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Third-country national victims of trafficking in human beings: Detection, identification and protection in Luxembourg

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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 with 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 Foreign and European Affairs.

The present report was drafted by Adolfo Sommaribas and Ralph Petry, staff member 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), Christiane Martin (Directorate of Immigration, Ministry of Foreign and European Affairs), François Peltier (STATEC), Pascale Millim (Ministry of Justice) and Pietro Lombardini (ONA, Ministry of Foreign and European Affairs).

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, as well as the assistance services for victims of trafficking in human beings, SAVTEH and COTEH, have been consulted.

EMN LUXEMBOURG STUDY 2021

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***Disclaimer:** The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP 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 the EMN NCPs' Member State.*

Top-line factsheet

*The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policymakers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.*

Since 2016, Luxembourg saw a number of significant developments with regard to legislation, institutional and policy reforms, as well as debates and awareness campaigns related to the detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings. These include, among others, several legislative developments strengthening procedural safeguards and the fight against certain forms of exploitation; the establishment of a National Action Plan on 'Trafficking in Human Beings' (including a confidential roadmap for relevant stakeholders in the field) and a National Action Plan on 'Prostitution' (which also relates to trafficking in human beings); an enhanced cooperation on the Benelux level; the creation of the Search for Fugitives and Victim Protection Unit of the Judicial Police (including reinforcement in 2021); the appointment of contact person for the fight against trafficking in human beings at the Directorate of Immigration and a 'trafficking' reference person in each of its departments; the reinforcement of the support for victims of trafficking (including the establishment of a common space ('INFOTRAITE') for the two approved assistance services SAVTEH and COTEH); an increase and broadening of the basic and specialised training for various stakeholders; and the organisation of information and awareness raising campaigns.

At the same time, the national referral mechanism in Luxembourg has remained the same since its establishment: all stakeholders who detect a (presumed) third-country national victim of trafficking in human beings are obliged to refer cases to the Organised Crime Unit and the Search for Fugitives and Victim Protection Unit of the Judicial Police. While an alleged victim may be detected by any person or service, the Search for Fugitives and Victim Protection Unit of the Judicial Police is the only authority in Luxembourg which is competent to identify (presumed) victims of trafficking. The identification is conducted with the help of a list of typical indicators, statements, items of evidence brought forward and an immediate investigation. On the basis of a combination of these factors, the Judicial Police Officer makes a decision regarding the identification of the presumed victim.

The assistance and support for victims of trafficking in human beings is provided by the aforementioned assistance services SAVTEH and COTEH, either directly or through external service providers, as well as in close cooperation with the Judicial Police. The latter is also responsible for the provision of these services outside of the business hours and over the weekend. There are two different types of support provided to victims, with different aims and depending on the individual situation: 1) ambulatory support, i.e. caring for all victims of trafficking whatsoever; 2) stationary support, i.e. sheltering and orienting victims of trafficking based on their intended audience (women, men, children). The identification of the (presumed) victim by the Judicial Police and their subsequent referral to the assistance services SAVTEH and COTEH trigger the provision of the full set of assistance measures. However, even before going to the Police to be identified as a victim of trafficking, a potential victim may first receive informal psychosocial

ambulatory assistance from the assistance services, the time to place a victim in a relationship of trust in order to get them to be identified by the Judicial Police. As a consequence, all (presumed) victims, regardless of their origin, country of origin (EU or third country), age, gender and status, are entitled to assistance and protection, according to their specific needs. In case they were trafficked/exploited outside of the territory, the decision to provide assistance is taken on a case-by-case basis¹ because the Immigration Law does not foresee this particular situation.

A presumed victim has first to be identified as a victim of trafficking by the Judicial Police in order for the latter to be able to notify the Directorate of Immigration of the Ministry of Foreign and European Affairs in view of issuing a reflection period to the third-country national, which is of 90 days. The reflection period is awarded in order for the person concerned to escape from the influence of the perpetrators of the offence, recover and make an informed decision to file a complaint or make statements concerning the persons or networks who have been guilty of offences related to trafficking in human beings. During the reflection period, the third-country national is authorised to remain, but not to reside, on the territory and no return decision can be taken against the victim. There is no obligation to cooperate with the authorities during the reflection period.

Before the expiration of the reflection period, the Directorate of Immigration consults with the Police in order to determine whether a residence permit for victims of trafficking in human beings may be issued to the third-country national. If the victim has filed a complaint or made statements with regard to the allegedly guilty persons or networks, has broken all ties with the alleged perpetrators and their physical presence is required for the investigation or proceedings, the third-country national is issued a temporary residence permit for victims of human trafficking, for a duration of six months. This residence permit is renewable, on each occasion for a period of six months, for the duration of the judicial proceedings.

A number of challenges and good practices have been identified in the context of this study. Key challenges relate to the increase in the detection of (presumed) third-country national victims of human trafficking who have been exploited in another EU Member State and request assistance, support and protection in Luxembourg (a particular situation not foreseen by the Luxembourgish legislation); an increase in cases where it is difficult to draw a clear distinction between cases of labour exploitation (within the meaning of the Labour Code) and offences of trafficking in human beings for the purpose of labour exploitation (within the meaning of the Penal Code); and the fact that in the majority of cases, (presumed) victims of trafficking do not self-report, are unwilling to be identified as a victim of trafficking and/or are unwilling to cooperate with the authorities in view of filing a complaint against the perpetrators. Additional challenges relate to trafficking in human beings in the virtual world/cyberspace and the integration into the labour market and the integration more generally speaking, due to the fact that the residence permit is only valid for six months at a time.

As for reported good practices, consulted stakeholders underlined the very short and uncomplicated communication channels between all the stakeholders involved, and in particular the very close cooperation between the assistance services and the Judicial Police; the importance of awareness raising, information sessions and specialised training for the stakeholders in the field, as they are considered as being the best methods to detect (presumed) victims who for the most part do not self-report (see challenge mentioned above); the operation of two different specialised units of the Judicial Police, which work independently of each other with regard to the protection of the (presumed) victim, on the one hand, and the investigation of the criminal offences, on the other hand. Lastly, the Judicial Police reported that they consider it a good practice to be able to accommodate and protect a victim of trafficking in a neighbouring country if the particular circumstances of the case do not allow for the victim to be accommodated in Luxembourg due to the small size of the country.

Introduction:

National situation with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (2015-2020)

Q1. Please describe the main policy developments and debates that have occurred in the reference period 2015-2020 with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (e.g., parliamentary debates, policy reforms, draft/adopted legislation, media coverage, awareness-campaigns, relevant publications).

Since 2016, Luxembourg saw a number of significant developments with regard to legislation, institutional and policy reforms, as well as debates and awareness campaigns related to the detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings.

Policy developments

Several significant policy developments have also taken place in the reference period 2015-2020, both on the national level as well as on the level of the cooperation.

National Level:

Overall, it is important to highlight that the current Government coalition agreement of 2018-2023 states that the Government commits itself to strengthen its national and international efforts against trafficking in human beings in all its forms (prostitution, slavery and forced labour) and to strengthen support for victims of trafficking in terms of legal advice and support in a protected shelter, as well as to strengthen inter-ministerial collaboration.ⁱⁱ

However, already the period prior saw a number of important policy developments on the national level. On 29 June 2016, the Minister for Equal Opportunities and the Minister of Justice presented their strategy on prostitution in Luxembourg, which also relates to trafficking in human beings.ⁱⁱⁱ The strategy consisted of both a draft bill^{iv}, which was adopted as Law of 28 February 2018 (see below), and the first National Action Plan (*'Plan d'action national'* - PAN) on 'Prostitution'^v:

(1) The Action Plan is organised around several priorities, among which the reinforcement of the social, psychosocial and medical support as well as the reinforcement of the existing legal framework of the fight against the exploitation of another's prostitution, procuring and trafficking of human beings.

(2) The Action Plan foresees, among other things, to penalise clients in cases of minors, vulnerable persons or victims of sexual exploitation, with the possibility of not having to conduct public prosecution against the client under certain conditions (i.e. customer testimonial). It furthermore foresees the institutionalisation of the 'prostitution' platform as a permanent committee and the creation of synergies with the Monitoring Committee on the Fight Against Trafficking in Human Beings (*'Comité de suivi de la lutte contre la traite des êtres humains'*^{vi}) (hereafter referred to as 'Monitoring Committee').^{vii}

In December 2016, the Council of Government also endorsed the National Action Plan on Trafficking in Human Beings, finalised by the abovementioned Monitoring Committee, and which proposed measures to improve the fight against trafficking at the national level.^{viii} These proposed measures concern three priority areas: the detection and protection of victims, the prosecution and punishment of perpetrators and a policy to actively, effectively and efficiently combat trafficking.^{ix} In addition to the National Action Plan, the Monitoring Committee also finalised a confidential roadmap on the identification and referral of victims in Luxembourg, which since constitutes a vade-mecum on the identification, referral, assistance and support of victims of trafficking for all authorities concerned.^x This roadmap was elaborated by the Service of the Judicial Police, with a revised version having been finalised and rendered official in 2018.^{xi}

In late 2017/beginning 2018, an information booklet entitled 'Identification of victims of human trafficking during international protection and forced return procedures' was prepared at the request of the Ministry of Justice and in collaboration with the National Contact Point Luxembourg in the European Migration Network (EMN Luxembourg).^{xii}

In 2020, the Monitoring Committee began elaborating a second National Action Plan on Trafficking in Human Beings.^{xiii} A consultation with all Ministries confronted with the issue of human trafficking will lead to an efficient and coordinated fight against this phenomenon.^{xiv}

Benelux Level:

During the reference period 2015-2020, the fight against trafficking in human beings has been a consistent part of the closer cooperation between Luxembourg, Belgium and the Netherlands in the framework of the Benelux cooperation. On 2 December 2016, a declaration of intent regarding cooperation in the fight against human trafficking was signed by representatives of the three countries. The declaration covered cooperation with regard to reception centres, assistance to victims, judicial authorities, police services, immigration and integration, and the services of social and labour inspection. One of the outputs of this cooperation was the publication of an information brochure which explains the various Benelux legislations, the principal actors and the varying national mechanisms to aid victims of human trafficking.^{xv} This information brochure was updated in 2021 and served as a valuable source of information for this study.^{xvi} For more information on the Benelux cooperation, please refer to Q10 below.

Draft/adopted legislation:

Several legislative developments have taken place in the reference period 2015-2020.

The first to mention in this context is the Law of 8 March 2017 strengthening procedural guarantees in Penal matters, which allows assistance services to accompany victims during auditions with the Police in view of identification.^{xvii} Since its entry into force, the Grand Ducal Police, the only authority responsible for the identification of (presumed) victims of human trafficking, gives each victim of human trafficking a form named 'INFODROIT'.^{xviii} The form provides victims with information on the type of support they can receive and from whom they can receive this support, as well as, if required, information concerning access to medical support, all specialised support, for instance psychological support, and information on housing solutions.^{xix}

The Law of 28 February 2018 strengthening the fight against the exploitation of prostitution, procuring and trafficking in human beings for sexual purposes enhanced the repression of certain offences related to trafficking.^{xx}

The Law of 13 January 2019^{xxi} establishing a Register of Beneficial Owners transposed two EU Directives^{xxii} and allows for improved investigations in criminal matters, including trafficking in human beings. Moreover, the Grand Ducal Regulation of 15 February 2019^{xxiii} implements the modalities of registration, payment of administrative fees and access to the information registered in the Register of Beneficial Owners. The investigators of the Judicial Police, dealing with human trafficking cases, have direct and unrestricted access to the Register of Beneficial Owners in order to conduct investigations.^{xxiv}

Furthermore, two additional legislative developments strengthened procedural safeguards:

- 1) Law of 15 December 2020, which formalised an agreement between lawyers and the Ministry of Justice with regard to all (presumed) victims receiving legal aid;^{xxv}
- 2) Law of 16 June 2021, which amended Article 95 (2) of the amended Law of 29 August 2008 on the free movement of persons and immigration (hereafter referred to as 'Immigration Law') by clarifying that residence permits delivered to victims of human trafficking are renewable, on each occasion for a period of six months, for the duration of judicial proceedings.^{xxvi}

In addition, the Law of 15 December 2020 approved the Additional Protocol P029 of the International Labour Organisation relating to the Forced Labour Convention.^{xxvii}

The Grand Ducal Regulation of 19 August 2020^{xxviii} amended the composition of the Monitoring Committee in order to take into account the amendments introduced by the Law of 4 December 2019 on

the creation of the National Reception Office (*'Office national de l'accueil' – ONA*).^{xxxix} It also includes a new member: the Victim Assistance Department of the Central Social Assistance Service (*'Service d'aide aux victimes du Service central d'assistance sociale' - SCAS*) was added to the Monitoring Committee.^{xxx}

In addition to the adopted legislative reforms mentioned above, draft bill n°7452^{xxxi} was introduced on 26 June 2019. It aims to complete the transposition of the Directive 2014/42/EU on the freezing and confiscation of instruments and proceeds of crime in the EU^{xxxii} and to transpose the Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identifying of proceeds, or other property related to the crime.

Institutional developments

In Luxembourg, the anti-trafficking policy in all its forms is defined and coordinated by the Monitoring Committee on the Fight Against Trafficking in Human Beings, which brings together the ministries concerned, the Grand Ducal Police and judicial authorities, the National Rapporteur on Trafficking (i.e. the Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (CCDH)) and NGOs responsible for the reception and management of victims.^{xxxiii} Since 2018, the Monitoring Committee has been endowed with an annual budget.^{xxxiv} Also in 2018, the Monitoring Committee decided to create sub-groups to discuss solutions to specific problems, particularly with regard to the identification, reception and protection of victims.^{xxxv}

In February 2018, the Grand Ducal Police created the Search for Fugitives and Victim Protection Unit. It is responsible for the implementation of the protection programme and ensures, in particular, the determination of the level of danger and care for victims of the trafficking. In order to ensure that victims benefit from effective continuity of assistance services, a one-stop shop and direct cooperation between this unit and the Helpdesk have been in place since the creation of this unit.^{xxxvi}

An additional important development on the institutional level is the appointment of a contact person for the fight against trafficking in human beings within the Directorate of Immigration of the Ministry of Foreign and European Affairs. In addition, the Directorate of Immigration has appointed reference persons in each of its departments, namely the Foreigners Department, the Refugees Department, the Returns Department and the Legal Department in order to deal with cases of trafficking.^{xxxvii}

Actions taken to reinforce the support of victims of human trafficking

Since April 2016, the two approved assistance services supporting victims of trafficking, SAVTEH^{xxxviii} and COTEH^{xxxix}, commit 40hrs/week (previously 30hrs/week) to taking care of victims of trafficking.^{xl}

The Ministry of Equality between Women and Men (MEGA) concluded in October 2018 a new cooperation agreement with the Caritas Foundation in the field of assistance to victims of human trafficking. This cooperation agreement provided a new housing facility for male victims of human trafficking, alongside the existing counselling centres and accommodation facilities.^{xli} This facility opened its doors in March 2019^{xlii} and can host approximately 10 people.^{xliii}

Within the framework of the 'Exit Prostitution' project, a *streetworker* position was created to strengthen social work with victims of human trafficking and improve psychological support for children living in an environment of domestic violence.^{xliv}

Since 20 November 2020, the two approved assistance services SAVTEH and COTEH are working under a common space and name: 'INFOTRAITE'. Set-up by the MEGA, the new assistance area opens the way for better coordination of the assistance services, increases the visibility and accessibility of their services, and offers more consistent care for victims. Through this union of forces, the Ministry of Justice, the Ministry of Equality between Women and Men and their partners are strengthening the prevention component.^{xlv}

On 1 October 2021, the Search for Fugitives and Victim Protection Unit of the Judicial Police was reinforced with one additional agent in order to strengthen the support and protection of the victims.^{xlvi}

Development of training for various actors involved in the detection, identification and management of victims of human trafficking

