



The international dimension of Luxembourg's policy to prevent and combat trafficking in human beings and protect the victims of this crime

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UNIVERSITÉ DU
LUXEMBOURG

University of Luxembourg
EMN National Contact Point
2, place de l'Université
L-4365 Esch-sur-Alzette
Luxembourg

www.emnluxembourg.lu

E-mail: emn@uni.lu

The European Migration Network, created by Council Decision no. 2008/381/EC of 14 May 2008, has the objective of supplying up-to-date, objective, reliable and comparable information on migration and asylum in the Community institutions, to the authorities and institutions of the Member States and to the general public with a view to support policy and decision-making within the European Union.

Preface

The opinions expressed in this report are those of the authors. They do not necessarily reflect the positions of the Luxembourg Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees.

The present report was drafted by Adolfo Sommarribas and Ralph Petry, staff members of the National Contact Point Luxembourg within the European Migration Network, under the overall responsibility of Prof. Dr. Birte Nienaber. Continuous support was provided by the members of the national network of the National Contact Point Luxembourg: Sylvain Besch (CEFIS), Charlotte Rauchs (General Department of Immigration, Ministry of Home Affairs), François Peltier and Charlie Klein (STATEC), Anne Daems, Pierre Weiss (Department of Integration, Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees), Pascale Millim (Ministry of Justice) and Pietro Lombardini (ONA, Family Affairs, Solidarity, Living Together and Reception of Refugees).

Methodology

National reports are produced by the respective National Contact Points (NCPs) on the legal and policy situation in their Member State according to common specifications. Subsequently, a comparative synthesis report is generated by the European Commission with its service provider giving the key findings from each national report, highlighting the most important aspects, and placing them as much as possible within an EU perspective. The various national accounts and the summary report are made publicly available.

The EMN engages primarily in desk research, i.e. it collects and analyses data and information already available or published at the Member State or international level. Legal texts, official documents (such as parliamentary documents) and reports have been used for this study. Furthermore, experts from the Ministry of Justice, the Judicial Police of the Grand Ducal Police, and ECPAT Luxembourg have been consulted.

EMN LUXEMBOURG STUDY FOR 2024

THE INTERNATIONAL DIMENSION OF THE EU POLICY TO PREVENT AND COMBAT TRAFFICKING IN HUMAN BEINGS AND PROTECT THE VICTIMS OF THIS CRIME

Disclaimer: The following information has been provided primarily for the purpose of contributing to the EMN study "The international dimension of the EU policy to prevent and combat trafficking in human beings and protect the victims of this crime". The EMN Luxembourg has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of Luxembourg.

TOP-LINE FACTSHEET

Luxembourg is one of the smallest Member States in geographical dimension with no external border, except the Luxembourg International Airport (Findel). In this context, Luxembourg has limited international representation abroad and in most third countries Luxembourg is represented by other Member States (e.g. Belgium, Netherlands, France, Germany, Spain, Portugal, Slovenia and Hungary). While Luxembourg considers trafficking of human beings as a significant challenge and has implemented a number of laws and measures to fight it, the fact remains that the approach is mainly territorial as the country does not have the critical mass to have an impact at the international level.

As per definition, the trafficking in human beings of third-country nationals has an international dimension (as they originate from third countries). However, Luxembourg does not have a national policy regarding the prevention and fight against trafficking in human beings that has an explicit international dimension within the meaning of the scope of this study, in particular with regards to efforts deployed to address trafficking in human beings towards Luxembourg or the EU in third countries of origin and transit of (potential) victims. This being said, Luxembourg financially supports the work of a Luxembourgish non-governmental organisation, which develops and implements projects to combat sexual exploitation of children (including trafficking) in West Africa and South Asia. However, while some of these projects specifically refer to trafficking in human beings of children, they are solely focused on raising awareness on trafficking and prevent sexual exploitation and cases of trafficking from happening in these countries or regions. In other words, there is no international dimension to these projects within the meaning of the scope of this study, as these projects do not explicitly aim to prevent trafficking of third-country nationals towards Luxembourg or the EU.

In general, Luxembourg's policy concerning the fight against trafficking in human beings is transversal (incorporating various stakeholders) and aims at eradicating this crime in all its forms. The existing policies and measures are therefore applicable to any (potential or presumed) victim of trafficking, independent of their nationality, and focus on three main areas:

- Prevention;
- Protection and promotion of the victims' rights;
- Prosecution of the perpetrators and co-perpetrators.

For more detailed information on the general policies and measures regarding the detection, identification, and protection of victims of trafficking in human beings in Luxembourg, please consult the 2021 EMN Luxembourg study entitled "Third-country

national victims of trafficking in human beings: Detection, identification and protection in Luxembourg”.

The main measures reported within the scope of this study relate to the efforts deployed since March 2022 that specifically target Ukrainian nationals in context of the Russian invasion of Ukraine.

Lastly, it is worth noting that Luxembourg saw an increase in the number of investigations, prosecutions and convictions in cases of trafficking in human beings during the reporting period of this study. International stakeholders such as the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe and the U.S. Department of State also recognised the continued efforts and improvements made by Luxembourg in this field (the latter continuously confirming Luxembourg as a Tier 1 country in the fight for the elimination of trafficking). At the same time, they pointed out that there is still room for improvement to combat human trafficking even more effectively.

SECTION 1: INTRODUCTION AND MAPPING OF POLICIES AND MEASURES

1. Which are your country's thematic priorities when addressing the international dimensionⁱ of trafficking in human beings (*e.g. prevention, demand reduction, awareness raising; victim identification, referral, protection, support, assistance and reintegration; disrupting trafficking routes towards the EU, tackling the criminal business model of traffickers etc.*)?

While trafficking in human beings of third-country nationals always entails an international component (as the (presumed) victims originate from third countries), Luxembourg does not have a national policy regarding the prevention and fight against trafficking in human beings that has an explicit international dimension within the meaning of the scope of this study, in particular with regards to efforts deployed in third countries of origin and transit of (potential) victims to address trafficking in human beings towards Luxembourg or the EU (see also answer to question 3 below).

As Luxembourg is not immune to the phenomenon of trafficking in human beings, it has adopted a series of laws and measures to prevent and combat this crime¹ and applies a transversal approach, as it has been recommended by different regional and international organisations (UN, EU, OSCE, Council of Europe and Benelux).² This transversal approach to fight human trafficking in Luxembourg enabled the implementation of the Monitoring Committee for the Fight Against Trafficking in Human Beings (*'Comité de suivi de la lutte contre la traite des êtres humains'*, hereafter referred to as "Monitoring Committee"), which was established in 2009.³ It is composed by a representative of the Ministry of Justice (who is the chair), Ministry of Equal Opportunities between Women and Men, the Ministry responsible for Youth, Ministry of Health, Ministry responsible for the Police (Ministry of Interior), Ministry responsible for Immigration, Ministry of Labour, Ministry responsible for Small and Medium-Sized Enterprises, Inspectorate of Labour and Mines, National Reception Office (ONA), a representative of each public prosecutor jurisdiction, the Grand Ducal Police and two representatives of accredited support services for victims of human trafficking and a representative of the SCAS Victim Support Service.⁴

This being said, Luxembourg has focused on the following thematic priorities in recent years, which also relate to the international dimension to some extent:

a) *Prevention, awareness raising and protection through sensitization actions regarding trafficking in human beings*

In 2019, Luxembourg, together with other 23 European countries, participated in a campaign of the European Union Crime Preventive Network (EUCPN).⁵ This prevention campaign against human trafficking, financed by the Internal Security Fund (ISF), was launched on 17 October 2019, a day before the EU Anti-Trafficking Day.⁶ The campaign aimed at informing (potential) victims of their rights at European level, and where to find help, protection and information.⁷ More specifically, it informed (potential) victims that they have rights that they can claim in all European Union Member States: assistance and protection, human rights, labour rights, the right to a reflection period and a residence

ⁱ Under this study, the international dimension of trafficking in human beings refers to EMN Member and Observer Countries' efforts to address trafficking in human beings of third-country nationals towards their countries: a) in third countries of origin and transit of victims (and potential victims); b) in their countries, where these efforts have an international component e.g. imply involvement/cooperation with international partners, cross-border activities, target specific third-country nationalities/victims from certain regions.

permit.⁸ The campaign was implemented through a poster campaign and on social media, disseminating the key messages in several languages and at very specific locations on the territory of the European Union (train stations, bus stops, assistance and reception services, etc.) to reach vulnerable populations directly.⁹ The explicit use of the social media gave this campaign an international dimension and allowed to reach (potential) victims beyond the EU. In Luxembourg, the campaign was launched via a dedicated Facebook account¹⁰ and the website "stoptraite.lu"¹¹.

