



A4

Crossing borders for effective police investigation
to protect female victims of sex trafficking
and enhance accountability mechanisms

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D2.3 Summary of primary and secondary research findings report

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Task Description

T2.1 Conduct research aiming at documenting the existing culture of impunity, by addressing systemic failures that produce and reproduce a non-punishment habitat for perpetrators.

This activity aims to provide a sound evidence base on the gaps and needs related to the investigation and prosecution of sex trafficking in human beings with women and girls as victims, and toward the development of the A4 action plan, ultimately aiming to contribute to the A4 project's goal of countering impunity for the perpetrators of sex THB and enhancing the protection of victims. The activity comprises comparative research on the case law of the European Court of Human Rights concerning violations of article 4 European Convention on Human Rights by the partner countries; primary case file research on sex THB, performed by practicing lawyers from Bulgaria and Greece, specialising in human trafficking; and key informant insights collected through focus groups organised in all partner countries.

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Deviations & Mitigation

The Summary of the primary and secondary research findings report was introduced as a new deliverable, following the amendment of the A4 project's Grant Agreement with the European Commission. The summary was delivered on schedule, in accordance with the due date set in the new GA.

Performance of Partners

The Summary of the primary and secondary research findings report was drafted by Zoi Anna Kasapi, the A4 scientific coordinator for CECL, based on the content of D2.1 - Primary and secondary research findings report, which was drafted under the coordination of CECL.

Steering Board Approval

The Steering Board deems this deliverable to be fulfilled satisfactory and the internal reviewers' comments to be sufficiently addressed and integrated.

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INTRODUCTION

The present document is a summary of the Primary and secondary research findings Report deliverable, produced in the context of the A4 project. The aim of the Summary is to present in a condensed, concise manner the key findings of our research on the gaps and needs related to the investigation and prosecution of sex THB of women and girls in Greece and Bulgaria.

The A4 research was conducted between April and October 2021, and comprised the following components:

- Comparative research on the recent case law of the ECtHR concerning violations of article 4 ECHR by Austria, Bulgaria and Greece;
- Case file research of ten (10) concluded or ongoing criminal cases from Bulgaria and Greece, concerning the sex THB of women and girls in these countries (anonymised);
- Data collection from key informants (National Rapporteurs, police officers and officials, members of the judiciary, etc.) on the various legal, policy and practical barriers to the effective investigation and prosecution of sex THB, conducted via five (5) focus group discussions organised in Austria, Bulgaria and Greece.

The A4 team would like to extend special thanks to the experts who contributed to the research, in particular to the lawyers who conducted the case file research in Bulgaria and Greece:

Dilyana Giteva, Natasha Dobрева, Neliya Petkova, Panagiotis Panagiotopoulos, Krystalia Anna Iordanidou, Maria Vrachnou, Eirini Vlachou.

ABBREVIATIONS

CoE	Council of Europe
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
ECHR	European Convention of Human Rights
ECtHR	European Court of Human Rights
EU	European Union
GA	Grant Agreement
LEA	Law Enforcement Agency
MS	Member State(s)
NGO	Non-Governmental Organisation
NRM	National Referral Mechanism
THB	Trafficking of Human Beings

BACKGROUND

Trafficking in Human Beings (THB) is both a crime and a serious violation of human rights. This might seem obvious; however, it creates a very complex environment for states, which need to effectively join forces to prevent THB, prosecute trafficking networks, and protect the victims. THB impacts people and states globally, as it is quite often a cross – border phenomenon. Despite the gravity of the issue, data reveal only 1 prosecution for every 2,154 female victims of sex THB globally results in a conviction (2020). Greek northern borders are one of Europe's main backdoors for sex traffickers. To address this issue, the A4 Project aims to enhance accountability for perpetrators and protection for women and girl victims through a police-led, resilient mechanism in the EU south-eastern border. To this end, it comprises joined activities and the exchange of knowledge and good practice between competent actors in Austria, Bulgaria, and Greece.