The National Institute for Public Administration (*'Institut national d'administration publique'* - INAP) organises a basic training course entitled *'La traite des êtres humains'* (Trafficking in Human Beings).^{xlvii} This training was put in place by the Monitoring Committee and is aimed at municipal and public servants and the social workers of NGOs.^{xlviii} They are organised twice per year by the Ministry of Justice, the MEGA, the Grand Ducal Police (Judicial Police) and the approved assistance services for victims of trafficking in human beings, SAVTEH and COTEH.^{xlix}

Furthermore, the INAP offers two in-depth training courses per year aimed at the persons that already followed the basic training course mentioned above.^l This training course, entitled *'Approche et Accompagnement des Victimes de la Traite d'Être Humains'* (Approach and Support given to Victims of Trafficking in Human Beings) is carried out by the non-profit organisation Sürya from Liège (Belgium).^{li}

On top of these four annual trainings, ministerial departments and administrations can request the INAP for trainings, specifically adapted to their needs. Moreover, independently of the INAP trainings, the MEGA finances and organises three in-depth trainings per year carried out by Sürya. They are open to civil society and to local actors on the ground that are not employees of the State (see also the answer to Q3 e) for more information on the training of stakeholders in the field of trafficking in human beings).^{lii}

Debates and Awareness-raising

The debate on trafficking in human beings was mainly triggered by the presentation of reports on the situation of trafficking by the National Rapporteur, the Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (CCDH)^{liii}, or other bodies (e.g. the Council of Europe's Group of Experts on Action against Trafficking in Human Beings - GRETA) or by reports and parliamentary questions.^{liv}

During 2018, the issue of trafficking in human beings was debated, particularly within the CCDH. Prior to the legislative elections in 2018, the CCDH invited political parties to consider the recommendations it made in its March 2017 report as the National Rapporteur on Trafficking in Human Beings.^{lv}

On 6 November 2018, GRETA published its second evaluation report on the implementation of the Convention on Action against Trafficking in Human Beings by Luxembourg. This report aims to assess developments since the first report was released in January 2014.^{lvi} GRETA noted that Luxembourg has made progress in a number of areas (legal framework for combating trafficking in human beings, training and awareness raising) and welcomes the formal establishment of an interministerial committee to coordinate the fight against trafficking, the mandate of the Independent National Rapporteur on Trafficking in Human Beings entrusted to the CCDH and the development of a roadmap to clarify the roles and responsibilities of the State and non-state actors during the detection and identification of victims of trafficking, and during their referral to assistance services.^{lvii} However, the report indicated that improvements are still needed in some areas, such as the identification of victims of trafficking, particularly for labour exploitation purposes, forced begging and forced crime, as well as in the detection of victims of trafficking among asylum seekers and foreign workers.^{lviii} GRETA encouraged the authorities to systematically refer all potential, presumed and identified victims of trafficking to specialised assistance services, irrespective of the victim's cooperation with the authorities and to establish a clear identification procedure involving specialists, and to pay particular attention to unaccompanied foreign children and street children.^{lix}

The CCDH noted that in 2016, 83 unaccompanied minors were registered in Luxembourg and of those 38 went missing. The CCDH believed that some of these minors might potentially be victims of trafficking and urged the Government to address the issue of unaccompanied minors that go missing and the connection between trafficking and unaccompanied minor migrants. It also noted at the time that there were no shelters that have a specific agreement to take care of child victims and male victims of trafficking. The National Action Plan acknowledged the need for more shelters for child victims and male victims.^{lx}

On 6 November 2019, the CCDH presented its second report on trafficking in human beings in Luxembourg to the Parliament and the press.^{lxii} It focuses particularly on trafficking in human beings for the purpose of labour exploitation and the role that the Inspectorate of Labour and Mines (ITM) has to play in the detection of potential victims and in the fight against this phenomenon in Luxembourg, which sparked a public debate. In response to the CCDH report, the Minister of Labour, Employment and the Social and Solidarity Economy assured that all labour inspectors are instructed to detect suspicious cases and have all received special training to be able to identify typical signs of trafficking. A change in legislation has so far been rejected for the sole reason that the Police - and not the labour inspectors - should keep the competence to prosecute cases of trafficking "in a highly criminal environment". The Ministry contemplates, nevertheless, modifications to the Labour Code in order to better protect potential witnesses – such as co-workers – so as to encourage them to report any irregularities. The ITM announced it plans to compensate for the lack of statistics to allow for better monitoring of the work carried out in this area.^{lxiii}

The CCDH recommended the Government in this context to reinforce its Organised Crime Unit of the Grand Ducal Police, to recruit more investigators and improve the identification and protection of victims of human trafficking, as well as, pursue criminals involved in the trafficking of human beings.^{lxiii} It also recommended that the Government puts in place a hotline for all victims, similar to the ones already in place in Belgium and the Netherlands.

Information and awareness campaign

On 1 December 2016, the Minister of Justice, the Minister of Equal Opportunities, and the Secretary of State for Internal Security presented an information and awareness campaign on the phenomenon of trafficking in human beings. The campaign, which was organised by the interministerial Monitoring Committee, was an audiovisual media campaign, including radio spots, cinema screenings and a poster campaign targeting aspects of trafficking. A new website (www.stoptraite.lu) has also been set up. The aim of the campaign was to raise awareness among the general public and to inform them about the various forms of trafficking in human beings.^{lxiv}

The Monitoring Committee, chaired by the Ministry of Justice, aims to strengthen the national and international efforts in this area. Part of this effort was the launch of a new human trafficking preventative campaign on 17 October 2019^{lxv} to inform victims that they have rights that can be claimed in all EU Member States (assistance and protection, human rights, labour rights, right to be granted a reflection period and a residence permit). The campaign's dissemination is also done via Facebook and the website 'www.stoptraite.lu' which was created during the first awareness campaign aimed at the general public (see above). Furthermore, a leaflet for potential victims was finalised in 2020 and widely distributed in several languages (including Arabic, Chinese, Albanian Tigrinya etc.) and in the form of pictograms.^{lxvi}

Q2. Please elaborate on the characteristics of detected, identified and protected (presumed) third-country national victims of human trafficking (including age, gender, country of origin, migration status), trafficking purposes (e.g. sexual exploitation, including forced prostitution, forced labour or services, slavery and servitude related practices, as well as the removal of vital organs), latest patterns and trends in the reference period 2015-2020.

The characteristics of third-country national victims of human trafficking for the period in question diverged from year to year. During 2015 and 2016, no homogeneous trend can be observed, with numbers being relatively low and the nationalities differing from one year to the other. The only trend that can be noted is that from 2017, the main form of exploitation is labour exploitation, even though sexual exploitation was predominant before, and that the majority of victims are male and adults. Three minors were identified, two in 2016 and one in 2017 (see below). There is no information on their migratory status.

In 2015, Luxembourg reported two identified victims of trafficking in human beings, one from Gambia and one from Brazil. In both cases, the victims were female and were trafficked for the purposes of sexual exploitation.^{lxvii}

In 2016, five victims were identified and one person was registered as a presumed victim. Four identified victims were female and one was male. Two victims were minors and the other three persons were over the age of 18. Three of the women were trafficked for the purposes of sexual exploitation, and one woman as well as the man were trafficked for the purposes of labour exploitation. The presumed victim was female, over the age of 18 and was trafficked for the purposes of sexual exploitation. The reported countries of origin were China, Guinea, Bissau, Pakistan and Albania.^{lxviii}

In 2017, Luxembourg reported 10 identified victims of trafficking and one presumed victim. Six of the identified victims were men (of which one was a minor) and four were women. Eight identified victims were trafficked for the purposes of labour exploitation (five male and three female), one woman for the purposes of sexual exploitation and one male victim suffered exploitation in another form. The presumed victim was male and was trafficked for the purposes of labour exploitation. The reported countries of origin were Albania, China, Colombia, the Philippines and Ukraine.^{lxix}

In 2018, two third-country nationals were reported as identified victims of trafficking, whereas eight were reported as presumed victims of trafficking. The two identified victims were female, with one having been trafficked for the purposes of sexual exploitation and one for labour exploitation. Of the eight presumed victims, six were female and two were male. Three women were trafficked for the purposes of sexual exploitation, whereas the other three were trafficked for labour exploitation. The two male victims were trafficked for the purposes of labour exploitation. The top 3 reported countries of origin were China, India and Moldova.^{lxx}

In 2019, Luxembourg reported one identified victim of trafficking, while 12 third-country nationals were registered as presumed victims. The identified victim was female and was trafficked for the purposes of labour exploitation. Of the 12 presumed victims, seven were female and five were male. Eight persons concerned were trafficked for the purposes of labour exploitation (four female and four male), three women were trafficked for the purposes of sexual exploitation and one male presumed victim suffered exploitation in another form. The top 3 reported countries of origin were China, Nigeria and Brazil.^{lxxi}

In 2020, Luxembourg again reported one identified victim of trafficking, and four persons as presumed victims. The identified victim was male and was trafficked for the purposes of labour exploitation. Three of the presumed victims were male and one was female. They were all trafficked for the purposes of labour exploitation. The top 3 reported countries of origin were China, Pakistan and Guatemala.^{lxxii}

Section 1: Detection of third-country nationals (presumed) victims of trafficking in human beings

Q3. Please describe the national procedures to detect (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

a) Are there measures in place to detect (presumed) third-country national victims of trafficking in human beings? Yes No

Measures in place to detect (presumed) third-country national victims of trafficking in human beings	Details
Self-reporting	Yes. As trafficking of human beings is a criminal offence of public action ^{lxxiii} anyone can report the crime, especially the victim. ^{lxxiv} See also answer to Q3 b) below.
Awareness raising campaigns	Yes. See answer to Q1 under 'Information and awareness campaigns' as well as answer to Q3 b) below.
Collection of indicators	Yes. A presumed victim can be detected by a series of actors (see answer to Q3 f) below) on the basis of a list of standard

	<p>indicators. This list of indicators is included in a confidential roadmap, which is available to the actors in the field that are also members of the Monitoring Committee on the Fight Against Trafficking in Human Beings (see also 'other' below in this table and answer to Q4 b) below).^{lxxv}</p>
<p>Intelligence gathering by investigative services (e.g. police, labour inspectorate)</p>	<p>Yes, the Judicial Police, a department of the Grand Ducal Police, conducts intelligence gathering with regard to activities and sectors that (potentially) include or may lead to criminal offences in the area of trafficking in human beings.^{lxxvi} This may include, for example, checks with regard to labour exploitation or illegal employment, together with the Inspectorate of Labour and Mines (ITM), or investigations regarding prostitution, sexual exploitation and forced begging.^{lxxvii} The Judicial Police noted that the cooperation with the ITM has become closer in recent years which lead to an increase in joint checks and investigations in this area.^{lxxviii}</p> <p>Moreover, Luxembourgish legislation does not define specific powers in the area of trafficking in human beings to the ITM. However, labour inspectors may detect a victim during their inspections in the field and, specifically, in the course of detecting illegally employed workers.^{lxxix} In this case, they must contact the Judicial Police immediately so that it can act to identify the victims of trafficking and initiate support and protection procedures (see also answer to Q3 e) below).^{lxxx} The Judicial Police noted in this context that there is an informal agreement between the two authorities that the ITM shall inform the Judicial Police about any potential cases of trafficking in human beings, no matter how minor potential detected indications may appear to the operating labour inspectors.^{lxxxi}</p>
<p>Proactive screening in asylum procedures</p>	<p>Yes. The amended Law of 18 December 2015 on international protection and temporary protection (hereafter referred to as 'Asylum Law') foresees the obligation for the Minister in charge of asylum "to proceed within a reasonable time and before a first instance decision is taken with an assessment of the specific procedural safeguards that may prove necessary for certain applicants owing in particular to their age, their sex, their sexual orientation or their gender identity, handicap, serious illness, mental health issues or the effects of torture, rape or other serious forms of psychological, physical or sexual violence."^{lxxxii} In addition, in order to assess the specific procedural safeguards, the Minister in charge of Immigration and Asylum has the option to call for advice from a healthcare professional or other expert.^{lxxxiii}</p> <p>More specifically, as soon as the asylum application is lodged, applicants are registered in a computerised system which facilitates the management and monitoring of cases.^{lxxxiv} At the stage of lodging the asylum application, a first Dublin interview is carried out by persons who have also been designated as 'vulnerable persons' reference persons in the various departments of the Directorate of Immigration (see also below). During this interview, a questionnaire is used which contains, inter alia, questions about the applicant's experience while travelling to Luxembourg, which should facilitate the detection of potential victims of trafficking among applicants for international protection.^{lxxxv}</p>

	<p>Furthermore, the amended Law of 18 December 2015 on reception of applicants for international protection and temporary protection (hereafter referred to as 'Reception Law') establishes that the detection of vulnerable persons and the assessment of their special reception needs shall be carried out, within a reasonable period of time and depending on the circumstances, by the Director of the National Reception Office (ONA) or any other competent authority.^{lxxxvi} Victims of trafficking in human beings are explicitly mentioned among the vulnerable persons in this context.^{lxxxvii}</p>
Proactive screening in migration procedures	<p>Yes. Since 2018, the Directorate of Immigration has appointed a contact person for the fight against trafficking in human beings. In addition, it has appointed a reference person in each one of its departments, namely the Foreigners Department, the Refugees Department, the Returns Department and the Legal Department.^{lxxxviii}</p>
Other	<p>As mentioned in the response to Q1 above, in 2016, the Monitoring Committee finalised a National Action Plan on Trafficking in Human Beings and a roadmap on the identification and referral of victims in Luxembourg, which since constitutes a vade-mecum on the identification, referral, assistance and support of victims of trafficking to all authorities concerned.^{lxxxix}</p> <p>This roadmap, entitled 'Procedures for interdisciplinary cooperation regarding victims of trafficking in human beings', was initially developed by the Service of the Judicial Police^{xc}, in conjunction with the other key stakeholders involved in combating and preventing trafficking in human beings. This confidential roadmap is intended only for the actors in the field and its aim is to define how victims of trafficking are treated and supported in order to acquire victim status as soon as they are detected.^{xci} A revised version of the roadmap was finalised and rendered official in 2018.^{xcii}</p> <p>Finally, the trainings provided on the identification of victims of human trafficking offered since 2016 and developed by the Monitoring Committee for public officials and social workers which were subsequently expanded to other actors (see answer to Q1 under 'Actions taken to reinforce the support of victims of human trafficking' as well as the answer to Q3 e) below).</p>

b. What measures are in place to promote and facilitate self-reporting by (presumed) third-country national victims of trafficking in human beings?

The Law of 8 March 2017 strengthening procedural guarantees in Penal matters, which allows assistance services to accompany victims during auditions with the Police in view of identification.^{xciii} Since its entry into force, the Grand Ducal Police gives each victim of human trafficking a form entitled 'INFODROIT'.^{xciv} The form provides victims with information on the type of support they can receive and from whom they can receive this support, as well as, if required, information concerning access to medical support, all specialised support, for instance psychological support, and information on housing solutions.^{xcv}

In 2019, the Government of Luxembourg decided to join the European Crime Prevention Network (EUCPN) initiative to launch a prevention campaign against human trafficking which aims to inform victims or potential victims of their rights at the European level, where to find help, protection and information.^{xcvi} Through a poster campaign and on social networks, the message is broadcasted in several

languages and in very specific places (train stations, bus stops, assistance and reception services, etc.) in order to directly target (potential) victims of trafficking in human beings.^{xcvii} This campaign was launched on 17 October 2019 to inform victims that they have rights that can be claimed in all EU Member States (assistance and protection, human rights, labour rights, right to be granted a reflection period and a residence permit).^{xcviii}

Furthermore, a leaflet for potential victims of human trafficking was finalized in 2020 and widely distributed.^{xcix} It contains information in 15 languages (including Arabic, Chinese, Albanian, Tigrinya etc.) and in the form of pictograms. The aim is to reach-out to as many (potential) victims as possible in a discreet manner. For example, the contact information can be removed discreetly from the leaflet and is aimed at foreigners, especially foreign workers most at risk of being exploited.^c

c. Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to detect (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	No. The roadmap will apply in these cases (see answer to Q3 a) above for more information).
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	No. The roadmap will apply in these cases. As it was mentioned in the answer to Q3 a) above, there is a contact person for the fight against trafficking in human beings in each department of the Directorate of Immigration.
who are voluntary returnees	No. The roadmap will apply in these cases.
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	Yes. See above. Moreover, they can be detected by the caseworkers of ONA with the participation of its partners Caritas and the Luxembourg Red Cross in the reception facilities. The staff includes, amongst others, social workers, an ethno-psychological team and health professionals as well as experts for people with special needs. ^{ci}
who are in an irregular situation	No. The roadmap will apply in these cases. However, the detection of a (presumed) victim can only occur if the irregularly staying third-country national is detected by the authorities.

d. What procedural safeguards exist for each category presented above?

