

Austria



Population: 8,210,281
Population Growth Rate: 0.052%
Birth Rate: 8.65 births/1,000 population
Life Expectancy: total population: 79.5 years; male: 76.6 years; female: 82.56 years
Literacy Rate: total population: 98%
Net Migration Rate: 1.85 migrants /1,000 population
Unemployment Rate: 4.7%
Gross Domestic Product per Capita: \$39,400
Religions: Roman Catholic 73.6%, Protestant 4.7%, Muslim 4.2%, other 3.5%, unspecified 2%, none 12%
Languages: German (official nationwide) 88.6%, Turkish 2.3%, Serbian 2.2%, Croatian (official in Burgenland) 1.6%, other 5.3%
Ethnic Groups: Austrian 91.1%, former Yugoslav (includes Croatian, Slovene, Serb, and Bosniak) 4%, Turk 1.6%, German 0.9%, other or unspecified 2.4%
Capital: Vienna¹

Trafficking Routes

Austria is a transit and destination country for human trafficking. The majority of trafficking victims come from Eastern European countries. They are trafficked into Austria or passed on to Western European countries like Italy, France, Germany, and Spain. Victims are trafficked from Slovakia, Hungary, Bulgaria, Turkey and Ukraine, with Romania, Bulgaria, Slovakia, Hungary, Georgia, and China being noted as sources of children trafficked into Austria.² People are trafficked through Austria from Iraq, Afghanistan, and Pakistan³, and from sub-Saharan Africa, especially Nigeria.⁴ People are often trafficked through the country to reach Western Europe, mainly Italy, Germany, and Spain. People are trafficked by plane and by vehicle. To cross the border by car, they allegedly have to squeeze tightly in confined spaces built into the vehicles, such as under false floors.⁵

¹ CIA, THE WORLD FACT BOOK 2009, <https://www.cia.gov/library/publications/the-world-factbook/geos/au.html>.

² Statement of Ambassador Gerhard Pfanzelter, Permanent Representative of Austria to the United Nations, at the General Assembly Thematic Debate on Human Trafficking, Panel 2: Cross-Border Cooperation in Protecting Victims of Trafficking in Persons and Prosecuting Their Traffickers (June 3, 2008), available at: <http://www.un.org/ga/president/62/ThematicDebates/humantrafficking/austria.pdf>.

³ *Austrian arrested for human smuggling*, AUSTRIAN TIMES, February 6, 2009, available at: http://www.austriantimes.at/news/General_News/2009-06-02/13659/Austrian_arrested_for_human_smuggling.

⁴ INTERNATIONAL ORGANIZATION FOR MIGRATION, *Migration, Human Smuggling and Trafficking from Nigeria to Europe*, prepared for IOM by Jorgen Carling from the International Peace Research Institute, available at: http://www.prio.no/sprtrans/1326102309/file48438_carling_2006_migration_human_smuggling_and_trafficking_from_nigeria_to_europe.pdf.

⁵ *Austrian Arrested for human smuggling*, AUSTRIAN TIMES, June 2, 2009, available at: http://www.austriantimes.at/news/General_News/2009-06-02/13659/Austrian_arrested_for_human_smuggling

Factors That Contribute to the Trafficking Infrastructure

Due to its geographical position in the center of Europe, Austria is a connecting nation between East and West.⁶ Moreover, as prostitution is legal in Austria, special attention must be paid to monitoring the differences between legal and illegal or forced prostitution on the one hand, and human trafficking on the other.⁷

Forms of Trafficking

Women are commonly trafficked to and through Austria for sexual exploitation.⁸ They are often forced to work illegally as prostitutes in Viennese establishments.⁹ Children are trafficked for labor purposes like stealing and begging and for the purpose of forced prostitution.¹⁰

Government Responses

Article 104(a) of the Austrian Penal Code prohibits human trafficking. Trafficking for the purpose of sexual exploitation, organ removal, or labor exploitation is punished with imprisonment of up to three years.¹¹ Imprisonment is between three months and five years if the crime was committed using force or a serious threat, and between one and 10 years if it involved a criminal organization or if the life of the victim was endangered.¹² Moreover, the cross-border procurement of prostitution is forbidden. Any procuring or recruiting of prostitutes to engage in prostitution in a state different from the one where the prostitute is a national or permanent resident will be punished with one to 10 years' imprisonment.¹³ In order to protect victims of trafficking, Austria provides for a 30-day reflection period to all victims, which is not conditional on the victims' cooperation with prosecutors. Victims are offered residency permits for six months.