Austria is a country of destination and transit of THB victims; most victims are women, and the most frequent form of exploitation remains sexual exploitation.¹ Third-country nationals made up 57% of all victims of sexual exploitation identified by the police in 2017. Victims of human trafficking originate mainly from Eastern Europe, Africa and Asia. According to statistics kept by LEFÖ-IBF and MEN VIA (specialised NGOs dealing with female and male victims of trafficking, respectively), the number of presumed and identified victims of THB in 2018 was 385 (339 female, 46 male).

Bulgaria is a country of origin for trafficked persons and a transit country for THB victims. Bulgaria is an entry point for migrants from Middle East and Asia to Western Europe. However, the latest GRETA (Group of Experts on Action against Trafficking in Human Beings) report for the country points out that no victims of THB have been identified amongst asylum seekers and that most of the identified victims (around 65%) were Bulgarian women and girls trafficked abroad for the purpose of sexual exploitation.²

Greece is traditionally a country of destination and transit for THB victims – a situation that has been aggravated because of the flows of people fleeing their countries towards Europe after 2015, but also because of the economic and social crisis that plagued the country since 2009. THB is linked to poverty and collapse of the welfare state that enhances the vulnerabilities of victims but also makes their detection, identification, and protection more difficult.³ According to the National Referral Mechanism for the protection of victims of human trafficking, the institutional mechanism collecting THB statistics, 154 THB cases were reported in 2019 and 167 new THB cases in 2020, with the sexual exploitation of women remaining the main form of exploitation amongst reported cases.⁴

All three countries have different characteristics regarding THB, but in all of them the predominant form of exploitation is sexual exploitation and the predominant sex of the victims is the female one. Furthermore, they are all part of the European legal environment for the prosecution of the trafficking networks and the protection of the victims.

Below follows a summary of the key insights produced in our research in relation to the law and practices contributing to the ineffective investigation and prosecution of the crime and the insufficient protection of its victims, as well as good practices identified primarily in the Austrian context.

¹ <https://rm.coe.int/greta-2020-03-fgr-aut-en/16809eb4fd>

² <https://rm.coe.int/greta-evaluation-report-on-the-implementation-of-the-council-of-europe/1680a249f9>

³ <https://rm.coe.int/greta-2017-27-fgr-gre-en/168075f2b6?fbclid=IwAR3Awm-wbHC-GcStEFu3wbmRGlagxUSNpAscJSCzZfvJzox2VzYeKITJfak>

⁴ https://www.ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM_REPORT_2020_fin.doc.pdf

The legal framework.

International and regional provisions on THB. The main international instrument prohibiting THB is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime (the Palermo Protocol).⁵ Article 3 of the Palermo Protocol, which is the first international instrument that gave a definition of THB, defines it as the following: "*Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices like slavery, servitude or the removal of organs.*" This definition refers to three key elements of THB: the act, the means, and the purpose.

Article 5 of the Palermo Protocol obliges states to criminalize THB, and Article 6 requires states to "consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking".

A number of other international legal instruments, all binding for the consortium countries, contain provisions related to THB, including the Convention on the Rights of the Child, the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2000), the Council of Europe Convention on Action Against Trafficking in Human Beings, and the European Convention on Human Rights, in its Article 4. The consortium MS are additionally bound by the EU anti-trafficking Directive (Directive 2011/36/EU) which imposes to EU Member States an obligation to have adequate criminal procedures in place to prosecute perpetrators as well as a duty to create an effective and comprehensive victim protection framework. All MS have concluded the transposition of the Directive into their domestic legal framework.

Domestic frameworks. In response to the above international and regional obligations, the consortium MS have criminalized THB as a standalone crime, in accordance with the definition of the Palermo Protocol, albeit with some deviations. Below follow some distinguishing features of the three consortium countries' legal frameworks in relation to the investigation and prosecution of sexual THB, as well as the protection of its victims.