In its efforts to raise awareness about trafficking in human beings, Luxembourg still uses the materials developed in the framework of this campaign (posters and videos) to this day, including in the context of the cooperation at the Benelux level and the EU Anti-Trafficking Day on 18 October.¹²

b) Victim identification and protection

In the framework of the Benelux, Belgium, Luxembourg and the Netherlands signed a cooperation agreement to fight trafficking in human beings on 2 December 2016, which continues to be a key pillar of the cooperation at the Benelux level.¹³ Since then, the Benelux had focused on the fight against the exploitation of children¹⁴, the implication of the medical professionals¹⁵, the use of innovative technologies to fight trafficking of human beings¹⁶, and on the detection, identification and care of victims of trafficking among applicants for international protection.¹⁷

More recently, in 2021, this cooperation in the framework of the Benelux focussed on improving protection of victims and facilitating the work of the actors in the field by sharing knowledge, experience and expertise in view of stepping up multidisciplinary cross-border cooperation.¹⁸ This may include the placement and monitoring of (presumed) victims in a reception facility abroad (i.e. Belgium) by the Luxembourgish Judicial Police together with the "InfoTraite" support service – if the needs for their protection and security so require.¹⁹ Moreover, an information brochure for professionals working in the field of trafficking in the Benelux countries was published in 2021, specifically highlighting the organisations working in this field and how the three countries organise the reception and assistance of victims, respectively.²⁰ Moreover, in 2021, the Benelux countries also continued their discussions (which started in 2019 under the Luxembourgish presidency of the Benelux) on assistance for third-country nationals detected in one of their countries, but who have been exploited in another country.²¹

In 2022, a day of exchange with representatives of the judicial authorities, social inspections, immigration departments, the Ministry of Justice, and assistance services from the three Benelux countries focused on the distinctions between labour exploitation and particularly exploitative working conditions (based on an EMN ad hoc query launched by EMN Luxembourg on behalf of the Ministry of Justice of Luxembourg, which resulted in the publication of an EMN Luxembourg inform²² on the topic).²³ In 2023, the day of exchange focused more generally on criminal exploitation.²⁴

2. Does your country target any specific third countries, geographic regions or third-country nationalities when addressing the international dimension of trafficking in human beings?

- Yes
 No

If yes, please list the main third countries/regions and third-country nationalities targeted.

As mentioned in the answer to question 1 above, Luxembourg does not have a national policy regarding the prevention and fight against trafficking in human beings that has an explicit international dimension as understood under this study. Nevertheless, several ad-hoc measures implemented by Luxembourg specifically targeted Ukrainian nationals in Luxembourg in the context of the Russian invasion of Ukraine in February 2022 (see question 6 for more information).

In addition, Luxembourg financially supports the work of the non-governmental organisation ECPAT Luxembourg, which develops and implements projects to combat sexual exploitation of children (including trafficking) in West Africa and South Asia.²⁵ While some of these projects specifically refer to trafficking in human beings of children, they are solely focused on raising awareness on trafficking and prevent sexual exploitation and cases of trafficking from happening in these countries or regions. In other words, there is no international dimension to these projects within the meaning of the scope of this study, as these projects do not explicitly aim to prevent trafficking of human beings of third-country nationals towards Luxembourg or the EU.²⁶

3. Does your country have any specific policiesⁱⁱ aimed at:

a) Addressing trafficking in human beings towards EMN Member and Observer Countries in third countries of origin and transit of victims (and potential victims)?

- Yes
 No²⁷

If yes, please provide the main details of the policies (e.g. name of the policy, institution that adopted it, date of adoption, drivers, objectives, priorities, target groups)

As previously mentioned, Luxembourg does not have specific a national policy regarding the prevention and fight against trafficking in human beings in third countries of origin and transit that has an explicit international dimension.

b) Addressing trafficking in human beings of third-country nationals in your country?

- Yes
 No

If yes, please provide the main details of the policies (e.g. name of the policy, institution that adopted it, date of adoption, drivers, objectives, priorities, target groups)

ⁱⁱ 'Policies' refer to targeted strategies and action plans specifically addressing the international dimension of trafficking in human beings, as well as broader policy instruments that have an explicit anti-trafficking strand (e.g. one or more objectives of the policy refer to the international dimension of trafficking in human beings). Policies with indirect impacts on anti-trafficking efforts are outside the scope of this study.

As previously mentioned, Luxembourg does not have specific a national policy with an international dimension in order to address trafficking in human beings in Luxembourg, within the meaning of the scope of this study (e.g. efforts that imply involvement/cooperation with international partners, cross-border activities, target specific third-country nationalities/victims from certain regions).

The only exception that could be mentioned in this context (despite not being a policy per se) are internal guidelines established by the National Reception Office (ONA) in 2021 that contain provisions on the detection and support of third-country nationals who are presumed victims of human trafficking, including minors. These guidelines were created to provide more efficient detection and support of victims of trafficking.²⁸

In general, the policies that Luxembourg has in place in this context, in particular the National Action Plan to Combat Trafficking in Human Beings of the Monitoring Committee²⁹ and the national referral mechanism, aim at eradicating this crime in all its forms and are applicable to any (presumed) victim of trafficking, independent of their nationality.³⁰ In general, Luxembourg's policy concerning the fight against trafficking in human beings focuses on three main areas:

- Prevention;
- Protection and promotion of the victims' rights;
- Prosecution of the perpetrators and co-perpetrators.³¹

For more detailed information on the general policies and measures regarding the detection, identification, and protection of victims of trafficking in human beings in Luxembourg, please consult the 2021 EMN Luxembourg study on this topic.³²

4. In your country, are there any interconnectionsⁱⁱⁱ between national policies addressing the international dimension of trafficking in human beings and other policy areas (e.g. border management, asylum, migrant smuggling and irregular migration, fundamental rights, gender equality, organised crime, etc.)?

- Yes
 No³³

If yes, please describe how national anti-trafficking policies with an international component interconnect with other policy areas, and whether anti-trafficking components are mainstreamed in other policy areas (e.g. border management, asylum, migrant smuggling and irregular migration, fundamental rights, gender equality, organised crime, etc)

As already mentioned, Luxembourg does not have a national policy regarding the prevention and fight against trafficking in human beings that has an explicit international dimension within the meaning of the scope of this study.

The Ministry of Justice reported that other national action plans not elaborated specifically on trafficking in human beings contain elements concerning the fight against trafficking (e.g. National Action Plan "*Women, peace and security*"³⁴ or the National Action Plan for the Rights of Children and Adolescents³⁵).³⁶ However, these action plans do not explicitly refer to the international dimension of trafficking in human beings within the meaning of the scope of this EMN study.

The Ministry of Justice further reported in this context that the inclusion of such interconnections will be considered in the context of an update of the national referral

ⁱⁱⁱ Interconnections shall be understood as any cross-referencing in different policy areas e.g. border management or smuggling of migrants, for example where those include a work strand on trafficking in human beings or specific anti-trafficking objectives or indicators.

mechanism, in particular in the context of the implementation of the future EU directives on trafficking in human beings and migrant smuggling.³⁷

5. Has your country funded or implemented any measures^{iv} aimed at addressing trafficking in human beings towards EMN Member and Observer Countries in third countries of origin and transit of victims (and potential victims)?

These types of measures may include (non-exhaustive) e.g. training and capacity building actions targeting law enforcement and judicial authorities in third countries; provision of technical assistance; awareness raising campaigns in third countries; support for the reintegration of third-country national victims; initiatives aiming to avoid re-victimisation; joint investigations/actions in third countries; secondment of law enforcement and judicial authorities to third countries; projects aiming to reduce push factors and root causes of trafficking in human beings; initiatives aiming at exchanging good practices in combating trafficking in human beings.

Yes

No³⁸

If yes, please provide the main details of the measures using the table below. Add as many tables as measures to report.

As mentioned in the answer to question 2 above, Luxembourg financially supports the implementation of projects by ECPAT Luxembourg that aim at combatting sexual exploitation of children (including trafficking) in West Africa and South Asia. However, these are national or regional projects in these regions, without an international dimension within the meaning of the scope of this study.³⁹

6. Has your country funded or implemented any specific measures (with an international component) aimed at addressing trafficking in human beings of third-country nationals towards EMN Member and Observer Countries in your country?^v

These types of measures may include e.g. awareness raising campaigns developed in cooperation with third countries; targeting specific third country nationalities, diplomatic missions etc.; initiatives involving the diaspora to combat trafficking in human beings; the establishment of trans-national referral mechanisms; support for the voluntary return of third-country national victims; joint investigations/actions with third countries; secondment of law enforcement authorities from third countries.