During the international protection procedure, once the applicant is identified as being in need of special procedural guarantees, s/he is granted adequate support and sufficient time in order to create the necessary conditions to file the elements to support his/her request. If the identified victim does not renounce his/her status as an applicant for international protection, s/he will benefit from specific procedural guarantees and social rights, granted according to the specific reception needs.^{cii} In this case, the victim is not subject to the reflection period established in the Immigration Law.^{ciii}

The treatment of the application and the interviews will be conducted by staff duly trained to take charge of cases involving vulnerable persons.^{civ} The Directorate of Immigration sees to it that:

- The interviews for the victims of human trafficking are adapted, i.e. several breaks will be allowed, the interview may be postponed to another time depending on the state of the person, or in some cases, it may be considered that the applicant submits his/her statement in writing. Adequate support is provided and the persons concerned can see their file being prioritised.

- In the context of the Dublin procedure, these individuals are not placed under house arrest in the semi-open return structure SHUK but can be accommodated in a regular reception centre.^{cv}
- If these guarantees cannot be implemented in the fast-track procedure, this type of procedure cannot be applied to the applicant.^{cvi}

At the reception level, the National Reception Office (ONA) and its partners support those people who have been deemed vulnerable by offering them, as far as possible, accommodation adapted to their needs, as well as orientation towards the relevant specialised services^{cvi}, namely SAVTEH and COTEH which are the approved specialised assistance services for victims of human trafficking. If needed, the victim can be transferred to the accommodation facilities of the specialised services. Moreover, as part of the collaboration agreement between the Red Cross and ONA, an ethno-psychological team is responsible for identifying people with mental disorders and, if necessary, implementing an appropriate follow-up in close cooperation with mental health services.^{cvi}

Outside of the international protection, the general regime is applied as it is described by the articles 92 to 98 of the Immigration Law: Once the victim is identified by the Search for Fugitives and Victim Protection Unit of the Judicial Police, the latter immediately notifies the assistance services for victims of trafficking. Where the (presumed) victim is an unaccompanied minor, s/he will be appointed, as soon as possible, an ad hoc administrator to assist him/her in the proceedings, including, if necessary, in the context of criminal proceedings.^{cix} The Directorate of Immigration is notified accordingly and issues a certificate for the period of reflection valid for 90 days so that the person can escape from the influence of the perpetrators of the offence and recover.^{cx} Cooperation with the authorities in charge of the investigation is no longer a prerequisite for granting a period of reflection (see also answer to Q8 e) below). The victim cannot be removed from the territory during this period.^{cx}

A residence permit valid for six months and renewable, on each occasion for a period of six months, for the duration of judicial proceedings may subsequently be issued if certain criteria are met.^{cxii} After the residence permit for victims of trafficking in human beings has expired, the person in question may apply for an authorisation and a residence permit for private reasons for humanitarian reasons of exceptional gravity.^{cxiii} This residence permit is valid for one year and is renewable if, when reviewed, the victim's situation has not changed.^{cxiv} The person may also apply for a residence permit for salaried worker without being subject to the condition of priority employment of EU nationals (see also answer to Q8 f) and g) below).^{cxv}

e. What organisations / authorities are trained / competent to detect (presumed) third-country national victims of trafficking)?¹

Organisation / authorities	Trained to detect (presumed) third-country national victims of trafficking? Y/N	Competent to detect (presumed) third-country national victims of trafficking? Y/N	Details
Police	Yes	Yes	<p>The Judicial Police Department is a specialised department of the Grand Ducal Police which carries out Judicial Police duties.^{cxvi} One of its duties is to research and investigate serious or particularly complex offences, as is the case for trafficking in human beings.^{cxvii}</p> <p>Two specialised departments are part of the national system regarding trafficking in human beings. Firstly, the Victim Protection and Search for Fugitives Unit, which is responsible for the identification of victims of trafficking and the implementation of the protection programme. Secondly, the Organised Crime Unit, which is responsible for criminal investigations.^{cxviii}</p> <p>A victim of trafficking may be detected by any person, body or authority. The person must be referred to the Police for identification purposes in order to obtain the requisite support and protection (see also Q5 below for more information).^{cxix}</p> <p>The Police must notify the approved assistance services for victims of</p>

¹ EMN NCPs are invited to address this question by using as source the European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

trafficking at the earliest opportunity of the presence of an identified victim in order for them to contact the victim to provide appropriate assistance. Similarly, the victim assistance services notify the Police as soon as possible if they detect a victim of trafficking. The Police and the assistance services liaise regularly and cooperate on an ongoing basis in order to ensure effective protection and support while taking care of the victims.^{cxx}

The Police must inform the victim about the various options for bringing a civil action and the workings of the criminal justice procedure.^{cxxi}

As for the training, the amended Law of 8 May 2009 stipulates that members of the Police specialised in the fight against trafficking are required to attend training courses designed for them and which focus on the identification of victims, human rights and the protection of victims against traffickers.^{cxxii}

Moreover, since a few years, the topic of trafficking in human beings is part of the mandatory curriculum of the Police Academy. Consequently, every new recruit, independent of their unit, receives relevant information on trafficking in order to potentially detect (presumed) victims of trafficking and refer them to the Judicial

			<p>Police for further proceedings.^{cxxiii}</p> <p>As public servants, every police officer may also attend the two training courses offered at the National Institute for Public Administration (INAP) on a voluntary basis (see answer to Q1 above). At the same time, the Judicial Police is one of the stakeholders that provide these training courses at the INAP.^{cxxiv}</p> <p>Lastly, police officers, specifically from the Judicial Police, can also receive specialised training by international experts or entities, such as CEPOL.^{cxxv}</p>
Border guards	Yes	Yes	<p>Luxembourg only has one external border, namely the International Airport, and the border guards are members of the Unit of the Airport Police (<i>'Unité de la Police de l'Aéroport'</i> - UPA), which is part of the Grand Ducal Police. Specialised training is organised on a regular basis by the Police Academy for members of the UPA^{cxxvi} (see also the previous line).</p>
Labour inspectors	Yes	Yes	<p>The Inspectorate of Labour and Mines (ITM) is the competent body for detecting illegal employment and protecting workers' rights.</p> <p>Although Luxembourgish legislation does not define specific powers in this area, ITM inspectors may detect a victim during their inspections in the field</p>

			<p>and, specifically, in the course of detecting illegally employed workers.^{cxxvii} In this case, the labour inspector must contact the Police immediately so that it can act to identify the victims of trafficking and initiate support and protection procedures.^{cxxviii}</p> <p>Furthermore, as it relates to trainings, it is important to mention that every operational labour inspector has received a specialised training on trafficking in human beings.^{cxxix}</p>
Migration services	Yes	Yes	<p>As mentioned in the answer to Q3 a) above, the Directorate of Immigration has appointed a contact person for the fight against trafficking in human beings since 2018, as well as a reference person in each of its departments (i.e. Foreigners Department, Refugees Department, Returns Department and Legal Department).</p> <p>Moreover, the staff of the Directorate of Immigration is required to attend training courses designed for them and which focus on the identification of victims, human rights and the protection of victims against traffickers.^{cxxx}</p>
Asylum case officers	Yes	Yes	<p>The Asylum Law specifies an assessment of specific procedural guarantees that may be needed for vulnerable applicants for international protection.^{cxxxi}</p>

			Furthermore, as mentioned in the previous line, asylum case officers, as agents of the Directorate of Immigration, are required to attend specialised training. ^{cxxxii}
General practitioners	No (in principle)	Yes	<p>General practitioners are competent to detect a patient as a (presumed) victim of human trafficking and can inform the competent authority.^{cxxxiii} However, generally speaking, they are not specifically trained to detect (presumed) victims of trafficking.^{cxxxiv}</p> <p>One can, however, mention that a number of trainings and conferences are organised for a variety of different actors and stakeholders, including medical professionals.^{cxxxv}</p>
Other health workers	No (in principle)	Yes	<p>Similar to the case of general practitioners above, other health workers are competent to detect a patient as a (presumed) victim of trafficking. However, generally speaking, they are not specifically trained to detect (presumed) victims of trafficking.^{cxxxvi}</p> <p>The Ministry of Justice reported in this context that dedicated training sessions, upon request and tailor-made to their specific needs, can be organised for other health workers.^{cxxxvii} For example, in 2019, a basic training course was organised for the Unit for Medicolegal Documentation of Injuries (<i>Unité médico-légale de</i></p>

			<p><i>documentation des violences’ – UMEDO).</i>^{cxxxviii} This course was organised outside of the INAP training framework, upon request by UMEDO.^{cxxxix}</p> <p>The assistance services SAVTEH and COTEH reported that they provided two training sessions for Médecins du Monde Luxembourg in 2021.^{cxl}</p> <p>Moreover, one could mention in this context that within the framework of the cooperation at the Benelux level, an awareness day was organised for health professionals from the three Benelux countries, entitled ‘What is the role of medical professionals?’. The objective of this day was to inform and raise awareness of stakeholders in the field of health to the phenomenon of trafficking, detection of victims of trafficking and how they are supported by various stakeholders, such as the assistance services and judicial authorities who were also present at the awareness day, and their role as a potential detector.^{cxli}</p>
Employers	No, not yet	Yes	<p>Generally speaking, employers are not specifically trained to detect (presumed) victims of trafficking.^{cxlii} However, tailor-made training sessions can be organised for employers upon request. The Ministry of Justice reported that this is currently in progress and that these works</p>

			were delayed due to the COVID-19 pandemic. ^{cxliii}
Trade unions	No, not yet	Yes	Generally speaking, trade unions are not specifically trained to detect (presumed) victims of trafficking. ^{cxliiv} However, tailor-made training sessions can be organised for employers upon request. Moreover, the Ministry of Justice reported that this is currently in progress and that these works were delayed due to the COVID-19 pandemic. ^{cxliv}
Civil society organisations	Yes	Yes	This work is conducted by means of and in partnership with the assistance services for victims of trafficking, the ' <i>Service d'Assistance aux Victimes de la Traite des Êtres Humains</i> ' (SAVTEH) of the non-profit organisation Femmes en Détresse asbl and the <i>Centre Ozanam - Traite des Êtres Humains</i> (COTEH) of the Fondation Maison de la Porte Ouverte and their reception facilities. These approved organisations in the context of trafficking in human beings have agreement contracts with the Ministry of Equality between Women and Men (MEGA) as well as the reception facilities which have agreements with the Ministries of National Education, Children and Youth, the Ministry of Family, Integration and the Greater Region, and the Ministry of Health. ^{cxlvi} MEGA also usually finances and organises

			<p>three in-depth trainings per year carried out by the director of the Belgian NGO Sürya – a belgian specialist on trafficking human beings – independently of the INAP trainings. They are open to civil society and to local actors on the ground that are not agents of the State.^{cxlvii}</p> <p>In addition, for example in 2019, the socio-educational staff of Caritas and the Red Cross, which manage reception facilities for applicants for international protection, participated in one in-depth training sessions on victim identification and assistance, respectively. These sessions were organised and financed by the MEGA.^{cxlviii}</p>
Others	Yes	Yes	<p><u>1. Reception of applicants for international protection</u></p> <p><i>National Reception Office (ONA)</i></p> <p>Both the Asylum Law and the Reception Law specify that the detection of vulnerable persons and an assessment of their specific needs in terms of reception are conducted by the National Reception Office (ONA).^{cxlix} These needs may be identified during an initial interview following the filing of the application for international protection, but also throughout the procedure.^{cl} It should be noted in this context that ONA has recently drafted an internal roadmap, with the</p>

		<p>support of the 'restricted Monitoring Committee' (see 'Good practice 1' in the answer to Q20a for more information). This roadmap will be circulated within ONA upon approval by the Committee in the near future.^{cli}</p> <p><i>Medical examination</i></p> <p>According to the Reception Law, all applicants for international protection must undergo a medical examination conducted by a doctor of the Health Inspection Department for public health reasons. This examination may include an examination for signs of persecution or serious harm that the applicant may have suffered.^{clii} The Reception Law states that the detection of vulnerable persons and the assessment of their needs in terms of basic medical care should be conducted by the doctor of the Health Inspection Department.^{cliii}</p> <p><u>2. Public servants</u></p> <p>More generally speaking, all public servants are eligible to attend, on a voluntary basis, the two training courses organised at the INAP (see also answer to Q1 above for more information).^{cliv}</p>
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f. Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the detection of (presumed) third-country national victims of trafficking in human beings?²

The national referral mechanism in Luxembourg has remained the same since its establishment: all stakeholders who detect a (presumed) third-country national victim of trafficking in human beings are obliged to refer cases to the Organised Crime Unit and the Search for Fugitives and Victim Protection Unit of the Judicial Police.^{clv}

In Luxembourg, an alleged victim may be detected by any person or any service, such as the approved assistance services for victims of trafficking, an officer of the Refugees Department of the Directorate of Immigration, the ITM or Customs, an ONA social worker or a partner of ONA in the reception of applicants for international protection, by the Health Inspection Department or a worker at the Detention Centre. If the Refugees Department of the Directorate of Immigration detects a victim, the case is forwarded to the Foreigners Department - competent for third-country nationals and therefore in charge of victims of trafficking. Both the Refugees Department and the Foreigners Department may contact the above-mentioned assistance services at any time in order to liaise with them in regards to detecting or confirming the detection of potential victims among applicants for international protection. This service then sends the case to the Search for Fugitives and Victim Protection Unit of the Judicial Police, which is responsible for identifying victims.^{clvi}

Section 2: Identification of (presumed) third-country national victims of trafficking in human beings

Q4. Please describe the national procedures to identify (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

a) What organisations / authorities are competent to identify (presumed) third-country national victims of trafficking?