In addition to the criminalisation of 'ordinary' THB, **Austrian** criminal law also contains special provisions on the crimes of *cross border prostitution, trafficking, and exploitation of a foreigner*, on the basis of which it punishes trafficking of women with the purpose of sexual exploitation. The Austrian framework is very focused on victim protection and has established a number of procedures and mechanisms that can be viewed as good practice. A mandatory referral mechanism is in place, whereby every victim identified by the police is mandatorily referred to support services. This mechanism forms the basis for the effective intervention of victim support organisations. The Federal Security Police Act (Sicherheitspolizeigesetz - SPG) and the Code of Criminal Procedure contain the legal basis for the cooperation between recognised victim support organisations (typically NGOs), and the police, as well as the obligation for both legal and psycho-social assistance to victims from the pre-trial stage and throughout the proceedings.

Other important provisions of Austrian law in relation to victim support concern 1) the possibility to obtain legal residence for the whole duration of both the criminal and the civil proceedings; 2) the fact that civil monetary claims can be brought forth during the criminal proceedings, expediting victim compensation.

Bulgarian law does not consider the use of special means (such as coercion, deceit, kidnapping, unlawful deprivation of freedom, the use of a condition of dependency, abuse of power, through promising, giving or receiving profits) as a part of the legal definition of THB, but instead as aggravating circumstances. Our research identified one key bottleneck to the investigation and prosecution of THB in the Bulgarian law on criminal procedure, in relation to the summoning and examination of material witnesses. Specifically, the authorities' inability to locate a material witness (who often times may not want to be found) can lead to the suspension of the proceedings, causing their prolongation for years at a time in certain cases, and often resulting in them being time-barred due to the expiration of the statute of limitations. This can be particularly

⁵ <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

problematic in cross-border cases, where some of the witnesses may reside abroad, rendering their detection more difficult and requiring the cooperation of authorities from different countries.

Greek legislation, apart from the specific crime of human trafficking, contains special provisions to protect children who have fallen victims to induction to prostitution (pandering), sexual assault for money, sexual tourism, child pornography, and online grooming. Child victims of these crimes are treated as THB victims and may be officially recognised as such. In this regard, a specialized procedure is in place, allowing for the one-step official recognition of a person as victim of THB, before and regardless of the initiation of the prosecution. The competent prosecutor may issue a decision officially recognising someone as a victim of THB without the latter submitting a request to this effect, and with a low threshold of probability that the crime of THB has actually been committed. The prosecutor's decision remains valid until potentially revoked following the conclusion of the trial. In practice, prosecutors tend to award limited duration to their victim recognition decisions, despite the absence of a relevant legal basis allowing them this discretion. Issues related to the practical application of this process are highlighted below, in the chapter on cooperation.

Important update! The Greek criminal law underwent in depth reforms in July 2019, resulting in a new Penal Code and Code of Criminal Procedure. A contentious provision in the new Penal Code concerned the abolition of pandering and induction to prostitution as a criminal offence in cases involving adults (it was maintained for child victims), and the incorporation of its elements which are related to exploitation into the provision regulating THB. Although favourably received by the civil society, primarily due to rendering penalties for perpetrators more severe, law enforcement and members of the judiciary that participated in the A4 research were generally sceptical, citing the lower threshold of proof required under the previous provision to prosecute pandering, substantiate a case, and bring perpetrators to justice (especially in light of the discretion to modify the charges to THB at a later stage of the proceedings). The provision was amended anew, in November 2021, following the conclusion of our research. The new provision reintroduces pandering for adults as a separate offence, excluding cases of exploitation which remain under the scope of the THB provision.

ECtHR case law

The landmark case of *Rantsev v. Cyprus and Russia*⁶ has set the stage for the handling of THB cases by the European Court of Human Rights. ECtHR typically deals with THB in the context of Article 4 ECHR, which prohibits slavery, servitude, and compulsory labour. The Court has established the following principles on the interpretation of Art. 4:

- THB, by its very nature, is similar to slavery: it treats human beings as commodities to be bought and sold for forced labour, and often involves the use of violence and threats.
- Although THB is not *per se* prohibited by the ECHR, the Court makes reference to the international legal framework on THB for its definition and the states' obligations to combat it and protect its victims.
- The aim of the ECHR is to protect human rights in a practical and effective way in the light of present-day conditions; CoE MS must take all positive measures to protect victims of A4 violations, including a comprehensive legislative and administrative framework encompassing relevant criminal, migration and business law provisions, as well as operational measures to protect actual or potential victims.
- Operationally, States must demonstrate that where they 'were aware, or ought to have been aware, of circumstances giving rise to a credible suspicion that an identified individual had been, or was at real and immediate risk of being trafficked or exploited', they have the capacity to remove that individual from the situation of risk'.
- The investigation and prosecution of THB must be performed on the state authorities' own motion and not rely on the victims' reports.

