



**DATA COLLECTION IN THE CONTEXT
OF TRAFFICKING IN HUMAN BEINGS AND
EXPLOITATION IN GERMANY**

KOK Report

2021

KOK

German NGO Network against
Trafficking in Human Beings

BACKGROUND ON TRAFFICKING IN HUMAN BEINGS AND EXPLOITATION IN GERMANY

In Germany, trafficking in human beings and exploitation are present in numerous forms and areas. Since 2016, trafficking in human beings, forced prostitution, forced labour, labour exploitation, exploitation under unlawful restraint, and organ trafficking have been criminal offences under Sections 232 et seq. of the German Criminal Code. However, the German Criminal Code defines the term ‘human trafficking’ merely as the recruitment, transportation and accommodation of a person for the purpose of exploiting them (Section 232 of the German Criminal Code). Exploitation and its various forms are defined in the following paragraphs.

The offences of forced labour and labour exploitation also include forced criminal activities and forced begging. The latter involves individuals being persuaded or forced to go out and beg, then made to hand over all or most of the money they receive. In the case of forced criminal activities, individuals are persuaded to carry out criminal offences such as theft, debit card fraud or selling drugs. The financial gains from the offences are kept by the perpetrators. The most well-known form of trafficking in human beings and exploitation among the general public is sexual exploitation, which has been a criminal offence since 1973 and remains the form that is most frequently identified by specialised counselling centres and the police. Labour exploitation became a criminal offence in 2005. To date, these are the two forms of exploitation about which we have the most information.

The specialised counselling centres advise individuals subject to various forms of trafficking in human beings and exploitation. Due to the circumstances in which they were founded—mostly in the 1980s off the back of a women’s rights and feminist platform—they tend to focus on women. Some limit their services to those affected by sexual exploitation due to their funding situation and their mandate, but many also offer counselling to women who are subject to labour exploitation. In addition, some of the specialised counselling centres that are members of KOK also work with those affected by other forms of exploitation, and in some cases with trafficked men or trans people.

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INTRODUCTION

This report provides an extensive insight into the work done by specialised counselling centres for trafficked persons. Thanks to the efforts made by its member organisations to uniformly categorise and record case data on trafficking in human beings, KOK is able to put forward this report as an important complement to the annual Federal Situation Report on Trafficking in Human Beings published by the German Federal Criminal Police Office. This situation report only tells part of the story, as it relies on cases known to the police in which investigations have been opened and subsequently concluded.

KOK, on the other hand, is primarily interested in gaining more knowledge about the ability of those affected by trafficking in human beings to exercise their rights, rather than in presenting a purely criminal-law based depiction of the situation focused on combating crime.

This second, human-rights-based analysis of the data entered into a jointly developed software program by a growing number of KOK member organisations offers important insights, particularly when it comes to the social security and residential status of trafficked persons, and thereby indirectly highlights those areas where action is needed based on actual evidence.

KOK published its first data report in 2020, the same year in which the KOK data tool first started being used for the collection of real case data. The first report is well worth reading, as it contains a detailed description of this participatory, human-rights-based system based on contributions by civil society and an explanation of how it was developed.

The first analysis report was published last year. This second analysis report is the first to cover an entire calendar year, namely the period from 01/01/2021 to 31/12/2021.

In future, this will make it possible to directly compare the cases handled by the specialised counselling centres each year and thereby provide a fitting supplement to the Federal Situation Report on Trafficking in Human Beings published by the Federal Criminal Police Office.

SUMMARY

- 19** participating specialised counselling centres
- 725** cases in total entered in the database
- 612** cases available for analysis
- 175** new cases entered in 2021
- 437** cases taken on by the specialised counselling centres in 2021

- 96 %** of the trafficked persons receiving counselling were women
- 60 %** of the clients come from West African countries,
with the majority (44 %) coming from Nigeria
- 73 %** of the clients are aged between 22 and 39
- 81 %** of cases were categorised as forced prostitution by the
specialised counselling centres

2021 was the second year of the coronavirus pandemic. This continued to affect the work of both the specialised counselling centres and the prosecuting authorities, restricting that work in numerous respects. Many of the colleagues at the specialised counselling centres have observed that fewer trafficked persons were identified and referred to them during 2021, for example by the police or the Federal Office for Migration and Refugees.