While prostitution is generally legal in Austria, prostitution of minors is prohibited.¹⁴ Prostitutes bear several legal obligations like registration, weekly health checks, and payment of

⁶ *Fight against Trafficking in Human Beings*, AUSTRIAN FOREIGN MINISTRY, available at: <http://www.bmeia.gv.at/en/foreign-ministry/foreign-policy/human-rights/main-human-rights-issues/combating-human-trafficking.html>.

⁷ *Id.*

⁸ *Austrian police arrest 9 Turkish men suspected of sex trafficking*, ASSOCIATED PRESS WORLDSTREAM, May 18, 2007, available at: http://www.monstersandcritics.com/news/europe/news/article_1306116.php/Viennese_police_arrest_nine_for_human_trafficking

⁹ *16 Arrested in Raid on Vienna Prostitution Ring*, BREAKINGNEWS.IE, May 11, 2006, available at: <http://www.breakingnews.ie/ireland/cwojdcwgbkf/>.

¹⁰ *Austria underestimates child trafficking problem, UN says*, DEUTSCHE PRESSE-AGENTUR, October 17, 2007, available at:

http://www.digitaljournal.com/article/240629/Austria_underestimates_child_trafficking_problem_UN_says

¹¹ Strafgesetzbuch [StGB] [Penal Code] Bundesgesetzblatt [BGBl] No. 60/1974, as amended, § 104a (1) (Austria).

¹² § 104a (2), (3) StGB. http://www.sbg.ac.at/ssk/docs/stgb/stgb_index.htm

¹³ Strafgesetzbuch [StGB] [Penal Code] Bundesgesetzblatt [BGBl] No. 60/1974, as amended, § 217 (Austria).

¹⁴ § 217b (3) StGB. http://www.sbg.ac.at/ssk/docs/stgb/stgb_index.htm

taxes, but they have few legal rights.¹⁵ Social security is difficult to obtain. The conditions and specific requirements for legally engaging in prostitution are specified by the country's nine states in their respective prostitution acts.¹⁶

In November 2004, Austria set up a national Human Trafficking Task Force (Task Force Menschenhandel), consisting of representatives of all relevant federal and state ministries as well as NGO representatives. The task force's work resulted in the government's adoption of the National Action Plan Against Human Trafficking in 2007 with a second plan for 2009–2011 being adopted in 2009.¹⁷ Both plans provide for comprehensive approaches to combat trafficking, including national coordination, prevention, protection of victims, prosecution of crimes, and international cooperation. Task Force Menschenhandel published the *First Austrian Report on Combating Human Trafficking* for the period from March 2007 to February 2009. It assessed coordination, prevention, protection, prosecution, and international cooperation related to trafficking, and noted that national coordination could successfully be increased over the preceding two years.¹⁸ To better distinguish voluntary legal prostitution from sexual exploitation and human trafficking, the Human Trafficking Task Force created a forum of experts on prostitution. In June 2008, this forum published a report on *Prostitution in Austria*, addressing the legal background, the effects of prostitution, and recommendations for improvement.¹⁹ The expert forum proposed several measures to distinguish trafficking victims from legal prostitutes. The Human Trafficking Task Force's group on child trafficking submitted a report demanding a comprehensive approach to the problem, with all forms of child labor addressed. Another provision calls for special education of the police, public prosecution offices and courts, and youth welfare services. The report also advocates better coordination between police and welfare services as well as the establishment of similar structures and competences in all regions.

As important preventive measures, awareness campaigns have been conducted for the general public, Austrian police officers and border patrol agents.²⁰ In 2007, the Austrian foreign minister and three other ministers attended an event entitled "Gemeinsam gegen Menschenhandel" (United Against Human Trafficking), designed to draw public attention to trafficking as a human rights violation.

