

AUSTRIA (Tier 1)

Austria is a destination and transit country for women, men, and children subjected to sex trafficking and forced labor. Victims originate from Eastern Europe, Africa, and Asia. An NGO reported that Austrians spent \$4.3 billion on domestic workers annually in 2009; exploitation is believed to be a problem in this sector. Some involuntary domestic service reportedly involves diplomats from Africa, Asia, Europe, and the Middle East. Forced labor also occurs in the agricultural, construction, restaurant, and tourism industries. Forced begging involving Roma children and others from Eastern Europe continues to be a problem. An NGO that works with Nigerian trafficking victims reported that traffickers abuse the legal prostitution and asylum processes to control their victims.

The Government of Austria fully complies with the minimum standards for the elimination of trafficking. The government continued to fund comprehensive services for identified female victims of trafficking and continued its proactive efforts to prevent domestic servitude in diplomatic households in Austria. In 2010, the Austrian government convicted an increased number of trafficking offenders and strengthened the severity of some of the sentences imposed on them, but most traffickers continued to receive less than one year in prison. Despite extensive outreach efforts, it did not employ systematic procedures for the identification and referral of victims, and deported at least one trafficking victim who faced possible retribution from her exploiters in her country of origin.

Recommendations for Austria: Aggressively prosecute trafficking offenders to ensure that a majority are convicted and receive sentences that are proportionate to the gravity of the crime; improve collection of data to disaggregate forced labor and sex trafficking crimes; establish a systematic identification process with NGO partners throughout Austria, including in reception centers for asylum seekers; consider expanding implementation of the 2009 Residence and Settlement Act to protect more victims of trafficking and increase victims' incentives to cooperate with law enforcement; improve identification and specialized care for children who are victims of trafficking; and establish services for men who are victims of forced labor.

Prosecution

The Austrian government convicted more trafficking offenders and strengthened some sentences for convicted offenders in 2010. The government prohibits trafficking for both sexual exploitation and forced labor under Article 104(a) of the Austrian Criminal Code, but continued to primarily use Article 217, which prohibits cross border trafficking for the purpose of prostitution, to prosecute traffickers. Article 104 criminalizes trafficking for the purpose of slavery and prescribes penalties ranging from 10 to 20 years in prison; few, if any, traffickers have been convicted under this law. Penalties prescribed in Article 104(a) range up to 10 years' imprisonment, while penalties prescribed in Article 217 range from six months' to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reportedly prosecuted 65 trafficking offenders using Articles 217 and 104 (a) in 2009, the most recent year that data were available, compared with 67 trafficking offenders prosecuted under these statutes in 2008. The government reported sentences for convicted offenders in which trafficking was the leading charge under Article 217, convicting 30 trafficking offenders under this article in 2009, compared with 18

convicted trafficking offenders in 2008. Sentences for 10 convicted traffickers were not subject to suspension and ranged from a minimum of three months' to a maximum of five years' imprisonment. This was an improvement from the previous year in which the maximum sentence was three years and courts handed down only three sentences not subject to suspension. However, as in the previous year, over half of all convicted traffickers spent only 12 months or fewer in jail, and one-third of convicted traffickers received no jail time. Local observers report a lack of anti-trafficking expertise among prosecutors and judges; training was offered to these judicial officials, though it was not mandatory. The Austrian government did not disaggregate its data to demonstrate it prosecuted or convicted labor trafficking offenders. The government did not prosecute any acts of trafficking-related complicity in 2010.

Protection

The Government of Austria continued to partner effectively with civil society to provide protection to identified trafficking victims and improved its capacity to identify forced labor in 2010. In January 2011, the government issued a decree instructing labor inspectors to pay particular attention to possible labor exploitation during their inspections. The Ministry of Interior reported registering 63 adult trafficking victims in 2010. Law enforcement officials referred some trafficking victims on an ad hoc basis; however, the government has yet to employ systematic procedures for the identification and referral of victims within labor or legal and illegal prostitution sectors, an ongoing deficiency identified by NGOs in Austria.

The Austrian government continued to fund a specialized anti-trafficking NGO, which provided open shelter accommodations and assistance to female trafficking victims in Vienna. The government provided \$840,000 to this NGO in 2010, compared with \$828,000 provided in 2009. This shelter did not detain victims involuntarily and was at its full capacity of 18 beds throughout 2010. It provided counseling and other assistance services, including responsible repatriation, to a total of 242 trafficking victims in 2010; compared to 182 victims in 2009. The government reported it provided foreign victims of trafficking with legal alternatives to their removal through its 2009 Residence and Settlement Act, which listed victims of trafficking as a special category with a right for temporary resident status. The government, however, did not report on the number of resident permits it issued to trafficking victims in 2010. An NGO reported the government deported a trafficking victim in January 2011 who faced possible retribution in Nigeria; the victim previously cooperated with law enforcement and had agreed to testify against her trafficker in Austria. The government encouraged victims to assist with investigations and prosecutions, though NGOs reported that due to a lack of victims' confidence in the ability of the government to protect them, and fears of retaliation, very few victims assisted in prosecution of their traffickers in 2010. According to one NGO, the only systematic regulation by the government within Austria's sizable, legal commercial sex sector consisted of weekly health checks for sexually transmitted diseases and periodic police checks of registration cards. The government continued to fund the City of Vienna's specialist center for unaccompanied minors, which accommodated approximately 40 child victims of trafficking in 2010. Late in the reporting period the center ceased repatriating trafficked children back to Romania out of safety concerns upon their return. The government reportedly ensured identified victims were not punished for unlawful acts committed as a direct result of being trafficked.

Prevention

Austria continued to serve as a leader in the region through its prevention of domestic servitude within diplomatic households, requiring all foreign domestic workers to appear in person at the Ministry of Foreign Affairs to receive information on how to get help if they become victims of forced labor. In addition, the government required domestic servants to have their own bank accounts and provide evidence of direct salary transfer. In July 2010, the Interior Ministry established an anti-trafficking hotline and email service targeted at sex trafficking and forced labor. In the fall of 2010, it launched a series of school exhibitions to sensitize Austrian youth to sex trafficking. Austria continued a campaign to encourage tourists and travel agencies to report cases of child sex tourism in 2010. The government sustained a high level of transparency in its anti-trafficking efforts, publicly reporting on its policies and actions during the year, and continued partnerships with NGOs on the issue. Austrian law provided extraterritorial jurisdiction over Austrian nationals who travel abroad to engage in commercial sexual exploitation of children; the government reported it initiated at least one investigation under the law. The government continued to fund courses conducted by an anti-trafficking NGO to sensitize troops prior to their deployment on peacekeeping missions.