Yes

No

^{iv} 'Measures' refer to initiatives, projects, programmes and operational actions funded or implemented by EMN Member and Observer Countries in their territories or in third countries of origin and transit of third-country national victims that specifically address the international dimension of trafficking in human beings i.e. have a clear international component. The concept of measures also covers broader initiatives (e.g. on border management, asylum, migrant smuggling and irregular migration, fundamental rights, gender equality, organised crime and its online dimension) that have an explicit anti-trafficking strand (e.g. one or more objectives of the programme or a series of indicators refer to the international dimension of trafficking). Measures with indirect impacts on anti-trafficking efforts are outside the scope of this study.

^v If your country has already provided information in the context of the EMN Study 'Third-country national victims of trafficking in human beings: detection, identification and protection' published in March 2022, please only report only on any developments after 2021.

If yes, please provide the main details of the measures using the table below. Add as many tables as measures to report.

As mentioned in the answer to question 2 above, several awareness raising activities specifically for Ukrainian nationals and other nationals fleeing Ukraine were implemented by Luxembourg in the context the war in Ukraine in March/April 2022.

The Ministry of Justice, the Ministry of Foreign and European Affairs and the Ministry of Family Affairs, Integration and the Greater Region published a joint press release on 25 March 2022 entitled "*Raising awareness on the risks faced by people fleeing the war in Ukraine to become victims of exploitation and human trafficking*".⁴⁰ It is highlighted that the Monitoring Committee reacted quickly and took preventive measures with the other actors involved. More specifically, the Monitoring Committee provided general information and issued concrete warnings on the risk that Ukrainians fleeing the war may become victims of human trafficking or exploitation.⁴¹ In addition, the National Reception Office (ONA) and its partners Caritas and the Red Cross are systematically raising awareness of trafficking in human beings and are distributing a leaflet aimed at informing potential victims of their rights, including where to go for help and protection, in a language they understand.⁴² Moreover, a pop-up window was introduced on the website stoptraite.lu in Ukrainian language.⁴³

In addition, an information booklet on labour law enabling the persons concerned to know their rights and thus reducing the risk of exploitation elaborated by the Ministry of Labour, Employment and the Social and Solidarity Economy, the Inspectorate of Labour and Mines (ITM) and the National Employment Agency (ADEM) was published on the websites of the ITM⁴⁴ and ADEM⁴⁵ (available in French, English, Russian and Ukrainian). Moreover, a fast-track training course on the risks of exploitation had been set up by the Ministry of Justice, the Judicial Police and the "InfoTraite" support service. The training was limited to 30 minutes, not accessible to the public, and conceptualised in the form of a video aimed at new employees of the services and administrations responsible for combating trafficking in human beings.⁴⁶

The Judicial Police indicated that very few Ukrainians reported irregularities with regards to employment or potential situations of exploitation that could amount to trafficking, and that they did not encounter many Ukrainians who were illegally employed.⁴⁷

The rest of measures implemented by Luxembourg, such as information campaigns (see answer to question 1 above) and awareness-raising trainings (see answer to question 10 below), aim at eradicating this crime in all its forms, independent of the nationality of the (presumed) victim of trafficking. This means that the rest of measures do not specifically aim at addressing trafficking in human beings of third-country nationals towards EMN Member and Observer Countries in Luxembourg. For more detailed information on the general policies and measures regarding the detection, identification, and protection of victims of trafficking in human beings in Luxembourg, please consult the 2021 EMN Luxembourg study on this topic.⁴⁸

7. Has your country engaged in:

- a) Structured (bilateral and/or multi-lateral) cooperation with third countries of origin and transit for preventing trafficking in human beings towards the EU; breaking the criminal model of traffickers; and/or protecting, assisting, supporting, and empowering third-country national victims of trafficking?

This may include for example protocols and memoranda of understanding; bilateral/multi-lateral agreements; establishment of anti-trafficking cooperation structures; establishment of mechanism for data exchange; initiatives taken in multilateral fora.

- Yes
 No⁴⁹

If yes, please describe.

- b) Structured cooperation with international organisations for preventing trafficking in human beings of third-country nationals towards the EU; breaking the criminal model of traffickers; and/or protecting, assisting, supporting, and empowering third-country national victims of trafficking?

This may include for example protocols and memoranda of understanding; bilateral/multi-lateral agreements; establishment of anti-trafficking cooperation structures; initiatives taken in multilateral fora.

- Yes
 No⁵⁰

If yes, please describe.

SECTION 2: POLICIES AND MEASURES RELATED TO PREVENTING AND REDUCING THE DEMAND THAT FOSTERS TRAFFICKING IN HUMAN BEINGS

8. Has your country identified any **challenges** in relation to policies and measures aimed at:

- a) Preventing trafficking in human beings towards EMN Member and Observer Countries in third countries of origin and transit of victims (and potential victims) (*e.g. challenges in identifying/targeting victims/potential victims for awareness raising campaigns; challenges posed by existing social and cultural norms; challenges posed by restrictions derived from the Covid-19 pandemic, etc.*)?

- Yes
 No (not applicable)⁵¹

If yes, please describe such challenges.

As reported in section 1, Luxembourg does not any policies or measures in place that are aimed at addressing trafficking in human beings towards EMN Member and Observer Countries in third countries of origin and transit of (potential) victims.

- b) Preventing and reducing the demand for trafficking in human beings of third-country nationals within your country (*e.g. challenges in ensuring training for authorities or first line responders; challenges in identifying/targeting consumers/potential consumers of services derived from different forms of trafficking for awareness raising campaigns; challenges posed by restrictions derived from Covid-19 pandemic, etc.*)?

- Yes
 No

If yes, please describe such challenges.

The Judicial Police reported in this context that the detection and identification of potential victims of trafficking pose a challenge.⁵² Victims from third countries are often in an irregular situation and are afraid to lodge a complaint with the police or to seek help from the support services for fear of being returned to their country of origin. This is particularly true for the Judicial Police because they have to denounce the person in an irregular situation to the Directorate General of Immigration of the Ministry of Home

Affairs.⁵³ Some victims are threatened and intimidated by the person exploiting them, which prevents them from seeking help from the authorities. According to the Judicial Police, this makes the detection and identification of potential victims extremely difficult, as they will try to evade the authorities for fear of reprisals.⁵⁴ A related challenge for victims in this context is the language barrier, which makes it difficult for (potential) victims to come forward and report their situation.⁵⁵

An additional, more general challenge in this context, as reported by the Ministry of Justice, is the impact of the use of new technologies, in particular the recruitment of potential victims via the internet, which is becoming increasingly worrying.⁵⁶ While the statistics available for 2019 and 2020 showed that only one victim was recruited via the internet, from 2021 to 2023, 100 victims were recruited via the internet.⁵⁷ The pandemic had already provided an opportunity for traffickers to establish online contact with vulnerable people. The trend seems to continue, also on the EU-level, which confirms that more and more recruitment activities are taking place online, particularly on social networks.⁵⁸

This aspect was also emphasised by the Consultative Commission on Human Rights (CCDH), who is the national rapporteur on trafficking⁵⁹, in their latest report, pointing out that new technologies also facilitate the exploitation of a larger number of people, the remote control of victims and the transfer of money. This is all the more important in the context of sexual exploitation as it enables better and faster marketing of sexual services provided by victims.⁶⁰

9. Has your country identified any **good practices** in relation to policies and measures aimed at:

- a) Preventing trafficking in human beings towards EMN Member and Observer Countries in third countries of origin and transit of victims (and potential victims) (*e.g. awareness raising activities; educational programs; survivor inclusion, etc.*)?

Yes

No (not applicable)⁶¹

If yes, please describe up to three policies or measures that have been identified as a good practice in your country and explain why these are considered good practices.

As reported in section 1, Luxembourg does not any policies or measures in place that are aimed at addressing trafficking in human beings towards EMN Member and Observer Countries in third countries of origin and transit of (potential) victims.

- b) Preventing and reducing the demand for trafficking in human beings of third-country nationals within your country (*e.g. awareness raising activities and demand reduction initiatives in foreign languages or aimed at specific nationalities or regions; information campaigns involving/targeting the diaspora; cultural mediators, etc.*)?

Yes

No

If yes, please describe up to three policies or measures that have been identified as a good practice in your country and explain why these are considered good practices.

