</a>;</p> <p>Myria, webpage on Interdepartmental Coordination Unit (in NL &amp; FR), available at: <a href="https://www.myria.be/nl/mensenhandel-smokkel/multidisciplinaire-aanpak#Federale%20Overheidsdienst%20Buitenlandse%20Zaken">https://www.myria.be/nl/mensenhandel-smokkel/multidisciplinaire-aanpak#Federale%20Overheidsdienst%20Buitenlandse%20Zaken</a></p>

Good practice No3– Belgium – provided by Victim Support Europe	
<b>Partner/County of contribution</b>	Victim Support Europe, Belgium
<b>Title:</b>	Blue Heart Campaign
<b>Country/Region:</b>	Belgium
<b>Objective:</b>	To raise awareness and fight against trafficking in human beings for labour or sexual exploitation purposes, to shine a light on the ever-changing and complex nature of this crime which affects an increasing number of people.
<b>Target group:</b>	General public.

<b>Implementation:</b>	<p>Since 2019, the Belgian Government, in cooperation with UNODC, and local actors have organised various national events for the World Day Against Trafficking in Persons, the EU Anti-Trafficking Day, and in support of the Blue Heart Campaign.</p> <p>The public promotion of the Blue Heart Campaign has been taken forward by the National Goodwill Ambassador, Ozark Henry, as well as by local actors, including NGOs (Specialist Belgian shelters: PAG-ASA, Samilia Foundation, and Payoke) and sport teams (Red Panthers, the national female field hockey team, and Football Club Brugge).</p> <p>Annually, on the World Day against Trafficking in Persons, statues – such as Manneken Pis in Brussels and Fonske in Leuven – are dressed in blue to showcase the Blue Heart's campaign. Several Belgian cities also dress and light up their most iconic monuments, such as the European Parliament, Brugge City Hall, and Mechelen City Hall, to help raise national awareness of this heinous crime. The colour blue symbolises the sadness of those who are trafficked and the cold-heartedness of those who buy and sell fellow human beings.</p> <p>In addition to these annual celebrations, events are organised each year to raise awareness of the conditions of human trafficking victims and to encourage a multilateral and collective response to their plight. These events included the Sinksen Festival in 2023, a photo exhibit with PAG-ASA in 2021, and a live-streamed UNODC concert in 2020.</p> <p>At the launch of the July 2022 campaign, the Belgian Minister of Justice inaugurated the Belgian helpline for victims of trafficking (078 055 800).<sup>115</sup></p>
<b>Results/Impact:</b>	<p>The Blue Heart Campaign raises awareness of human trafficking through victims' stories, to prevent further cases and to raise funds for victims of trafficking. Through its awareness and fundraising activities, in 2019, Belgium became the largest contributor (to date) to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons. The fund provides vital assistance and protection to victims of trafficking through specialised organisations across the globe. This is a testament to the campaign's effectiveness. The involvement by both members of the public and public figures continues to draw attention to the topic.</p> <p>The established inter-societal partnerships (reception centres, sports teams, and notable public figures) have fostered a comprehensive response to trafficking and have reached a broad range of people. Other relevant partnerships have been encouraged to join the cause.<sup>116</sup></p>

<sup>115</sup> Belgian Helpline for Victims of Human Trafficking, for more information please refer to: <https://www.stophumantrafficking.be/>

<sup>116</sup> For more information refer to: <https://www.unodc.org/unodc/en/endht/partnerships.html>

<b>Lessons learned:</b>	<p>In its third evaluation report, the body in charge of monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, GRETA, has welcomed Belgium's efforts to raise public awareness of human trafficking.<sup>117</sup> The GRETA report referred specifically to the Blue Heart campaign as a good example of these efforts.</p> <p>The evaluation report emphasises the need for stronger, long-term cooperation with the private sector to ensure that companies are aware of their responsibilities and their role in preventing and eradicating human trafficking in their work. It is therefore recommended that partnerships with the private sector are fostered in light of the Blue Heart campaign and other awareness-raising efforts.</p>
<b>Transferability :</b>	The campaign has already been implemented in several countries across the globe (36). Global commitment, contextual adaptations, and competent coordination within national borders are key to the success of these initiatives.
<b>Resources/ Support:</b>	In addition to human and financial resources, strong partnerships and excellent collaboration are essential to the implementation of this campaign. Governmental authorities must partner with NGOs and victim support organisations working in the field of human trafficking, fellow professionals in the field, international organisations (in this case UNODC), and the other governmental agencies involved in combating this crime. Staff training and the development of awareness-raising materials are also required to ensure the implementation of the campaign.
<b>Source:</b>	<p>Link to UNODC website for campaign:</p> <p><a href="https://www.unodc.org/brulo/campaigns.html">https://www.unodc.org/brulo/campaigns.html</a></p>

