

IDENTIFICATION OF CRIMINAL ACTIVITIES  
CRIMINAL PROCEEDINGS  
INTERNATIONAL CRIME FORCES  
LENCE  
ACTIVITIES  
UNPAID WAGES  
EXPLOITATION  
BEGGING  
UNPAID WAGES  
VULNERABILITY  
ESCAPE  
ASYLUM  
PROSTITUTION  
FORCED PROSTITUTION



**TRAFFICKING IN HUMAN BEINGS in Germany –**  
Reflections on Protection and Rights



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TRAFFICKING IN HUMAN BEINGS in Germany –  
Reflections on Protection and Rights

German NGO Network against trafficking in Human Beings – KOK

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# TRAFFICKING IN HUMAN BEINGS in Germany – Reflections on Protection and Rights

Published by



German NGO Network against  
Trafficking in Human Beings

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## FOREWORD



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*Franziska Giffey  
German Federal Ministry of Family Affairs, Senior Citizens,  
Women and Youth*

*Dear reader,*

Human dignity is inviolable. This is the cornerstone upon which all the other laws that make up our legal system are based. Trafficking in human beings is one of the most appalling violations of human dignity imaginable. Despite this, human trafficking has existed and continues to exist all over the world, in Europe and even here in Germany.

When we speak of trafficking in human beings, it is often in abstract terms. A lot of what goes on happens behind closed doors. In addition to this, we also have to consider the fact that human trafficking is a multi-faceted phenomenon; ranging from sexual exploitation to labour exploitation, and exploitation of begging and criminal activities. If we want to fight this in an effective manner, we need to take all of these aspects into account and it is precisely this that my Ministry and the entire federal government are working to achieve. What we want is for people who have been trafficked to be identified, to be better protected, and to receive the help they need. We also want perpetrators to be held accountable for their criminal and inhumane actions.

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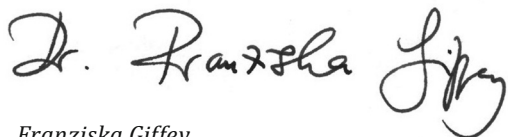
The global coronavirus pandemic, with all its social, political and economic consequences, is also having an impact on people who have been trafficked and exploited, as well as on the support they receive. Aid organisations and authorities need to react to this situation in order to be able to better protect these individuals.

Civil society has an important role to play here, especially KOK and its member organisations. These specialised counselling centres possess vital knowledge and expertise. They open up new opportunities for people who have been trafficked and in so doing, lay the foundations for successfully working with them.

This expertise is clearly portrayed in this updated compendium. I am delighted that KOK has once again succeeded in putting together a comprehensive overview of the phenomenon of trafficking in human beings. This volume has the people affected by this phenomenon and their rights at its heart and provides us with a practical analysis of its various different forms, issues and challenges.

It is for this reason that KOK is such an important partner, not only for the German federal government, but for anyone involved in fighting against trafficking in human beings and supporting those affected.

Yours faithfully,

A handwritten signature in black ink that reads "Dr. Franziska Giffey". The signature is written in a cursive, flowing style.

*Franziska Giffey*

German Federal Ministry of Family Affairs, Senior Citizens,  
Women and Youth

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## FOREWORD



Private foto

*Helga Gayer*

Member of the Group of Experts on Action against Trafficking in Human Beings – GRETA

Multidisciplinary cooperation is key to the fight against trafficking in human beings. Collaboration is always particularly effective when strong partners are involved. The German NGO Network against Trafficking in Human Beings (KOK e. V.) is a case in point: a strong partner when it comes to tackling trafficking in human beings in Germany. For over 20 years, KOK has been a powerful voice for specialised counselling centres through its work as an umbrella organisation, bringing about a wide range of effective and appropriate measures. This can also be seen in its practical cooperation with police authorities, based on the Federal Cooperation Plan that has been in place since 1999 between counselling centres and the police and the Protecting and Supporting Child Victims of Trafficking and Exploitation cooperation agreement of 2018.

