

AUSTRIA: Trafficking of Nigerians

Submitted to the Human Rights Council ahead of the Universal Periodic Review of Austria during the UPR 37th session. Submission date: 8 July 2020

Report submitted by:

- **Austrian Evangelical Alliance (ÖEA).** The ÖEA is the national Evangelical Alliance in Austria representing around 60,000 evangelicals. With its 100+ member agencies and congregations and with its many networks it is the evangelical voice in the country.
- **European Evangelical Alliance (EEA)** The EEA is an alliance of more than 50 European grassroots national and transnational evangelical movements from all Protestant traditions present in 35 European countries. The EEA serves as a platform for common action and a voice for Europe's 15+ million Evangelicals.
- **Herzwerk - Initiative for People in Prostitution.** Herzwerk is an initiative for people in prostitution under the umbrella of Diakonie Österreich. Since 2007 Herzwerk has been involved in outreach social work on the streets, in brothels, clubs and studios in and around Vienna. The organisation offers people in prostitution holistic, individual, low-threshold counselling and care. The organisation relies on a good network of emergency shelters and counselling centres in Austria and abroad. Further, Herzwerk is involved in public relations work, advocacy and research.
- **World Evangelical Alliance (WEA).** The WEA was founded in 1846 in London and has special ECOSOC Consultative Status since 1997. Today, the WEA is a network of churches in 134 nations that have each formed an evangelical alliance and over 150 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

For additional information, please contact: Michael Mutzner, WEA Permanent Representative to the United Nations in Geneva at geneva@worldea.org or +41.22.890.1030

World Evangelical Alliance

P.O. Box 7099
Deerfield, IL 60015
USA

C/O RES, CP 23
Av. Sainte Clotilde 5
1211 Geneva 8
Switzerland

W. worldea.org
F. fb.com/worldea
T. [@WEA_UN](https://twitter.com/WEA_UN)
Y. youtube.com/worldevangelicals

1. This report is focusing on the issue of human trafficking for sexual exploitation and will focus in particular on the cases of Nigerian women, as trafficking from this country has known a strong peak during the last UPR cycle, revealing also protection gaps in the government's engagement to combat human trafficking and protect victims. The report mainly draws upon research and expertise from *Herzwerk - Initiative for People in Prostitution*.
2. During its 2015 UPR review, Austria has accepted all ten recommendations pertaining to human trafficking, including a recommendation asking the government to “Continue with its efforts in raising awareness and knowledge on human trafficking, including through trainings and awareness-raising measures for law enforcement organs, judges and public prosecutors.” (A/HRC/31/12, 139.95)
3. Austria is affected by human trafficking both as a transit and destination country. Male, female and child victims are trafficked for the purpose of sexual exploitation, labor exploitation and slave-like situations of domestic servitude, sexual exploitation of women and girls being the predominant form of exploitation.
4. Austria is a signatory to all relevant international legal instruments to combat human trafficking, including the Palermo Protocol, and it incorporated the European Union directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.
5. In order to coordinate and intensify anti-trafficking measures in Austria, a “Task Force on Combating Human Trafficking” was set up by the Austrian government in 2004. All relevant ministries, government bodies, the federal provinces, the social partners and specialized Non-Governmental organizations are represented in this Task Force. The Task Force oversees triennial National Action Plans, monitors their implementation and publishes annual implementation reports, as well as three-year reports to the government and the parliament.
6. In 2015 and in 2016, a stark rise in the number of Nigerian women smuggled to Europe through Italy was observed.¹ In the same years, the number of Nigerian women asking for a refugee status in Austria peaked as well: 100 (2014), 170 (2015), 380 (2016), 265 (2017). The numbers went below 100 again in 2018 and 2019.² The number of newly registered sex-workers from Nigeria in Austria has gone through a similar peak, as the statistics from the capital city of Wien show: 17 (2012), 42 (2013), 101 (2014), 165 (2015), 134 (2016), 55 (2017).³ These numbers only show parts of the reality, as civil society organizations observed that many Nigeria women were not registered. In parallel, stakeholders in Austria have recognized a rise in the number of trafficked

¹ PASCOAL R., *Stranded: The new trendsetters of the Nigerian human trafficking criminal networks for sexual purposes*, BINIs, Palermo: CISS, 2018

² EUROSTAT (2020)

³ *Meldestelle für Prostitutionsangelegenheiten* (2018)

Nigerian women for the purpose of sexual exploitation.⁴ IOM and specialized NGOs estimated in a 2017 report,⁵ that 80% of these Nigerian women who were smuggled to Europe were victims of human trafficking.