Progress was made on drawing up a plan for establishing a national rapporteur on human trafficking in Germany by the German Institute for Human Rights, commissioned by the Federal Ministry of Family, Senior Citizens, Women and Youth, and a mission statement for the national rapporteur was published. During the concept development and testing phase, which took roughly 18 months, the German Institute for Human Rights was in regular contact with KOK, on several occasions to ask about the development of the data tool and case data collection by the specialised counselling centres. The obligation under international law to gain better information about human trafficking in Germany and use that to develop effective policies to protect those affected and to successfully prosecute perpetrators is described in detail in the KOK Data Report 2020.

The shared interests of the political sphere, civil society and research institutes, as well as the various expectations and recommendations in relation to data collection on trafficking in human beings and the establishment of a national rapporteur in Germany were discussed at KOK's international

symposium on ‘Data Policy and Trafficking in Human Beings’, which took place in October 2021.

It is in everyone’s interest to learn more about the actual extent and nature of human trafficking and exploitation in Germany. From a civil society perspective, however, the primary objective is to collect human-rights-based data that provides an insight into the enforcement of the rights of those affected by trafficking and exploitation.

This is where the KOK data tool and the annual reports can help.

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DATA PROTECTION LAW

The specialised counselling centres for trafficked persons are familiar with handling sensitive data in their work with trafficked persons, data which is collected both for their counselling work and for statistical purposes. Handling such sensitive data is fraught with risks. The shift towards greater digitalisation in particular, including in relation to the KOK data tool, presents major data security challenges.

KOK and the specialised counselling centres are conscious of these challenges and adhere to stringent legal data protection standards when collecting case data as well as in connection with the development and maintenance of the KOK data tool.

In all cases, the consent of the client is required before their data is entered into the tool by the specialised counselling centre, and a cooperation agreement must be concluded between the participating specialised counselling centres and the KOK office. This agreement also includes provisions on data protection.

In order to live up to its own high standards in relation to data protection and data minimisation, KOK has asked independent service providers to perform data protection impact assessments on a regular basis, using a different provider every time. The first assessment was performed in 2019, and the second is due to take place this year. The assessments are thorough and cover the data collection environment as well as the technical and organisational data protection measures in place at KOK, its IT contractor 3plusX and randomly selected participating specialised counselling centres. The software and servers used are also evaluated. The result is a summary of the risks identified as well as measures to counteract and minimise those risks. In collaboration with the specialised counselling centres and the other parties involved, these risks are regularly reassessed and addressed.

The data protection impact assessment is made available to all participating specialised counselling centres.

Based on the specialised counselling centres' numerous years of experience in handling sensitive data and the ongoing monitoring of data protection in relation to the KOK data tool, the aim is to guarantee that the highest possible standards are met and at the very least that the GDPR is complied with. Indeed, the data tool can even claim to go further than the prevailing European standards in some respects, due to the use of supporting tools like structured checklists for a secure working environment, a user manual for the data tool, video tutorials on security, and declarations of consent for data processing in numerous languages, including simple German.¹

3

RESULTS FROM THE KOK DATA TOOL FOR 2021

3.1 Preliminary remarks on the underlying data and evaluation of the results

The results of the second data analysis performed using the KOK data tool are outlined and discussed below. Unlike the previous report, this year's report covers an entire calendar year. This will continue to be the case in future in order to ensure better comparability of the data. In the medium term, this will also make it possible to identify trends over multiple years. In the period from 01/01/2021 to 31/12/2021, there were 725 cases from a total of 19 specialised counselling centres in the database, 612 of which were released for data analysis. As explained, the data entered may not be used for data analysis and reporting without the consent of clients.