Through its role as an umbrella organisation and its extensive cooperation with other stakeholders, KOK is an important role model throughout Europe. Successful cooperation between specialised counselling centres and law enforcement authorities is not a given but is the product of a continuous process involving mutual trust. As a model of good practice, KOK is reinforcing the fight against trafficking in human beings in all the signatory states of the Council of Europe Convention on Action against Trafficking in Human Beings. KOK is living proof that successful cooperation is possible when the right framework is put in place.

Trafficking in human beings in all its forms is a severe human rights violation. It affects people in vulnerable situations and requires sustainable and continuous work to combat it: as long as there are people in desperate situations, there will always be others who want to exploit their help-

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lessness for profit. Considerable benefits come with only a low risk of being caught, and if the case reaches the stage of conviction, the sentence is often low. At present there is no reason to hope that the problem will ever become any less pressing. It remains important, therefore, to combat trafficking in human beings vigorously and sustainably at national and international level. The international agreements to tackle trafficking in human beings and their national implementation provide a significant framework.

The GRETA group of experts, as a monitoring mechanism, oversees the signatories' implementation of the Council of Europe's Convention on Action against Trafficking in Human Beings. In its 9th General Report (covering 1 January to 31 December 2019), GRETA highlights the need to further improve the identification and support of victims of trafficking in human beings, in particular of children. An indispensable prerequisite for this is ongoing education and training for all the relevant stakeholders. This book will form an excellent basis for this.

*Trafficking in Human Beings in Germany – Reflection on rights and protection* is the second book in the 'Human Trafficking in Germany' series published by KOK. It has become an important standard reference in practice, offering a comprehensive, up-to-date overview, whether on the situation of trafficked individuals, the legal and factual framework, or the many aspects of cooperation. The overview addresses crucial issues that are also important for GRETA, such as identification, accommodation and victims' rights in criminal proceedings. Key issues in GRETA's monitoring work such as compensation of victims, child protection, the 'loverboy' grooming ploy, migration and asylum, and the consequences of increasing digitisation are also discussed in this book.

I am pleased to see contributions in this publication from many professionals whose commitment and excellent work I have been able to witness over many years. As a result, not just due to its skilful selection of topics, but also because of its authors' expertise, this book is an invaluable contribution to improving our collective efforts in combatting trafficking in human beings.

Together we will make the difference.



*Helga Gayer*

Member of the Group of Experts on Action against Trafficking in Human Beings – GRETA





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# PREFACE

*Dear reader,*

You are holding in your hands the second volume of the KOK series 'TRAFFICKING IN HUMAN BEINGS in Germany'. Since the first volume was published in 2015, there have been a great many national and international developments, and the practical work undertaken by specialised counselling centres has changed a lot, all of which will be addressed in this publication. In doing so, our authors will focus on the rights and protection afforded to trafficked and exploited people.

Trafficking in human beings is an ever-present issue and a constant feature of public debate. Geopolitical changes to migratory flows highlight just how important international and cross-border cooperation are to support those who are trafficked. This cooperation is strengthened both inside Germany and abroad by the German NGO Network against Trafficking in Human Beings (KOK e.V.), specialised counselling centres, and partner organisations.

Professional support structures urgently need to be expanded and specialised counselling centres need to be provided with sufficient resources in order to combat exploitation and trafficking in human beings. Far-reaching social changes and sweeping political decisions (such as those made during the Coronavirus pandemic in 2020, which have and continue to shape life in Europe and all over the world) also have an impact on the lives of those people affected by exploitation and trafficking in human beings as well as their support services.

We must ensure that the help system in place for these people continues to be safeguarded. Closed borders initially mean that fewer people from abroad will use the counselling centres, but the situation will change again, and both the support structures and authorities will need to be prepared.

