



Ad-Hoc Query on Cooperation of TCNs victims of THB to the fight against traffickers and illegal immigration

Requested by COM on 14th May 2014

Compilation produced on 1st August 2014

Responses from Austria, Croatia, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Romania, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway (22 in Total)

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1. Background Information

The publication of the second report on the application of Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, is foreseen in the fall 2014. The objective of the Directive is twofold: fighting illegal migration and protecting victims. To this aim and taking also into account the actions identified by the Task Force Mediterranean, the Commission is collecting updated information on trafficking in human beings in connection to this Directive

EMN NCPs are kindly requested to answer the following questions linked to the possible impact of the cooperation of third-country national victims to the fight against traffickers and illegal immigration, which would supplement information already available.

EMN Ad-Hoc Query: Fees for issuance of residence permits to third country nationals



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Please, where available provide information in relation to the years 2010, 2011, 2012 and 2013. Partial data for 2014 are also welcome if available.

1. How many criminal investigations against traffickers in human beings have been initiated through cooperation with a third-country national victim of trafficking in general? How many were initiated in particular through cooperation with a third-country national victim of trafficking, to whom a residence permit under Directive 2004/81/EC was granted?
2. How many of the investigations, which saw the participation of a third-country national victim of trafficking in general led to the opening of criminal proceedings? How many of the investigations, which saw the participation of a third-country national victim having received a residence permit under Directive 2004/81/EC, led to the opening of criminal proceedings?
3. How many of the suspected perpetrators, prosecuted through the cooperation of a third-country national victim of trafficking in general, were found guilty? How many of the suspected perpetrators, prosecuted through the cooperation of a third-country national victim having received a residence permit under Directive 2004/81/EC, were found guilty?
4. Member States are kindly asked to provide answers to the above questions also in relation to persons subject to facilitation of illegal immigration, both in general and for those having been granted a permit under Directive 2004/81/EC (for those Member States who chose to extend the personal scope of Directive 2004/81/EC to this category).




We would very much appreciate your responses by **11th June 2014**.

2. Responses

		Wider Dissemination?	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Croatia	Yes	Q1., Q2., and Q3. Approval of resident permit (temporary stay) to victim of trafficking is not conditioned to its (further) cooperation with police and judicial authorities, so HR do not have data about criminal investigations connected with approval of residence permit. Only condition for approval of resident permit for victim is to accept participation in the overall program of assistance and protection. Granting of temporary stay is prescribed in article 65. in Act on Foreigners. “Temporary stay under humanitarian grounds shall be granted to an alien in the following cases:





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			<p>1. if as a victim of trafficking (hereinafter: the victim), he agreed to participate in an assistance and protection programme,...”</p> <p>In 2011. HR approved 2 residence permits for victim of trafficking (TCN) In 2012. HR approved 2 residence permits for victim of trafficking (TCN) In 2013. HR approved 3 residence permits for victim of trafficking (TCN) In 2014. HR approved 1 residence permit for victim of trafficking (TCN)</p> <p>Q4. HR did not extend the personal scope of Directive 2004/81/EC in relation to persons subject to facilitation of illegal immigration.</p>
	Estonia	Yes	<p>1) Q: How many criminal investigations against traffickers in human beings have been initiated through cooperation with a third-country national victim of trafficking in general? A: 2014 – 0 2013 – 0 2012 – 2 2011 – 0 2010 – 0</p> <p>Q: How many were initiated in particular through cooperation with a third-country national victim of trafficking, to whom a residence permit under Directive 2004/81/EC was granted? A: There have been no cases in 2010-2014</p> <p>2) There have been no cases in 2010-2014.</p> <p>3) N/A</p> <p>4) There have been no such cases in 2010 -2014.</p>
	Finland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	France	Yes	The information requested by the Commission cannot be provided because the French procedure, unlike the ones in force in other European Member States, allows police and gendarmerie to initiate investigations into trafficking in human beings (THB) on recorded factual indications and in the absence of any declaration or complaint of a potential victim of THB. This possibility allows investigators to just not base the opening of the investigation on the statements of the victim to ensure his/her safety. However, a number of people from source countries for prostitution regularly report to the police in order to denounce traffickers but a very small number of these statements actually leads to criminal investigations, either because the matter becomes time-barred, or because the facts occurred abroad, or because the