Consequently, when evaluating the results it is important to remember that the findings presented only represent a portion of the clients of specialised counselling centres and of the services they provide in cases of trafficking in human beings and exploitation. On the one hand, not all specialised counselling centres have yet begun using the data collection tool, and on the other it is not possible to include all cases entered in the analysis since not all clients have consented to the use of their data in this way. As it is in theory possible for multiple 'cases' to be entered for a single person (e.g. if they seek help from a specialised counselling centre with regard to

1 The data protection measures and requirements applicable to data collection are set out in detail in KOK's first report published in 2020, entitled *Defining the Gap: Datenerhebung zu Menschenhandel und Ausbeutung in Deutschland – der zivilgesellschaftliche Ansatz des KOK* [Defining the gap: data collection in the context of trafficking in human beings and exploitation in Germany - KOK's civil society approach, only available in German]. https://www.kok-gegen-menschenhandel.de/fileadmin/user_upload/KOK_Datenbericht_Final_deu_2020_10_18.pdf

a different issue), it is entirely possible for one person's basic information to be duplicated in the database. That said, this is not believed to occur frequently at the current time.

Moreover, it should be borne in mind that clients of the specialised counselling centres are always entitled to refrain from answering certain questions asked by the counsellors who are entering their data. As such, not all fields will always be completed. In some cases, employees of the specialised counselling centres themselves may decide not to complete certain fields if the question is not relevant to a particular user of their services. In most cases when calculating percentages, all 612 cases were included in the basic population for data analysis. The only exception to this is those questions which are only asked under specific circumstances. According to the information in the database, 175 new cases were entered in 2021 by employees of the specialised counselling centres, whereby all other cases were first opened in the previous year/years. This demonstrates that many clients rely on the support of the specialised counselling centres over a longer period, which is likely due in particular to the lengthy nature of investigations and criminal proceedings. In 2021, employees of the specialised counselling centres closed 141 cases.

The KOK data tool is subject to an ongoing development process and is continuously being adapted in order to better meet our information requirements, facilitate data input for the specialised counselling centres and enable optimisation of the data analysis process. For each additional year that data is entered and for each additional specialised counselling centre that participates in data collection and documents its work, the number of cases in the database increases, thereby opening up further possibilities for analysis. This year, it was possible to perform the very first combined analyses in order to gain deeper insights into the interconnections between the pieces of data entered. This also enables a more thorough analysis of the data. The results presented below demonstrate that the KOK data tool is already contributing to expanding the existing knowledge base regarding exploitation and trafficking in human beings in Germany, even if it cannot claim to be representative of all trafficked persons. Whereas the annual situation report published by the German Federal Criminal Police Office only discusses cases for which investigations have been concluded, the KOK database covers a broader spectrum of cases and can therefore provide some insight into those cases that would ordinarily slip under the radar.² Among those who call upon the services of specialised counselling centres, there are individuals whose case has not (yet) been the subject of a completed criminal investigation or has not (yet) been subject to investi-

2 By way of comparison, the German Federal Criminal Police Office's 2021 Situation Report declares that there were 291 proceedings regarding sexual exploitation and 28 cases of labour exploitation. A further 237 proceedings regarding exploitation of minors were also documented.

gation at all. This allows the KOK report to shed further light on this grey area. Moreover, the KOK database has made it possible to map out the needs of those affected by trafficking in human beings and exploitation whilst also highlighting the broad range of support services provided by specialised counselling centres. The focus of the KOK data reports is human rights: the intention is for the information provided by the specialised counselling centres to reveal the extent to which the users of their services that are affected by trafficking in human beings and exploitation are actually able to exercise their rights and access the protection and support available to them in Germany.