Overall, ECtHR case law on THB is limited. Based on the above interpretative principles, the Court has found Greece to have been twice in violation of A4 ECHR in relation to sexual trafficking of women⁷ and once more for forced labour; Bulgaria has been convicted once for THB with the purpose of sexual exploitation but on the

⁶ https://ec.europa.eu/anti-trafficking/sites/default/files/rantsev_vs_russia_cyprus_en_4.pdf.

⁷ Cases *L.E. v. Greece* available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-160218%22%5D> (not in English) and *T.I. and others v. Greece* available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-194441%22%5D> (not in English)

basis of Article 3 ECHR, which prohibits torture, and without reference to Article 4⁸, while another case is currently at the stage of communications to the Parties⁹; Austria has never been involved in a sex THB case before the ECtHR. A case was brought against it for forced labour in the form of domestic servitude, but the Court found no violation of A4.

In its case law on **Bulgaria**, the Court has pointed out the excessive length of the proceedings, which is both detrimental to the victim and can result in impunity. Most importantly, the Court underlined that *"it had already, in over 45 judgments against Bulgaria, found that the authorities had failed to comply with their obligation to carry out an effective investigation and considered that these recurrent shortcomings disclosed the existence of a systemic problem"*.

The Court has pointed out similar deficiencies in relation to **Greece**, underlining the following issues: excessive length of the proceedings, including an unreasonable amount of time to officially recognise sex THB victims as such; failure of the authorities to act on their own motion and carelessness in the handling of the case (e.g., misplacement of depositions); failure to conduct an effective and sufficient investigation, including by pursuing international cooperation where needed.

⁸ Case S.V. v. Bulgaria available at <https://hudoc.echr.coe.int/eng#%7B%22languageisocode%22:%5B%22FRE%22%5D%2C%22appno%22:%5B%2229263/12%22%5D%2C%22documentcollectionid%22:%5B%22CHAMBER%22%5D%2C%22itemid%22:%5B%22001-152630%22%5D%7D>

⁹ Case W. against Bulgaria communication available at <https://hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%2218269/18%22%5D%2C%22itemid%22:%5B%22001-210388%22%5D%7D>

POLICY & PRACTICE

Most of the bottlenecks identified in our research are linked to policy and practice in relation to the investigation and prosecution of sex THB in Bulgaria and Greece. The barriers mainly concern the length of the proceedings, the sentencing of the perpetrators, the procedural treatment of the victim, and the training of key actors involved in the investigation and prosecution of the offence.

Length of the proceedings. A key issue identified in relation to bottlenecks to the prosecution of sex THB and to the protection of victims in Greece and Bulgaria is the overall length of the criminal proceedings, often spanning several years since the crime was committed. In addition to being highly problematic in relation to the administration of justice in accordance with the principles of a fair trial, this issue is decisively conducive to the impunity for perpetrators. It often leads to the proceedings being time-barred due to the expiration of the statute of limitations for one or more of the offences charged. Moreover, in certain cases, it also leads to the reduction of the sentence in favour of the perpetrator, due to fair trial considerations linked to the reasonable duration of the trial being exceeded. Furthermore, it impinges on the evidentiary process, especially as regards the examination of witnesses, who may often end up not testifying or revoking their statements, as the excessive length of the proceedings leaves them exposed to threats and coercion by the perpetrators for a prolonged period of time.