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			statements are too vague.
	Germany	Yes	<p>In order to prepare a Federal situation report on human trafficking, Germany's Federal Criminal Police Office has been collecting data that is linked to the investigations carried out by the police and includes information on the victims' nationalities. In 2011 in Germany, 116 human trafficking victims were third-country nationals. A total of 672 human trafficking victims were identified where the aim was sexual exploitation or labour exploitation of the victims. In 2012, 107 victims were third-country nationals (out of a total of 626 victims). The figures for 2013 have not yet been published.</p> <p>For the Federal situation report on human trafficking, data has also been collected on who initiates the first contact between police and victims. Filtering such data on third-country nationals has led to the conclusion that in 2011 the police had been contacted by the victims (sometimes accompanied by a third-party) in 36 cases out of 106 investigations carried out with victims from third-countries. In 2012 the police had been contacted by the victims in 27 cases out of 100 investigations with victims from third-countries.</p> <p>Statistical data linking police investigations to the kind of residence permits issued to victims has not been collected.</p> <p>Data and information regarding the questions 2, 3, and 4 is not available.</p>
	Hungary	Yes	<p>Hungary is primarily a source and transit country for women and girls subjected to trafficking for sexual exploitation and to a lesser extent for men and women fallen for trafficking for labour exploitation. No information is available on human trafficking victims of third country nationals as authorities did not identify any as human trafficking victims.</p> <ol style="list-style-type: none"> 1. N/A 2. N/A 3. N/A 4. N/A
	Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Italy	Yes	<p>Over the years (including the years 2010, 2011, 2012 and 2013), Criminal investigation against traffickers have been quite low in number, when compared to the overall migration phenomenon. This is also due to the fact that the Law Enforcement Authorities and the Public Prosecutors' Offices find it difficult to identify "trafficking indicators" or "tell-tale crimes", that is, clues (for instance, prostitution by African women) which may lead to discover trafficking-related crimes and the organisations committing them, in cooperation with the victims.</p> <p>Data and information from the Italian National Anti-Mafia Directorate (DNA)'s Annual Reports are shown below. The responsibility to investigate the crimes provided for in Article 601 of the Italian Criminal Code ("Trafficking and trade of slaves") was devolved to the National Anti-Mafia Directorate (DNA) and, more specifically, to the 26 Italian District Anti-Mafia Directorates (DDA) (coordinated by DNA). Law No. 228 of 2003, in fact, extended the whole anti-mafia legislation to include the trafficking in human beings. The caveat is that,</p>



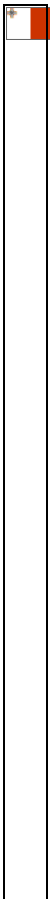
EMN Ad-Hoc Query: Fees for issuance of residence permits to third country nationals

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			<p>at present, the different ways to exploit human beings are not indicated in DDA registries. Also DDA registries do not contain the outcome of initiated criminal proceedings. Therefore, current data and procedures do not allow us to provide complete answers to questions raised in the query.</p> <p>Available data are as follows:</p> <p>Period: 1 July 2012 – 30 June 2013</p> <ul style="list-style-type: none"> - number of trafficking proceedings: 49; - number of suspected perpetrators: 221; - Number of victims: 42. <p>Period: 1 July 2011 – 30 June 2012</p> <ul style="list-style-type: none"> - number of trafficking proceedings: 81; - number of suspected perpetrators: 289; - Number of victims: 142. <p>Period 1 July 2010 – 30 June 2011</p> <ul style="list-style-type: none"> - number of trafficking proceedings: 53; - number of suspected perpetrators: 219; - Number of victims: 87. <p>In Italy we have recorded a decreased interest by the victims of trafficking to apply for and use residence permits. This has a dual explanation: many of them come from countries that are EU members by now (hence they do not need residence permits) and the other victims of (from Africa for the most part) intend to move to other countries, especially in North Europe.</p> <p>Available data indicate that Italian authorities granted 466 temporary residence permits to victims of trafficking in human beings in 2012, and 560 in 2011. At any rate, granting a residence permit is not tied to the cooperation with judicial authorities.</p>
	<p>Latvia</p>	<p align="center">Yes</p>	<p>In the mentioned period from 2010 to 2013 there have been no criminal investigations against traffickers in human beings initiated in cooperation with a third-country national victim of trafficking because no third-country nationals victims of trafficking have been detected in Latvia. Latvia is considered as the country of origin of the victims of trafficking in human beings rather than the transit or destination country for human trafficking.</p> <ol style="list-style-type: none"> 1. – 2. – 3. –