Measures brought in, for example, to support agricultural businesses, by providing labourers who are urgently required to help with harvesting with extraordinary entry permits, must be planned and implemented in such a way to ensure that the working conditions and remuneration are fair and not exploitative. The same is also true of other sectors. Many private households in Germany rely on migrant workers for a range of domestic services,

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as well as for care for the elderly and infirm. They often work away from public scrutiny and have no guarantees that they will be adequately protected from illness and exploitation. Measures, such as the ban on prostitution or closing businesses related to prostitution, do not mean that prostitution stops. Instead, it simply continues in secrecy. This in turn poses a serious risk of the women and men involved falling victim to violence, exploitation and trafficking in human beings. It also means that it is much harder for counselling centres to help them. This particularly affects people working in prostitution who have no access to social welfare or to income support schemes and who do not trust the authorities because, for example, they quite rightly fear being deprived of their freedom of movement, or who are too ashamed to apply for unemployment benefits and welfare payments.

It is of the utmost importance that a cautious and long-term approach be taken to the implementation of such measures. At the end of the day, the focus must remain preventing trafficking in human beings and better protecting those affected. The help system in place needed expanding even before the coronavirus crisis hit.

Changes introduced in Germany in 2016 to legislation on criminal offences relating to trafficking in human beings and exploitation continue to influence the work on the ground at various levels. This is particularly true for forced begging and the exploitation of criminal acts, which were introduced as new criminal offences.

How can we identify trafficking in human beings for the purposes of labour exploitation in such cases? How can we support people who are forced to commit criminal acts?

KOK and its members continually observe and monitor the way legislation is used and the implications this has. This series will present and analyse the challenges and opportunities this brings in practice.

Measures to combat trafficking in human beings in Germany continue to primarily focus on the criminal aspects of the issue. However, this book places the individuals affected and their rights front and centre.

What can those affected hope to claim in terms of compensation or remediation? What prospects can we give them? What can we do to know about the real scale of the issue?

Trafficking in human beings and the conditions under which it occurs are analysed in greater depth. Specialised counselling centres are dealing with issues at local level, which often raise far-reaching, cross-regional questions.

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relating to cases of trafficking in human beings as well as the full range of counselling and support measures provided. In doing so, they also focus on the extent to which the rights of the individual involved were respected.

This type of data collection adds to and improves the amount of information available, and makes it possible to identify trends in how these people's rights are recognised.

The planned creation of a rapporteur mechanism to monitor the implementation of measures combatting trafficking in human beings and their impact (a draft for which is currently being drawn up) is an important and long overdue step that Germany must take in order to implement the EU Directive on preventing and combating trafficking in human beings and protecting its victims. Another important step for Germany is to set up a coordination mechanism in order to bring together planned activities as part of a global strategic framework.

KOK believes that a clear shift in perspective is required in order for a rights-based approach to the fight against trafficking in human beings to be adopted. A far-reaching strategic approach is needed in order to foster social and political processes to counter trafficking in human beings, which focus primarily on strengthening and enforcing the rights of the individuals affected. Through their work, the specialised counselling centres show us how this can be done, and it is for this reason that this book will particularly focus on them.

The specialist knowledge contained in this volume is brought together by experts working in the field from various different professions, with a wide range of perspectives. This will allow you to draw on the wealth of experience our authors have collected over their many years of work. This book aims to be of particular assistance to those working on these issues on the ground, who may themselves want to put into practice what they learn here and who are looking for recommendations for their own counselling work.

We would of course like to whole-heartedly thank the authors of this book for their tireless commitment to trafficked persons in Germany. Our thanks also go out to the KOK staff themselves, whose work to combat trafficking in human beings has resulted in a great deal of progress for those affected and for the specialised counselling centres. We would of course also like to thank the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth without whose funding our work would not be possible.