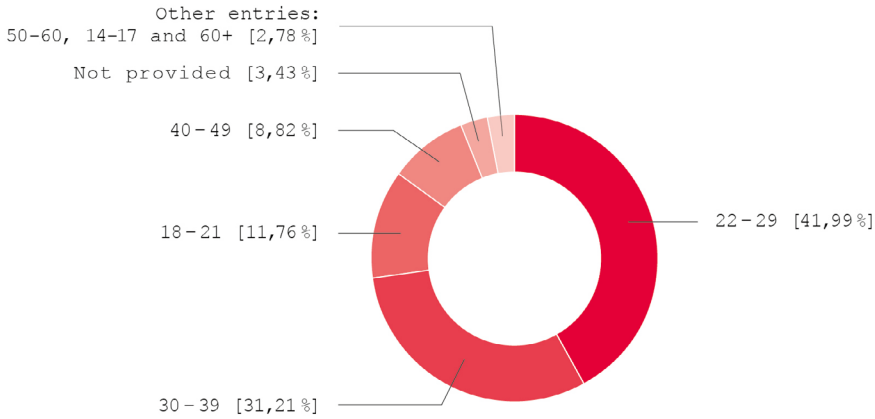
3.2 Personal information on individuals seeking counselling

The data collected in the KOK database is primarily intended to provide insights into how to bolster and enforce the rights of trafficked persons. For reasons of data protection and in respect of the right for individuals to decide what happens with their data, only the minimum amount of data required to shed light on the personal circumstances of those seeking counselling is collected. The results regarding the age, gender, nationality, and parental status of trafficked persons are presented below.

It is apparent that it is almost exclusively women and girls who seek the assistance of the participating specialised counselling centres after being subjected to human trafficking and exploitation (96 %).

With regard to age, the individuals registered by the collaborating specialised counselling centres mostly fell into the age categories 22–29 (42 %) and 30–39 (31 %). Approximately 11 % of clients were minors at the time the offence was committed.

Age



Source: KOK data tool

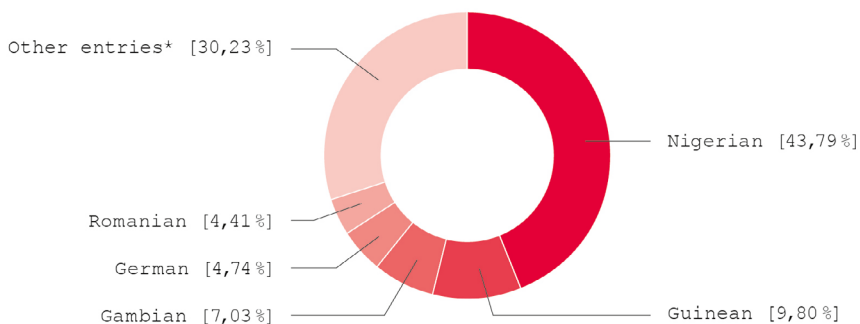
In the period from 01/01/2021 to 31/12/2021, a great number of individuals who received support from the specialised counselling centres were nationals of African countries. As in the previous year, the majority of clients were from Nigeria (44 %), followed by Guinea.

In their communication with KOK, certain specialised counselling centres reported an increase in the number of cases involving trafficked persons from Guinea. They pointed out that this may be due to specific, increasingly difficult situations back in Guinea, a country with a high prevalence of female genital mutilation, child marriage and forced marriage, as well as widespread use of violence against women.

Only 5 % of clients had German nationality. This figure once again deviates substantially from that presented in the German Federal Criminal Police Office's Federal Situation Report on Human Trafficking³. It was not possible to identify the reason for this from the information obtained. However, the fact that the KOK data tool has now moved to annual analyses will ensure better comparability with the findings presented in the situation report of the German Federal Criminal Police Office. It thus makes a meaningful contribution to gaining a broader understanding of the state of trafficking in human beings in Germany.

3 According to the German Federal Criminal Police Office's 2021 Federal Situation Report, 23 % of trafficked persons were German nationals.