Organisation / authorities	Competent to identify (presumed) third-country national victims of trafficking? Y/N	Details
Police	Yes	In Luxembourg, the only authority which is competent to identify victims of human trafficking is the Grand Ducal Police, more specifically the Judicial Police Department (for more information, please see also the answer to Q3 e) above). ^{clvii}
Border guards	No	N/A
Labour inspectors	No	N/A
Migration services	No	N/A
Asylum case officers	No	N/A
Civil society organisations	No	N/A
Others	N/A	N/A

² Ibid.

b) Are there specific measures in place to identify (presumed) third-country national victims of trafficking in human beings? Yes No

Once someone has detected a presumed case of trafficking of human beings, they have to refer the case to the Search for Fugitives and Victim Protection Unit of the Judicial Police, which is responsible for the identification of the victims. The Public Prosecutor is also informed of the case in order to commence proceedings. With the help of a list of typical indicators, statements, items of evidence brought forward and an immediate investigation, the Judicial Police officer makes a decision regarding the identification of the presumed victim. Items that help to identify a victim include:

- the presence or absence of identity documents;
- the person displays signs of fear, distress and anxiety;
- the person has difficulty answering questions;
- the person makes statements that are inconsistent or based on indoctrination;
- the person does not know where he/she works;
- the person did not arrange his/her own transportation;
- the person is always accompanied when leaving the premises;
- the person shows signs of fear of the person accompanying him/her;
- the person is subject to coercion by another person;
- the person is a minor;
- the place where the person was found;
- the person's physical appearance, mental state, vulnerability;
- the lack of a fixed place of residence;
- the person sleeps and lives at his/her place of work;
- the lack of income and a contract of employment;
- the person does not have direct access to his/her wages;
- their arrival in the territory;
- their length of stay and
- the country of origin.^{clviii}

A victim is identified by the statements they make in this regard and/or by the finding of clues suggesting that their situation corresponds to trafficking in human beings. It is not necessary for the intercepted person to make immediate statements in order to be considered a victim. It is sufficient to establish indications. To assess the existence of indications of trafficking in human beings, the Search for Fugitives and Victim Protection Unit refers to the list of indicators mentioned above, as well as a more extensive list of indicators established by the United Nations' Office on Drugs and Crime (UNODC).^{clix} These lists of factors and findings allow the conclusion that a trafficking investigation can be initiated. The factors and findings may occur in combination, but it is clear that not all of them need to be present simultaneously. The order in which the different indicators are found is also irrelevant.^{clx}

In practice, statements made by the victims themselves are rather uncommon for many reasons:

- vulnerability (handicap, illiteracy, pregnancy, under-age, ethnic minority, social group, non-existent or incorrect identity papers and/or residence permits, handicap, orphaned child, etc.);
- lack of language skills;
- lack of information and knowledge of legal rights;
- lack of awareness of victim status, failure to understand the conditions of exploitation regarded as normal in view of the victims' background, culture, origin, environment or education;
- distrust/fear of the police and the authorities;
- fear of identification as an illegally staying person followed by being returned to their country of origin;
- memory loss and psychological trauma;
- fear and the risk of threats and reprisals on them or their family by the perpetrators;
- (potential) social stigma.^{clxi}

c) Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to identify (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	No, the process of identification is the same, independent of the migratory status of the person. ^{clxii}
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	No (see above).
who are voluntary returnees	No (see above).
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	No (see above).
who are in an irregular situation	No (see above).

d) Does a (presumed) third-country national victim have to be formally identified by a competent authority in order to apply for / be granted a reflection period / residence permit / protection status?

Yes No

e) Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the identification of (presumed) third-country national victims of trafficking in human beings?³

Since the publication and dissemination of the confidential roadmap to the actors in the field that are a member of the Monitoring Committee in 2017, the referral mechanisms have not changed. The only recent change with regard to the identification of (presumed) victims is that there is an exception when dealing with victims that are highly traumatised. In such exceptional cases, the identification can be done, in the first instance, through the medical expertise and in collaboration with the assistance services, in order for the (presumed) victims to benefit from the assistance, support and protection measures. Nevertheless, the (presumed) victims has to eventually be formally identified by the Judicial Police, as foreseen by the law. ^{clxiii}

³ Ibid.

Section 3: Protection of (presumed) third-country national victims of trafficking in human beings

Q5. In line with the Anti-trafficking Directive, please describe in the table below what kind of assistance, support and protection (presumed) third-country national victims of trafficking in human beings are given access to in your Member State who are in the reflection period, in the Dublin III procedure, in the asylum procedure or who have a valid authorization to stay (residence permit, short term visa or visa-free stay) respectively. Please also indicate, for each type of assistance the competent authority that can trigger its provision.

The various types of assistance provided to (presumed) third-country national victims of trafficking in human beings are stipulated in Article 2 of the amended Law of 8 May 2009. In order to enable their physical, psychological and social recovery, (presumed) victims shall be granted:

- a) accommodation, social and socio-educational assistance, material and financial assistance, medical, psychological or therapeutic assistance, according to their needs;
- b) linguistic assistance, where appropriate;
- c) legal assistance.^{clxiv}

Financial assistance may be granted on genuine and serious grounds relating to the (presumed) victim's physical, psychological or social recovery.^{clxv} These assistance measures are either offered by the two approved assistance services, SAVTEH and COTEH, themselves or through external service providers in coordination with the two assistance services.^{clxvi} The assistance services operate during the normal business hours. Outside of the business hours or over the weekend, the assistance is provided by the Search for Fugitives and Victim Protection Unit of the Judicial Police.^{clxvii} With regard to accommodation, the Judicial Police, together with the assistance services, may need to place and monitor a (presumed) victim in a reception facility abroad (i.e. Germany, Belgium), if the needs for their protection and security so require.^{clxviii}

Moreover, a Grand Ducal Regulation specifies that the assistance measures referred to in point a) above and the financial assistance shall be provided from the day that the Police has indications that a person is a presumed victim of trafficking in human beings.^{clxix} In other words, it is the identification of the victim by the Judicial Police and their subsequent referral to the assistance services SAVTEH and COTEH that trigger the provision of the full set of measures mentioned above.^{clxx}

However, even before going to the Police to be identified as a victim of trafficking, a potential victim may first receive informal psychosocial ambulatory assistance from the assistance services, the time to place a victim in a relationship of trust in order to get them to be identified by the Judicial Police.^{clxxi}

In this context, one should note that there are two types of assistance services for victims with different aims, depending on the individual situation:

- ambulatory support: caring for all victims of trafficking whatsoever (in particular, regardless of sex, age, origin or the place of trafficking);
- stationary support: sheltering and orienting victims of trafficking based on their intended audience (women, men, children).^{clxxii} They can be sheltered in the three available open reception facilities specifically dedicated to victims of trafficking in human beings.^{clxxiii}

It is also important to note in this context that the granting of these assistance measures is not conditional on the victim's willingness to cooperate in the investigation.^{clxxiv} This disposition was clarified by the Law of 9 April 2014 strengthening the right of victims of trafficking in human beings^{clxxv}, which states that the condition of cooperation applies only for the issuance of a residence permit for victims of trafficking, in accordance with Article 95 of the Immigration Law.^{clxxvi} Moreover, the amended Law of 8 May 2009 on the assistance, protection and security of victims of trafficking in human beings does not differentiate between the migratory status of the (presumed) victim of trafficking.^{clxxvii}

As a consequence, all (presumed) victims, regardless of their origin, country of origin (EU or third country), age, gender and status, are entitled to assistance and protection, according to their specific needs.^{clxxviii} In case they were trafficked/exploited outside of the territory, the decision to provide assistance is taken on a case-by-case basis^{clxxix} because the Immigration Law does not foresee this particular situation (see also ‘Challenge 1’ in the answer to Q14 a) below).

Type of assistance	Reflection period	Dublin III procedure	Asylum procedure	Residence permit holders	Short term visa/visa-free stay
Information on risks and protection mechanisms	<p>A (presumed) victim of trafficking in human beings who is in the reflection period is informed by the Police and the assistance services SAVTEH and COTEH on the risks and protection mechanisms.</p> <p>Generally speaking, it should be noted that the Search for Fugitives and Victim Protection Unit of the Judicial Police is the body best placed to assess the risks and dangers of the victim at any stage of the procedure, independent of the migratory status of the person concerned.^{clxxx}</p>	<p>The person concerned is informed by the Police, the Directorate of Immigration of the Ministry of Foreign and European Affairs and the assistance services SAVTEH and COTEH on the risks and protection mechanisms (see also first column).</p>	<p>The person concerned is informed by the Police, the Directorate of Immigration and the assistance services SAVTEH and COTEH on the risks and protection mechanisms (see also first column).</p> <p>Moreover, more generally speaking, NGOs offering support to migrants and applicants for international protection, such as ASTI, CLAE, the Red Cross or Caritas, can play a significant role in this context.^{clxxxi}</p>	<p>See previous column, as this also applies to holders of a residence permit in Luxembourg.</p>	<p>See previous column, as this also applies to holders of a short term visa or for persons on a short term visa-free stay in Luxembourg.</p>
Appropriate and safe accommodation	<p>The person concerned has access to the security, protection and support measures^{clxxxii} foreseen by the amended Law of 8 May 2009. These measures</p>	<p>Third-country nationals falling under the Dublin III Regulation are generally assigned to home custody in the semi-open facility SHUK to facilitate their</p>	<p>The person concerned generally remains in the reception facilities for applicants for international</p>	<p>As mentioned in the general answer before this table, the person concerned is provided accommodation upon identification by the Police</p>	<p>See previous column, as this also applies to holders of a short term visa or for persons on a short term</p>

	<p>include accommodation and is offered by the assistance services.^{clxxxiii}</p> <p>As mentioned in the general answer before this table, the (presumed) victim has to be identified by the Judicial Police in order to receive this assistance.</p>	<p>transfer to another Member State.^{clxxxiv}</p> <p>However, vulnerable persons, including identified victims of trafficking in human beings, are exempted from this.^{clxxxv}</p> <p>As applicants for international protection, they either remain in the reception facilities for applicants for international protection where they are accommodated or, depending on the victims' specific needs and depending on their age, sex, background and the vulnerability or risk of their situation, they may be placed in facilities approved by MEGA or the Ministry of National Education, Children and the Youth (MENJE), or placed in a secret location by the Police for safety reasons, if applicable.^{clxxxvi}</p>	<p>protection where they are accommodated.^{clxxxvii}</p> <p>Nonetheless, depending on the victims' specific needs and depending on their age, sex, background and the vulnerability or risk of their situation, they may be placed in facilities approved by the MEGA or the Ministry of National Education, Children and Youth (MENJE), or placed in a secret location by the Police for safety reasons, if applicable.^{clxxxviii}</p> <p>This is evaluated in close collaboration between the assistance services, the Police and the National Reception Office (ONA), the responsible authority for the reception of application for international protection.^{clxxxix}</p>	<p>and upon referral to the assistance services by the Judicial Police, in accordance with the amended Law of 8 May 2009.^{cxc}</p>	<p>visa-free stay in Luxembourg.^{cxi}</p>
Necessary medical treatment	The person concerned has access to the security, protection and support	The person concerned will be provided with necessary medical treatment either	Once an application for international protection is lodged, each applicant	The person concerned is entitled, upon identification by the	See previous column, as this also applies to holders of a short term visa or for

	<p>measures^{cxcii} foreseen by the amended Law of 8 May 2009. These measures include medical assistance and is offered by the assistance services (see also general answer above this table).^{cxci}</p>	<p>via the National Reception Office (ONA), in case they are accommodated in a reception facility, or via the assistance services.</p>	<p>takes out a voluntary health insurance with the National Health Fund ('Caisse nationale de santé' – CNS) via ONA, which will pay the monthly contribution for the entire duration of the international protection procedure.^{cxci} This means that applicants who are (presumed) victims can receive necessary medical treatment by health professionals.^{cxci}</p> <p>Furthermore, depending on the individual circumstances and the agreement with ONA, (presumed) victims may also be assisted by the assistance services, who can also take charge of the medical expenses in such cases.^{cxci} This also depends on the particular procedure that the concerned person is (i.e. asylum procedure or criminal proceedings with regard to trafficking in human beings).^{cxci}</p>	<p>Judicial Police, to medical assistance, which will be provided by the assistance services (see also general answer above this table).^{cxci}</p>	<p>persons on a short term visa-free stay in Luxembourg (see also general answer above this table).^{cxci}</p>
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Counselling and information	<p>The assistance services SAVTEH and COTEH provide personalised support and meet each (presumed) victim's specific needs (e.g. psychological support).^{cc} They help direct the victims to the competent bodies (i.e. support for social, medical, legal, administrative, linguistic procedures, with the Police, Immigration and diplomatic authorities) in order to help them recover physically, psychologically and socially and coordinate the overall care with all those involved and the partners able to support (presumed) victims of trafficking (see also general answer above this table; see also other rows in this table for more information on each assistance measure).^{cci}</p> <p>Counselling and information is the same for all (presumed) victims,</p>	See first column.	See first column.	See first column.	See first column.
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	independent of their status. ^{ccii}				
Legal assistance	<p>The person concerned has access to the security, protection and support measures^{cciii} foreseen by the amended Law of 8 May 2009. This also includes legal assistance,^{cciv} which is provided by the Luxembourg Bar Association through a lawyer of its choosing.</p> <p>Legal assistance is the same for all (presumed) victims, independent of their status.^{ccv}</p>	See first column.	See first column.	See first column.	See first column.
Translation and interpretation	See also 'Counselling and information' above. The assistance services SAVTEH and COTEH have to provide for linguistic assistance. ^{ccvi}	See first column.	See first column.	See first column.	See first column.
Psychological assistance	The person concerned has access to the security, protection and support measures ^{ccvii} foreseen by the amended Law of 8 May 2009. These measures include psychological assistance and is offered by the assistance services (see	See first column.	Psychological assistance can be provided in the asylum procedure by specialists once the assessment of vulnerabilities detected the person as a victim of human trafficking, either by the agent in charge of	See first column.	See first column.

	<p>also general answer above this table).^{ccviii}</p> <p>Furthermore, this also includes the informal ambulatory psychosocial support (for about a month) for victims who, for various reasons (lack of trust, denial, traumatism, fear, threats, reprisals, etc.), do not want or can not go to the Police authorities to be identified, in order to give them the confidence to do so.^{ccix}</p>		<p>the file in the Directorate of Immigration or by the caseworkers in the reception facilities where the applicant is being lodged.</p>		
<p>Subsistence (material assistance)</p>	<p>As mentioned in the general answer before this table, the (presumed) victim has to be identified by the Judicial Police in order to receive this type of assistance.^{ccx}</p> <p>If necessary, social support for the (presumed) victim is accompanied by material assistance in kind or in cash. This is determined according to the individual needs of the victim by the minister who issued the authorisation, on the basis of a duly reasoned</p>	<p>See first column.</p>	<p>See first column.</p>	<p>See first column.</p>	<p>See first column.</p>

	<p>proposal from the approved assistance services for victims of human trafficking.^{ccxi}</p> <p>It is important to note in this context that the amount of the financial assistance may not exceed the amount of social aid foreseen for applicants for international protection.^{ccxii}</p>				
Social and economic integration	<p>The person concerned has access to the security, protection and support measures^{ccxiii}, foreseen by the amended Law of 8 May 2009. These measures include social and economic assistance and is offered by the assistance services.^{ccxiv}</p> <p>As mentioned in the general answer before this table, the (presumed) victim has to be identified by the Judicial Police in order to receive this type of assistance. This may include, for example, support with regard to finding a job, vocational training or language</p>	See first column.	See first column.	See first column.	See first column.

	<p>courses, including directing or accompanying them to such services.</p> <p>Furthermore, the assistance services have the possibility to take charge of costs involved for such trainings and courses.^{ccxv}</p>				
Protection against re-victimisation	<p>The protection against re-victimisation is provided by the Police together with the assistance services. Throughout the period of support, the SAVTEH and COTEH study the needs of victims of trafficking together with the Police in order to provide them with the best possible protection.^{ccxvi}</p> <p>Moreover, after the judicial proceedings are over, the Judicial Police and the assistance services remain available for any additional counselling and information needed.^{ccxvii}</p> <p>The Judicial Police noted in this context that this is particularly important for cases of trafficking in</p>	See first column.	See first column.	See first column.	See first column.

	<p>human beings for the purposes of sexual exploitation.^{ccxviii}</p> <p>In case the victim would decides to return voluntary to their country of origin, for example, the Judicial Police and the assistance services may cooperate with IOM Luxembourg and may also provide the victim with information on NGOs in the country of origin that could provide further assistance upon their return.^{ccxix} Furthermore, the assistance services, in cooperation with the Police, can also conduct follow-up visits to the victim, for example in their new workplace (if applicable), to make sure that the new working conditions are in accordance with the law, and check on the general well-being of the person.^{ccxx}</p>				
Other	N/A	N/A	N/A	N/A	N/A

Q6. How does your Member State apply the principle of non-refoulement for victims of trafficking in human beings? Please indicate whether (and in what way) specific measures differ from general practice.

Once a victim of human trafficking is detected and identified as such by the Judicial Police, the Luxembourgish authorities apply the principle of non-refoulement. This means that even if the application did not have merits, the individual will be allowed to stay in the country and can obtain in the first instance a reflection period (regardless of whether the person cooperates with the investigating authorities) and in the second instance, if the conditions are met (see also answer to Q8 below), a residence permit by applying articles 92 to 95 of the Immigration Law.