*Barbara Erritt, Christin Ernst, Andrea Hitzke, Lucia Jungbluth, Claudia Robbe*  
The KOK Board



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# INTRODUCTION

KOK

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This is the second publication in the series ‘TRAFFICKING IN HUMAN BEINGS in Germany’. On the one hand, it supplements the initial volume published in 2015 with the subtitle *An Overview from a Practical Standpoint*. On the other, the book serves as a wide-ranging introductory handbook for all those wanting to learn more about trafficking in human beings in Germany. KOK has been publishing books on the subject of trafficking in human beings since 2001, with the objective of sharing knowledge and practical experience.

Much has changed since the first volume was published in 2015<sup>1</sup>, not only in legal and political terms, but also in terms of counselling practice. This is true in particular of the criminal law applicable in cases of trafficking in human beings and exploitation, which has undergone thorough reform, and of migratory flows, which since 2015 have increasingly influenced the policies of the European Union and its Member States. Both aspects have also affected the work done by specialised counselling centres. Moreover, the subjects of trafficking in human beings and exploitation have featured more prominently in national government policy in Germany, for example as a result of the implementation of the EU Anti-Trafficking Directive. Despite entering into force back in 2011, this Directive was not implemented in Germany until 2016.

As a result of the reform of criminal law, additional forms of exploitation are now accounted for, such as forced begging and the exploitation of criminal acts. In practice, this means that there are new tasks to be addressed, each of which comes with its own challenges. These include the growing number of clients seeking protection overall, as well as the development of new counselling approaches and accommodation schemes for groups of trafficked persons (e. g. men, trans\* people, minors or families) that previously received less attention. New stakeholders are being identified and are becoming important cooperation partners.

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1 The first volume of this book series is titled ‘Human Trafficking in Germany – An overview from a practical standpoint.’ We have since adopted the wording of ‘trafficking in human beings’ instead of ‘human trafficking’, striving for the most appropriate wording and to align with international standards. As there is no difference in our primary language German, this is why you will find both terms throughout the articles.

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At political level, the subject of trafficking in human beings is attracting more and more attention. Even the subject of labour exploitation has made it onto the political agenda; a special Federal-Länder Working Group has been set up to address the issue, and new structures are being established.

Asylum and migration policy have become more stringent in recent years, which has also had an impact on those affected by trafficking in human beings. Accelerated asylum proceedings and combined reception and processing centres ('anchor centres') make it harder to identify trafficked persons and provide them with access to protection and support.

However, the specific issue of trafficking of refugees and asylum seekers, including the particularly vulnerable, has now been taken up at political level, with practical support being provided in the form of funding for projects to help women refugees.

The most recent political decision to establish a monitoring body to follow up progress on the implementation of the Istanbul Convention and a national rapporteur on trafficking in human beings<sup>2</sup> demonstrates the significance attached to the matter.

Although increased awareness of the phenomenon of trafficking in human beings is a welcome development in principle, it also has its downsides. For example, powerful populist movements have seized the opportunity to pursue a particular migration policy agenda, exploiting it to justify calls to close borders or prohibit search and rescue operations at sea.

In addition, although new initiatives and organisations are providing support for those affected and are running campaigns and projects on the subject of trafficking in human beings and exploitation, what may at first appear positive often turns out to be poorly implemented in practice. Those involved in such initiatives are unaware of the quality standards applicable to social work or simply disregard them. Offering volunteer services instead of professional support can sometimes do more harm than good.

That is why the work done by KOK and its member organisations is founded upon professionalism, practical experience and knowledge transfer: training and professional development with respect to socio-pedagogical practice and legal aspects are always essential. Thanks to this approach, KOK has proved to be a competent and reliable partner in combating trafficking in human beings and in enforcing the rights of those affected by it.

It is more important than ever for long-established specialised counselling centres to speak with one voice when it comes to policy discussions at

2 The appointment of national rapporteurs on trafficking in human beings is prescribed both by EU Directive 2011/36 and by the Council of Europe Convention on Action against Trafficking in Human Beings.

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national level, and for them to share their experience and knowledge share it with their partners and receive additional support.

Despite the increase in awareness, measures to combat trafficking in human beings often remain limited to the sexual exploitation of women in prostitution.