Nationality



* Bulgarian, Hungarian, Cameroonian, Albanian, Ghanaian, Serbian, Ugandan, Polish, Senegalese, not provided, Sierra Leonean, Ukrainian, Moldovan, Tanzanian, Beninese, Thai, Congolese, Ethiopian, Eritrean, Somalian, Bosnian/Herzegovinian, Russian, Afghan, Liberian, Chinese, Venezuelan, Ivorian, Vietnamese, Iraqi, Latvian, Yemeni, Georgian, Syrian, Arabian, Palestinian, Egyptian, Rwandan, Pakistani, Portuguese, Columbian, Bissau-Guinean, Slovakian, Togolese, Korean and Iranian

Source: KOK data tool

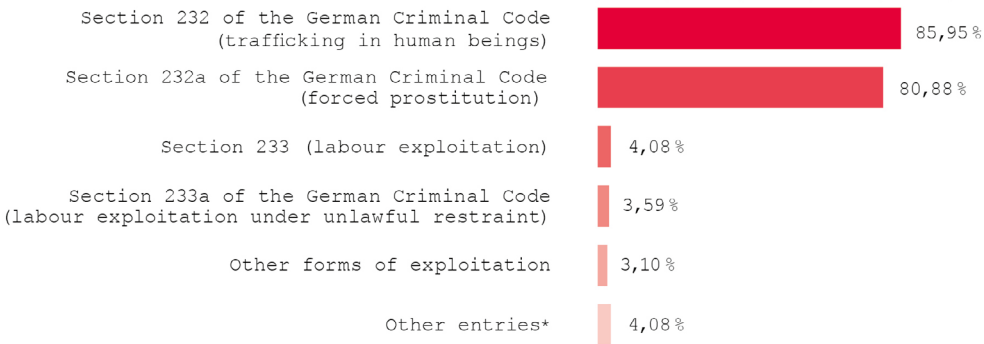
In more than half of the cases in the KOK data tool for which information was available, clients stated that they had children (61 %). In the majority of these cases, the children were also in Germany (71 %). In 22 % of cases, clients stated that they had no children, and in 17 % of cases no information was provided on this subject.

3.3 Most common forms of exploitation

Staff at the specialised counselling centres are able to enter the criminal offences related to a particular case into the KOK data tool, provided that their clients have consented to this. In each case, they may list multiple offences. According to the specialised counselling centres, 81 % of cases meet the criteria for being classed as forced prostitution (Section 232a of the German Criminal Code). Trafficking in human beings was reported in an even greater number of cases (86 %). Labour exploitation was identified in 4 % of cases. The specialised counselling centres also reported exploitation under unlawful restraint in 4 % of cases.

In 470 cases (77 %), the specialised counselling centres reported multiple offences having been committed, most commonly a combination of trafficking in human beings and forced prostitution.

Criminal offence classification (in the opinion of the specialised counselling centres)



* Section 232b of the German Criminal Code (forced labour) or not provided

Source: KOK data tool

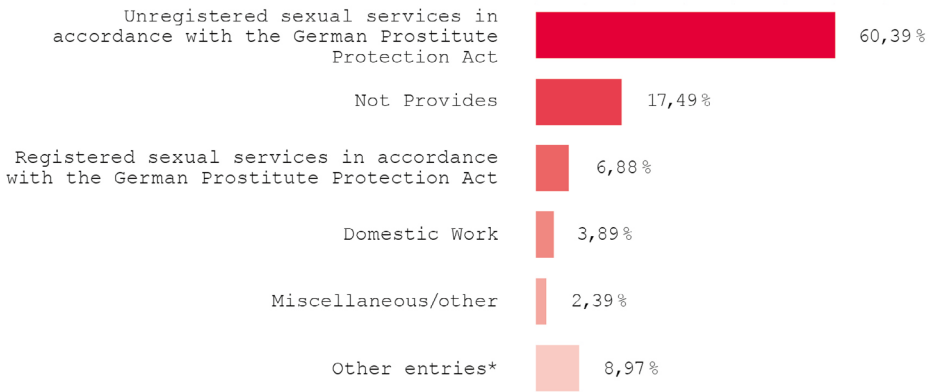
Multiple answers possible

A combined analysis of the offences and the nationality of the trafficked persons shows that clients from Nigeria, Guinea and Gambia in particular were affected by trafficking in human beings and forced prostitution. As regards the offence of labour exploitation, which was reported in 25 cases,

clients from Romania and the Republic of Moldova were more frequently represented than nationals of other countries.