The Ministry of Justice and the Judicial Police reported the information campaigns and the awareness-raising trainings as the main good practice in this context.⁶² Both of these measures, however, do not explicitly focus on the international dimension of

trafficking in human beings, but are general anti-trafficking measures (see answer to question 1 above for more information on the information campaigns). For more information on the awareness-raising trainings, please consult the 2021 EMN Luxembourg study entitled "Third-country national victims of trafficking in human beings: Detection, identification and protection in Luxembourg".⁶³

The Judicial Police additionally stated that, if necessary, it has the financial means to ensure, for example, translation of email communication from Ukrainian into French in order to understand the respective request and respond promptly and appropriately.⁶⁴

In addition, the joint press release published by the Ministry of Justice, the Ministry of Foreign and European Affairs and the Ministry of Family Affairs, Integration and the Greater Region in March 2022 was mentioned as a good practice by the Ministry of Justice.⁶⁵ The Ministry of Justice further indicated that they collaborated with the Ukrainian community in Luxembourg in order to denounce dubious advertisements in online groups and forums, which has led to increased awareness about the phenomenon and its risks among the Ukrainian community, as well as the deletion of such advertisements.⁶⁶ In its latest national report, the CCDH also explicitly acknowledged the efforts deployed by the Luxembourgish authorities since the beginning of the crisis in 2022, especially the actions taken by the Monitoring Committee in order to raise awareness about the risk that Ukrainian refugees become victims of human trafficking.⁶⁷

10. Please describe the **main outcomes/outputs** resulting from the implementation of policies and measures aimed at preventing, raising awareness and reducing the demand of trafficking in human beings of third-country nationals.

(e.g. number of people reached by trainings/awareness raising campaigns, greater understanding of risks associated with trafficking in human trafficking among potential victims; higher level of awareness on key issues related to trafficking in human beings; drop in the number of victims from a certain third-country nationality/region, etc.)

Please report on both main outcomes of policies and measures implemented in third countries of origin and transit and within your own country.

As indicated above, Luxembourg does not have any policies or measures in place that are aimed at addressing trafficking in human beings towards EMN Member and Observer Countries in third countries of origin and transit of victims (and potential victims).

With regards to policies and measures implemented in Luxembourg, the Ministry of Justice and the Judicial Police have reported that the demand for training on trafficking in human beings remains high, which, however, is a general anti-trafficking measure (see also answer to Q9 b) above).

During the reporting period, representatives of public administrations such as the National Reception Office (ONA), the Luxembourg Detention Centre, the Judicial Police, the Directorate General of Immigration of the Ministry of Home Affairs, the Labour Inspectorate (ITM), the Prison Administration and the Judicial Administration, as well as representatives of civil society organisations (such as Caritas, Red Cross (DropIn), ASTI ("Association de Soutien aux Travailleurs Immigrés"), Planning Familial and Doctors Without Borders) have participated in the basic training course on trafficking in human beings in Luxembourg.⁶⁸ In 2023 alone, 150 people received this awareness-raising training.⁶⁹ In addition, the Ministry of Justice reported that trainings have been and will be organized for the Refugee Service of Directorate General of Immigration as well as the school medicine service.⁷⁰

The Ministry of Justice also pointed out that the analytics of the website www.stoptraite.lu show that the portal is regularly visited, which indicates the need to keep the information on the website available and up to date.⁷¹

SECTION 3: POLICIES AND MEASURES RELATED TO LAW ENFORCEMENT AND JUDICIAL RESPONSE WITH A VIEW TO BREAKING THE CRIMINAL MODEL OF TRAFFICKERS

11. Has your country identified any **challenges** in relation to policies and measures aimed at enhancing the law enforcement and judicial response to trafficking in human beings towards EMN Member and Observer Countries:

- a) in third countries of origin and transit of victims (*e.g. lack of awareness of existing cooperation and referral structures; challenges related to available data/exchange of data; administrative challenges; poor coordination/communication among relevant actors; different nature/mandate of actors involved; different definitions; challenges posed by restrictions derived from Covid-19 pandemic, etc.*)?

Yes

No (not applicable)⁷²

If yes, please describe such challenges.

Luxembourg does not have any policies or measures in place that are aimed at enhancing the law enforcement and judicial response to trafficking in human beings towards EMN Member and Observer Countries in third countries of origin and transit of victims.

However, the Judicial Police stated that the different definitions of trafficking in human beings and the differing legislations between countries pose a challenge for communication and all subsequent steps (see also answer to question 11 b) below).⁷³

- b) within your country (*e.g. challenges related to available data/exchange of data; administrative challenges; poor coordination/communication among relevant actors; different nature/mandate of actors involved; different definitions; challenges posed by restrictions derived from Covid-19 pandemic, etc.*)?

Yes

No

If yes, please describe such challenges.

The Ministry of Justice and the Judicial Police reported that in many cases, potential or presumed victims from third countries decide not to cooperate with the authorities, which puts challenges to law enforcement and assistance for the (potential) victims.⁷⁴ The impact of the use of new technologies is becoming more and more of a challenge with regards to trafficking in human beings (see also answer to question 8 b) above). At the same time, the Ministry of Justice stressed that new technologies are also an important source of information for investigators and can be a powerful tool in the fight against human trafficking.⁷⁵ More generally, the Judicial Police indicated establishing the circumstances of human trafficking is often challenging, which may lead in some instances to the suspension of legal proceedings.⁷⁶

In their latest report on trafficking, the CCDH analysed prison sentences issued for trafficking crimes over a 10-year period and concluded that most sentences issued to convicted traffickers were either partially or fully suspended. According to their findings, only 3 out of 48 cases between 2013 and 2022 resulted in a conviction without suspension.⁷⁷ It should be noted that these data do not only include third-country nationals as perpetrators of the crimes, but also perpetrators who are EU citizens.⁷⁸

In addition to the information reported by the Luxembourgish authorities, the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe repeatedly pointed out that the means by which a person is trafficked (such as the use of force, fraud, or coercion) do not form part of the definition of trafficking under Luxembourgish law, but that they are regarded as aggravating circumstances (listed in Article 382-2 of the Criminal Code).⁷⁹ GRETA considers that this may lead to confusion with other offences (such as pimping) and create difficulties in judicial co-operation with countries that have included the means in their own definitions of trafficking.⁸⁰ GRETA therefore considers that the Luxembourgish authorities should keep this possibility under close and regular review.⁸¹ This aspect was also taken up in the 2024 Trafficking in Persons Report on Luxembourg by the U.S. Department of State, pointing out that the definition of trafficking under Luxembourgish law is inconsistent with said definition under international law.⁸²

GRETA and the U.S. Department of State also highlighted that Luxembourgish judges continue to issue lenient and suspended sentences to convicted traffickers, which would raise concerns that they are not effective, proportionate and dissuasive, within the meaning of Article 23 of the Council of Europe Convention on Action against Trafficking in Human Beings.⁸³

12. Has your country identified any **good practices** in relation to policies and measures aimed at enhancing the law enforcement and judicial response to address trafficking in human beings towards EMN Member and Observer Countries:

- a) in third countries of origin and transit of victims (and potential victims) (e.g. *capacity building and training of law enforcement and judicial authorities of third countries; cooperation through EU Agencies; early cooperation and coordination, etc.*)?

Yes

No (not applicable)⁸⁴

If yes, please describe up to three policies or measures that have been identified as good practices in your country and explain why these are considered good practices.

Luxembourg does not have any policies or measures in place that are aimed at enhancing the law enforcement and judicial response to trafficking in human beings towards EMN Member and Observer Countries in third countries of origin and transit of victims.

- b) within your country (e.g. *through law enforcement and judicial cooperation with third countries; secondment of law enforcement authorities from third countries; cooperation with EU Agencies; use of cultural mediators in procedures involving third country national victims; early cooperation and coordination; specialised trafficking entities/units; specialised prosecutors, etc.*)?

Yes

No

If yes, please describe up to three policies or measures that have been identified as good practices in your country and explain why these are considered good practices.

With regard to the international dimension of trafficking, the Judicial Police pointed out that as part of a trafficking case, the investigating judge may send a request for mutual legal assistance (letters rogatory) to the competent authorities of third countries.

Moreover, Luxembourg can also request an exchange of information via Europol or Interpol.⁸⁵

As more general points not exclusively referring to the international dimension of trafficking, the Judicial Police indicated that it is important to inform the victims from the outset about the possibility that the trafficking case may be dismissed and the perpetrator not prosecuted. Moreover, they mentioned that it is important to have exchanges with the magistrate in charge of the case.⁸⁶

In their latest report on trafficking, the CCDH noted that the 'investigation under pseudonym by electronic means' (*'enquête sous pseudonyme par voie électronique'*), introduced by the Law of 7 August 2023⁸⁷, reflects efforts at EU level to strengthen the law enforcement and judicial to technology-facilitated crime and to integrate technology into the fight against human trafficking.⁸⁸ This, however, is a general investigation measure for law enforcement, that is not exclusive to the Police's work regarding trafficking in human beings.

13. Please describe the **main outcomes/outputs** resulting from the implementation of policies and measures aimed at enhancing the law enforcement and judicial response to trafficking in human beings of third-country nationals.