In addition to the above – and without fitting fully the category of best practices – we would also like to showcase a promising practice from Bulgaria, in terms of specific questioning techniques that both the investigative and prosecution bodies utilize when questioning THB victims (especially, minors). One such practice, as reaffirmed by the National Commission for Combating Trafficking in Human Beings, is the so called “*mirror*” questioning technique, whereby investigators use mirrors in a specific way, so that no direct eye contact is maintained in between the victim and the inquiring party. This technique aims to directly contravene the “secondary victimization” phenomenon and to alleviate the victim from the humiliation and shame that they have already undergone.

The second category of promising practices in Bulgaria, still emerging refers to the collection of digital evidence, whereby lawyers submit requests to social media representatives to declassify data that is deemed strictly personal as per GDPR, so that the latter could be presented during criminal proceedings.

<sup>117</sup> GRETA, Evaluation Report Belgium: Access to justice and effective remedies for victims of trafficking in human beings (2022), available at: <https://rm.coe.int/3rd-greta-evaluation-report-on-belgium/1680a8940b>

## 4.5. Non-legal policies & measures on Child victims

### 3.5.1 Austria

Although protection and care facilities specialised in the phenomenon of "child trafficking" do not exist to date, how to best address the situation is currently a subject under discussion.

"Drehscheibe" in Vienna is a Child and Youth Crisis Centre, with a special responsibility for all alien minors in the city (no provision of services in other provinces). The facility provides specialised knowledge for the care of victims of child trafficking, and the department is also in contact with the pertinent authorities from the countries of origin of victims of child trafficking, as well as with other authorities or organisations relevant for the fight against human trafficking.

Furthermore, LEFÖ-IBF10 is responsible nationwide for the protection, support, and counselling of trafficked girls, starting from the age of 15, women and trans\* women (with regard to process support, there is no restriction of responsibility in terms of age). MEN VIA is responsible nationwide for the protection, support, and counselling of trafficked men from the age of 18 (there is no restriction of responsibility in terms of age with regard to process support).

### 3.5.2 Belgium

The Esperanto reception centre<sup>118</sup> stands out as a noteworthy initiative designed to provide assistance to child victims of human trafficking. To cater to the specific needs of minors, Belgium established this dedicated shelter in 2002 operated by Esperanto and located in Wallonia. The shelter provides accommodation, support, and reintegration opportunities for child victims, prioritising their safety through measures such as the provision of secure facilities or limited smartphone use. The comprehensive assistance offered encompasses social and educational guidance, psychological counselling, legal advocacy, and medical care, creating a holistic support system. As of 2021, this centre housed 17 minors, all victims of trafficking. Nonetheless, given that the Esperanto Centre is not officially recognised as a specialist centre yet, it does not regularly participate in meetings with the ICP.<sup>119</sup>

Belgium actively engages in awareness-raising endeavours, bolstered by initiatives such as the Blue Heart campaign. In 2019, the country also participated in the European Crime Prevention Network (EUCPN) model awareness campaign, with the intention of making this an annual event.<sup>120</sup>

In the area of awareness raising, the Belgian Action Plan (2021-2025) outlines other groups which are actively conducting or planning to develop awareness raising initiatives:<sup>121</sup>

- The medical sector: a comprehensive brochure was developed to address trafficking from multiple angles, enabling health professionals to recognise potential cases in a variety of situations.