Last but not least, the excessive length of the proceedings severely impacts the victims, who are also, in most cases, material witnesses to the case, and are placed under a constant threat to their wellbeing and, often, their lives, for as long as their abusers remain free and unpunished. Victims are subjected to chronic stress and often experience severe adverse psychological effects caused by the prolonged proceedings. Their personal lives suffer in various ways due to their involvement in the case, and they report being unable to "move on" for as long as the proceedings linger.

The factors leading to the prolongation of the proceedings vary and are often unclear. The summoning of witnesses in Bulgaria has clearly been identified as one such factor. Delays linked to cross-border cooperation are also cited as contributors to the length of the proceedings. Bulgarian practitioners specifically complained about Greek courts being notoriously slow with processing requests for judicial cooperation. However, it generally appears that the delays are linked to well documented chronic deficiencies in the administration of criminal justice, overall (see, for example, the multiple convictions of Greece by the ECtHR for the violation of article 6 of the Convention due to the excessive length of the criminal proceedings) as well as to differences between the two jurisdictions and their legal frameworks.

Sentencing. The sentencing of perpetrators remains inconsistent. In certain cases, the penalties imposed are manifestly disproportionate to the disapprobation of the offence committed. This can be attributed to several factors, including difficulties in substantiating the charges, due, for example, to the withdrawal of testimonies due to the coercion of the witnesses or the inability to locate material witnesses in the first place. Deficiencies in cross-border cooperation between law enforcement authorities are cited as a contributing factor in the latter case. The length of the proceedings also plays a part, as mentioned, with the statute of limitations expiring for certain charges or the sentence being reduced based on fair trials considerations in favour of the perpetrator. Finally, Bulgarian criminal procedural law allows for plea bargaining which can also lead to reduced sentences in many cases.

The application of the relevant legal framework by the courts appears to also be at fault for the impunity of the perpetrators in some of the cases examined. Specifically, the notion of the victims' consent, a crucial element for the substantiation of the crime of trafficking, is often misapplied, leading to the perpetrators being exonerated or convicted for lesser crimes. The element of "transportation" appears to be often misconstrued by Bulgarian courts, leading to them unduly considering the cross-border transfer of the victim as an intrinsic element of the crime of human trafficking, and, therefore, to being hesitant to prosecute on the basis of that charge when this element is missing.

The findings of the present research may, however, suggest a slight shift toward the more proportionate and appropriate sentencing of sex THB perpetrators, which could be attributed to the increased awareness of judicial authorities regarding the crime of human trafficking, to the investigation of the crime by specialised police forces, and to changes in the applicable legal framework.

Procedural treatment of the victim. Although clearly laid down in law, the application of the procedural safeguards in place for the protection of victims appears to be severely lacking in practice both in Bulgaria and in Greece. The most prominent findings of our research in this regard concern the procedure applied to conduct the victims' interviews and the criminalisation of the victims.

The procedure followed for the victims' interviews has emerged as one of the most problematic aspects in the investigation and prosecution of sex THB in Bulgaria and Greece. Even though a comprehensive net of procedural safeguards is in place to ensure that the victims receive appropriate support during this process and that repeat victimisation is avoided, all authorities involved appear to lack the requisite knowledge of the applicable framework and to almost entirely disregard it in most cases.

Despite the fact that a relevant obligation exists in law, at the stage of the investigation, police usually neglect to summon specialists (expert psychologists, social workers, etc.) to psychologically support and prepare the victim for their interview, as well as to conduct a psychological evaluation and possibly assist with their referral to the appropriate support services. As a result, the collection of evidence suffers and the victim is further traumatised. It should be noted, at this point, that a clear difference has been shown to exist as regards the knowledge of the applicable protective framework and the overall treatment of victims, between non-specialised police officers and police officers assigned to specialised anti-trafficking units. Furthermore, the victim is usually called to provide a statement multiple times throughout the investigation, with the infrastructure for their recording either missing or not being utilised. Authorities have often exhibited a shocking neglect in ensuring that the victim does not come into contact with their abuser during the investigation, going as far as to summon them both to provide statements at the same place and at the same time or to allow their cross-examination (in Bulgaria).