(e.g. an increase in the number of arrests/prosecuted cases/convictions, number of joint investigations/actions and results of those actions; enhanced capacities among law enforcement authorities to fight trafficking in human beings; improvement in the exchange of information among law enforcement and judicial authorities from countries of origin/transit and destination, etc.)

Please report on both main outcomes of policies and measures implemented in third countries of origin and transit and within your own country.

As indicated above, Luxembourg does not have any policies or measures in place that are aimed at addressing trafficking in human beings towards EMN Member and Observer Countries in third countries of origin and transit of victims (and potential victims).

With regards to Luxembourg, it is worth noting that Luxembourg saw an increase in the number of investigations, prosecutions and convictions in cases of trafficking in human beings during the reporting period of this study (2021-2023), covering perpetrators of the crimes that are EU citizens and third-country nationals (see also answer to question 11 b) above).

With regards to investigations, there was an increase of 370% between 2021 and 2023 (20 investigations in 2021, 66 investigations in 2022 and 94 investigations in 2023).⁸⁹

Prosecutions also increased between 2021 and 2023 (by around 150%), with 20 suspected traffickers prosecuted in 2021, 33 suspected traffickers prosecuted in 2022 and 47 suspected traffickers prosecuted in 2023.⁹⁰

Lastly, Luxembourg also saw an increase in convictions, with no conviction in 2021, 3 people convicted in 2022 (2 persons for sexual exploitation and 1 person for labour exploitation) and 6 people convicted in 2023 for sexual exploitation.⁹¹ However, it should be mentioned that 2021 is an exception when looking back over the last 5 years, as it was the only year in which there were no convictions (1 person for sexual exploitation in 2019; 1 person for sexual exploitation and 2 persons for labour exploitation in 2020).⁹²

On a general note, it is worth pointing out that Luxembourg does not have a large diplomatic network abroad and therefore depends on the assistance provided by other Member States. In the context of trafficking of human beings, Luxembourg coordinates actions at the Benelux level and the Centre for Police and Customs Cooperation (CCPD), which is located in Luxembourg and functions since 2003.⁹³ The CCPD was created by

an agreement signed between Belgium, France, Germany and Luxembourg. It allows the exchange of police information originated from the cross-border region and between police units⁹⁴, which is helpful in fighting trafficking in human beings.

SECTION 4: POLICIES AND MEASURES RELATED TO THE IDENTIFICATION, PROTECTION, SUPPORT AND EMPOWERMENT OF VICTIMS OF TRAFFICKING

14. Has your country identified any **challenges** in relation to the implementation of specific policies and measures aimed at enhancing the identification, protection, support and empowerment of:

- a) victims trafficked towards EMN Member and Observer Countries in third countries of origin and transit (*e.g. lack of training/specialised knowledge to identify victims; insufficient resources; administrative challenges; challenges with implementation of trans-national referral mechanisms; challenges to identify specific types of victims; challenges posed by restrictions derived from Covid-19 pandemic; challenges posed by the use of new technologies, etc.*)?

Yes

No (not applicable)⁹⁵

If yes, please describe such challenges.

Luxembourg does not have any policies or measures in place that are aimed at enhancing the identification, protection, support and empowerment of victims trafficked towards EMN Member and Observer Countries in third countries of origin and transit.

- b) third-country national victims of trafficking identified within your country (*e.g. lack of training/specialised knowledge to identify victims; insufficient resources; administrative challenges; challenges with implementation of trans-national referral mechanisms; challenges to identify specific types of victims; challenges posed by restrictions derived from Covid-19 pandemic; challenges posed by the use of new technologies, etc.*)?

Yes

No

If yes, please describe such challenges.

Several challenges were reported, which, however, do not only refer to the international dimension of trafficking or to specific third-country nationalities, but apply in general.

The Ministry of Justice, in its role as national coordinator and president of the Monitoring Committee, admitted that coordination between the institutional stakeholders is challenging at times, but emphasised at the same time that efforts are constantly being made to improve the situation and find synergies.⁹⁶

Moreover, the increase in the detections of potential cases of trafficking by labour inspectors of the ITM (see also answer to question 16 below for more details) was identified as a positive trend. At the same time, it was pointed out that in some cases, these reports end up not concerning potential victims. As the Judicial Police has to investigate in every potential case of trafficking, bottlenecks can occur at times if many potential cases of trafficking are reported at the same time.⁹⁷

The Judicial Police highlighted in this context that the accommodation of victims of trafficking poses certain challenges. The dedicated accommodation for identified victims of trafficking is often occupied and victims have to be housed temporarily in other facilities, which constitutes a safety risk for the victim.⁹⁸ In addition, placing a victim

overnight in an accommodation dedicated to victims of trafficking may not only cause problems for the victim (anxiety, trauma) but also for the other occupants of the accommodation. One solution would be to provide an emergency room in a reception facility where the victim is cared for by the "InfoTraite" support service and where they could spend the night in complete safety.⁹⁹

An additional challenge identified by the Judicial Police relates to the absence of a 24/7 hotline for victims of trafficking.¹⁰⁰ At present, the service can only be contacted on working days during office hours. However, it is important for victims to be able to report their distress at any time so that effective protection and assistance measures can be guaranteed immediately. However, a 24/7 hotline service will be set up soon, which will enable initial contact to be made with the "InfoTraite" support service if the victim is placed in care during the night.¹⁰¹

Lastly, as already mentioned in the answer to question 8 b) above, the impact of the use of new technologies, in particular the recruitment of potential victims via the internet, is becoming more and more of a challenge.¹⁰²

15. Has your country identified any **good practices** in relation to the implementation of specific policies and measures aimed at enhancing identification, protection, support, and empowerment of:

- a) victims trafficked towards EMN Member and Observer Countries in third countries of origin and transit (*e.g. cooperation with non-governmental organisations in third countries; support to reintegration of victims of trafficking; including with the aim of avoiding revictimization, etc.*)?

Yes

No (not applicable)¹⁰³

If yes, please describe up to three policies or measures that have been identified as good practices in your country and explain why these are considered good practices.

Luxembourg does not have any such policies or measures in place in third countries of origin and transit.

- b) third-country national victims of trafficking identified within your country (*e.g. trans-national referrals; cooperation with the diaspora; voluntary return of victims of trafficking, etc.*)?

Yes

No

If yes, please describe up to three policies or measures that have been identified as good practices in your country and explain why these are considered good practices.

The Judicial Police reported two main good practices in this context. The first relates to regular exchanges of information with the "InfoTraite" support service and the Ministry of Home Affairs (Directorate General of Immigration, regarding the issuance of residence permits), and the second relates to informing the victims about their rights, as well as their obligations.¹⁰⁴ For more information on good practices relating to identification and protection of victims of trafficking, please consult the 2021 EMN Study entitled "Third-country national victims of trafficking in human beings: Detection, identification and protection in Luxembourg".¹⁰⁵

16. Please describe your country's **main outcomes/outputs** resulting from the implementation of policies and measures aimed at improving the identification, protection, support and empowerment of third-country national victims of trafficking.

(e.g. enhanced capacity of relevant actors to identify victims of trafficking in human beings; number of victims who received cross-border comprehensive short-term and long-term assistance; enhanced opportunities for reintegration of victims, etc.)

Please report on both main outcomes of policies and measures implemented in third countries of origin and transit and within your own country.

As indicated above, Luxembourg does not have any policies or measures in place that are aimed at improving the identification, protection, support and empowerment of third-country national victims of trafficking in third countries of origin and transit of victims.

With regards to Luxembourg, and as already mentioned in the answers to questions 1, 9 b) and 10 above, Luxembourg continued its efforts to raise awareness on trafficking by implementing information campaigns and awareness-raising trainings, as well as by cooperating at the Benelux level in the context of the identification, protection and support of third-country national victims of trafficking. As previously mentioned, however, these are all general anti-trafficking measures without explicit or exclusive reference to the international dimension of trafficking within the meaning of the scope of this study. For more information, please also consult the 2021 EMN Study entitled "Third-country national victims of trafficking in human beings: Detection, identification and protection in Luxembourg".¹⁰⁶

Moreover, it can be noted in this context that the number of detections of (potential) victims by the Inspectorate of Labour and Mines (*'Inspection du travail et des mines'* - ITM)¹⁰⁷ has been increasing in recent years¹⁰⁸, which, according to the Ministry of Justice, may be explained by the increase in recruited labour inspectors¹⁰⁹, as well as by the ITM's greater awareness of the phenomenon of trafficking (regular participation of labour inspectors in awareness-raising training on trafficking, see also answers to questions 9 b) and 10 above).¹¹⁰ The CCDH also acknowledged that the ITM continues to play a more active role in detecting potential victims of trafficking.¹¹¹ For the period 2019-2020, a total of 6 reports (concerning 36 potential victims) were transmitted by the ITM to the Public Prosecutor's Office in view of possible criminal prosecution. However, these reports resulted in the detection of only 3 victims. For the period 2021-2023, however, the ITM transmitted a total of 27 reports (concerning 101 potential victims) to the Public Prosecutor's Office, resulting in the detection of 58 victims by the ITM.¹¹²

The Judicial Police reported that the victim protection unit has been reinforced by 2 persons in 2023 and 1 person in 2024, bringing the current total of this unit to 5 persons.¹¹³

Moreover, the Judicial Police highlighted several developments that took place after the reporting period, namely in March 2024.¹¹⁴ More specifically, in order to further strengthen the system at various levels, the staff of the "InfoTraite" support service has been increased to 2.5 full-time posts in March 2024 as part of a European Fund project to ensure that the service is available 24/7, to improve reception and care for victims, particularly psychosocial care, and to improve the coordination of assistance at national level and targeted communication.¹¹⁵

SECTION 5: COOPERATION WITH THIRD COUNTRIES AND WITH INTERNATIONAL ORGANISATIONS

17. Has your country identified any **good practices** in the cooperation with third countries of origin and transit of victims to: prevent the trafficking of third-country nationals towards the EU; break the criminal model of traffickers; and/or protect, assist, support, and empower third-country national victims of trafficking?