Not enough consideration is given either to women subject to labour exploitation or to men affected by sexual exploitation, and further forms of exploitation such as forced begging and exploitation of criminal acts as well as the victims thereof are often neglected. Other affected groups, such as trans\* people, still do not receive the necessary attention, and as a result they face a lack of suitable support systems and accommodation facilities.

However, this narrow understanding of the problem does not reflect the actual situation in Germany and represents only a fragment of the overall picture.

With this book, KOK aims to make a contribution to the body of information available about the multi-faceted and complex nature of trafficking in human beings and exploitation in Germany and to highlight developments that have emerged in recent years.

To this end, the individual chapters provide a range of perspectives on the various forms of trafficking in human beings, the situation of trafficked persons, and the different categories of trafficked persons and their particular legal situations.

The articles also pick up on a number of theoretical discussions, for example regarding the reform of criminal law, the role of civil society in combating trafficking in human beings, and data protection and collection.

Others describe the situation on the ground and the specific work done by specialised counselling centres to help those affected.

The articles are written by practitioners, specialised counsellors and legal professionals with many years of experience in supporting trafficked persons and tackling the subject of trafficking in human beings and exploitation.

We would like to thank all of the contributors for sharing their expertise, as well as the board for their support in producing this book.

Ongoing feedback and the exchange of experiences with other practitioners are pivotal when it comes to understanding and assessing the situation regarding trafficking in human beings and exploitation in Germany.

CRIMINAL CODE

TRAFFICKED PERSONS

WOMXN

**HUMAN RIGHTS**

POLITICAL MANDATE

NETWORKING

PALERMO PROTOCOL

EXPLOITATION

QUALITY STANDARDS

IDENTIFICATION

MIGRATION

VULNERABILITY

INTERDISCIPLINARY EXCHANGE

CIVIL SOCIETY

EXPLOITATION OF CRIMINAL ACTIVITIES

COOPERATION

**TRAFFICKING IN HUMAN BEINGS**

WOMXN'S RIGHTS

STATE ACTORS

GUIDING PRINCIPLES

EVOLVEMENT

FORCED BEGGING

**SOCIAL WORK**

SPECIALISED COUNSELLING CENTRES

LOBBYING

REPORTED AND UNREPORTED CASES

FORCED LABOUR

**POLITICAL RESPONSIBILITY**

**VICTIMS' RIGHTS**

LEGAL SITUATION



01

**INTRODUCTION  
& BACKGROUND**

## TRAFFICKING IN HUMAN BEINGS AND EXPLOITATION – the terms and their meanings

KOK

Trafficking in human beings and exploitation – what exactly are they?

Trafficking in human beings is the term used for when people are recruited using deception, threat or violence and are then forced to start or continue an activity through which they are exploited.

Trafficking in human beings was first defined at international level in the Palermo Protocol<sup>1</sup> in 2000. Article 3 of the Protocol contains the following definition:

*'... Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs ...'*

Whether the exploited person had previously consented to carrying out a specific activity is irrelevant if the aforementioned methods of coercion have been used.

The Palermo Protocol is often hailed as a milestone, as it provided the first internationally agreed common definition of trafficking in human beings and was the first document under international law to adopt measures to prevent and combat the trafficking in human beings.

Further definitions have also been guided by the Palermo Protocol, for example those included in the EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims (2011/36/EU) or the Council of Europe Convention on Action against trafficking in Human Beings (CETS No. 197 of 2005).

1 Additional Protocol of 15th November 2000 to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime.

In Germany, the Criminal Code contains definitions of trafficking in human beings and exploitation.

Until 2016, trafficking in human beings was covered in § 232 on trafficking in human beings for the purposes of sexual exploitation, § 233 trafficking in human beings for the purposes of labour exploitation and § 233a promotion of trafficking in human beings.

However, with the implementation of the EU Directive on Trafficking in Human Beings and Protecting its Victims (2011/36/EU) in 2016, Germany's criminal law provisions on trafficking in human beings underwent major changes.