¹⁵ BUNDESKANZLERAMT ÖSTERREICH BUNDESMINISTERIN FÜR FRAUEN UND ÖFFENTLICHEN DIENST, PROSTITUTION IN ÖSTERREICH (2007-2009), available at: <http://www.frauen.bka.gv.at/site/6375/default.aspx>.

¹⁶ TASK FORCE MENSCHENHANDEL, ARBEITSBERICHT EXERTINNENKREIS "PROSTITUTION", PROSTITUTION IN ÖSTERREICH, RECHTSLAGE, AUSWIRKUNGEN, EMPFEHLUNGEN 50-60 (2008), available at: <http://www.frauen.bka.gv.at/DocView.axd?CobId=31425>.

¹⁷ BUNDESMINISTERIUM FÜR EUROPÄISCHE UND INTERNATIONALE ANGELEGENHEITEN, KAMPF GEGEN MENSCHENHANDEL, available at: <http://www.bmeia.gv.at/aussenministerium/aussenpolitik/menschenrechte/schwerpunktthemen/kampf-gegen-menschenhandel.html>.

¹⁸ BUNDESMINISTERIUM FÜR EUROPÄISCHE UND INTERNATIONALE ANGELEGENHEITEN, ERSTER ÖSTERREICHISCHER BERICHT ZUR BEKÄMPFUNG DES MENSCHENHANDELS 3 (2009), available at: http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/090303_Bericht_Bekaempfung_des_Menschenhandels.pdf.

¹⁹ TASK FORCE MENSCHENHANDEL, ARBEITSBERICHT EXERTINNENKREIS "PROSTITUTION", PROSTITUTION IN ÖSTERREICH, RECHTSLAGE, AUSWIRKUNGEN, EMPFEHLUNGEN (2008), available at: <http://www.frauen.bka.gv.at/DocView.axd?CobId=31425>.

²⁰ ERSTER ÖSTERREICHISCHER BERICHT ZUR BEKÄMPFUNG DES MENSCHENHANDELS 11-12.

In March 2009, the Austrian government appointed Elisabeth Tichy-Fisslberger the first national coordinator against human trafficking and head of the Foreign Ministry's Task Force on Human Trafficking.²¹

Nongovernmental and International Organization Responses

Austria has developed a system of providing assistance to the victims of human trafficking in cooperation with NGOs. Assistance is not conditional upon a victim's agreement to cooperate with competent authorities in investigations and criminal proceedings.²² The federal government increased funding for LEFÖ-IBF (Intervention Centre for Migrant Women Affected by Human Trafficking) as the official caretaker nationwide for victims of trafficking. In 2007, this Austrian NGO assisted 170 female migrant victims who came to Austria by means of trafficking and who are living under exploitive circumstances.²³

Regarding child trafficking, Austria considers the safe return and reintegration in the society of the country of origin a priority. Die Drehscheibe is a center for victims of child trafficking organized by the city of Vienna.²⁴ In cooperation with the countries of origin, the center works to facilitate the children's safe return to these countries. Austria also cooperates with the International Organization for Migration (IOM) regarding education measures on "safe return."

The Austrian Development Agency is among the sponsors of EXIT, a Vienna-based NGO dedicated to combating human trafficking from Africa to Europe for the purpose of sexual exploitation.

Currently, Austria and other EU member states are running an international project together with the IOM to develop guidelines for the collection of data on human trafficking, including comparable indicators.²⁵

The United Nations hosted the first international conference on human trafficking February 13–15, 2008, in Vienna.²⁶ The event gathered around 1,600 participants from 130 countries, including representatives from international organizations and NGOs, business leaders, and government officials.

Finally, a national preparatory conference was held for the Austrian delegation that attended the third World Congress Against Sexual Exploitation of Children and Adolescents held November 25–28 2008, in Rio de Janeiro.

Multilateral Initiatives

²¹ Press Release of Österreichisches Außenministerium, Spindelegger: "Kampf gegen Menschenhandel gemeinsames nationales Anliegen", March 10, 2009, *available at*: <http://www.bmeia.gv.at/aussenministerium/aktuelles/presseaussendungen/presseaussendungen-2009/spindelegger-kampf-gegen-menschenhandel-gemeinsames-nationales-anliegen.html>.