- Yes
 No¹¹⁶

If yes, please describe up to three examples of good practices in cooperation with third countries and explain why these are considered good practices.

In general, the answer provided by the Ministry of Justice is 'No' as Luxembourg does not have such cooperation with third countries of origin or transit in place (see also answer to question 7 a) above).

At the same time, they provided an example of a good relationship established with the embassy of a third country due to a presumed case of trafficking in which the embassy cooperated with the Luxembourgish authorities. Since then, the embassy raises awareness among their citizens about the phenomenon of trafficking in human beings (indicators, who to contact, etc.). However, as mentioned, this resulted out of an individual case and can therefore not be considered a systematic approach taken by the Ministry of Justice of Luxembourg.¹¹⁷

18. Has your country identified any **good practices** in the cooperation with international organisations to: prevent the trafficking of third-country nationals towards the EU; break the criminal model of traffickers; and/or protect, assist, support, and empower third-country national victims of trafficking?

- Yes
 No

If yes, please describe up to three examples of good practices in cooperation with third countries and explain why these are considered good practices.

Luxembourg does not have any such cooperation in place (see also answer to question 7 b) above).¹¹⁸

19. Has your country identified any **challenges** in relation to the cooperation described in questions 17 and 18?

Not applicable, as Luxembourg does not have such cooperation in place.¹¹⁹

SECTION 6: NEEDS AND FUTURE NATIONAL MEASURES AND POLICIES

20. Has your country identified any particular needs in addressing the international dimension of trafficking in human beings (e.g. any thematic areas not sufficiently covered; any nationalities that were not sufficiently targeted; needs in cooperation with some third countries/regions, etc.)?

- Yes
 No¹²⁰

If yes, please describe these needs and provide the source of the needs assessment (e.g. expert opinions, existing reports, evaluations, studies etc.)

21. [Optional] Are there any ongoing discussions at national level on how future national and EU actions/policies could address identified needs and build on existing good practices?

- Yes
 No

If yes, please describe and specify whether any follow-up actions were taken (e.g., changes in policies/measures; proposal for new policies/measures; negotiations of new cooperation agreements with third countries, etc.).

22. Is your country planning to develop any new policies or measures that address the international dimension of trafficking in human beings?

- Yes
 No¹²¹

If yes, please describe and explain the reasons / drivers (needs or challenges identified) and the new development.

ENDNOTES

¹ Government of the Grand Duchy of Luxembourg, Ministry of Justice, *Lutte contre le trafic des êtres humains*, 13 December 2023. URL: <https://mj.gouvernement.lu/fr/dossiers/2020/lutte-traite-humains.html>

² Ibid.

³ Article 10 the amended Law of 8 May 2009 on assistance, protection and security for victims of human trafficking. Published in Memorial A129 of 8 May 2009. URL: https://legilux.public.lu/eli/etat/leg/loi/2009/05/08/n1/jo#art_10.

⁴ Article 1 (1) of the amended grand ducal regulation of 10 March 2014 regarding the composition, organization and functioning of the monitoring committee for the fight against human trafficking. Published in Memorial A37 of 10 March 2014. URL: <https://legilux.public.lu/eli/etat/leg/rqd/2014/03/10/n1/jo>.

⁵ European Union Crime Preventive Network, n.d., *Prevent human trafficking*, URL: <https://eucpn.org/preventhumantrafficking>

⁶ Ibid.

⁷ Government of the Grand Duchy of Luxembourg, Ministry of Justice, *Lutte contre le trafic des êtres humains*, 13 December 2023. URL : <https://mj.gouvernement.lu/fr/dossiers/2020/lutte-traite-humains.html>.

⁸ Ibid.

⁹ Ibid.

¹⁰ URL: <https://www.facebook.com/stoptraite.lu/>

¹¹ URL: <https://stoptraite.lu/en/>

¹² Information provided by the Ministry of Justice on 26 July 2024.

¹³ Secretariat General of the Benelux, *Thèmes prioritaires, Sécurité, Lutte commune contre le crime organisé, Traite des êtres humains*, n.d., URL: <https://www.benelux.int/fr/info-citoyen/themes-prioritaires/securite/>.

¹⁴ A seminar was organized on this topic on 17 November 2017.

Source: Government of the Grand Duchy of Luxembourg, Ministry of Justice, *Lutte contre le trafic des êtres humains*, 13 December 2023. URL : <https://mj.gouvernement.lu/fr/dossiers/2020/lutte-traite-humains.html>

¹⁵ A seminar was organized during 2018 under the Belgian presidency of the Benelux. Source: Ibid.

¹⁶ A thematic debate was organized on 19 June 2019. Source: Ibid.

¹⁷ An exchange between experts was organized on 10 October 2019 and then the conclusions were used for the declaration of intention signed by the Ministries of the three countries on 10 December 2019. Source: Ibid.

¹⁸ EMN Luxembourg, *2021 Annual Report on Migration and Asylum*, Luxembourg, 2022, p. 67. URL: https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2022/06/Annual-Report-on-Migration-and-Asylum-2021_EN.pdf

¹⁹ Ibid.

²⁰ Secretariat General of the Benelux, *Coopération Benelux en vue de l'accueil des victimes de la traite des êtres humains*, Information leaflet, Brussels, 2021, URL: https://www.benelux.int/files/1116/1700/3419/brochure_TeH-def.pdf.

See also: EMN Luxembourg, *2021 Annual Report on Migration and Asylum*, Luxembourg, 2022, p. 67.

²¹ EMN Luxembourg, *2021 Annual Report on Migration and Asylum*, Luxembourg, 2022, p. 67.

²² EMN Luxembourg, *Interpretation and distinction between labour exploitation in the context of trafficking in human beings and particularly exploitative working conditions under the Employers Sanctions Directive*, Luxembourg, 2022, URL: <https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2022/06/Distinction-between-labour-exploitation-and-particularly-exploitative-working-conditions-THB.pdf>

²³ Secretariat General of the Benelux, *Traite des êtres humains : les défis liés à l'établissement de la preuve de l'exploitation par le travail*, 11 October 2022, URL: <https://www.benelux.int/fr/post/traite-des-etres-humains-les-defis-lies-a-letablissement-de-la-preuve-de-lexploitation-par-le-travail/>

See also: EMN Luxembourg, *2022 Annual Report on Migration and Asylum*, Luxembourg, 2023, p. 109. URL: <https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2023/08/LU-NCP-ARM-2022-pt.-2-EN-final-.pdf>.

²⁴ EMN Luxembourg, *2023 Annual Report on Migration and Asylum*, Luxembourg, 2024, p. 111. URL: <https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2024/08/Corrected-LU-NCP-ARM-2023-pt.-2-EN-final-20-August-2024.pdf>.

²⁵ ECPAT Luxembourg is officially recognised as a non-governmental organisation by Luxembourg's Ministry of Foreign and European Affairs and is placed under the High Patronage of Her Royal Highness the Grand-Duchesse.

For more information, see: Website of ECPAT Luxembourg, URL: <https://ecpat.lu/a-propos/?lang=en>

²⁶ Information provided by ECPAT Luxembourg on 1 October 2024.

²⁷ Information provided by the Ministry of Justice on 26 July 2024.

²⁸ EMN Luxembourg, *2021 Annual Report on Migration and Asylum*, Luxembourg, 2022, p. 36. URL: https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2022/06/Annual-Report-on-Migration-and-Asylum-2021_EN.pdf

²⁹ Monitoring Committee for the Fight against Trafficking in Human Beings, *National Action Plan to Combat Trafficking in Human Beings*. URL:

<https://mj.gouvernement.lu/dam-assets/dossiers/lutte-contre-la-traite-des-etres-humains/Plan-action-national-traite.pdf>

A second National Action Plan is currently still under development.