Q7. How does your Member State implement Article 60 and 61 of the 'Istanbul Convention'?⁴

As it was mentioned, Article 60 of the Istanbul Convention is guaranteed by Article 19 (1) of the Asylum Law and Article 15 and 16 (1) of the Reception Law. Article 61 of the Istanbul Convention is guaranteed by Article 93 (2) of the Immigration Law, as during the reflection period the third-country national identified as a victim of human trafficking cannot be returned and Article 95 (1) guarantees that the victim can obtain a residence permit if s/he fulfils the conditions established in the Article (see also answer to Q8 below).

Q8. Please describe what typology(ies) of reflection periods, residence permit(s), protection status(es) and national programme(s) are available to protect (presumed) third-country national victims of trafficking, by answering the following questions.

a) What organisations / authorities are competent to trigger the request for a (presumed) victim to remain on the territory of your Member State? Please indicate if the organisations / authorities differ between cases of presumed and identified third-country national victims of trafficking in human beings.

As mentioned in the answer to Q3 f) above, a (presumed) victim of trafficking in human beings may be detected by any person or any service, such as the approved assistance services for victims of trafficking, an officer of the Refugees Department or Foreigners Department of the Directorate of Immigration, the ITM or Customs, an ONA social worker or a partner of ONA in the reception of applicants for international protection, by the Health Inspection Department or by a worker at the Detention Centre.

In order for the (presumed) victim to be able to remain in the territory, s/he has to be identified by the Judicial Police. The Judicial Police then informs the Minister in charge of Immigration^{ccxxi}, who will grant the victim a reflection period of 90 days so that the person can escape from the influence of the perpetrators of the offence, recover and make an informed decision to file a complaint or make statements concerning the persons or networks who have been guilty of offences related to trafficking in human beings.^{ccxxii} During the reflection period, no return decision can be taking against the victim.^{ccxxiii} The victim who was awarded the reflection period will receive a certificate which will allow them to remain in the territory, without being considered an authorisation to reside.^{ccxxiv}

b) Can third-country national victims of trafficking in human beings submit a request for a reflection period themselves? Yes No

N/A. See point a) above.

c) Does your Member State provide for a reflection period also for presumed third-country national victims of trafficking in human beings?

Yes No

⁴ CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>, last accessed on 9 May 2021.

d) How long does the reflection period last to decide if presumed third-country national victims of trafficking in human beings want to cooperate with the authorities? Does it have the same duration in case it is provided to identified victims?

The reflection period is of 90 days.^{ccxxv}

The presumed victim has first to be identified as a victim of trafficking by the Judicial Police in order for the latter to be able to notify the Directorate of Immigration in view of issuing the reflection period to the third-country national (see also point a) above).^{ccxxvi}

e) Are (presumed) third-country national victims of trafficking in human beings expected to cooperate with the authorities during the reflection period?

Yes No

Since the Law of 9 April 2014, which transposed the Anti-trafficking Directive 2011/36/EU into national law^{ccxxvii}, cooperation with the authorities in charge of the investigation is no longer a prerequisite for granting a period of reflection.^{ccxxviii} This specific disposition was adapted in order to make it clear that only the issuance of a residence permit for victims of human trafficking in accordance with article 95 of the Immigration Law is subject to the obligation to cooperation with the authorities (see answer to Q7 f) and g) below).^{ccxxix} This is in line with the Anti-trafficking Directive 2011/36/EU, which stipulates that a person should benefit from support and assistance once there are reasonable grounds for believing that the person may be a victim of trafficking in human beings, regardless of the person's willingness to cooperate with the investigation, prosecution or trial.^{ccxxx}

The Directorate of Immigration is notified by the Police and issues a certificate for the period of reflection valid for 90 days. If the Police has evidence that the person is a victim of trafficking, it notifies the person of their rights and establishes as soon as possible a contact with the approved assistance services for victims of trafficking, the SAVTEH and COTEH, who contact the victim.^{ccxxxi}

f) What type of residence permit(s) are available specifically for (presumed) victims of trafficking in human beings in your Member State? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

Before the reflection period expires, the Directorate of Immigration contacts the Police again to determine whether a residence permit for victims of trafficking in human beings may be issued. Before making this decision, the Police, in conjunction with the Public Prosecutor, must answer three questions:

- Has the victim filed a complaint or made statements with regard to the allegedly guilty persons or networks?
 - Or is the victim's physical presence required for the investigation or proceedings?
- Has the victim broken all ties with the alleged perpetrators of the offence?
- Should the victim be considered a risk to public order or national security?^{ccxxxii}

The answers to these questions determine whether a residence permit for a victim of trafficking in human beings is issued. If the decision is positive, the victim of human trafficking is granted a temporary residence permit for victims of human trafficking, for a duration of six months, by the Minister in charge of Immigration.^{ccxxxiii} This residence permit is renewable for an additional period of six months. The Law of 16 June 2021 amended Article 95 (2) of the Immigration Law by clarifying that residence permits delivered to victims of trafficking in human beings are renewable, on each occasion for a period of six months, for the duration of the judicial proceedings (see also answer to Q1 above).^{ccxxxiv} If the decision is negative, the Judicial Police notifies all the parties involved accordingly.

The residence permit for victims of trafficking in human beings continues to confer the right to protection and assistance measures to the third-country national. Moreover, it allows the exercise an employment of

the person concerned fulfils the conditions^{ccxxxv} laid down in the Immigration Law.^{ccxxxvi} The holder of this residence permit who is under the age of 18 shall have access to the education system.^{ccxxxvii}

After the residence permit for victims of trafficking has expired, the person in question may apply for an authorisation and a residence permit for private reasons for humanitarian reasons of exceptional gravity.^{ccxxxviii} This residence permit is issued for a maximum period of three years^{ccxxxix}, however, in practice, the first residence permit is generally issued for one year.^{ccxli} It is renewable if, when reviewed, the victim's situation has not changed and s/he continues to fulfil the conditions for issuing it.^{ccxli} The person may also apply for a residence permit for salaried worker without being subject to the condition of priority employment of EU nationals.^{ccxlii}

With regard to the question whether this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings, the answer is 'No'. Only the identified victims can benefit from any of the residence permits mentioned above.

g) What are the conditions for getting these permit(s) granted? Do conditions differ between presumed and identified (i.e. not yet identified) third-country national victims of trafficking in human beings?

The conditions for granting the residence permit for victim of human trafficking are the following:

- The victim presses charges or makes statements concerning persons or networks alleged to be guilty of the trafficking; or
- his or her presence on the territory is necessary for the purposes of the investigation or proceedings or because of his or her personal circumstances;
- he or she has severed all links with the alleged perpetrators;
- he or she is not considered to be a danger to public order or internal security.^{ccxliii}

This residence permit only can be granted to the identified victim.

As mentioned above, upon expiration of the residence permit for victim of human trafficking, the minister in charge of Immigration may grant the person concerned an authorisation to stay and a residence permit for private reasons for humanitarian reasons of exceptional gravity.^{ccxliv}

h) Are other protection status(es) and national programme(s) offered to protect (presumed) third-country national victims of trafficking in human beings?

Yes No

N/A

Section 4: International cooperation between Member States and with third countries in addressing detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

Q9. Please describe how your Member State cooperates within the scope of the Dublin III Regulation:

a) How does your Member State deal with cases of (presumed) third-country national victims of trafficking in human beings that fall under the Dublin III Regulation?

The measures taken in the framework of a potential Dublin transfers of presumed victims of trafficking in human beings differ depending on where the exploitation of the person took place.^{ccxiv}

In case the exploitation took place in the Member State responsible for the application for international protection, the Luxembourg authorities contact the Member State in question and evaluate, together with the victim and the Police in that Member State, if the person would be in danger in the event of a Dublin transfer.^{ccxv} Moreover, the Monitoring Committee will meet in order to discuss and decide on the best approach to handle the situation.^{ccxvii} Please also refer to 'Challenge 1' in the answer to Q14 a) below for additional information on this general challenge when (presumed) victims of trafficking are detected in Luxembourg, but who have been exploited in another EU Member State and request assistance, support and protection in Luxembourg.

If, however, it is found that the (presumed) victim was exploited on the Luxembourgish territory, the transfer to the Member State responsible for the application for international protection is suspended by Luxembourg.^{ccxviii} The same applies if, during a review procedure for an application for international protection, the Judicial Police contacted by the Directorate of Immigration identifies the applicant for international protection as a presumed victim of trafficking. In this case, the victim can no longer be removed from the territory.^{ccxlix}

b) What is the national policy and practice regarding Dublin transfers of (presumed) third country national victims of trafficking in human beings?

See answer to Q9 a) above.

c) How does identification and referral take place during the Dublin Procedure?

See answer to Q9 a) above as well as answer to Q4 with regard to identification and referral in general.

As the use of the Dublin Regulation is assessed after the first interview, it may be the case that the victim makes statements about their itinerary and background and so the exploitation could be recorded.^{cci}

d) Are presumed third-country national victims of trafficking in human beings identified during the Dublin procedure entitled to a reflection period?

Yes No

e) What, if any, are the situations in which Dublin transfers are halted for presumed third-country national victims of trafficking in human beings?

See answer to Q9 a) above.

f) Has your Member State used the humanitarian and sovereignty clauses under Articles 3 and 17 of Dublin III Regulation for cases of trafficking in human beings?

Yes No

Q10. What (other) intra-EU cooperation mechanisms are in place regarding detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?⁵

In the framework of the Benelux cooperation in the area of trafficking in human beings, Belgium, the Netherlands and Luxembourg have an enhanced cooperation with regard to certain aspects of the matter, namely in view of a better protection of the victims and of improving and facilitating the work of the actors in the field.^{ccli} On the occasion of the World Day Against Trafficking in Persons on 30 July 2021, the Secretary General of the Benelux reiterated the importance of the cooperation among the Benelux countries in the matter via the sharing of knowledge, experience and expertise. It was highlighted that the exchange of information makes it possible to step up multidisciplinary cross-border cooperation, so that social workers and authorities can find out more quickly across borders and find opportunities for cooperation.^{cclii} This may also include the placement and monitoring, by the Luxembourgish Judicial Police together with the assistance services, of a victim in a reception facility abroad (i.e. Germany, Belgium), if the needs for their protection and security so require.^{ccliii}

The most recent actions in this context in 2021 include the publication of an information brochure clarifying the criminal aspects of trafficking in human beings in each of the three countries, the organisations working on trafficking in human beings and how countries organise the reception and assistance of victims. This specialised information is intended for professionals in the Benelux countries who, in their daily practice, may be in direct contact with victims of trafficking. Moreover, the Benelux organised an expert meeting on prostitution and trafficking in human beings, focusing on raising awareness among clients on these issues and on the role of websites and social networks in the context of sexual exploitation (see also 'Challenge 4' in the answer to Q14 a) below for more information).^{ccliv}

This enhanced Benelux cooperation through the exchange of best practices and trends between neighbouring countries was also highlighted in the context of the signing of a Declaration of Intent between the Benelux States in December 2019. The Declaration highlights the importance of a multidisciplinary approach in the search for sustainable solutions and stressed that policy makers, judicial and police authorities, social workers and NGOs must cooperate actively on the ground in order to ensure rapid and effective assistance to the victims.^{cclv} The signing of this Declaration of Intent was preceded by a day of discussion between experts on trafficking and immigration from all three countries held in Brussels on 1 October 2019. The focus was on the detection, identification and treatment of victims of trafficking in human beings among applicants for international protection. The purpose of this day was to have an exchange between professionals from the field of trafficking and immigration so as to come up with concrete conclusions that for the aforementioned conference held in Luxembourg on 10 December 2019.^{cclvi}

The Judicial Police reported in this context that there are a number of intra-EU cooperation mechanisms that allow for better information and intelligence gathering and exchange.^{cclvii} These include the following:

- Europol Platform for Experts (EPE);
- Europol as such;
- Cooperation between the police authorities in the context of the Benelux cooperation mentioned above;
- Cooperation in the framework of the Police and Customs Cooperation Centre (*'Centre de coopération policière et douanière'* - CCPD), which is a cooperation between Germany, Belgium, France and Luxembourg for the exchange of police information from the cross-border region between police units.^{cclviii}

In addition, as already mentioned earlier, one can also mention in this context the decision of the Government of Luxembourg, together with 23 other European countries, to join the European Crime Prevention Network (EUCPN) initiative to launch a prevention campaign against human trafficking (see also answer to Q3 b) above).^{cclix}

⁵ EMN NCPs are invited to address this question by using as source the EMN AHQ 2019.91 on victims of trafficking of human beings exploited in another Member State, requested by LU NCP on 10 October 2019, last accessed on 13 June 2021. The AHQ was not made publicly available on the EMN website.

Q11. What cooperation mechanisms with third countries, if any, are in place in your Member State regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?

The Judicial Police reported two main cooperation mechanisms in this context, namely the international cooperation via INTERPOL, as well as the indirect cooperation mechanism via Belgian and Dutch liaison officers that are stationed in third countries and which the Judicial Police may contact if needed.^{cclx}

In the field of trafficking in the virtual world, Luxembourg has ratified the Council of Europe Convention on Cybercrime (the Budapest Convention) which governs international cooperation in combating digital crime, as well as the United Nations Convention against Transnational Organised Crime, as well as its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. These are the two main instruments of international cooperation to tackle the digital dimension of the fight against trafficking in human beings.^{cclxi}

Moreover, one can also mention in this context that Luxembourg financially supports the work of ECPAT Luxembourg (End Child Prostitution, Child Pornography And Trafficking of children for sexual purposes).^{cclxii} The organisation currently conducts projects in Bangladesh, Cambodia, Cape Verde, India, Nepal, Nigeria, Mal and Senegal, which aim at preventing smuggling and sexual exploitation of children, protecting children from any form of trafficking and exploitation and reinserting children back into their communities.^{cclxiii} In the past, ECPAT Luxembourg also conducted projects in Burkina Faso, Morocco and Niger, for example.^{cclxiv}

In addition, one should also note the international cooperation agreement with IOM in the context of voluntary return (see the answer to Q12 below for more information).

Q12. Does your Member States cooperate with third countries in the context of voluntary return of (presumed) third-country national victims of trafficking in human beings? Yes No

In the context of IOM's assisted voluntary return and reintegration (AVRR) programme in the Grand Duchy of Luxembourg, supported by the Government of Luxembourg and the European Commission (via the AMIF, the Asylum, Migration and Integration Fund), there is a permanent collaboration and exchange with IOM missions in third countries.^{cclxv}

It is important to note, however, that IOM Luxembourg reported that no such case has so far occurred in Luxembourg.^{cclxvi} For this reason, the following will provide details on how such a cooperation with third countries, in collaboration with IOM Luxembourg, would take place.

In the case of (presumed) third-country national victim of trafficking in human beings, IOM Luxembourg would contact the IOM mission in the country of origin for direct administrative and technical support prior to departure and for monitoring and follow-up once the (presumed) victim would return to the country of origin. In case of travel documentation assistance needed, the relevant embassies (both in Luxembourg and in the country of origin) could be directly contacted by IOM Luxembourg and/or the supporting IOM mission. Depending on the (presumed) victim's status in the country of reception, the national authorities in Luxembourg could also be involved and directly liaise with the relevant authorities in the third country, with the support of IOM Luxembourg, in order to facilitate the AVRR process.^{cclxvii}

As for the assistance provided in such cases, vulnerable persons who did not wish to apply for a residence permit for victims of trafficking or who are not or no longer eligible for such a residence permit and who opt for a voluntary return to their country of origin through IOM, may be granted additional return assistance of up to EUR 700. This additional return assistance would be awarded in addition to the 'basic' financial return assistance and to the reintegration assistance, noting in this respect that the amounts of return and reintegration assistance vary depending on the family situation of the person concerned.^{cclxviii}

Moreover, since October 2017, a project, set up by the Directorate of Immigration in collaboration with IOM Luxembourg, aims at tracing family members of unaccompanied minors in the country of origin. Contact with the family is organised to analyse the reception conditions of the minor in case of return to their country, the existence of family members and the relationship with the minor, and the prospects of the unaccompanied minors within the family environment.^{cclxix}

The Judicial Police reported that they may also make use of the mechanisms provided via EUROPOL or INTERPOL in the context of voluntary return, if needed.^{cclxx}

Q13. Is your Member State considering any future cooperation mechanisms with third countries and with other Member States regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?