<sup>118</sup> Association Esperanto, for more information: <https://www.esperantomena.org/>

<sup>119</sup> GRETA, Evaluation Report Belgium: Access to justice and effective remedies for victims of trafficking in human beings (2022), available at: <https://rm.coe.int/3rd-greta-evaluation-report-on-belgium/1680a8940b>

<sup>120</sup> European Crime Prevention Network (EUCPN) Model Awareness Campaign, for more information: <https://eucpn.org/preventhumantrafficking>

<sup>121</sup> Belgium Action Plan Fighting Human Trafficking 2021-2025, available at: [http://www.dsb-spc.be/doc/pdf/NAP\\_TIP\\_2021\\_2025\\_ENG.pdf](http://www.dsb-spc.be/doc/pdf/NAP_TIP_2021_2025_ENG.pdf)



- The civil aviation sector: planning to establish a training curriculum to enable staff to identify potential victims among air travellers.
- The education and youth sector: recognised as a pivotal sector to instilling awareness through education, efforts aim at enabling young people to discern risks associated with prostitution-related behaviours linked to human trafficking.
- PCSWs (Private Child and Social Welfare Institutions): awareness raising campaigns, ensure their staff is well-informed and able to respond adequately to vulnerable individuals and potential victims.
- The hospitality sector: the ALERT project incorporates specific information relevant to the hotel and tourism industry.

Experts suggest that training on the identification of child victims of human trafficking should also be provided to front-line professionals, to better combat human trafficking and to ensure improved access to support and recognition for child victims.<sup>122</sup> In response, the Belgian Action Plan dedicates significant attention to the training of key actors in combating human trafficking. A range of training sessions are directed at various groups of professionals, encouraging them to identify potential cases. On that line, Myria's<sup>123</sup> recommendations also highlight the importance of training magistrates and inspectors in harnessing the internet's potential for investigation. Training recipients include the National Social Security Office, the Labour Inspectorate of Federal Public Service Employment, law enforcement agencies, the Immigration Office, Federal Agency for Reception of Asylum Seekers (FEDASIL), magistrates, the youth care sector, and diplomats.

*Nonetheless, in the Belgian system*, access to support for child victims of human trafficking is often conditional to the victim's preparedness to cooperate in ongoing investigations.<sup>124</sup> In this regard, it should be noted that Belgium has not yet implemented the Barnahus Model-principles, which ensure the coordination of parallel criminal and child welfare investigations, bring all relevant services under one roof, and thus help avoid the re-victimisation of children.<sup>125</sup>

### 3.5.3 Bulgaria

The "Svetulka" project<sup>126</sup> is one of the most relevant non-legal initiatives and measures concerning child victims. This initiative is being developed by the Know-How Center for Alternative Child Care, the New Bulgarian University, and the Reflective Learning Bulgaria Association. The project offers a comprehensive teaching manual comprising a teacher's guide, a web-based classroom application, and a mobile application. The guide is designed for lower secondary school teachers, presenting an age-appropriate approach to introducing children to the subject of trafficking for sexual exploitation.

<sup>122</sup> GRETA, Evaluation Report Belgium: Access to justice and effective remedies for victims of trafficking in human beings (2022), available at: <https://rm.coe.int/3rd-greta-evaluation-report-on-belgium/1680a8940b>

<sup>123</sup> Myria, Federal Migration Centre, for more information: <https://www.myria.be/en>

<sup>124</sup> GRETA, Evaluation Report Belgium: Access to justice and effective remedies for victims of trafficking in human beings (2022), available at: <https://rm.coe.int/3rd-greta-evaluation-report-on-belgium/1680a8940b>

<sup>125</sup> Council of Europe, "Barnahus model helps children who suffered sexual abuse from feeling like victims for a second time, say Council of Europe leaders" (2022), available at: <https://www.coe.int/en/web/portal/-/barnahus-model-helps-children-who-suffered-sexual-abuse-from-feeling-like-victims-for-a-second-time-say-council-of-europe-leaders>

<sup>126</sup> Project "Svetulka" <https://knowhowcentre.nbu.bg/proekt-sos-svetulka/>

This guide is built upon the findings of a pre-survey conducted for the "Svetulka" project, assessing children's knowledge about child trafficking for sexual exploitation. The survey gathered responses from 133 students in 4th and 5th grades across the country.

The web-based classroom application (sos-svetulka.net) enhances the delivery of information regarding trafficking risks, identification, stages, protective advice, and available resources for children. The app also facilitates feedback from both children and teachers.