The paragraphs now bear the following titles:

- § 232 of the German Criminal Code: Trafficking in human beings
- § 232a of the German Criminal Code: Forced prostitution
- § 232b of the German Criminal Code: Forced labour
- § 233 of the German Criminal Code: Exploitation of labour
- § 233a of the German Criminal Code: Exploitation involving deprivation of liberty

The German Criminal Code defines trafficking in human beings as the recruitment, transporting and harbouring of a person with the aim of exploiting them. Exploitation itself, as well as its various forms, are defined in the following paragraphs.

The paragraphs on forced labour and labour exploitation also cover the exploitation of criminal acts and exploitation of begging. In such cases, people are persuaded or forced to beg, but their earnings are then partially or entirely taken away from them. In cases of exploitation of criminal acts, individuals are coerced into committing criminal acts, such as theft, credit card fraud or drug trafficking. The people committing the exploitation keep all profits from the criminal acts.

Coercion can take various forms, e. g. direct physical violence or the threat thereof, extortion, unlawful retention of documents and money earned, theft, isolation and fraud. Exploiting a helpless situation (e.g. caused by being abroad), abuse of power and bonded labour are all forms of coercion in cases of trafficking in human beings and exploitation.

These actions limit the possibilities open to trafficked persons in such a way that they leave them incapable of freely deciding their own course of action. They are poorly paid, or not paid at all, and are forced to work in dreadful conditions.

## What forms does trafficking in human beings take?

The most widely known form of trafficking in human beings is sexual exploitation or forced prostitution. One of the reasons for this is that trafficking in human beings for sexual exploitation has been recognised as a crime in Germany since 1973 and is still the most frequently encountered form of trafficking in human beings identified by counselling centres and the police. The police and authorities are already aware of the issue, support structures have been created,<sup>2</sup> and good cooperation is often already in place.

Labour exploitation has been included in the German Criminal Code since 2005, with exploitation of begging, exploitation of criminal acts and organ trafficking also added in 2016.

In principle, trafficking in human beings and exploitation can occur in any industry. In practice, however, it is seen in certain sectors more than others, e.g.

- Prostitution and the sex industry
- The care sector
- Private households (domestic help, cleaners, au-pairs)
- Catering
- Agriculture (very often seasonal work)
- The construction industry
- The meat processing industry

The sectors where exploitation is most frequently encountered are usually those that require a large number of staff and are relatively easy to access (e.g. often not requiring any special qualifications or good command of the language).

It is often difficult to identify when or how the transition from precarious working conditions to exploitation and trafficking in human beings occurred. Sometimes, what starts out ‘only’ as an unfavourable working relationship worsens over time to become exploitation and trafficking in human beings.

In addition, exploitation of prostitutes is recognised in § 180a of the German Criminal Code. However, it appears in the chapter entitled ‘Offences against sexual self-determination’ rather than in the chapter on ‘Offences against personal liberty’, which contains the criminal offences relating to traffick-

2 For more information on support structures and the issue in Germany more broadly, see also: *Frauenhandeln in Deutschland* [Trafficking in Women in Germany], not available in English, KOK, 2008 and *Trafficking in human beings in Germany – An Overview from a Practical Standpoint*, KOK, 2015.

ing in human beings. This is worth considering, as it effects the rights of the individuals concerned.<sup>3</sup>

KOK uses the terms ‘trafficking in human beings’ and ‘exploitation’ as umbrella terms to cover the issue as a whole in all its complexity. When we refer to trafficking in human beings, we mean all the criminal offences named in the German Criminal Code. Trafficking in human beings for sexual exploitation and labour exploitation, as well as other forms of trafficking in human beings and exploitation (including those below the threshold for being deemed a trafficking in human beings offence), are on the rise and are no longer viewed as being distinct from one another, as many of these cases are similar and the transition from one form to the next is often blurred.