Yes No

The enhanced cooperation in the framework of the Benelux will be continued in the future. The fight against trafficking in human beings is included in the Joint Multiyear Action Plan of the Benelux countries (2021-2024) (see answer to Q10 above for more information).^{cclxxi}

Moreover, already in December 2019 in the context of the signing of a Declaration of Intent in the framework of the Benelux cooperation, the ministers of Justice of the three countries expressed their wish to develop synergies with their French neighbours and the neighbouring German Federal States in order to broaden the scope of projects to combat trafficking in human beings within the European Union.^{cclxxii}

The Judicial Police noted in this context that missions to other countries, for example for the purpose of specialised training or the attendance/participation in dedicated conferences and meetings, are seen as very beneficial for establishing contacts in other countries for potential future collaboration and cooperation.^{cclxxiii}

Section 5: Key challenges and good practices in Member States, including in light of the COVID-19 pandemic.

Please elaborate by answering to the following questions

<p>Q14a. What are the key challenges faced in the i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings?</p> <p>Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.</p>	
<p>Challenge (Please list in order of importance or chronological order as instructed under the first question)</p>	<p>Stage</p>
<p>Please describe the challenge.</p> <p>Challenge 1:</p> <p>One of the challenges that the Luxembourgish authorities are confronted with is the detection of (presumed) third-country national victims of human trafficking who have been exploited in another EU Member State and request assistance, support and protection in Luxembourg.^{cclxxiv} The Immigration Law does not foresee this particular situation.</p> <p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?</p> <p>This circumstances poses a challenge to the Grand Ducal Police, the Public Prosecutor's Office and the Directorate of Immigration. Furthermore, this is also a challenge for the third-country national concerned as well as for the assistance</p>	<p><input checked="" type="checkbox"/> Detection</p> <p><input checked="" type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>

services COTEH and SAVTEH, as their assistance and time may be limited in such cases.^{cclxxvi}

b) Why is it considered a challenge?

As mentioned above, the Immigration Law does not foresee this particular situation. Third-country nationals who have been (presumed) victims of trafficking in human beings in another EU Member State may contact the assistance services, the Police or the Directorate of Immigration, directly or through an association/organization, in order to obtain counsel and assistance, in particular with view to lodging a complaint in Luxembourg.^{cclxxvii} However, in such cases, neither the Grand Ducal Police nor the Public Prosecutor's Office are territorially competent to conduct an investigation or criminal procedure insofar as there is no link between the offence and the Luxembourg territory. Instead, if the complaint is filed in Luxembourg, the Luxembourgish authorities are under the obligation to transfer the complaint to the Member State where the offence took place.

As a consequence, the Directorate of Immigration cannot issue a residence permit for victims of trafficking in human beings insofar as the purpose of such a residence permit is to allow the alleged victim to remain in the territory as long as the investigation or criminal procedure in Luxembourg is ongoing.^{cclxxx}

Lastly, this is also a challenge for the third-country national concerned because s/he cannot be officially recognised as a victim of trafficking in human beings by the Luxembourgish authorities and is thereby not eligible to be issued a residence permit for victims of trafficking in human beings (see above).^{cclxxxi}

However, the persons concerned may be provided assistance by the assistance services, in particular by receiving psychosocial assistance.^{cclxxxii} In practice, these persons are provided a reflexion period of 90 days during which they are provided with assistance by the assistance services, in particular to prepare them for the lodging of the complaint, which must take place by the end of the third month at the latest. To this end, the Directorate of Immigration may grant a suspension of removal. Once the complaint has been lodged, and where the situation is particularly serious, a residence permit for humanitarian reasons of exceptional gravity may be granted, to be decided on a case-by-case basis. As mentioned above, this applies only if the exploitation happened in another EU Member State.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

This information was provided by the Ministry of Justice and the Judicial Police in the context of the consultation for this study.^{cclxxxvi}

Challenge 2:

A second reported challenge relates to the fact that for more and more cases, it is difficult to draw a distinction between cases of labour exploitation (within the meaning of the Labour Code) and offences of trafficking in human beings for the purpose of labour exploitation (within the meaning of the Penal Code).^{cclxxxvii} Due to the important work by the Inspectorate of Labour and Mines (ITM), which is based on a significant increase in newly recruited labour inspectors and their specialised training over the last few years, more and more infractions are detected (see also answer to Q3 e) above), including cases where it is not always very evident to determine if these are infractions related to trafficking in human beings or not.

- Detection
- Identification
- Protection

If the ITM, in the execution of their missions, comes across situations that potentially might fulfill the criteria of trafficking in human beings, as stipulated in article 382-1 of the Penal Code, the ITM notifies the Public Prosecutor's Office, which will inform the Police in order to further investigate in the matter, if necessary assisted by the labour inspectors of the ITM.^{cclxxxix}

Also answer the following questions:

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

This poses a challenge for the competent authorities, especially for the Ministry of Justice, the Judicial Police and the Public Prosecutor's Office.^{ccxc} Furthermore, the assistance services see this as a challenge also for the persons concerned because there might a greater risk of re-victimisation and re-trafficking in such cases.

At the same time, it should also be noted that the consulted stakeholders highlighted that the overall increase in newly recruited ITM labour inspectors and their increased specialised training is a positive development.^{ccxcii}

b) Why is it considered a challenge?

As mentioned above, this is considered a challenge because for more and more cases, it is difficult to draw a clear distinction between cases of labour exploitation and offences of trafficking in human beings for the purpose of labour exploitation. While it is acknowledged that, in both cases, exploitation is involved, the other elements of the criminal offence of trafficking in human beings are not fulfilled.^{ccxciii}

As a consequence, this can create a backlog in the work of the competent authorities, especially for the Police which must investigate in both cases and distinguish between victims of trafficking and victims of labour exploitation or illegal employment and which do not fulfill the offence of trafficking in human beings.^{ccxciv}

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

This information was provided by the Ministry of Justice in the context of the consultation for this study.^{ccxcv}

Challenge 3:

One significant challenge reported by the Judicial Police relates to the fact that in the majority of cases, (presumed) victims of trafficking do not self-report, are unwilling to be identified as a victim of trafficking and/or are unwilling to cooperate with the authorities in view of filing a complaint against the perpetrators.^{ccxcvi} The (presumed) victims themselves are the key element of the matter in each individual case, hence it is very important that the person concerned is willing to cooperate in order to find the best possible outcome for their situation. However, in many cases, due to various factors, which are often interconnected, they are unwilling to do so. As also reported in the answer to question Q4 b) above, such factors may include:

- unwillingness or lack of awareness to see themselves as a victim of trafficking in human beings;
- fear of being identified as an irregularly staying migrant and the fear to be returned to their country of origin;
- lack of language skills, e.g. in the communication with the authorities;

- Detection
- Identification
- Protection

- fear for the life of their families in the countries of origin due to potential reprisals by the perpetrators;
- corruption in the country of origin, and therefore the difficulties to guarantee a safe contact with the family in the country of origin, including to possibly provide them with protection.^{ccxcviii}

The Judicial Police also underlined in this context that Luxembourgish legislation still does not provide for a witness protection programme, a circumstance which adds to the already existing challenges in such circumstances.^{ccxcix}

Also answer the following questions:

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

This was reported as a challenge by the Judicial Police (see below).

b) Why is it considered a challenge?

See above.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

This information was provided by the Judicial Police in the context of the consultation for this study.^{ccc}

Challenge 4:

Trafficking in human beings in the virtual world/cyberspace was reported as an increasingly challenging phenomenon and which was even exacerbated by the COVID-19 pandemic (see also answer to Q16 below). This relates both to the internet and social media, which are more and more used by perpetrators to recruit potential victims of trafficking, for example for the purposes of labour and/or sexual exploitation, or in view of forcing victims to commit a crime.^{ccci}

Also answer the following questions:

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

This is a challenge for all stakeholders involved in the area of trafficking in human beings, including the third-country nationals themselves because there are more and more channels through which they may be recruited for various criminal offences related to trafficking in human beings, as stipulated in article 382-1 of the Penal Code.

At the same time, while new technologies facilitate criminal activities, they are also an important source of information for investigators and can be a powerful tool to combat trafficking in human beings.^{cccii}

b) Why is it considered a challenge?

This is considered a challenge for multiple reasons. For the competent authorities, it is becoming increasingly difficult to detect and investigate such criminal offences because the virtual world is per definition borderless. As a consequence, one State

- Detection
- Identification
- Protection

<p>alone is unable to fight trafficking in human beings but relies on international cooperation. This is also true for the eventual prosecution of such crimes (see also answer to Q10 and Q11 above for more information).^{ccciii}</p> <p>It is also a challenge for policy-makers in terms of drafting new and adapted legislation in order to increase the competences and measures in this area.^{ccciv}</p> <p><u>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</u></p> <p>This information was provided by the Judicial Police in the context of the consultation for this study.^{cccv} Furthermore, additional information can be found in a joint answer of the Minister of Justice and the Minister of Internal Security of 17 January 2020 to parliamentary question n°1591 of 10 December 2019 on trafficking in human beings in the virtual world.</p>	
<p><u>Challenge 5:</u></p> <p>A challenge reported by the Judicial Police and the assistance services relates to the fact that the access to the labour market is very difficult for the victims because the specific residence permit for victims of trafficking in human beings is only valid for six months at a time, which is renewable, on each occasion for a period of six months, for the duration of the judicial proceedings^{cccvi} (see also answer to Q8 f) above).^{cccviii} Hence, the integration into the labour market and the integration more generally speaking are challenging for the person concerned.</p> <p>Also answer the following questions:</p> <p><u>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</u></p> <p>This is a challenge for the third-country nationals themselves and for the potential employer because of the uncertainty of the situation of the person concerned.^{cccix}</p> <p><u>b) Why is it considered a challenge?</u></p> <p>See above.</p> <p><u>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</u></p> <p>This information was provided by the Judicial Police and the assistance services in the context of the consultation for this study.^{cccx}</p>	<p><input type="checkbox"/> Detection</p> <p><input type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>

Q14b. What are the specific challenges at any of the above stages concerning vulnerable persons or asylum applicants?

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	Stage
<p>Please describe the challenge.</p> <p>No specific challenges were reported in this context by the consulted stakeholders that would either apply in all cases or that would apply exclusively to vulnerable persons or applicants for international protection.^{cccxi}</p> <p>However, it was noted in this context that they might potentially be more susceptible for exploitation in more general terms, due to their often uncertain and/or precarious situation.^{cccxi} Moreover, the Judicial Police reported that they are sometimes confronted with situations where it is difficult to provide protection to the family in the country of origin if they are threatened by the perpetrators (see also ‘Challenge 3’ in the answer to Q14 a) above).</p> <p>The assistance services noted in this context that they recently started to provide information sessions in order to raise awareness on trafficking in human beings to applicants for international protection in reception centres. As mentioned above, they may, under certain individual circumstances, be more susceptible to be or become a victim of exploitation, including trafficking, without necessarily being fully aware of the situation.^{cccxiv}</p> <p>Also answer the following questions:</p> <p>a) <u>For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</u></p> <p>N/A</p> <p>b) <u>Why is it considered a challenge?</u></p> <p>N/A</p> <p>c) <u>What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</u></p> <p>N/A</p>	<input type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection

Q14c. What are the specific challenges with regard to traffickers / criminal organisations involved in trafficking in human beings using asylum procedures for means other than intended? (for example, to temporarily house victims in a reception centre before moving them to the intended country)

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge (Please list in order of importance or chronological order as instructed under the first question)

Please describe the challenge.

No specific challenges were reported in this context by the consulted stakeholders.^{ccc xv}

Also answer the following questions:

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

N/A

b) Why is it considered a challenge?

N/A

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

N/A

Q15. What are the consequences of COVID-19 pandemic on the detection, identification, and protection of (presumed) victims?

The Ministry of Justice, the Judicial Police and the assistance services SAVTEH and COTEH reported in this context that in particular the detection of (presumed) victims was significantly impacted, in every possible sector or area (e.g. sexual exploitation, labour exploitation, begging).^{ccc xvi} The Consultative Commission on Human Rights (CCDH) also agrees when it reported that the COVID-19 pandemic had had an impact on the work related to trafficking in human beings. This dossier could not benefit from the same attention and monitoring as in previous years and, above all, local stakeholders working in the field reported difficulties in contacting and taking charge of victims of trafficking.^{ccc xvii}

The detection of (presumed) victims of trafficking in human beings for the purposes of sexual exploitation, for example, was basically impossible during the period of national lockdown from March to June 2020 due to the fact that this shifted entirely to the private sphere (e.g. houses, apartments, etc.), if it was at all possible. As a consequence, many lost their usual costumers, causing them to exposing themselves to more risks and potential dangerous situations.^{ccc xviii} An additional challenging factor in this context, reported by the Judicial Police, is the legislative change with regard to the access to private accommodations for the police authorities (see answer to Q1 above).^{ccc xix}

The difficulty to detected (presumed) victims also applies for trafficking for the purposes of labour exploitation, as the majority of the susceptible sectors (e.g. construction, food industry, etc.) were impacted by the national lockdown. This is particular challenging for the (presumed) victims themselves as they were often not properly ensured or did not have a proper work contract. As a consequence, in a number of cases, they were simply forced out of the working and housing conditions and basically landed on the street, further increasing their vulnerable situation and making them more susceptible for exploitation.^{ccc xx}

One could also highlight in this context a dedicated pop-up message^{cccxxi} on the website www.stoptraite.lu, which reads as follows:

Being confined or locked up (in a house, apartment, workplace or other place) while you are being trafficked (or when someone wants to harm you) does not prevent you from fleeing and seeking help from services and the police. If you are victim of trafficking (exploitation at work or forced prostitution for example) or if you know of someone who might be, contact the assistance services for help.

The assistance services are mostly working from home, but in case of emergency, they can intervene.

You can contact them:

- *When: Monday to Friday (9h00-12h00 / 13h00-17h00)*
- *How: 621 316 919 ou 621 351 884 / info@traite.lu*

This illustrates that the responsible authorities and stakeholders are very aware of the particular challenge that the COVID-19 pandemic is currently still posing to (presumed) victims of trafficking in human beings.

Moreover, the assistance services reported in this context that, generally speaking, all the procedures related to trafficking cases took longer, especially during 2020 until the respective authorities and administrations were back to normal operations. As for their specific work regarding the provision of assistance to (presumed) victims of trafficking, the assistance services noted that they saw only little impact. They reopened their offices rather soon after the initial national lockdown and their services remained operational throughout, both via telephone, email and in person in respect of the sanitary measures.^{cccxxii}

Similarly, the Judicial Police reported that they remained operational with regard to the assistance provided to (presumed) victims of trafficking in human beings.^{cccxxiii} The most significant consequence in their work related to the fact that it was more complicated and took longer to provide accommodation to victims. This is because they could not immediately be placed in a care reception centre but first needed to be housed in a hotel room for a couple of days until they were able to provide a negative PCR test. This added to the stress and uncertainty that the victims found themselves in after they were ready to seek help.^{cccxxiv}

Lastly, one should also mention that in-depth training sessions planned for civil society organisations (Caritas, the Red-Cross and the Association for the Support of Immigrant Workers (ASTI)) were canceled in 2020 due to the pandemic.^{cccxxv} In addition, the Ministry of Justice reported that tailor-made training sessions for employers and trade unions are currently in progress and that these works were delayed due to the COVID-19 pandemic (see also answer to Q3 e) above).^{cccxxvi}

Q16. What new patterns and / or trends in trafficking in human beings have emerged because of the COVID-19 pandemic?