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	Lithuania	Yes	Lithuania has no data on third country nationals' victims of THB cooperating to the fight against traffickers. Lithuania did not issue any residence permits under Directive 2004/81/EC.																																																	
	Luxembourg	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.																																																	
	Malta	Yes	<table border="1"> <tr> <td colspan="2" data-bbox="573 523 1554 555">1.</td> </tr> <tr> <td data-bbox="573 555 1554 587">Criminal Investigations initiated through cooperation with TCN</td> <td data-bbox="1554 555 2092 587"></td> </tr> <tr> <td data-bbox="573 587 1554 619">2010</td> <td data-bbox="1554 587 2092 619">none</td> </tr> <tr> <td data-bbox="573 619 1554 651">2011</td> <td data-bbox="1554 619 2092 651">none</td> </tr> <tr> <td data-bbox="573 651 1554 683">2012</td> <td data-bbox="1554 651 2092 683">2</td> </tr> <tr> <td data-bbox="573 683 1554 715">2013</td> <td data-bbox="1554 683 2092 715">2</td> </tr> <tr> <td data-bbox="573 715 1554 746">2014</td> <td data-bbox="1554 715 2092 746">none</td> </tr> <tr> <td data-bbox="573 746 1554 810">Criminal Investigations initiated through cooperation with TCN to who a residence permit was granted</td> <td data-bbox="1554 746 2092 810"></td> </tr> <tr> <td data-bbox="573 810 1554 842">2010 - 2014</td> <td data-bbox="1554 810 2092 842">none</td> </tr> <tr> <td colspan="2" data-bbox="573 842 1554 874">2.</td> </tr> <tr> <td data-bbox="573 874 1554 906">Criminal Investigations leading to criminal proceedings with the cooperation of TCN</td> <td data-bbox="1554 874 2092 906"></td> </tr> <tr> <td data-bbox="573 906 1554 938">2010</td> <td data-bbox="1554 906 2092 938">none</td> </tr> <tr> <td data-bbox="573 938 1554 970">2011</td> <td data-bbox="1554 938 2092 970">none</td> </tr> <tr> <td data-bbox="573 970 1554 1002">2012</td> <td data-bbox="1554 970 2092 1002">2</td> </tr> <tr> <td data-bbox="573 1002 1554 1034">2013</td> <td data-bbox="1554 1002 2092 1034">2</td> </tr> <tr> <td data-bbox="573 1034 1554 1066">2014</td> <td data-bbox="1554 1034 2092 1066">none</td> </tr> <tr> <td data-bbox="573 1066 1554 1129">Criminal Investigations leading to criminal proceedings with the cooperation of TCN granted a residence permit</td> <td data-bbox="1554 1066 2092 1129"></td> </tr> <tr> <td data-bbox="573 1129 1554 1161">2010 – 2014</td> <td data-bbox="1554 1129 2092 1161">none</td> </tr> <tr> <td colspan="2" data-bbox="573 1161 1554 1193">3.</td> </tr> <tr> <td data-bbox="573 1193 1554 1225">suspected perpetrators, prosecuted</td> <td data-bbox="1554 1193 2092 1225"></td> </tr> <tr> <td data-bbox="573 1225 1554 1257">2010</td> <td data-bbox="1554 1225 2092 1257">none</td> </tr> <tr> <td data-bbox="573 1257 1554 1289">2011</td> <td data-bbox="1554 1257 2092 1289">none</td> </tr> <tr> <td data-bbox="573 1289 1554 1321">2012</td> <td data-bbox="1554 1289 2092 1321">2</td> </tr> <tr> <td data-bbox="573 1321 1554 1353">2013</td> <td data-bbox="1554 1321 2092 1353">2</td> </tr> </table>		1.		Criminal Investigations initiated through cooperation with TCN		2010	none	2011	none	2012	2	2013	2	2014	none	Criminal Investigations initiated through cooperation with TCN to who a residence permit was granted		2010 - 2014	none	2.		Criminal Investigations leading to criminal proceedings with the cooperation of TCN		2010	none	2011	none	2012	2	2013	2	2014	none	Criminal Investigations leading to criminal proceedings with the cooperation of TCN granted a residence permit		2010 – 2014	none	3.		suspected perpetrators, prosecuted		2010	none	2011	none	2012	2	2013	2
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EMN Ad-Hoc Query: Fees for issuance of residence permits to third country nationals

