

## **AT Input on the sale and sexual exploitation of children**

- 1) *How is gender and gender identity incorporated in existing legislative and policy frameworks on the eradication and prevention of the sale and sexual exploitation of children?*
- a) *Please provide information on relevant legislation or policy on the implementation of integrating gender dimension in the prevention and eradiction of sale and sexual exploitation of children, online and offline.*

In general, the Austrian legal system states that the legal basis for human trafficking / child trafficking applies equally to all persons. "Privileges of birth, gender, status, class and religious beliefs are excluded. No one may be disadvantaged because of his disability." (Art. 7 Federal Constitution)

### **Legal basis / definition**

In the Austrian Criminal Code, the offense of human trafficking is regulated in § 104a, which also includes child trafficking (para. 5). Here, a minor is defined as a person under the age of 18. This definition is in line with the international Directive 2011/36/EU of the European Parliament and Council on Preventing and Combating Trafficking in Human Beings, and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. For the purposes of this Directive, the term "child" means persons under the age of 18.

The practice of prostitution in Austria is regulated by regional legislation, which prohibits the prostitution of persons under the age of 18.

In 2020, a total of 66 victims of human trafficking and 23 trafficked persons of cross-border prostitution were identified in Austria, despite Covid-19 and the more difficult possibilities for detection of victims.

39% of those came from European Union member states such as Bulgaria, Romania, Hungary and Slovakia, while 58% were third-country nationals from Nigeria, Bosnia-Herzegovina, Serbia and Morocco. The nationality of 3% could not be determined.

### **Statistics - Victims 2019 and 2020**

<b>Criminal offence</b>	<b>2019</b>	<b>2020</b>
THB	66 (16m/50f)	66 (30m/36f)
Cross-border trafficking in prostitution	53 (4m/49f)	23 (23 f)

## Statistics - Suspects 2019 and 2020

Criminal offence	2019	2020
THB	62 (38m/24w)	61 (39m/22w)
Cross-border trafficking in prostitution	43 (30m/13w)	29 (19m/10w)

## Statistics – Minor victims 2019 and 2020:

Year	Criminal offence	10 to under 14 years		14 to under 18 years		Total
		male	female	male	female	
2019	§104a penal code	2	-	2	10	14
	§217 penal code	-	5	-	9	14
2020	§104a penal code	-	1	6	3	10
	§217 penal code	-	-	-	3	3

§ 104a penal code – Trafficking in human beings

§ 217 penal code – Cross-border trafficking in prostitution

- 2) *Please provide contextual information on any existing good practices, policies or legislation tackling sale and sexual exploitation of children that include a gender dimension that takes into account different gender identities.*

Since the establishment of the Task Force to Combat Trafficking in Human Beings (TF-MH) by the Austrian federal government in 2004, the measures against trafficking in human beings and child trafficking provided for in the National Action Plans have been coordinated and intensified. In order to be able to deal with the complex problem in detail, the TF- MH has set up a separate working group on the topic of child trafficking under the auspices of the Federal Ministry of Labor, Family and Youth, which meets on a regular basis.

In 2016, the Working Group on Combating Child Trafficking developed "Guidelines for Identifying and Dealing with Potential Victims of Child Trafficking" on the basis of a process analysis, the legal framework and the concrete procedure in individual cases. This informs about indicators for suspected cases of child trafficking, presents the courses of action for relevant professional groups and serves as an orientation aid for rapid intervention already at the first suspicion of child trafficking. The information brochure was distributed specifically to system partners (such as district administrative authorities, the youth and social services sector and facilities for unaccompanied minor strangers).

In the VI National Action Plan to Combat Trafficking in Human Beings for the interval 2021- 2023, which is currently under negotiation, the establishment of (federally accessible) protection facilities for child victims of trafficking is envisaged.

- 3) *Please indicate any specific measures aimed at reducing vulnerability of children to sale and sexual exploitation in a gender- and disability-responsive, as well as age- and child-sensitive manner.*

#### **Victim identification:**

This criminal police decree temporarily works as Austria's national referral mechanism (guidance system). It serves as the basis for taking the necessary steps in accordance with federal anti-trafficking responsibilities.

Identified victims of trafficking in human beings are referred by the law enforcement authorities to the respective agencies for victims protection based on their gender and age (considering minors). This categorization (e.g. transsexual) results from the documents available at the time of identification and has so far been proven successful.

#### **Victims protection**

Law enforcement authorities protect victims as part of their duties in the field of general policing. Furthermore, a victim protection program at the Federal Criminal Police Office (Victims at High Risk - VHR) is available to highly vulnerable victims primarily in connection with organized crime and serious crime. It includes in particular operational, psychosocial and social integration measures and inter alia case-specific risk assessments.

Specific agencies:

- Female victims (from the age of 15) by the non-governmental organization (NGO) LEFÖ-IBF (Intervention Center for Victims of Trafficking in Women)
- Male victims (from the age of 18) by the Men's Health Center Vienna (MEN VIA)
- Underage victims in Vienna by Municipal Department (MA) 11, field area "Drehscheibe" and in the provinces by the responsible child and youth welfare agency.

The two NGOs (LEFÖ-IBF and MEN VIA) operate on behalf of the Federal Chancellery (BKA) and the Federal Ministry of the Interior.

#### **Operative - Identification of (underage) victims**

Criminal investigators from the special departments of the regional police directorates or the CIS Vienna carry out on their own periodic and random checks, as well as focal checks across the provinces to identify possible victims of human / child trafficking. These take place in specific places (e.g.: Brothels, street prostitution, shelters and places of beggars, etc.).

Joint bilateral international control and investigation measures are carried out with colleagues from the countries of origin (Romania, Bulgaria, Hungary) to identify victims.

Every year, Austria leads or participates in the priority measures within the framework of the various EMPACT (European Multidisciplinary Platform Against Criminal Threats) Joint Action Days (child trafficking, sexual exploitation, labour exploitation, begging and commission of criminal offences).

**Trainings / campaigns:**

Regular trainings / lectures / seminars on the topic of trafficking in human beings (child trafficking) are held throughout Austria for authorities, offices, educational institutions, institutions, private businesses, etc. by the CIS Vienna/Austria in cooperation with NGOs, other departments and the child and youth welfare agency.

Participation in national and international (e.g. Europol) poster campaigns and in the EU Anti-Trafficking Day organized by the European Commission to raise awareness for the issue in civil society.

- 4) *Please indicate any other areas of concern and provide and additional information which is relevant in the context of gender dimension and eradication of sale and sexual exploitation of children.*

In order to increase the efficiency of identifying minors affected by trafficking in human beings, the establishment of a specific protection facility for children/adolescents affected by child trafficking in the territory of Austria is planned, taking into account international best practice.

The new, 6th Austrian National Action Plan on combating trafficking in human beings for 2021-2023 puts a special focus in protecting children from falling victim to trafficking in human beings.

This includes:

1. The establishment of a central protection facility for children/adolescents affected by child trafficking.
2. The creation of a uniform standard for the care and accommodation of victims of trafficking in children.
3. Education and examination of qualified guardians for the caretaking of (potential) victims of trafficking in children under consideration of socio-cultural aspects.
4. Identification of international best practice, and taking into account their domestic and international implementation through cooperation with local and international partners.