The specialised counselling centres are also able to enter the specific areas in which the exploitation occurs and may once again choose multiple responses. Exploitation in the area of sexual services not registered under the Protection of Sex Workers Act was the most frequently recorded (66 %). 8 % of cases were reported to fall in the area of registered sexual services in accordance with the Protection of Sex Workers Act. 4 % of cases were reported to have involved exploitation in the area of domestic work.

Areas in which exploitation occurred



* criminal activities, childcare, begging, cleaning, catering, care work, general services, agriculture, au pair, construction, organ trafficking and transport/logistics

Source: KOK data tool

Multiple answers possible

The majority of the individuals affected by trafficking in human beings and exploitation and supported by the specialised counselling centres were recruited in their home country (69 %). 17 % of trafficked persons were (also) recruited in Germany. In a further 17 % of cases, recruitment in a transit country was (also) reported.

Germany was identified as the place of exploitation in 44 % of cases. Italy (30 %) and Libya (14 %) were also relatively frequently listed as (other) countries in which the offences were committed. Trafficked persons from West Africa in particular often travel to Germany via Libya and Italy

and are subject to extreme exploitation on the journey. The previous report already indicated that organised crime plays a major role here, including across national borders. The exploitation suffered by trafficked persons en route often continues in Europe, which is also a reason why they flee to Germany.

CASE STUDY: Multiple forms of exploitation

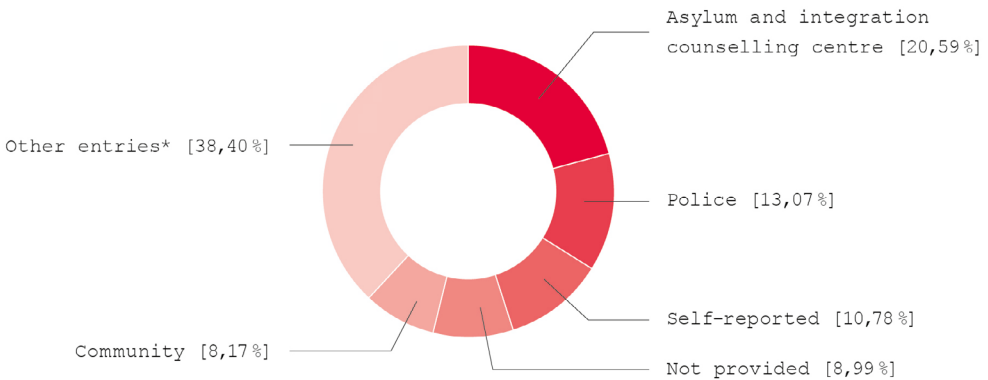
Larisa comes from a rural area of Romania and grew up in a stable environment without any family problems (e.g. domestic abuse, alcoholism, medical issues etc.). However, her parents had only a very modest income. They owned a small house with only two rooms and no running water. Larisa attended school and obtained her leaving certificate. After working in various factories in Romania, where she only earned minimum wage (around €400/month in Romania), she came to Germany to earn more money before returning to Romania to start a new life of her own. She worked in a few different factories in Germany and led a normal life, that is until she met Marius. Marius was a brothel owner. Compared to Larisa he was very rich, and was extremely charming. She fell in love with him. They went on trips together, he gave her gifts and made sure she had everything she needed. Then one day, Marius suggested that Larisa try working as a 'luxury prostitute'. At first, Larisa was shocked by the proposal, but after several discussions she agreed to give it a try. But for Larisa, there was no going back. She was repeatedly injured, raped and drugged and had to watch as other women and girls were abused. Larisa was repeatedly subjected to sexual exploitation over several years and was also forced to sell drugs to her clients, primarily when she was working as an escort. Following a police raid Larisa and several other Romanian and Hungarian girls and women were freed and offered support. However, Larisa refused to cooperate with the police to begin with and was arrested for selling drugs. She was afraid of Marius, and it took several months before she plucked up the courage to report him to the police. Larisa was referred to JADWIGA while she was still in custody. We gave her the support she needed and organised her return to Romania upon her release. We supported her and her family through very challenging times, and in collaboration with other specialised NGOs in Romania we were able to offer Larisa and her family both social and financial support. Her house was renovated. Larisa received long-term psychotherapy, and she was given help finding a job and leading a stable life. 2021 Annual Report, JADWIGA Munich (KOK member organisation)