In Bulgaria, the "Svetulka" project strives to prevent child trafficking for sexual exploitation by raising awareness among school-age children and enhancing professionals' skills in recognizing trafficking indicators. However, a significant challenge is that often the families of trafficked children are involved or complicit in the trafficking. This complicates reintegration efforts, potentially leading to re-trafficking or further victimisation. To address this issue, tracking reintegration with the assistance of family counselling centres could be a proactive solution, reducing the risk of re-trafficking and providing longer-term support.

Despite Bulgaria's establishment of a specialised coordination mechanism for the referral and support of trafficked children, its implementation faces numerous deficiencies. Particularly critical areas include the attainment of durable, long-term solutions and the effective follow-up of child reintegration support.

### 3.5.4 Italy

In Italy, non-legal policies and measures specifically aimed at addressing child victims of trafficking in persons (THB) often focus on providing comprehensive support and assistance to child victims, recognizing their unique vulnerabilities and needs. Some of these non-legal initiatives include:

- **National Action Plans:** Italy has developed national action plans specifically targeting THB and child exploitation. These plans outline strategies for prevention, protection, and prosecution, with a particular emphasis on child victims.
- **Interagency cooperation:** there are collaborative efforts among various governmental and non-governmental agencies to ensure a coordinated response to child trafficking cases. This may involve cooperation between law enforcement, social services, healthcare providers, and civil society organisations.
- **Awareness and training:** non-legal measures often include awareness-raising campaigns aimed at the general public, frontline professionals, and relevant stakeholders to enhance recognition of child trafficking indicators and ensure appropriate responses.
- **Child-centric approach:** policies and measures prioritise the best interests of the child, ensuring that interventions are tailored to their age, developmental stage, and specific needs. This may include the appointment of guardians or advocates to represent the child's interests in legal proceedings.
- **Reintegration and rehabilitation:** efforts are made to facilitate the reintegration and rehabilitation of child victims into society. This may involve access to education, vocational training, and psychosocial support services to help them rebuild their lives.

The above-mentioned non-legal policies complement the existing legal framework in Italy and contribute to the establishment of a holistic approach to addressing child trafficking and ensuring the protection and well-being of victims.

### 3.5.5 Malta

From a policy point of view an important role is played by the Office of the Commissioner for Children, which is responsible for transposing into Maltese legislation the United Nations Convention on the Rights of the Child. As such they produce periodical review of Malta's National Children's Policy where they provide a critical analysis of three distinct but complementary aspects of the Policy: i) its inherent ability to further implement the United Nations Convention on the Rights of the Child; ii) the progress accomplished, and iii) what remains to be achieved in terms of policy implementation, considering its five dimensions.

## 5. Trafficking of human beings for sexual exploitation with a focus on child victims in other relevant countries

### 5.1. Countries of origin: the case of Romania

Romania is the primary country of origin for sex trafficking and labour trafficking victims in Europe (2023)<sup>127</sup>. Most victims are female victims of sex trafficking, exploited in Romania and other European countries. The most vulnerable groups include children in or aging out of government-run institutions, children whose parents travel abroad for work, members of the Roma communities, women with low levels of educations and income, migrants, and asylum-seekers.

A significant problem arises in the protection of child trafficking victims. Generally, they are placed in child facilities, or facilities for children with disabilities run by child protection services. However, NGOs have reported that many CPS personnel do not have adequate expertise in trafficking or resources to provide quality care.

#### Legal framework

While Romania has an adequate legal framework aimed at countering human trafficking (Articles 210 and 211 of the Criminal Code), following decisions by the Romanian Constitutional Court and the High Court of Cassation, the legislative framework has undergone certain changes which have negatively impacted the statute of limitations. More concretely, starting from October 2022, courts changed the method for calculating the statute of limitations, resulting in the dismissal of dozens of cases, including trafficking cases (several of them involving child victims).

#### Use of digital evidence

A new digital forensics system for detecting online sex trafficking has recently been set-up within the Romanian police. Nevertheless, authorities continue to report difficulties in identifying and collecting digital evidence, mainly due to the lack of necessary resources and skills in terms of performing online investigations.