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			2014 through the cooperation of a TCN victim who receive a residence permit 2010 – 2014	none none
	Netherlands	Yes	1.-4. The Netherlands do not keep a registration of these data.	
	Poland	Yes	<p>1. Criminal investigations initiated through cooperation with third-country national victims of THB: 2010 - 5 (including 1 - through cooperation with third country national victims to whom a residence permit under Directive 2004/81/EC was granted); 2011 - 6 (3); 2012 - 5 (2); 2013 - 3 (0); 2014 May - 1 (1).</p> <p>2. Criminal proceedings through cooperation with third-country national victims of THB: 2010 - 4 (including 1 - through cooperation with third-country national victims who were granted a residence permit under the Directive 2004/81/EC); 2011 - 4 (2); 2012 - 4 (2); 2013 - 2 (0); 2014 May - 1 (1).</p> <p>3. This kind of data is not readily available.</p> <p>4. Not applicable. Persons subject to facilitation of illegal immigration are not granted a permit under Directive 2004/81/EC in Poland.</p>	
	Romania	Yes	<p>1.1. – 2</p> <p>1.2. – 0</p> <p>2.1. – 2</p> <p>2.2. – 0</p> <p>3.1. – n/a</p> <p>3.2. – 0</p>	
	Slovak Republic	Yes	<p>1. In 2010, 6 Ukrainian nationals were convicted of trafficking in human beings in accordance with Article 179 (1), (3d) of the Criminal Code as well as of smuggling of migrants in accordance with Article 356 of the Criminal Code. The victims of this crime were 41 Ukrainian nationals. All the victims had a residence permit for the purpose of employment or business. In 2011 – 2013, there were no such cases of human trafficking with third country nationals as victims. In 2014, criminal proceedings were instituted and 2 Slovak nationals were charged of trafficking in human beings in accordance with Article 179 (1) of the Criminal Code and the aggrieved person was a Ukrainian national. The aggrieved person does not have a residence permit in the Slovak Republic. Since 2010, there were 2 people granted a residence permit in accordance with the Directive 2004/81/EC.</p> <p>2. The case from 2010 led to the opening of the criminal proceedings, the case from 2014 is still in the process of investigation.</p> <p>3. In 2010, the perpetrators were not found guilty of trafficking in human beings. 6 perpetrators were condemned of smuggling of</p>	