Finally, the provisions allowing the victim to not be present at the trial are generally disregarded. Protective provisions regarding the conditions and procedure to be followed for the provision of additional statements (at the victim's residence, using predetermined questions, and with the support of a psychologist) are often completely ignored. Multiple depositions may at times be attributed to the police not following the appropriate procedure in the first place, forcing judicial authorities to repeat this particular investigative act. However, the latter also ends up summoning the victim multiple times, including in the context of the main proceedings. Specifically, the provisions allowing for the victim's statement, taken at the pre-trial stage, to be read in court, when made use of at all, are viewed as supplementary to their physical presence. Hence, the victim is summoned to testify in person, often within a few metres from the perpetrator, while their statement is also being read.

In terms of victim criminalisation, many of the victims involved in the cases examined in the context of the A4 research have faced charges related to sex THB in various stages of the criminal proceedings. They are charged as accomplices to the perpetrator or with crimes related to the main charge, such as prostitution, illegal entry into the country, forgery of legal documents, etc. Depending on the stage of the proceedings, this can be attributed to issues related to the identification or the official recognition of the victim, as well as to the erroneous application of the relevant legal framework, in particular as regards the notion of consent. In addition, slow or ineffective cross-border judicial cooperation may lead to victims facing charges in separate proceedings initiated in different countries. This is observed even in cases where they have been officially recognised as a victim of sex THB and the perpetrator of the crime has been convicted. Fortunately, in most cases, the victim is not convicted.

Other issues related to victim protection, which have emerged during the research, include the overall lack of measures aimed at the physical protection of the victim during the proceedings, for example through a restraining order against the perpetrator, and the limited use of the procedure for the official recognition of the victim by Greek prosecutors (an update on this issue is included below, in the 'Cooperation' chapter).

Training. The lack of specialised training for all actors involved in the investigation and prosecution of sex THB has been highlighted throughout our research. It is telling that all actors invited to participate in the A4 focus group discussions – from the National Rapporteur, to police officers, to judges and prosecutors – mentioned the urgent need for training completely unprompted.

As regards the police, there is a striking difference in the level of knowledge on sex THB between regular police officers and police officers of anti-trafficking units. The latter receive specialised training, both initial and continuous, which is evident in their detailed knowledge of the applicable framework, the perpetrators' modus operandi, and current trends, as well as in their approach to the victims. Although they do report that their major problem lies with locating victims, they seem confident in their ability to identify a victim if they come into contact with them, citing various telling factors linked to their behaviour, their interaction with the person accompanying them, their story, etc. Specialised police officers also report participating in bilateral and multilateral exchanges with their counterparts from other countries, and are knowledgeable on the tools and procedures for cross-border cooperation.

On the contrary, regular police officers, even those working in areas which fall across well documented routes of traffickers, are overall unaware of the relevant framework and applicable procedures, and have openly admitted to not being confident in their ability to identify a sex trafficking victim, unless perhaps they bore visible signs of physical abuse. The vast majority of the police officers who participated in the research have not had any training related to human trafficking whatsoever.

Judges and prosecutors also admit to the lack of specialised training on THB but are reluctant at best when it comes to introducing relevant specialisations in their ranks, citing conflicts with the principle of the natural judge.

Finally, civil society actors raised the need for specialised training for other state and non-state actors potentially coming into contact with victims, such as lawyers, medical personnel, etc.

CROSS-BORDER & CROSS-SECTORAL COOPERATION

Cooperation among actors from different sectors and countries along trafficking routes is a key factor in the successful investigation and prosecution of sex THB. It involves the procedures, mechanisms, practices and attitudes in place to ensure efficient communication and assistance between and among competent police and judicial authorities, joined cross-border investigations of sex THB, and referral of victims to appropriate support services.

For the purposes of the A4 research, we examined cooperation at the national level in the Greek context, while cross-border cooperation was discussed in the Bulgarian context.

Our research regarding **cooperation at the national level** focused on the existence and effectiveness of communication channels between LEAs and judicial authorities, as well as between them and the civil society (primarily NGOs that offer legal and psychosocial assistance to victims).