Source: Information provided by the Ministry of Justice on 26 July 2024.

³⁰ Information provided by the Ministry of Justice on 26 July 2024.

³¹ Information provided by the Ministry of Justice on 26 July 2024.

³² EMN Luxembourg, *Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection in Luxembourg*, Luxembourg, 2021, URL: <https://emnluxembourg.uni.lu/emn-luxembourg-study-third-country-national-victims-of-trafficking-in-human-beings-detection-identification-and-protection-in-luxembourg/>

³³ Information provided by the Ministry of Justice on 26 July 2024.

³⁴ Government of the Grand Duchy of Luxembourg, Ministry of Foreign and European Affairs, *Plan d'action national "Femmes et paix et sécurité" 2018-2023, pour la mise en œuvre de la résolution 1325 (2000) du Conseil de sécurité des Nations Unies*, URL: <https://mae.gouvernement.lu/dam-assets/directions/d1/PAN-LU-Femmes-et-paix-et-securite-2018-2023.pdf>

³⁵ Government of the Grand Duchy of Luxembourg, Ministry of Education, Children and Youth, *Un plan d'action national pour les droits des enfants et adolescents au Luxembourg*, URL: <https://men.public.lu/dam-assets/catalogue-publications/droits-de-lenfant/informations-generales/fr-plan-action-enfants-adolescents.pdf>

³⁶ Information provided by the Ministry of Justice on 26 July 2024.

³⁷ Information provided by the Ministry of Justice on 12 November 2024.

³⁸ Information provided by the Ministry of Justice on 26 July 2024.

³⁹ Information provided by ECPAT Luxembourg on 1 October 2024.

A separate annex with detailed information on these projects has been published alongside this study. See URL: https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2024/11/Annex_Projects-implemented-by-ECPAT-Luxembourg-in-third-countries.pdf

⁴⁰ Government of the Grand Duchy of Luxembourg, *Raising awareness on the risks faced by people fleeing the war in Ukraine to become victims of exploitation and human trafficking*, Press release, 25 March 2022, URL: https://gouvernement.lu/en/actualites/toutes_actualites/communiques/2022/03-mars/25-sensibilisation-risques-ukraine.html

⁴¹ EMN Luxembourg, *2022 Annual Report on Migration and Asylum*, Luxembourg, 2023, p. 20. URL: <https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2023/08/LU-NCP-ARM-2022-pt.-2-EN-final-.pdf>.

⁴² Ibid.

⁴³ Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 59. URL: <https://ccdh.public.lu/dam->

[assets/dossiers thématiques/traité des êtres humains/rapports/rapport-teh4-final.pdf](#).

⁴⁴ Inspectorate of Labour and Mines (ITM), *Travailler au Luxembourg : Aide aux personnes ayant fui la guerre en Ukraine*, 24 March 2022, URL: <https://itm.public.lu/fr/actualites/focus/2022/03/travailler-luxembourg.html>

⁴⁵ National Employment Agency (ADEM), *Information for jobseekers who have fled Ukraine*, 25 March 2022, URL: <https://adem.public.lu/fr/actualites/adem/2022/03/ukraine-info.html>

⁴⁶ Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 59. URL: <https://ccdh.public.lu/dam-assets/dossiers thématiques/traité des êtres humains/rapports/rapport-teh4-final.pdf>.

⁴⁷ Information provided by the Judicial Police on 10 October 2024.

⁴⁸ EMN Luxembourg, *Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection in Luxembourg*, Luxembourg, 2021, URL: <https://emnluxembourg.uni.lu/emn-luxembourg-study-third-country-national-victims-of-trafficking-in-human-beings-detection-identification-and-protection-in-luxembourg/>

⁴⁹ Information provided by the Ministry of Justice on 26 July 2024.

⁵⁰ The only structured cooperation that could be mentioned in this context is the international cooperation agreement with the International Organisation for Migration (IOM) in the context of voluntary return, which, however, is not directly linked to the prevention of trafficking in human beings or the assistance and support for victims of trafficking in Luxembourg.

Source: Information provided by the Ministry of Justice on 26 July 2024.

⁵¹ Information provided by the Ministry of Justice on 26 July 2024 and by the Judicial Police on 10 October 2024.

⁵² Information provided by the Judicial Police on 12 September 2024.

⁵³ Additional information provided by the Judicial Police on 10 October 2024.

⁵⁴ Information provided by the Judicial Police on 12 September 2024.

⁵⁵ Additional information provided by the Judicial Police on 10 October 2024.

⁵⁶ Information provided by the Ministry of Justice on 26 July 2024.

This was also reported to the Consultative Commission on Human Rights (CCDH) by other relevant actors in the context of the latest report of the CCDH on trafficking. For more information, see: Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 34. URL: <https://ccdh.public.lu/dam-assets/dossiers thématiques/traité des êtres humains/rapports/rapport-teh4-final.pdf>.

⁵⁷ Information provided by the Ministry of Justice on 26 July 2024.

⁵⁸ Information provided by the Ministry of Justice on 26 July 2024.

See also: Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 129. URL: [https://ccdh.public.lu/dam-assets/dossiers thématiques/traité des êtres humains/rapports/rapport-teh4-final.pdf](https://ccdh.public.lu/dam-assets/dossiers_thématiques/traité_des_êtres_humains/rapports/rapport-teh4-final.pdf).

⁵⁹ Within the meaning of Article 19 of Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.

⁶⁰ Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 129-131. URL: [https://ccdh.public.lu/dam-assets/dossiers thématiques/traité des êtres humains/rapports/rapport-teh4-final.pdf](https://ccdh.public.lu/dam-assets/dossiers_thématiques/traité_des_êtres_humains/rapports/rapport-teh4-final.pdf).

⁶¹ Information provided by the Ministry of Justice on 26 July 2024 and by the Judicial Police on 12 September 2024.

⁶² Information provided by the Ministry of Justice on 26 July 2024 and by the Judicial Police on 12 September 2024.

⁶³ EMN Luxembourg, *Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection in Luxembourg*, Luxembourg, 2021, p. 53-56, URL: <https://emnluxembourg.uni.lu/emn-luxembourg-study-third-country-national-victims-of-trafficking-in-human-beings-detection-identification-and-protection-in-luxembourg/>.

See also: Answer to parliamentary question 400 on Trafficking in human beings, 29 March 2024, URL: <https://wdocs-pub.chd.lu/docs/exped/0146/031/292315.pdf>.

See also: Government of the Grand Duchy of Luxembourg, *La fonction publique, Formation et développement, La traite des êtres humains*, n.d. URL: https://fonction-publique.public.lu/fr/formation-developpement/catalogue-formations/secteur-etatique/05admdroit/05-1-sujadm/et_05-1-1-33.html

⁶⁴ Additional information provided by the Judicial Police on 10 October 2024.

⁶⁵ Information provided by the Ministry of Justice on 26 July 2024.

⁶⁶ Information provided by the Ministry of Justice on 26 July 2024.

⁶⁷ Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 59. URL: [https://ccdh.public.lu/dam-assets/dossiers thématiques/traité des êtres humains/rapports/rapport-teh4-final.pdf](https://ccdh.public.lu/dam-assets/dossiers_thématiques/traité_des_êtres_humains/rapports/rapport-teh4-final.pdf).

⁶⁸ Joint answer of the Minister of Justice, Minister of Labour and Minister of Gender Equality and Diversity to parliamentary question 400 on Trafficking in human beings, 29 March 2024, URL: <https://wdocs-pub.chd.lu/docs/exped/0146/031/292315.pdf>.

Information provided by the Ministry of Justice on 26 July 2024.

⁶⁹ Joint answer of the Minister of Justice, Minister of Labour and Minister of Gender Equality and Diversity to parliamentary question n°400 on trafficking in human

beings, Luxembourg, 29 March 2024. URL: <https://wdocs-pub.chd.lu/docs/exped/0146/031/292315.pdf>

⁷⁰ Information provided by the Ministry of Justice on 26 July 2024.

⁷¹ Information provided by the Ministry of Justice on 26 July 2024.

⁷² Information provided by the Judicial Police on 10 October 2024.

⁷³ Information provided by the Judicial Police on 10 October 2024.

⁷⁴ Information provided by the Ministry of Justice on 26 July 2024 and by the Judicial Police on 12 September 2024.

⁷⁵ Information provided by the Ministry of Justice on 26 July 2024.

⁷⁶ Information provided by the Judicial Police on 12 September 2024.

⁷⁷ 26 sentences were issued fully suspended and 19 sentences were partially suspended.