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			migrants in accordance with Article 356 of the Criminal Code. The judgment is still not valid.																																								
			4. N.A.																																								
	Slovenia	Yes	<p>1. Under Slovenian legislation, the definition of THB is provided in Article 113(1) of the Criminal Code (CC) which states: “Whoever purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or uses them in any other way, or acts as a broker in such operations, for the purpose of prostitution or another form of sexual exploitation, forced labour, enslavement, servitude, commission of criminal offences or trafficking in organs, human tissues or blood, shall be, notwithstanding possible consent by this person, given a prison sentence of between one and ten years.”</p> <p>Investigations against traffickers in human beings initiated through cooperation with a third-country national victim of trafficking in general.</p> <table border="1"> <thead> <tr> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> <td>2</td> <td>1</td> <td>1</td> </tr> </tbody> </table> <p>2. - Investigations, which saw the participation of a third-country national victim of trafficking in general led to the opening of criminal proceedings.</p> <table border="1"> <thead> <tr> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> <td>2</td> <td>1</td> <td>1</td> </tr> </tbody> </table> <p>- Number of victim, who have received a residence permit under Directive 2004/81/EC.</p> <table border="1"> <thead> <tr> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> <td>1</td> <td>2</td> <td>1</td> </tr> </tbody> </table> <p>3. - Number of suspected perpetrators in general</p> <table border="1"> <thead> <tr> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	2010	2011	2012	2013	2014	1	1	2	1	1	2010	2011	2012	2013	2014	1	1	2	1	1	2010	2011	2012	2013	2014	1	1	1	2	1	2010	2011	2012	2013	2014					
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5	16	11	15	1														
2010	2011	2012	2013	2014														
0	0	0	0	0														
 Spain	Yes	<p>1. Criminal investigations against traffickers in human beings initiated through cooperation with third-country nationals victims of trafficking: 2011: 9 2012: 17 2013: 25 We cannot determine how many of these victims (and not others) were granted residence permits.</p> <p>2.</p> <table border="1"> <thead> <tr> <th>YEAR</th> <th>NUMBER OF VICTIMS RECOGNISED IN INDICTMENTS OF THE PUBLIC PROSECUTOR</th> </tr> </thead> <tbody> <tr> <td>2010</td> <td>94</td> </tr> <tr> <td>2011</td> <td>56</td> </tr> <tr> <td>2012</td> <td>52</td> </tr> <tr> <td>2013</td> <td>101</td> </tr> </tbody> </table> <p>3.</p>	YEAR	NUMBER OF VICTIMS RECOGNISED IN INDICTMENTS OF THE PUBLIC PROSECUTOR	2010	94	2011	56	2012	52	2013	101						
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			YEAR	NUMBER OF VICTIMS RECOGNISED IN SENTENCES				
			2010	N/A				
			2011	N/A				
			2012	25				
			2013	28				
			4. (Spain has not extended the scope of Directive 2004/81/CE to persons subject to facilitation of illegal immigration).					
	Sweden	Yes		2010	2011	2012	2013	
			Number of initiated criminal investigations	84	98	69	83 but only 2 individuals were deemed victims of THB on reasonable ground	
			Number of opened criminal proceedings	7	6	7	2	
			Number of persons found guilty	7 (but 1 considered not guilty after appeal)	2 (but both considered not guilty after appeal)	9 (but 4 considered not guilty after appeal)	3 (1 after appeal in 2014)	
			The possibility to receive a temporary residence permit under Directive 2004/81/EC is available for any victim of crime. At present, it is not possible to present in exact figures the number of persons who have received this as a victim of THB.					
	United Kingdom	Yes	In the UK, statistics on the number of individuals granted leave in order to assist with prosecutions are aggregated as part of a wider group of people. Therefore, the UK is unable to provide statistics on criminal investigations in relation specifically to third-country nationals who are victims of trafficking or their suspected perpetrators.					

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	Norway	Yes	<p>Please note: Norway can only respond in terms of human trafficking and not in terms of human smuggling/facilitation of illegal immigration.</p> <ol style="list-style-type: none"> 1. In Norway, 207 reports on trafficking in human beings were made from 1th of Jan 2010 until May 2014 and 155 of these involved separate cases. N/A 2. In Norway, between Jan. 2010 and May 2014 there were 13 cases that led to an indictment/accusation of a crime: which involved 25 victims/aggrieved persons. N/A 3. In 7 of these 13 cases the offender(s) were actually sentenced/found guilty. (between Jan. 2010 and May 2014) N/A 4. Norway can only respond in terms of human trafficking and not in terms of human smuggling/facilitation of illegal immigration.
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