As indicated in the answer to Q15 above, the Ministry of Justice and the assistance services observed a new pattern regarding trafficking in human beings for the purposes of sexual exploitation, namely in the form of a significant shift of these crimes from the public to the private sphere. This pattern was still observable in 2020 and 2021 after the national lockdown ended.^{cccxxvii} The assistance services added that some new patterns/trends may not yet be visible now, but may only become apparent in the mid- to long-term.^{cccxxviii}

Moreover, the Judicial Police reported that trafficking in human beings in the virtual world/cyberspace, while not a new trend per se, saw a significant increase because of the COVID-19 pandemic (see also 'Challenge 4' in the answer to Q14 a) above). Traffickers are more and more using the internet to recruit potential victims of trafficking, for example for the purposes of labour and/or sexual exploitation, or in view of forcing victims to commit a crime.^{cccxxix}

An additional point raised by the Judicial Police was the fact that according to the information provided to them by the ITM, there seems to be a higher demand for workers in certain sectors than workers willing to take up the jobs. As a consequence, their investigations found that there seem to be more cases of illegal employment and labour exploitation of workers which, however, do not necessarily amount to the offences of trafficking of human beings.^{cccxxx}

Q17. How has your Member State adapted its policies and procedures due to the challenges of the COVID-19 pandemic?

According to the consulted stakeholders, no policies and procedures needed to be adapted with regard to the detection, identification and protection of (presumed) victims.^{cccxxxi}

However, the Judicial Police noted that they continued to raise awareness on the topic also during the pandemic. Moreover, seeing the significant increase of trafficking in human beings in the virtual world/cyberspace, the investigators adapted their methods in order to detect more offences in this space.^{cccxxxii}

Q18. Regarding the challenges identified above, does your Member State have concrete plans or proposals in place for improvements to deal with them?

The current elaboration of the second National Action Plan will take the challenges and new patterns and/or trends identified and reported above into account in order to improve the policies and procedures in the matter.^{cccxxxiii}

The actors involved in the field are also currently working towards finding a solution regarding the challenge which relates to the difficulty to differentiate between cases of labour exploitation and trafficking in human beings for the purposes of labour exploitation (see 'Challenge 2' in the answer to Q14 a) above).^{cccxxxiv}

Moreover, in the context of trafficking in human beings in the virtual world, the ministers of Justice and of Internal Security acknowledged in a joint answer to a parliamentary question in 2020 that the national legislation is in need of being adapted and broadened in order strengthen to allow investigators to work more efficiently when dealing with new technologies and their role in major criminal phenomena.^{cccxxxv} Similarly, in an answer to a different parliamentary question, the Minister of Internal Security indicated that the general legal framework for combating trafficking in human beings will have to be adapted and sanctions should be strengthened to ensure more effective prosecution of perpetrators. An inter-ministerial working group is currently examining possible legislative changes.^{cccxxxvi}

Q19. In light of possible new trends and developments, is your Member State anticipating any new challenges in the near future? Yes No

A more general new development observed by the Judicial Police is the increasing cases of forced begging detected in 2021, which they anticipate as posing a challenge also in the short term future.^{cccxxxvii}

Furthermore, the consulted stakeholders highlighted that a number of challenges reported in the answer to Q14 a) above will remain a challenge in the near future as well, such as for example trafficking in human beings in the virtual world/cyberspace or the difficulty to differentiate between cases of labour exploitation and trafficking in human beings for the purposes of labour exploitation.^{cccxxxviii}

Q20. What good practices in relation to i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings exist in your Member State?

Please include one good practice per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Good practice (Please list in order of importance or chronological order as instructed under the first question)	Stage
<p>Please describe the good practice.</p> <p>Good practice 1:</p> <p>The small size of the Grand Duchy of Luxembourg makes it that communication channels between all the stakeholders are generally very short, uncomplicated and direct, via only one contact person as a counterparty for each of the stakeholders involved. This allows for some flexibility when confronted with (presumed) victims of trafficking in human beings.^{cccxxxix}</p> <p>One particular aspect to highlight in this context is the fact that in case of emergencies that need immediate action, the Monitoring Committee on the Fight Against Trafficking in Human Beings can come together in the form of a ‘restricted Monitoring Committee’, on relatively short notice (e.g. also via Skype nowadays) in order to discuss and decide on the way forward in the particular case. This ‘restricted Committee’ includes the Ministry of Justice, the Ministry of Equality between Women and Men (MEGA), the assistance services COTEH and SAVTEH, the Judicial Police and the Directorate of Immigration, and can be prompted by any of these stakeholders in case of need.^{cccxl}</p> <p>Also answer the following questions:</p> <p>a) <u>Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</u></p> <p>This was reported as a good practice by the Ministry of Justice (see below).</p> <p>b) <u>Why is it considered a good practice?</u></p> <p>See above.</p> <p>c) <u>What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</u></p> <p>This information was provided by the Ministry of Justice in the context of the consultation for this study.^{cccxli}</p>	<input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection
<p>Good practice 2:</p> <p>In relation to the good practice 1 reported above, the Judicial Police and the assistance services specifically reported that the cooperation between the different stakeholders, and particularly the very close cooperation among themselves, is considered to be a good practice in the national context. Similarly to the information provided above, this allows for a very efficient communication and handling of cases,</p>	<input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection

with communication among these two stakeholders taking place at least on a weekly if not daily basis.^{cccxlii}

Also answer the following questions:

a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

This was reported as a good practice by the Judicial Police and the assistance services (see below).

b) Why is it considered a good practice?

See above.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

This information was provided by the Judicial Police and the assistance services in the context of the consultation for this study.^{cccxlili}

Good practice 3:

With regard to detection, the Judicial Police reported that awareness raising, information sessions and specialised training are the best methods because of the fact that in the large majority of cases, (presumed) victims are detected by actors and stakeholders in the field rather than (presumed) victims self-reporting. For this reason, the actors and stakeholders in the field are of key importance.^{cccxliv}

Also answer the following questions:

a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

This was reported as a good practice by the Judicial Police (see below).

b) Why is it considered a good practice?

See above.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

This information was provided by the Judicial Police in the context of the consultation for this study.^{cccxlv}

- Detection
- Identification
- Protection

Good practice 4:

With regard to identification and protection, the Judicial Police reported that it is of key importance that they operate two different specialised units that are working independently of each other (see also the answer to Q3 e) above):

- The Organised Crime Unit and conducts the investigation;

- Detection
- Identification
- Protection

- The Victim Protection and Search for Fugitives Unit is the only entity legally entitled to identify presumed victims of trafficking and is responsible for implementing the protection programme and provide counselling and assistance to the presumed and/or identified victim.^{cccxlvi}

According to the Judicial Police, this is of such key importance because it allows the Victim Protection and Search for Fugitives Unit to build trust with the (presumed) victim without questioning their statements in view of the investigation into the matter, as this is conducted by the Organised Crime Unit. This establishment of trust is also important regarding the provision of information, counselling and assistance to them, including explaining the context and reasoning for the questions by the Organised Crime Unit as it relates to the investigation, if the victim is willing to file a complaint or make statements concerning the persons or networks who have been guilty of offences related to trafficking in human beings.^{cccxlvii}

Also answer the following questions:

a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

This was reported as a good practice by the Judicial Police (see below).

b) Why is it considered a good practice?

See above.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

This information was provided by the Judicial Police in the context of the consultation for this study.^{cccxlviii}

Good practice 5:

With regard to protection, the Judicial Police reported the good practice of being able to accommodate and protect a victim of trafficking in a neighbouring country if the particular circumstances of the case do not allow for the victim to be accommodated in Luxembourg due to the small size of the country (i.e. concrete and imminent danger for the victim based on the evaluation of the Judicial Police).^{cccclix} This particular point also relates to the more general aspect of the very close and fruitful cooperation established at the level of the Benelux (i.e. with Belgium and the Netherlands).^{ccccl}

Also answer the following questions:

a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

This was reported as a good practice by the Judicial Police (see below).

b) Why is it considered a good practice?

See above.

- Detection
- Identification
- Protection

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

This information was provided by the Judicial Police in the context of the consultation for this study.^{cccli}

Endnotes

- ⁱ Information provided by the assistance services on 18 November 2021.
- ⁱⁱ The Government of the Grand Duchy of Luxembourg, “Accord de coalition 2018-2023”, Luxembourg, 2018, p. 26. URL: <https://gouvernement.lu/fr/publications/accord-coalition/2018-2023.html>
- ⁱⁱⁱ The Government of the Grand Duchy of Luxembourg, « Lydia Mutsch et Félix Braz ont présenté la stratégie gouvernementale en matière de la prostitution au Luxembourg », Press Release, Luxembourg, 29 June 2016. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2016/06-juin/29-braz-mutsch.html
- ^{iv} Draft bill n°7008 of 27 June 2016, which was adopted in 2018 and became the Law of 28 February 2018.
- ^v The Government of the Grand-Duchy of Luxembourg, Ministry of Equal Opportunities, « *Plan d’action national « Prostitution »* », Luxembourg, 29 June 2016. URL: <http://www.mega.public.lu/fr/publications/publications-ministere/2016/plan-daction-national-prostitution/index.html>.
- ^{vi} This committee was established by the amended Law of 8 May 2009 on the assistance, protection and security of victims of human trafficking.
- ^{vii} Answer of the Minister of Justice to parliamentary question n°2239 on trafficking of human beings, Luxembourg, 21 July 2016. URL: https://chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=FEA2857EECAE74CB5E614A319992B0F853FA6F4BED674015AC205CB7E751F61A4&fn=FEA2857EECAE74CB5E614A319992B0F853FA6F4BED674015AC205CB7E751F61A4.pdf
- ^{viii} The Government of the Grand Duchy of Luxembourg, « Résumé des travaux du Conseil de gouvernement du 21 décembre 2016 », Press Release, 21 December 2016. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2016/12-decembre/21-conseil-gouvernement.html.
- ^{ix} Ibidem.
- ^x Answer of the Minister of Justice to parliamentary question n°2239 on trafficking of human beings, Luxembourg, 21 July 2016.
- ^{xi} European Migration Network, National Contact Point Luxembourg, “Annual Report on Migration and Asylum in Luxembourg 2017”, Luxembourg, 2018, p. 95. URL: https://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum_EN_final.pdf.
- ^{xii} European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, Luxembourg, 2018. URL: https://www.emnluxembourg.lu/wp-content/uploads/2017/11/Inform-Victims-of-human-trafficking_Final_web.pdf.
- ^{xiii} European Migration Network, National Contact Point Luxembourg, “Annual Report on Migration and Asylum 2020”. Luxembourg, 2021, p.45. URL: https://www.emnluxembourg.lu/wp-content/uploads/2021/06/Annual-Report-on-Migration-and-Asylum-2020_EN-3.pdf.
- See also: The Government of the Grand Duchy of Luxembourg, « Lutte contre la traite des êtres humains », n.d.. URL: https://gouvernement.lu/fr/dossiers.gouv_mj%2Bfr%2Bdossiers%2B2020%2Blutte-traite-humains.html.
- ^{xiv} The Government of the Grand Duchy of Luxembourg, « Lutte contre la traite des êtres humains », n.d.. URL: https://gouvernement.lu/fr/dossiers.gouv_mj%2Bfr%2Bdossiers%2B2020%2Blutte-traite-humains.html.
- ^{xv} The Government of the Grand Duchy of Luxembourg, « Les ministres de la Justice du Benelux veulent renforcer la coopération en matière de lutte contre la traite des êtres humains », Press Release, 2 December 2016. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2016/12-decembre/02-justice-benelux.html.
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- cxix UMEDO is a service for adult victims of physical and/or sexual violence who do not (for the time being) wish to involve the police and/or press charges. For more information, please see: <https://umedo.lu/en>.
- cxix European Migration Network, National Contact Point Luxembourg, “Annual Report on Asylum and Migration 2019, Luxembourg 2020, p. 76. URL: https://www.emnluxembourg.lu/wp-content/uploads/2020/07/Annual-Report-on-Migration-and-Asylum-2019_EN.pdf
- cxix Information provided by the assistance services on 13 October 2021.
- cxix The awareness day allowed participants to meet each other, exchange good practices and set up networks and guidelines for victims detected by the health sector. Several representatives from the Monitoring Committee (representatives of NGOs and the Ministry of Justice) participated in this meeting

Source: European Migration Network, National Contact Point Luxembourg, “Annual Report on Asylum and Migration 2018, Luxembourg 2019, p. 86. URL: https://www.emnluxembourg.lu/wp-content/uploads/2019/08/Annual-report-on-migration-and-asylum_2018_EN.pdf.

See also: Secretariat General of the Benelux, « Journée mondiale de lutte contre la traite des êtres humains: la coopération entre pays voisins est essentielle! », Press Release, 30 July 2021. URL: <https://www.benelux.int/fr/nouvelles/journee-mondiale-de-lutte-contre-la-traite-des-etres-humains-la-cooperation-entre-pays-voisins-est-essentielle>.

^{cxlii} Information provided by the Ministry of Justice on 1 October 2021.

^{cxliii} Information provided by the Ministry of Justice on 1 October 2021.

^{cxliv} Information provided by the Ministry of Justice on 1 October 2021.

^{cxlv} Information provided by the Ministry of Justice on 1 October 2021.

^{cxlvi} European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, 2018, p. 6.

^{cxlvii} European Migration Network, National Contact Point Luxembourg, “Annual Report on Asylum and Migration in Luxembourg 2020”, Luxembourg 2021, p. 46. URL: https://www.emnluxembourg.lu/wp-content/uploads/2021/06/Annual-Report-on-Migration-and-Asylum-2020_EN-3.pdf

^{cxlviii} European Migration Network, National Contact Point Luxembourg, “Annual Report on Asylum and Migration 2019”, Luxembourg, 2020, p. 76. URL: https://www.emnluxembourg.lu/wp-content/uploads/2020/07/Annual-Report-on-Migration-and-Asylum-2019_EN.pdf

^{cxlix} Article 19 (1) of the amended Law of 18 December 2015 on international protection and temporary protection and articles 15 and 16 of the amended Law of 18 December 2015 on reception of applicants for international protection and temporary protection.

^{cl} European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, 2018, p. 6.

^{cli} Information provided by the Judicial Police on 18 October 2021. Information provided by the Ministry of Justice on 22 October 2021.

^{clii} Article 4 of the amended Law of 18 December 2015 on reception of applicants for international protection and temporary protection.

^{cliii} Article 16 (2) of the amended Law of 18 December 2015 on reception conditions of applicants for international protection and temporary protection and LU EMN NCP answer to the ad-hoc query entitled ‘Detection of vulnerabilities in the international protection procedure Part 1’ launched on 27 April 2021.

^{cliv} The Government of the Grand Duchy of Luxembourg, n.d., « La Fonction Publique: La traite des êtres humains », Luxembourg, 2021. URL: https://fonction-publique.public.lu/fr/formation-developpement/catalogue-formations/secteur-etatique/05admdroit/05-1-sujadm/et_05-1-1-33.html.

The Government of the Grand Duchy of Luxembourg, n.d., « La Fonction Publique: Approche et accompagnement des victimes de la traite des êtres humains », Luxembourg 2020. URL: https://fonction-publique.public.lu/fr/formation-developpement/catalogue-formations/secteur-etatique/05admdroit/05-1-sujadm/et_05-1-1-34.html.

^{clv} European Commission, Study on reviewing the functioning of Member States’ National and Transnational Referral Mechanisms, 2020, p. 50. URL: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf

^{clvi} European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, 2018, p. 10.

^{clvii} Article 92 (1) of the amended Law of 29 August 2008 on free movement of persons and immigration.

See also: European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, 2018, p. 15.

^{clviii} European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, Luxembourg, 2018, p. 10.

Information provided by the Judicial Police on 14 November 2021.

^{clix} Information provided by the Judicial Police on 18 October 2021.

United Nations, Office of Drugs and Crime (UNODC), “Human Trafficking Indicators”, n.d.. URL: https://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf.

clx Monitoring Committee on the Fight Against Trafficking in Human Beings, Roadmap “Procedures for multidisciplinary cooperation regarding victims of trafficking in human beings”, Confidential Roadmap, Luxembourg, September 2017, p. 6.