Source: Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 175. URL: https://ccdhdh.public.lu/dam-assets/dossiers_thématiques/traité_des_êtres_humains/rapports/rapport-teh4-final.pdf

⁷⁸ Overall, 26 persons were EU citizens, 20 persons were third-country nationals. For 2 people, the rapporteur was unable to determine the place of birth.

Source: Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 174. URL: https://ccdhdh.public.lu/dam-assets/dossiers_thématiques/traité_des_êtres_humains/rapports/rapport-teh4-final.pdf

⁷⁹ Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA), *Third evaluation report*, 2022, paragraph 74, p. 22, URL: <https://rm.coe.int/greta-evaluation-report-on-luxembourg-third-evaluation-round-1680a85a61>.

See also Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA), *First evaluation report*, 2014, paragraph 38, p. 15, URL: <https://rm.coe.int/greta-2013-18-fgr-lux-w-comments-en/168078d263>.

⁸⁰ Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA), *Third evaluation report*, 2022, paragraph 75, p. 22-23.

⁸¹ Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA), *Third evaluation report*, 2022, paragraph 75, p. 22-23 and paragraph 94, p. 27.

⁸² U.S. Department of State, *2024 Trafficking in Persons Report: Luxembourg*, URL: <https://www.state.gov/reports/2024-trafficking-in-persons-report/luxembourg/>

⁸³ See: Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA), *Third evaluation report*, 2022, paragraph 92, p. 26-27.

See also: U.S. Department of State, *2024 Trafficking in Persons Report: Luxembourg*, URL: <https://www.state.gov/reports/2024-trafficking-in-persons-report/luxembourg/>

⁸⁴ Information provided by the Judicial Police on 10 October 2024.

⁸⁵ Information provided by the Judicial Police on 12 September 2024.

⁸⁶ Information provided by the Judicial Police on 12 September 2024.

⁸⁷ Law of 7 August 2023 amending: 1° the Penal Code; 2° the Code of Criminal Procedure. Published in Memorial A516 of 18 August 2023, URL: <https://legilux.public.lu/eli/etat/leg/loi/2023/08/07/a516/jo>

⁸⁸ Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 33-34. URL: https://ccdh.public.lu/dam-assets/dossiers_thematiques/traite_des_etres_humains/rapports/rapport-teh4-final.pdf.

⁸⁹ For data regarding 2021 and 2022, see: U.S. Department of State, *2023 Trafficking in Persons Report: Luxembourg*, URL: <https://www.state.gov/reports/2023-trafficking-in-persons-report/luxembourg/>

For data regarding 2023, see: U.S. Department of State, *2024 Trafficking in Persons Report: Luxembourg*, URL: <https://www.state.gov/reports/2024-trafficking-in-persons-report/luxembourg/>

⁹⁰ For data regarding 2021, see: U.S. Department of State, *2023 Trafficking in Persons Report: Luxembourg*, URL: <https://www.state.gov/reports/2023-trafficking-in-persons-report/luxembourg/>

For data regarding 2022 and 2023, see: U.S. Department of State, *2024 Trafficking in Persons Report: Luxembourg*, URL: <https://www.state.gov/reports/2024-trafficking-in-persons-report/luxembourg/>

⁹¹ Information provided by the Judicial Police on 12 September 2024.

See also: Joint answer of the Minister of Justice, Minister of Labour and Minister of Gender Equality and Diversity to parliamentary question n°400 on trafficking in human beings, Luxembourg, 29 March 2024. URL: <https://wdocs-pub.chd.lu/docs/exped/0146/031/292315.pdf>.

⁹² Ibid.

⁹³ Grand Ducal Police, *International Relations Department*, .n.d. URL: <https://police.public.lu/en/votre-police/a-propos-de-la-police/direction-relations-internationales.html>

⁹⁴ Ibid.

⁹⁵ Information provided by the Ministry of Justice on 26 July 2024.

⁹⁶ Information provided by the Ministry of Justice on 26 July 2024.

⁹⁷ Information provided by the Ministry of Justice on 26 July 2024.

⁹⁸ Information provided by the Judicial Police on 12 September 2024.

⁹⁹ Information provided by the Judicial Police on 12 September 2024.

¹⁰⁰ This was also pointed out by the CCDH in their latest national report on trafficking in human beings. See: Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 56. URL: https://ccdh.public.lu/dam-assets/dossiers_thematiques/traite_des_etres_humains/rapports/rapport-teh4-final.pdf.

¹⁰¹ Information provided by the Judicial Police on 12 September 2024.

¹⁰² Information provided by the Ministry of Justice on 26 July 2024.

¹⁰³ Information provided by the Ministry of Justice on 26 July 2024 and by the Judicial Police on 10 October 2024.

¹⁰⁴ Information provided by the Judicial Police on 12 September 2024.

¹⁰⁵ EMN Luxembourg, *Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection in Luxembourg*, Luxembourg, 2021, p. 53-56, URL: <https://emnluxembourg.uni.lu/emn-luxembourg-study-third-country-national-victims-of-trafficking-in-human-beings-detection-identification-and-protection-in-luxembourg/>

¹⁰⁶ Ibid.

¹⁰⁷ It is important to mention in this context, however, that the ITM is not competent to investigate trafficking in human beings in the context of labour exploitation. Its mission is to prevent, raise awareness and cooperate in matters of working conditions and health and safety at work. In the course of its duties, the ITM may, however, be confronted with a large number of irregularities in working conditions and health and safety at work and, where applicable, situations that may be considered contrary to human dignity. If the ITM encounters a situation suggesting labour exploitation potentially amounting to trafficking in human beings, it notifies the Public Prosecutor's Office and the Grand Ducal Police so that the investigation can continue.

For more information, see: Joint answer of the Minister of Justice, Minister of Labour and Minister of Gender Equality and Diversity to parliamentary question n°400 on trafficking in human beings, Luxembourg, 29 March 2024. URL: <https://wdocs-pub.chd.lu/docs/exped/0146/031/292315.pdf>.

¹⁰⁸ Information provided by the Judicial Police on 12 September 2024.

See also: Joint answer of the Minister of Justice, Minister of Labour and Minister of Gender Equality and Diversity to parliamentary question n°400 on trafficking in human beings, Luxembourg, 29 March 2024. URL: <https://wdocs-pub.chd.lu/docs/exped/0146/031/292315.pdf>.

¹⁰⁹ See also: EMN Luxembourg, *Illegal Employment of Third-Country Nationals in Luxembourg: 2017-2022 Situation Analysis*, Luxembourg, 2023, URL: https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2024/03/EMN-Luxembourg_Illegal-Employment-of-Third-Country-Nationals-in-Luxembourg.pdf.

¹¹⁰ Information provided by the Ministry of Justice on 26 July 2024.

¹¹¹ Consultative Commission on Human Rights (CCDH), *4e Rapport sur la traite des êtres humains au Luxembourg 2021-2022*, Luxembourg, 2023, p. 54. URL:

[https://ccdh.public.lu/dam-assets/dossiers thématiques/traite des êtres humains/rapports/rapport-teh4-final.pdf](https://ccdh.public.lu/dam-assets/dossiers_thematiques/traite_des_etres_humains/rapports/rapport-teh4-final.pdf).

¹¹² Information provided by the Ministry of Justice on 26 July 2024.

Moreover, it should be noted that for all of these cases, the suspected cases of trafficking were not reported to the ITM, but these cases of trafficking were detected during ITM checks at various workplaces. In addition, in the context of these cases, potential victims of human trafficking were not transferred by ITM to the “InfoTraite” support service for victims of human trafficking, but they were informed of their existence.

Source: Joint answer of the Minister of Justice, Minister of Labour and Minister of Gender Equality and Diversity to parliamentary question n°400 on trafficking in human beings, Luxembourg, 29 March 2024.

¹¹³ Information provided by the Judicial Police on 10 October 2024.

¹¹⁴ Information provided by the Judicial Police on 12 September 2024.

See also: Joint answer of the Minister of Justice, Minister of Labour and Minister of Gender Equality and Diversity to parliamentary question n°400 on trafficking in human beings, Luxembourg, 29 March 2024. URL: <https://wdocs-pub.chd.lu/docs/exped/0146/031/292315.pdf>

¹¹⁵ Ibid.

¹¹⁶ Information provided by the Ministry of Justice on 26 July 2024.

¹¹⁷ Information provided by the Ministry of Justice on 26 July 2024.

¹¹⁸ Information provided by the Ministry of Justice on 26 July 2024.

¹¹⁹ Information provided by the Ministry of Justice on 26 July 2024.

¹²⁰ Information provided by the Ministry of Justice on 26 July 2024 and by the Judicial Police on 10 October 2024.

¹²¹ Information provided by the Ministry of Justice on 26 July 2024.