3.4 Access to specialised counselling centres

Trafficked persons end up in contact with the specialised counselling centres via a number of routes, for example referral by the police, via authorities or agencies (e.g. the German Federal Office for Migration and Refugees in connection with asylum hearings), via accommodation facilities and counselling services for refugees, via their personal contacts (e.g. prostitution clients or acquaintances), or via self-referral.

The results from the KOK data tool show that initial contact between specialised counselling centres and their clients was most often made via asylum and integration counselling centres (21 %). The police were reported as the second most common referring institution (13 %). In addition, 11 % of clients of the specialised counselling centres sought counselling themselves. In 8 % of cases, contact was made after the person was informed about the specialised counselling centres by their community.

Initial contact made via



* other counselling services, other, specialised counselling centre for trafficked persons, other multipliers, other authorities, initiatives and institutions, unknown, doctors and other medical professionals, authorities under the German Act on Sex Worker Protection, women's shelter, client, social media, 'Violence against Women' support hotline and German Customs - Financial control of undeclared work

Source: KOK data tool

Clients were asked how they found out about the specific specialised counselling centre they attended. Their feedback also highlights the importance of asylum and integration counselling in referring individuals to the specialised counselling centres: 16 % of clients found out about the specialised counselling centres via this route. 10 % received information from the police, and 9 % found out about the services available through the community.

3.5 Services provided by the specialised counselling centres and ability of their clients to assert their rights and access services

KOK brings together over 50 specialised counselling centres for trafficked persons, both directly in the form of member organisations and their various branches. Some of these focus exclusively on the target group of trafficked persons. Many provide counselling to female migrants and women who are generally victims of violence and offer counselling for trafficked persons as an additional service. All of these centres are NGOs working either independently or under the auspices of charitable organisations. The specialised counselling centres vary in terms of their size and resources; some have up to ten members of staff, whereas others can only employ one or two (sometimes only part-time) due to a lack of funding. The specialised counselling centres offer a plethora of services. These range from outreach work, crisis intervention and initial counselling to longer-term psychosocial counselling and support, support during asylum proceedings, criminal proceedings or in returning home, or help building a new life in Germany. Awareness-raising, political campaigning and networking, and collaboration with stakeholders such as prosecuting authorities and social service providers are essential components of the work done by the specialised counselling centres. KOK's specialised counselling centres have all undertaken to observe shared guidelines and quality standards in their work.

Although not all specialised counselling centres are contributing to the KOK data tool, the results of the analysis clearly show just how broad a spectrum of support services and assistance the specialised counselling centres offer to trafficked persons. Psychosocial counselling and support as well as dissemination of information play a major role in almost all cases (see Table 1). This also applies to crisis intervention, which was required in 331 cases (54 %).

Table 1: Services provided by the specialised counselling centres

	Number	Percentage
Psychosocial counselling and support	546	89,2 %
Provision of information	530	86,6 %
Support during asylum proceedings	366	59,8 %
Crisis intervention	331	54,1 %
Other official formalities (acquiring a passport, documentation etc.)	320	52,3 %
Residence proceedings	296	48,4 %
Organisation of services providing access to means of subsistence	289	47,2 %
Referral to other counselling centres	262	42,8 %
Support with pregnancy and childcare	159	26 %
Help asserting other rights (Crime Victims Compensation Act, statutory accident insurance claims, claims for unpaid wages etc.)	80	13,1 %
Support during criminal proceedings	72	11,8 %
Psychosocial support during court cases	48	7,8 %

Since many of their clients do not have German nationality and do not (yet) have a definitive residence status, the specialised counselling centres also frequently provide counselling and support in asylum proceedings (60%). In around half of cases, the specialised counselling centres also provide support with respect to official formalities and proceedings concerning the right of residence. It is also relatively common for the specialised counselling centres to refer cases to other specialised services that can help their clients with specific matters.