Information provided by the Judicial Police on 14 November 2021.

clxi European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, 2018, p. 9-10.

Information provided by the Judicial Police on 18 October 2021.

clxii Information provided by the Judicial Police on 14 November 2021.

clxiii Information provided by the Ministry of Justice on 2 July 2021 and on 22 October 2021.

clxiv Article 2 (1) a) to c) of the amended Law of 8 May 2009.

clxv Article 2 (2) of the amended Law of 8 May 2009.

clxvi The Government of the Grand Duchy of Luxembourg, Ministry of Justice, Monitoring Committee on the Fight Against Trafficking in Human Beings, « Plan d’action national contre la traite des êtres humains », Luxembourg, 16 November 2016, p. 16.

clxvii Information provided by the Judicial Police on 18 October 2021.

clxviii Secretariat General of the Benelux, « Coopération Benelux en vue de l’accueil des victimes de la traite des êtres humains », Information leaflet, Brussels, 2021, p. 27. URL : https://www.benelux.int/files/1116/1700/3419/brochure_TeH-def.pdf

clxix Article 1 (1) of the Grand Ducal Regulation of 11 September 2014 on 1. implementation of Article 2(1)(a) and (2) and (4) of the amended Law of 8 May 2009 on the assistance, protection and safety of victims of human trafficking; 2. amendment of the amended Grand Ducal Regulation of 19 March 1999 on the government approval to be granted to managers of services for girls, women and women with children. Published in Memorial A 186 on 7 October 2014. URL: <https://legilux.public.lu/eli/etat/leg/rgd/2014/09/11/n1/jo>

clxx Article 92 (1) of the amended Law of 29 August 2008 on free movement of persons and immigration and article 6 of the amended Law of 8 May 2009. Information provided by the assistance services on 13 October 2021.

See also: The Government of the Grand Duchy of Luxembourg, Ministry of Justice, Monitoring Committee on the Fight Against Trafficking in Human Beings, « Plan d’action national contre la traite des êtres humains », Luxembourg, 16 November 2016, p. 16.

clxxi Information provided by the assistance services on 13 October 2021.

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clxxii The Government of the Grand Duchy of Luxembourg, Ministry of Justice, Monitoring Committee on the Fight Against Trafficking in Human Beings, « Plan d’action national contre la traite des êtres humains », Luxembourg, 16 November 2016, p. 11.

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clxxv Law of 9 April 2014 strengthening the rights of victims of trafficking in human beings and amending 1) the Penal Code, 2) the modified law of 12 March 1984 on compensation of certain victims of personal injury resulting from an offence and the suppression of fraudulent insolvency, 3) the law of 8 May 2009 on the assistance, protection and safety of victims of human trafficking and amending the Code of Penal Procedures, 4) the law of 29 August 2008 on the free movement of persons and immigration. Published in Memorial A 63 of 14 April 2014. URL: <https://legilux.public.lu/eli/etat/leg/loi/2014/04/09/n1/jo>.

clxxvi Article 92 (1) of the amended Law of 29 August 2008 on free movement of persons and immigration.

See also: The Government of the Grand Duchy of Luxembourg, Ministry of Justice, Monitoring Committee on the Fight Against Trafficking in Human Beings, « Plan d’action national contre la traite des êtres humains », Luxembourg, 16 November 2016, p. 16.

clxxvii Article 1 of the amended Law of 8 May 2009 on the assistance, protection and security of victims of trafficking in human beings .

- clxxviii Information provided by the assistance services on 13 October 2021.
- See also: The Government of the Grand Duchy of Luxembourg, Ministry of Justice, Monitoring Committee on the Fight Against Trafficking in Human Beings, « Plan d’action national contre la traite des êtres humains », Luxembourg, 16 November 2016, p. 16.
- See also: European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, Luxembourg, 2018, p. 14.
- clxxix Information provided by the assistance services on 18 November 2021.
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- See also. The Government of the Grand Duchy of Luxembourg, Ministry of Justice, Monitoring Committee on the Fight Against Trafficking in Human Beings, « Plan d’action national contre la traite des êtres humains », Luxembourg, 16 November 2016, p. 17.
- clxxxi Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (CCDH), « Rapport sur la traite des êtres humains au Luxembourg 2017-2018 », Luxembourg, n.d., p.44.
- clxxxii Article 94 of the amended Law of 29 August 2008 on free movement of persons and immigration.
- clxxxiii Article 2 (1) a) the amended Law of 8 May 2009.
- clxxxiv European Migration Network, National Contact Point Luxembourg, “Detention and alternatives to detention in international protection and return in Luxembourg”, Luxembourg 2021, p.17. URL: <https://www.emnluxembourg.lu/wp-content/uploads/2021/04/Detention-and-alternatives-to-detention-in-international-protection-and-return-procedures-in-Luxembourg.pdf>.
- clxxxv Idem, p.13.
- clxxxvi European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, Luxembourg, 2018, p. 14.
- clxxxvii European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, Luxembourg, 2018, p. 14.
- clxxxviii Ibidem.
- Information provided by the assistance services on 13 October 2021.
- clxxxix Information provided by the assistance services on 13 October 2021.
- See also: European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, Luxembourg, 2018, p. 14.
- cx Article 2 (1) a) the amended Law of 8 May 2009.
- Information provided by the assistance services on 13 October 2021.
- cxci Information provided by the assistance services on 13 October 2021.
- cxcii Article 94 of the amended Law of 29 August 2008 on free movement of persons and immigration.
- cxci Article 2 (1) a) the amended Law of 8 May 2009.
- cxciiv The Government of the Grand Duchy of Luxembourg, Ministry of Foreign and European Affairs, National Reception Office, « Tout savoir sur l’accueil de demandeurs et de bénéficiaires de protection internationale dans ma commune », Luxembourg, January 2021, p. 16. URL: <https://ona.gouvernement.lu/dam-assets/pdf/guide-tout-savoir-dpi-bpi-communes.pdf>
- cxcv Ibidem.
- Given that there is a probationary period of 3 months, all applicants for international protection receive medical assistance on the basis of vouchers drawn up by the Health Inspection Department of the Ministry of Health during this period.
- cx cvi Information provided by the assistance services on 13 October 2021.
- cx cvii Information provided by the assistance services on 13 October 2021.
- cx cviii Article 2 (1) a) of the amended Law of 8 May 2009. Information provided by the assistance services on 13 October 2021.
- cx cvix Article 2 (1) a) of the amended Law of 8 May 2009. Information provided by the assistance services on 13 October 2021.
- cc European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, Luxembourg, 2018, p. 7.

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ccⁱ Ibidem.

ccⁱⁱ Information provided by the assistance services on 13 October 2021.

ccⁱⁱⁱ Article 94 of the amended Law of 29 August 2008 on free movement of persons and immigration.

cc^{iv} Article 2 (1) c) of the amended Law of 8 May 2009.

cc^v Information provided by the assistance services on 13 October 2021.

cc^{vi} Article 2 (1) b) of the amended Law of 8 May 2009.

cc^{vii} Article 94 of the amended Law of 29 August 2008 on free movement of persons and immigration.

cc^{viii} Article 2 (1) a) the amended Law of 8 May 2009.

cc^{ix} European Migration Network, National Contact Point Luxembourg, “Identifying victims of trafficking in human beings during international protection and forced return procedures”, National Inform, Luxembourg, 2018, p. 7.

cc^x Information provided by the assistance services on 13 October 2021.

cc^{xi} Article 1 (2) of the Grand Ducal Regulation of 11 September 2014.

cc^{xii} Article 1 (2) subparagraph 2 of the Grand Ducal Regulation of 11 September 2014

This amount is regulated by article 8 of the Grand Ducal Regulation of 8 June 2012 establishing the conditions and modalities for granting social aid to applicants for international protection. Published in Memorial A 123 of 20 June 2012. URL: <https://legilux.public.lu/eli/etat/leg/rgd/2012/06/08/n1/jo>

cc^{xiii} Article 94 of the amended Law of 29 August 2008 on free movement of persons and immigration.

cc^{xiv} Article 2 (1) a) the amended Law of 8 May 2009.

cc^{xv} Information provided by the assistance services on 13 October 2021.

cc^{xvi} Information provided by the assistance services on 13 October 2021. Information provided by the Judicial Police on 18 October 2021.

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cc^{xx} Information provided by the assistance services on 13 October 2021. Information provided by the Judicial Police on 18 October 2021.

cc^{xxi} Article 92 (1) of the amended Law of 29 August 2008 on free movement of persons and immigration.

cc^{xxii} Article 93 of the amended Law of 29 August 2008 on free movement of persons and immigration.

cc^{xxiii} Article 93 (2) of the amended Law of 29 August 2008 on free movement of persons and immigration.

cc^{xxiv} Article 93 (3) of the amended Law of 29 August 2008 on free movement of persons and immigration.

cc^{xxv} Article 93 (1) of the amended Law of 29 August 2008 on free movement of persons and immigration.

cc^{xxvi} Article 92 (1) of the amended Law of 29 August 2008 on free movement of persons and immigration.

See also: Secretariat General of the Benelux, « Coopération Benelux en vue de l'accueil des victimes de la traite des êtres humains », Information leaflet, Brussels, 2021, p. 28. URL :

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cc^{xxvii} Parliamentary document 6562/00 of 11 April 2013, Exposition of motives, p. 4.

cc^{xxviii} Law of 9 April 2014 strengthening the rights of victims of trafficking in human beings and amending 1) the Penal Code, 2) the modified law of 12 March 1984 on compensation of certain victims of personal injury resulting from an offence and the suppression of fraudulent insolvency, 3) the law of 8 May 2009 on the assistance, protection and safety of victims of human trafficking and amending the Code of Penal Procedures, 4) the law of 29 August 2008 on the free movement of persons and immigration. Published in Memorial A 63 of 14 April 2014. URL: <https://legilux.public.lu/eli/etat/leg/loi/2014/04/09/n1/jo>.

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- ccxxxvi Article 97 (1) of the amended Law of 29 August 2008 on free movement of persons and immigration.
- ccxxxvii Article 97 (3) of the amended Law of 29 August 2008 on free movement of persons and immigration.
- ccxxxviii Article 98 of the amended Law of 29 August 2008 on free movement of persons and immigration.
- ccxxxix Article 79 (1) of the amended Law of 29 August 2008 on free movement of persons and immigration.
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- ccxliv Article 98 of the amended Law of 29 August 2008 on free movement of persons and immigration.
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- cclxiii URL: <https://ecpat.lu/nos-actions/>
- See also: European Migration Network, National Contact Point Luxembourg, “Annual Report on Asylum and Migration 2019”, Luxembourg, 2020, p. 76. URL: https://www.emnluxembourg.lu/wp-content/uploads/2020/07/Annual-Report-on-Migration-and-Asylum-2019_EN.pdf.
- cclxiv For more information on these projects, please see: <https://ecpat.lu/nos-actions/>
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- cclxxix Ibidem.
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- ccxcv Information provided by the Ministry of Justice on 2 July 2021 and on 1 October 2021.
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- ccxcvii Ibidem.
- ccxcviii Ibidem.
- ccxcix Information provided by the Judicial Police on 18 October 2021.
- ccc Information provided by the Judicial Police on 14 November 2021.
- ccci Information provided by the Judicial Police on 18 October 2021.
- cccii Joint answer of the Minister of Justice and the Minister of Internal Security of 17 January 2020 to the Parliamentary question n°1591 of 10 December 2019 on trafficking in human beings in the virtual world.
- ccciii Ibidem.
- ccciv Ibidem
- cccv Information provided by the Judicial Police on 18 October 2021.
- cccvi Joint answer of the Minister of Justice and the Minister of Internal Security of 17 January 2020 to the Parliamentary question n°1591 of 10 December 2019 on trafficking in human beings in the virtual world.
- cccvii Article 95 (2) of the amended Law of 29 August 2008 on free movement of persons and immigration.
- cccviii Information provided by the assistance services on 13 October 2021. Information provided by the Judicial Police on 18 October 2021.
- cccix Ibidem.
- cccx Ibidem.

- cccxi Information provided by the Ministry of Justice on 1 October 2021. Information provided by the assistance services on 13 October 2021. Information provided by the Judicial Police on 18 October 2021.
- cccxii Ibidem.
- cccxiii Information provided by the Judicial Police on 18 October 2021.
- cccxiv Information provided by the assistance services on 13 October 2021.
- cccxv Information provided by the Ministry of Justice on 1 October 2021. Information provided by the assistance services on 13 October 2021. Information provided by the Judicial Police on 18 October 2021.
- cccxvi Information provided by the Ministry of Justice on 1 October 2021. Information provided by the assistance services on 13 October 2021. Information provided by the Judicial Police on 18 October 2021.
- cccxvii Consultative Commission on Human Rights of the Grand Duchy of Luxembourg, « Rapport d'activité 2020 », n.d., p.29. URL: https://ccdh.public.lu/content/dam/ccdh/rapports_d'activit%C3%A9s/2020/Rapport-d-activites-2020.pdf.
- cccxviii Information provided by the Ministry of Justice on 1 October 2021. Information provided by the assistance services on 13 October 2021. Information provided by the Judicial Police on 18 October 2021.
- cccxix Article 2 of the Law of 28 February 2018 strengthening the fight against the exploitation of prostitution, procuring and trafficking in human beings for sexual purposes.
Information provided by the Judicial Police on 14 November 2021.
- cccxx Information provided by the Judicial Police on 18 October 2021.
- cccxxi As of 6 December 2021, the pop-up message is still active.
- cccxxii Information provided by the assistance services on 13 October 2021.
- cccxxiii Information provided by the Judicial Police on 18 October 2021.
- cccxxiv Ibidem.
- cccxxv European Migration Network, National Contact Point Luxembourg, “Annual Report on Asylum and Migration in Luxembourg 2020”, Luxembourg 2021, p. 46. URL: https://www.emnluxembourg.lu/wp-content/uploads/2021/06/Annual-Report-on-Migration-and-Asylum-2020_EN-3.pdf
- cccxxvi Information provided by the Ministry of Justice on 1 October 2021.
- cccxxvii Information provided by the Ministry of Justice on 1 October 2021. Information provided by the assistance services on 13 October 2021.
- cccxxviii Information provided by the assistance services on 13 October 2021
- cccxxix Information provided by the Judicial Police on 18 October 2021.
- cccxxx Information provided by the Judicial Police on 18 October 2021.
- cccxxxi Information provided by the Ministry of Justice on 1 October 2021. Information provided by the assistance services on 13 October 2021. Information provided by the Judicial Police on 18 October 2021.
- cccxxxii Information provided by the Judicial Police on 18 October 2021.
- cccxxxiii Information provided by the Ministry of Justice on 1 October 2021.
- cccxxxiv Information provided by the Ministry of Justice on 1 October 2021. Information provided by the Judicial Police on 18 October 2021.
- cccxxxv Joint answer of the Minister of Justice and the Minister of Internal Security of 17 January 2020 to the Parliamentary question n°1591 of 10 December 2019 on trafficking in human beings in the virtual world.
- cccxxxvi Answer of the Minister of Internal Security and the Ministry of Justice to parliamentary question n°2553 of 16 July 2020 on trafficking in human beings.
- cccxxxvii Information provided by the Judicial Police on 18 October 2021.
- cccxxxviii Information provided by the Ministry of Justice on 1 October 2021. Information provided by the assistance services on 13 October 2021. Information provided by the Judicial Police on 18 October 2021.
- cccxxxix Information provided by the Ministry of Justice on 1 October 2021.
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- cccxlii Information provided by the assistance services on 13 October 2021. Information provided by the Judicial Police on 18 October 2021.
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cccxliv Information provided by the Judicial Police on 18 October 2021.

cccxlv Information provided by the Judicial Police on 18 October 2021.

cccxlv Information provided by the Judicial Police on 18 October 2021.

cccxlvii **Ibidem.**

cccxlviii Information provided by the Judicial Police on 18 October 2021.

cccxlx Information provided by the Judicial Police on 18 October 2021.

cccl **Ibidem.**

cccli **Ibidem.**