

exploitation constituted 22% of all criminal cases initiated under Section 165 of the Criminal Code, or 37% of the total number of victims recorded under this section.¹⁴³



Belgium is one of the few countries where there are disaggregated statistics on investigations, prosecutions and convictions, according to which there were 548 investigations of human trafficking for the purpose of economic exploitation in 2012-2015 (i.e. 40% of all investigations initiated into human trafficking offences). The rate of convictions was 30-40% in cases of trafficking for the purpose of economic exploitation (as opposed to 60-70% in cases of trafficking for the purpose of sexual exploitation). There are labour prosecutors specialised in the investigation and prosecution of cases of human trafficking for economic exploitation, which is instrumental for tackling this form of trafficking. By way of example, GRETA's second report refers to a case of exploitation of a Brazilian man in a horse-riding school, in which a Belgian businessman and his wife were convicted of human trafficking. In another case concerning Chinese workers exploited in the construction sector in Charleroi from 2008 to 2010, a Chinese national and his daughter were convicted of trafficking of human beings and smuggling of migrants by Charleroi Criminal Court on 7 June 2013.

In Austria, there was a Supreme Court ruling in a case involving trafficking for labour exploitation of a girl, involving domestic servitude and physical abuse, in the period 1999-2006. The accused were convicted under several provisions of the Criminal Code: tormenting an under-age or defenceless person (Section 92), severe coercion (Sections 105 and 106), trafficking in human beings (Section 104a) and organised serious fraud (Sections 146, 147 and 148). The Supreme Court accepted several of the claims of the accused and referred the case back to the court of first instance. The conviction for human trafficking was not attacked as such, but the application of the aggravating circumstances contained in paragraph 4 of Section 104a ("particularly serious harm") was repealed because the first instance judgment had not contained sufficient factual basis for it.¹⁴⁴

In Denmark, two cases involving trafficking for the purpose of labour exploitation were prosecuted, but neither of them resulted in convictions. Both cases involved men exploited in the cleaning sector. In the so-called "Garage Case", the district court acquitted the defendants of human trafficking charges, but the prosecution appealed the case to the High Court, which found that the victims were not in a situation where they had no alternative but to do the work as they were free to leave the premises and were therefore not victims of human trafficking for the purpose of forced labour. The court emphasised the fact that the persons in question were in possession of identity papers, money and a certain network of family and friends. On 4 March 2015 the High Court delivered its decision, in which the defendants were acquitted of the trafficking charge, but convicted of usury pursuant to Sections 282 and 279 of the CC. In the second case, known as the "Cellar Case", the charge of human trafficking was rejected by the district court because the description of the criminal act did not fulfil the requirements in the Administration of Justice Act. The

143. GRETA 2nd report on the Republic of Moldova, paragraph 172.

144. GRETA 2nd report on Austria, paragraph 184.