Representatives of LEAs and judicial authorities that participated in focus group discussions organised in Greece, reported the collaboration among them to be exceptional. Police officers said that their communication with prosecutors is excellent and that they are at liberty to call them informally and seek guidance. Nevertheless, the A4 case file research reveals serious gaps in this cooperation that contribute to the ineffectiveness of sex THB investigations. A key issue is the coordination of the investigation after the prosecutor files the charges. The court cases examined indicate that collection of evidence often stops – for the most part – at that time, resulting in potentially substantial information to never reach the court. In addition, there is a documented lack of coordination when it comes to the victims' depositions, often leading to repeat victimisation. The victims are frequently called upon to give multiple statements, both during the initial stages of the investigation performed by the police, and at later stages, before an investigating judge. This has resulted in victims coming into contact with their abusers in precincts and courts during the pre-trial stage of the criminal proceedings, being retraumatised and potentially intimidated – with an obvious impact on the investigation and prosecution of the crime. Repeated summoning of the victims is attributed to gaps in their initial depositions, as well as to procedural errors and omissions which necessitate that the relevant acts are repeated for the procedure to be valid. Closer collaboration of police officers with the investigating judge could contribute to a solution to this issue.

Cooperation between competent authorities and the civil society, as well as among the various competent actors, could also be substantially improved. At the outset it should be noted that police officers consider their collaboration with NGOs, the National Centre for Social Solidarity, which administers the National Referral Mechanism in Greece, as well as the Office of the National Rapporteur on Trafficking in Human Beings, to be outstanding. Special mention was made to the Greek chapter of the NGO A21, which organises regular trainings for police officers. Nevertheless, they have also mentioned, on various instances, the need for better interconnection and communication between LEAs and victim support organisations.

On the other hand, participants representing the civil society appeared to be ambivalent when it came to talking about their collaboration with the competent authorities (it should be noted that the issue was discussed in a joint focus group discussion). Overall, our research reveals important deficiencies in relation to the identification and referral of victims to victim support services, especially in cases handled by non-specialised units. Members of the civil society offering legal representation and aid to sex THB victims have complained, in particular, about the official recognition process, which results in dismissive decisions in the majority of cases.

Important update! The issues related to the application of the framework on the official recognition of victims in Greece have been acknowledged by the Prosecutor's Office at the Supreme Civil and Criminal Court (Areios Pagos), a body competent, among others, to issue guidance on legal matters, addressed to the country's prosecutors. In an opinion issued in May 2022, the Prosecutor's Office notes that despite most cases referred to prosecutors by LEAs coming with a positive recommendation on the recognition of the person concerned as a THB victim, prosecutors tend to reject the majority of them, while the remaining decisions award limited duration to the status of THB victim.

The Prosecutor's Office framed this as an issue of effective cooperation and opined that the most crucial element to be taken into account in the official recognition of a THB victim is the assessment performed by the service or authority that first came into contact with the victim, such as LEAs, labour inspection services, custom offices, migration authorities, consular authorities, and NGOs acting as victim support services, in particular if they had the opportunity to investigate and assess the conditions of the victim's discovery. The Prosecutor's Office proceeded to instruct Greek prosecutors not to dismiss requests which they deem to be incomplete or which are accompanied by a victim support service or authority report that is vague or ambiguous, but instead to revert the request or report in order to have it completed. The same should be done in cases where appropriate procedure wasn't followed.

Another topic raised by the civil society is the proliferation of various actors dealing with different aspects of victim support, and the need to coordinate their activities in an effective manner, to the benefit of the victims. In this respect, the coordination of CSOs and NGOs active in the field in the context of the National Referral Mechanism (the NRM administrator is an A4 partner is recognised as an effective mediating and facilitating instrument.