### Who is affected?

It is not only migrants who have come to Germany due to a difficult financial situation that are affected by all forms of trafficking in human beings. Although this group is the most at risk, German nationals (actually the largest group identified in 2018, see below) or people living in Germany also fall victim to trafficking in human beings and exploitation.

The legal definition of trafficking in human beings does not include a requirement for a border crossing. Instead, it is duress, coercion and deception that are the decisive factors. The focus is placed on the exploitation of the individual in question.

People who have been trafficked can differ enormously in their backgrounds and life experiences. Again and again, the specialised counselling centres point to there being no ‘typical victim of trafficking’.

Trafficking in human beings and exploitation are not limited to a particular gender or age group. Children, women, men and trans people of any age can be affected.

However, some trends can be identified among the cases that we know of and have recorded, for example in the annual *National Situation Report on Trafficking in Human Beings* published by the German Federal Criminal Police Office. According to the report, the majority of trafficked persons in Germany are female and are sexually exploited. The figures we have on labour exploitation suggest that this form of exploitation affects more men than women. However, the *Situation Report* does not offer a particularly comprehensive picture of the situation, as it only includes cases known

3 According to § 232 et seq. of the German Criminal Code, trafficked persons can, for example, be granted special residency rights or other specific rights as part of criminal proceedings (see also chapter 2, p. 76 et seq. and p. 131 et seq.).

to the police where an investigation has been carried out and completed.<sup>4</sup> No solid assessment can be made when it comes to the actual situation in Germany.<sup>5</sup>

Experience gained by specialised counselling centres, however, reveals that the situation is much more complex in practice. Women are also affected by labour exploitation, particularly in domestic services and domestic care, but also in other sectors, such as catering, cleaning or meat processing.

There are also frequently cases involving the sexual exploitation of men. Forced begging and the exploitation of criminal acts involve the exploitation of both men and women.

In addition, forms of exploitation also often overlap, meaning that one person can be affected my multiple forms.

There are no national, comprehensive and reliable statistics available on trafficking in human beings in Germany. The German Federal Criminal Police Office publishes figures annually in its *National Situation Report on Trafficking in Human Beings*. According to the 2018 Report, there were<sup>6</sup> 430 victims of sexual exploitation, 63 victims of labour exploitation, 2 victims of exploitation of begging and 8 victims of exploitation of criminal acts that year. However, the *Situation Report* does not offer a particularly comprehensive picture of the situation, as it only includes cases known to the police where an investigation has been carried out and completed. Experts (including the police) assume the actual figure to be much higher.

The *National Situation Report* also identifies recurring countries of origin for persons who have been trafficked, which the majority coming from European countries. The largest group has German citizenship<sup>7</sup>, followed by Bulgarian, Romanian and Hungarian nationals.<sup>8</sup>

4 The Report does not include investigations which were suspended because the person affected for example could not provide enough information, or because the investigation was not promising, or the perpetrator could not be identified despite strong indications of trafficking in human beings and exploitation.

5 Cf. also Chapter 5, p. 248 et seq.

6 German Federal Criminal Police Office, *Trafficking in human beings and Exploitation, Situation Report 2018*.

7 The *Situation Report* suggests reasons for this: 'Usually, German victims have a better knowledge of their rights, may have more confidence in the law enforcement authorities and are frequently better integrated into society than foreign victims. Therefore, they probably feature a lower psychological barrier to contacting the police and reporting the exploitative nature of their employment' (p. 7).

8 Cf. German Federal Criminal Police Office, *Trafficking and Exploitation, National Situation Report 2018*.

## Causes and background

The reasons people find themselves in an exploitative situation vary widely. Although trafficking in human beings and exploitation are not necessarily linked to migration, in practice they are often connected, and migrants commonly find themselves in precarious situations which make them more vulnerable to trafficking in human beings and exploitation.

The decision to migrate may be driven by a difficult economic, political and social situation in the person's country of origin in general, as well as by individual economic hardship, lack of prospects, or hope of a better future.