²² Gerhard Pfanzelter, *supra* at 5.

²³ Gerhard Pfanzelter, *supra* at 5.

²⁴ Gerhard Pfanzelter *supra* at 5.

²⁵ Gerhard Pfanzelter *supra* at 5.

²⁶ *U.N. Global Initiative to Fight Human Trafficking*, THE VIENNA FORUM TO FIGHT HUMAN TRAFFICKING, *available at*: <http://www.ungift.org/ungift/en/vf/index.html>. (last visited August 3, 2010)

Since Dec. 2, 2006, Austria has used an antitrafficking action plan created by the Council of the European Union's Justice and Home Affairs Council,²⁷ which emphasizes the three steps of prevention, protection, and prosecution. By cooperating with new EU members of Central and East Europe, as well as Belarus, Romania, and Ukraine, Austria has increased success in fighting human trafficking.²⁸ In 2004, Austria signed Daphne II, a program to combat violence against children, young people, and women. The Program, which ran from May 2004 to December 2008, aimed at supporting organizations from the 25 EU member states²⁹ that "develop measures and actions to prevent or to combat all types of violence against children, young people, and women and to protect the victims and groups at risk."³⁰ The Daphne III program was established in 2007 and will terminate in 2013. In July 2007, the EU passed two proposals regarding Daphne III: the first to co-finance specific transnational projects and the second to co-finance the functioning of NGOs.³¹

On October 12, 2006, Austria became the third country to ratify the Council of Europe Convention on Action Against Trafficking in Human Beings.³² Ever since, Austria has participated in three regional seminars for action against human trafficking organized by the council of Europe: the Bucharest Proceedings, the Berlin Proceedings, and the Yerevan Proceedings.³³

After the enlargement of the Schengen zone in early 2008, Austria implemented police cooperation agreements with countries in the Balkans to train Schengen border police to identify potential trafficking victims.³⁴

²⁷ *Fight against trafficking in human beings*, EUROPEAN COMMISSION HOME AFFAIRS, available at: http://ec.europa.eu/home-affairs/policies/crime/crime_human_trafficking_en.htm.

²⁸ *Fight against Trafficking in Human Beings*, AUSTRIAN FOREIGN MINISTRY, available at: <http://www.bmeia.gv.at/en/foreign-ministry/foreign-policy/human-rights/main-human-rights-issues/combating-human-trafficking.html>.

²⁹ *What is the Daphne II Programme?*, European Commission: Justice and Home Affairs, (2004) available at: http://ec.europa.eu/justice_home/funding/2004_2007/daphne/funding_daphne_en.htm

³⁰ EUROPEAN PARLIAMENT AND OF THE COUNCIL, DECISION NO [803/2004/EC](#) "DAPHNE II" (April 21, 2004), (2006) available at: http://ec.europa.eu/justice_home/funding/2004_2007/daphne/doc/annual_programme_2006_en.pdf.

³¹ Council Decision (EC) No.779/2007 of 3 July 2007, 2007 O.J. (L 173/119), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:173:0019:0026:EN:PDF>

³² BUNDESKANZLERAMT, MASSNAHMEN GEGEN MENSCHENHANDEL (2007-2009), available at: <http://www.frauen.bka.gv.at/site/5529/default.aspx>.

³³ *Austria: Council of Europe Convention on Action Against Trafficking in Human Beings*, COUNCIL OF EUROPE: ACTION AGAINST TRAFFICKING IN HUMAN BEINGS, available at:

http://www.coe.int/t/DG2/TRAFFICKING/campaign/Docs/Profiles/AUSTRIAProfile_en.asp

³⁴ FEDERAL MINISTRY FOR EUROPEAN AND INTERNATIONAL AFFAIRS, FIRST AUSTRIAN REPORT ON COMBATING HUMAN TRAFFICKING (Covering March 2007 to the end of February 2009), available at:

http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/Menschenhandel_aktualisierter_Bericht_04_03_09_-_Englisch.pdf.