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<sup>127</sup> In 2022, the government identified 492 victims (336 victims sex trafficking, 73 labour trafficking, 83 unspecified forms of trafficking), compared with 488 in 2021 and 596 in 2020. Of the 492 victims, 233 were children (nearly 50 percent), and 153 were girl sex trafficking victims. It is important to mention that NGO sources claim the number is much higher, however the phenomenon is underreported due to limitations in the identification and referral processes. Source: <https://www.state.gov/reports/2023-trafficking-in-persons-report/romania/>

Good practice – Romania – provided by the University of Malta	
<b>Title:</b>	Identification of victims of trafficking in emergency situations
<b>Country/Region:</b>	Romania
<b>Objective:</b>	To ensure a swift identification of victims of trafficking among Ukrainian refugees crossing the border into Romania
<b>Target group:</b>	General public.
<b>Implementation:</b>	<p>Following Russia's full-scale invasion of Ukraine, the Romanian government developed procedures for identifying and reporting trafficking cases, particularly among unaccompanied, foreign, or stateless children (e.g. including by training frontline emergency physicians); established procedures for the registration, transit, residence, and protection of vulnerable children; and, in collaboration with intergovernmental organisations, established eight safe centres at border crossing points, providing children and families with essential information and services. One way this was achieved was through the implementation of a computer application for the registration of all children from Ukraine called Primero. This includes a child trafficking screening during the initial assessment, and if needed, a child may be referred as a potential victim of trafficking<sup>128</sup>.</p> <p>By December 2022, the Romanian government had registered 15,480 children from Ukraine. However, no child trafficking victims were identified. In addition to the electronic recording system, the government also worked together with UNICEF and UNHCR to establish 8 (eight) Blue Dot Centers - safe centres at border crossing points that provided children and families with essential information and services on a range of issues, including education, psycho-social support, referrals to health care and legal support. Ministry of Interior personnel were also tasked to perform daily safety checks at places of accommodations, as well as carry out traffic inspections of Ukraine-registered vehicles<sup>129</sup></p>
<b>Results/Impact:</b>	While both government and civil society sources list Ukrainians as a vulnerable category for human trafficking (especially women and children), there isn't any evidence of a high number of trafficking cases, which seems to indicate that the prevention and protection mechanism put into place is working.
<b>Lessons learned:</b>	The mechanism has illustrated the importance of collaboration between government entities and other international and national actors. It has also shown the importance of introducing a transversal THB-sensitive approach alongside other crisis management measures.

<sup>128</sup> <https://rm.coe.int/report-submitted-by-the-authorities-of-romania-on-measures-taken-to-co/1680aba92d>

<sup>129</sup> <https://www.state.gov/reports/2023-trafficking-in-persons-report/romania/>

<b>Transferability:</b>	This system can be put into place by other countries dealing with a sudden high refugee influx.
<b>Resources/Support:</b>	In addition to human and financial resources, strong partnerships and excellent collaboration are essential to the implementation of this campaign. Governmental authorities must partner with NGOs and victim support organisations working in the field of human trafficking, professionals in the field, international organisations (in this case UNODC), and the other governmental agencies involved in combating this crime. Staff training and the development of awareness-raising materials are also required to ensure the implementation of the campaign.
<b>Source:</b>	Link to the description of PRIMERO from the UNESCO website: <a href="https://www.unicef.org/romania/stories/14000-ukrainian-refugee-children-were-registered-primero-first-4-months-its-launch">https://www.unicef.org/romania/stories/14000-ukrainian-refugee-children-were-registered-primero-first-4-months-its-launch</a>

## 6. Conclusion

To conclude, the preliminary research findings have shown that there is a marked difference in terms of knowledge and skills in preventing and countering THB across different EU countries. Moreover, best and/or promising practices are difficult to identify and are often country specific.

In Bulgaria, while there was a temporary reduction in human trafficking cases in 2018-2019, the Covid-19 pandemic in 2020 reversed this trend, highlighting the vulnerability of preventive mechanisms during crises. Child trafficking victims face significant challenges in accurate reporting due to insufficient data collection methods and misclassification of cases. The legal system's fragmented approach leads to disparities in reported statistics, hindering a comprehensive understanding of the issue. Despite legislative measures aimed at protecting child victims, such as immediate notification to child protection agencies and provisions for their education and accommodation, challenges persist in ensuring their rights and well-being. The involvement of various stakeholders, including law enforcement, judiciary, social services, and NGOs, underscores a multi-faceted approach to combating human trafficking. However, systemic issues like witness reliability, cross-border cooperation, and secondary victimization persist. The gradual integration of digital evidence in legal proceedings offers a promising avenue for improving prosecution efforts, albeit with challenges such as lengthy retrieval processes and over-reliance on witness testimony.