7. Our research has indicated that the identification and protection of Nigerian victims of trafficking by Austrian authorities have been insufficient. No Nigerian woman was identified as a victim of human trafficking in 2015, 5 in 2016 and 14 in 2017 (*Austrian Police Crime Statistics*). Prosecution of perpetrators has been lacking as well. The last conviction involving traffickers of Nigerian women dates back to 2010. In order for victims of trafficking to be identified as such in Austria, they have to testify and be identified by the police. In practice, this is something these victims are mostly unable to do.
8. According to research conducted by *Herzwerk – Initiative for People in Prostitution*⁶ and the INTAP project⁷, the reasons for the victims not to testify are the following:
 - a. Victims of trafficking are often not aware of their rights and do not identify themselves as victims of trafficking entitled to protection. Even when they apply for asylum, they invent a story rather than exposing their true situation.
 - b. Women from Nigeria believe they are under the “juju curse” – magical practices meant to bind the women into trafficking. Before their travel to Europe, women are forced to participate in such a ceremony where they place themselves and their relatives under a curse if they denounce their traffickers or leave them before having paid back their “debt”. The women strongly believe that being under such a curse, leaving their current masters will stir dramatic maledictions upon them and their relatives.
 - c. Threats of violence against them and against family members back in Nigeria is another reason why many women remain silent.
 - d. Nigerian women do not trust the police, as they come from a background where they perceive the police as corrupt and accomplice of the traffickers. Besides, they are often stopped by the police as sex-workers and fear to be deported, if their claim for asylum is not recognized.

⁴ Herzwerk – Initiative for People in Prostitution, *Best practices In tackling trafficking Nigerian Route (BINIs) – Austrian National Report*, 2018, p.54. This study is one of the main source of the current report. The study is based on research and interviews with 100 experts from different sectors such as civil society, government, judiciary, migration, health.

⁵ IOM (2017): *Flow monitoring surveys. The human trafficking and other exploitative practices indication survey. Analysis on migrants and refugees from Nigeria travelling along the central Mediterranean route*, Sept. 2017, p. 9. Online:

http://migration.iom.int/docs/Analysis_Flow_Monitoring_and_Human_Trafficking_Surveys_in_the_Mediterranean_and_Beyond_Nigerian_nationals.pdf

⁶ *Best practices In tackling trafficking Nigerian Route (BINIs) – Austrian National Report*, Herzwerk – Initiative for People in Prostitution, 2018

⁷ Intersectional Approach to the Process of Integration in Europe for Survivors of Human Trafficking from Nigeria and China (2019-2020) - <https://intap-europe.eu/>

- e. When victims accept to testify, their testimony is not a sufficient element of proof to convict the traffickers, if there are no additional proofs such as intelligence gathered by police surveillance. The absence of convictions of traffickers' acts as a deterrent to denounce them.

Recommendations:

9. **Identification of victims of trafficking should better take into account the constraints and coercion mechanisms specific to the country of origin of the person in order to improve identification rates.**
10. **Access to victims' rights, including residency permit, should be offered to victims of trafficking independent of their willingness to make a statement with the police.**
11. **Increase surveillance and investigation into trafficking networks, in order to gather strong evidence for the prosecution of perpetrators.**
12. **Expand and systematize existing training on human trafficking for concerned professional groups such as the police and health professionals, as well as for public servants working in the area of asylum and migration.**
13. **Increase support to and collaboration with civil society organizations in order to identify victims of trafficking and provide them adequate protection.**