Women are frequently at a disadvantage in society and face gender-specific discrimination. This results in them being more vulnerable than male migrants to dangerous situation and structural discrimination throughout the migration process. Children and trans people also belong to this especially vulnerable group. Children are often at a structural disadvantage and face various types of discrimination.

Many of the sectors, in which migrants work in the destination country are part of the so-called informal economy and are characterised by unregulated employment, low wages and difficult working conditions.

Germany's restrictive migration policy, which makes it particularly difficult for people from third countries to access the labour market, can lead to migrants being forced to more readily accept insecure and unprotected working relationships in the informal sector.

The economic imbalance between the person's country of origin and the destination country, as well as social disadvantages and a lack of prospects in their country of origin, often play a role. However, acute economic pressure, crises or a specific event (e. g. accumulation of debt), as well as the desire for independence, the need to earn a living and/or to provide for a family, can also play a decisive role in accepting a seemingly good job offer abroad.

People who are sexually exploited may be duped into working in prostitution. They are recruited by acquaintances, via ads or through agencies and are deceived as to the nature of the work, i. e. they are unaware that they will be working in prostitution and are forced to do so by the perpetrators.

In some cases, however, individuals are willing to work in prostitution in Germany, but face working conditions that they had not agreed to and about which they no longer have a choice. They are exploited by the perpetrators and forced to remain in their predicament.

## Identifying trafficked persons and victims' rights

In order to be able to identify and prevent trafficking in human beings and exploitation, it is important that we can raise awareness of the issue and its complexity.

People who have been trafficked are granted a range of special rights, which must be safeguarded. These relate to residency and subsistence allowance, but also rights in and out of criminal investigations and the right to compensation and loss of earnings.<sup>9</sup>

However, in order for these rights to be enforced, and for trafficked persons to receive support, they must first be identified as such. This is often problematic in practice.

Exploitation or coercion are not easily identified. The methods used to coerce and threaten people can be very subtle.<sup>10</sup> Frequently, physical violence is not used at all or is not the *only* method used to put the trafficked person in an exploitative situation and keep them there. Despite what one might think, the perpetrators are not always part of organised gangs. Instead, they are often individuals, such as acquaintances or even partners or family members.

However, there are indicators which may point to a situation being exploitative, for example:

- Identity documents being taken away from the person by someone accompanying them.
- The person seeming fearful.
- The person having been lied to about their working conditions in Germany.
- The person not being aware that they would be working in prostitution, or under what conditions they would be working.
- The person being forced to offer certain sexual practices against their will.
- The person not being given their earnings or not having direct access to what they earn (it is being given to a third party).
- The person working under very poor conditions and having no control over this.
- The person being very wary/fearful of state authorities.

<sup>9</sup> For more details, see Chapters 2 and 3, p. 62 et seq. and p. 184 et seq.

<sup>10</sup> Chapter 2 contains various reports on the situation on the ground.



- The person constantly being watched or receiving threatening phone calls.
- The person being extremely worried about their children.

This is not an exhaustive list. There may be different indicators for different sectors. It is for this reason that no standardised identification process can be formulated.

Individually or in combination with one another, indicators can point to a person being exploited and/or forced to engage in a specific activity. However, a decision cannot be reached based on indicators alone. The presence of indicators is not necessarily proof of trafficking in human beings and exploitation. By the same measure, a person may be in an exploitative situation despite not displaying any of the indicators.

Specialised counselling centres often find that people who have been trafficked need a long time to open up and talk about the exploitative situation in which they find themselves. There are various reasons for this, e. g. real danger posed to the individual themselves or their family, instructions or threats from traffickers, family connections to the perpetrator, a lack of knowledge of the protection available, their rights and prospects and also feelings of shame and guilt and a loss of confidence all play a role.

In order to be able to identify and support those affected, it is vital that the police, the authorities and stakeholders who comes into contact with potential victims of trafficking are aware of and know the issues surrounding trafficking in human beings and exploitation.