Although Malta has adequate legislation for combating human trafficking, it still struggles with specific dimensions such as the identification of potential victims and the prosecution of perpetrators. In terms of victim identification, reports of both CoE and US Department of State indicate the need for further developments in this area, especially concerning vulnerable population groups, such as children among both Maltese nationals and asylum-seekers. In terms of prosecution of offenders, one of the main issues is the lack of convictions. The GRETA report also expressed concern over the length of criminal proceedings and the negative impact thereof on the victims, who can be subject to re-victimisation as a result of the repeated confrontations with the alleged traffickers. Regarding criminal proceedings, it is worth mentioning also that the research highlighted that Malta lacks specialised judges who are experts in trafficking cases.

In Austria, tackling child trafficking, including through the establishment of preventative measures, is one of the main objectives of the new National Action Plan. Austria adopted practical guidelines on identifying and working with potential victims of child trafficking, in the form of a National Referral Mechanism for children, however it included only non-binding guidance to relevant professionals, including a set of indicators to enable early identification of child victims

and recommended actions for practitioners and authorities. Despite training, knowledge about these guidelines was detected as low among practitioners and as of yet the NRM has not been monitored. GRETA recommends a country-wide concept for protection and support of child victims; including accommodation; increase of training of relevant professionals on the implementation of the NRM; and its monitoring and evaluation.

In the case of Belgium, a comprehensive national-level strategy to address human trafficking (THB) and child victim issues has been developed. The approach integrates EU laws, national initiatives, and a specialised multidisciplinary framework, showcasing a robust response against THB. Particularly through the ICP, Belgium has also reacted to the ever-changing and complex nature of the crime, involving actors across different fields, and establishing specialist units for the investigation and use of digital evidence. The National Action Plan (2021-2025) plays a crucial role in emphasising training, awareness raising campaigns, and preventive measures. Specific provisions for child victims include asylum status considerations, online participation in legal proceedings, and a dedicated reception centre for children exploited in trafficking for sexual purposes (Esperanto centre). However, there are areas for improvement in Belgium's approach. Limited funding for support and reception centres hinders victims' access to assistance and the upholding of their rights, leaving them vulnerable. Declining conviction rates and increasing suspended sentences are concerning, and suggest a need for clearer legal definitions, stronger commitment to prosecution, and enhanced utilisation of digital evidence to ensure effective conviction, punishment, and deterrence. Belgium's strategy must continue to evolve to match the complexity of human trafficking and to place victims' - children's - rights at the heart of its efforts.

Italy's response to trafficking in human beings (THB) reflects a multifaceted approach encompassing legislative measures, enforcement strategies, and victim support services. Despite challenges, including the prevalence of sexual and labour exploitation and vulnerabilities exacerbated by factors like the COVID-19 pandemic and economic downturn, Italy has made strides in prosecuting perpetrators and providing compensation to victims. Recent legislative amendments and procedural provisions have enhanced the legal framework, while collaborative efforts among stakeholders underscore a commitment to combating THB. Moving forward, continued vigilance, adaptation to evolving challenges, and strengthened partnerships will be crucial in effectively addressing THB and ensuring the protection and empowerment of all victims.

Conclusively, the efforts to combat human trafficking across Malta, Austria, Belgium, Bulgaria, and Italy reveal both progress and ongoing challenges. Malta grapples with issues of victim identification and prosecution, highlighting the need for enhanced support and specialised judicial measures. In Austria, while preventative measures and guidelines for child trafficking are in place, the absence of a dedicated child victim support organisation and low awareness among practitioners signal areas for improvement. Belgium's comprehensive strategy integrates EU laws and national initiatives, yet faces funding limitations and conviction rate concerns, particularly in addressing child victims' rights and access to support. Italy's multifaceted approach emphasises legislative reforms, enforcement strategies, and victim support services, though persistent challenges such as sexual and labour exploitation persist. Collective efforts to strengthen legislative frameworks, enhance victim support services, and bolster enforcement mechanisms are essential in safeguarding the rights and well-being of trafficking victims across these countries.





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