As regards **cross-border cooperation**, the competent authorities capitalise on the work performed and the tools provided by EU and international bodies (INTERPOL, EUROPOL, SELEC). Police investigation is reported to be efficient and smooth between LEAs in cases unfolding within the EU. In addition, joined investigation teams formed under the umbrella of SELEC have proven quite effective. The SELEC channel has also been used quite successfully to contact competent authorities of the Member States of the SELEC Convention. However, police officers report serious communication issues with the authorities of third countries, in cases with an international dimension. The relevant problems, both in relation to EU and to non-EU cases, usually concern the absence of appointed contact officers for THB cases, as well the gathering of evidence from multiple jurisdictions.

On the other hand, research participants report deficiencies in relation to judicial cooperation, which pose obstacles to the effective investigation and prosecution of sex THB. Participants have highlighted specific problems with regards to the implementation of instruments for judicial cooperation (European Investigation Order, European Arrest Warrant, Mutual Legal Assistance Treaties, etc.). Bulgarian stakeholders attribute the relevant issues to delays in the executing state, mentioning the delays/resistance in the processing of relevant requests by the Greek and Cypriot authorities, in particular – delays which have, in more than one occasion, caused the suspension of the criminal proceedings in Bulgaria. The research participants have stated that they chiefly rely on personal and professional relations to contact their counterparts when investigating cross-border cases of THB, in many of the cases investigated, judicial authorities in one state were completely unaware of parallel proceedings in another, and were notified with extreme delay to the detriment of both the victim and the administration of justice.

GOOD PRACTICES

Good practices recorded below are drawn from the Austrian framework on combating sex THB and protecting the victims.

Legal framework. A comprehensive, victim-centred legal framework for the protection of THB victims is in place in Austria, geared toward facilitating their involvement in the criminal proceedings and preventing secondary and repeat victimisation. A noteworthy provision concerns the option to file civil claims within the context of the criminal proceedings, allowing the victim to be compensated from any proceeds of the crime recovered by the police. The law also mandates special care to be exhibited during the victim's testimony in court. The victim testifies from a separate room, through videocall, to avoid any contact with the defendant.

Special provisions apply in relation to victims in an immigration context. Legal residency has been awarded to THB victims involved in criminal proceedings since 1998, well before the introduction of the relevant requirement in EU law. Moreover, in a feature unique in the EU, the right to legal residence also applies to civil proceedings initiated independently of the criminal ones, since 2009.

HT Task Force. The Task Force on Combating Human Trafficking was set up in November 2004, under the direction of the Ministry of Foreign Affairs. The Task Force is in charge of elaborating National Action Plans on Combating Human Trafficking and of monitoring their implementation. To this end, the Task Force on Human Trafficking set up an interdisciplinary group of experts in May 2007. A specialised Working Group on Prostitution, which is chaired by the Federal Ministry for Education and Women's Affairs, is composed of experts from the competent ministries, from the federal provinces as well as non-governmental organisations active in this field and experts from the Austrian Federal Economic Chamber and the Austrian Chamber of Labour.

Mandatory victim referral framework. Austria has instituted an efficient Referral Mechanism, based on a robust framework for collaboration between state and civil society actors. Every time the police identify a victim, they follow a clearly delineated path for its referral to the appropriate support services. Victims are referred to CSOs which are officially recognised as Victim Support Organisations (VOs). Their data is automatically transferred to the appropriate VO, which forms part of the HT Task Force. This process takes place irrespective of whether the victim had previously filed a complaint with the police.

Victim support services. The Austrian Code of Criminal Procedure establishes a Legal and Psycho-Social Trial Assistance scheme (Rechtliche und Psychosoziale Prozessbegleitung, §66b StPO), provided by private actors (NGOs), in close collaboration with state authorities. An interdisciplinary approach, combining both legal and psycho-social elements, is followed, ensuring that victims receive the appropriate support throughout the different stages of the criminal proceedings (pre-trial, first instance, appeal). This support includes legal assistance which extends beyond the proceedings themselves and may be offered prior to their initiation. Experts cite this as a good practice to minimise secondary victimisation.

Training. The success of the training activities organised for professionals who come into contact with THB victims is based on the Involvement of State (Ministry of Interior JOO), Civil Society, and International (IOM) actors. This is viewed as crucial to overcome organizational and attitudinal barriers toward new knowledge.



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