As explained above, many of the individuals who receive counselling have children. The specialised counselling centres also provide support to this group of women and their children. In 159 cases (26%), the particular needs of pregnant women or children were said to have been a relevant aspect of the counselling provided.

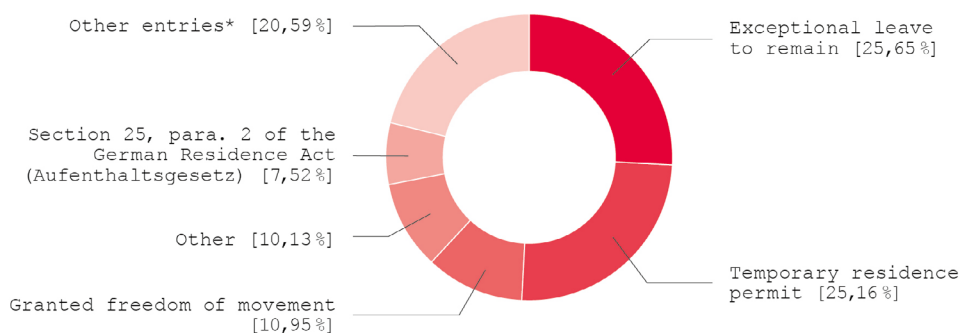
Only in a small number of cases did the specialised counselling centres report having offered support during criminal proceedings or with the assertion of other rights (see Section 3.5.3 for more details).

3.5.1 Access to protection

It is clear from the figures on residence status that a large proportion of clients are not German nationals. Of those cases for which the relevant information was available, the residence status most frequently reported was exceptional leave to remain (26 %), followed by temporary residence permits (25 %). Consequently, the residence status of around half of all clients is either not yet definitive or uncertain.

Support during asylum and residence proceedings therefore represents a major portion of the work done by the specialised counselling centres.

Residence status



* Section 25, para. 3 of the German Residence Act, German citizenship, Section 25, para. 4a of the German Residence Act (trafficking in human beings), Section 25, para. 5 of the German Residence Act, residence permit for another EU country and Section 25, para. 4b of the German Residence Act (German Act to Combat Undeclared and Illegal Employment or wage claims)

Source: KOK data tool

Trafficked persons who have managed to escape their predicament require time and support in order to recover. EU Directive 2004/81/EC, which has already been in force for some time, stipulates that third-country nationals residing illegally in a country must be granted a reflection and stabilisation period, during which expulsion decisions may not be enforced. In Germany, this reflection and stabilisation period is guaranteed by way of suspension of deportation as provided for in Section 59, para. 7 of the German Residence Act (*Aufenthaltsgesetz*), and lasts at least three months. In many federal states, a

police statement is required in order for a reflection and stabilisation period to be granted. According to the KOK data tool, a reflection period was applied for in 125 out of the 198 cases for which this information was available. In 87 % of these cases, the reflection and stabilisation period was applied for without it having been signed off by the police. Moreover, for 119 cases recorded in the database, it is reported that the clients had been granted a reflection period. Thus, a reflection period was only applied for in proportionally few of the cases available for analysis in the data tool.

According to reports from on the ground, it has grown increasingly difficult to apply for a reflection period in recent years. The system is handled very differently depending on the region: often officials are not even aware of the rule, and in many cases the immigration authorities request confirmation from the law enforcement authorities that the individual is suspected to have been subject to trafficking in human beings. This is particularly difficult when those affected were not subject to exploitation in Germany or do not wish to contact the police.

The specialised counselling centres usually help their clients find accommodation or put them up in their own safehouses. It is worth noting at this stage that the existing system of accommodation for trafficked persons is severely lacking and is not harmonised at national level. For women, there are essentially two options: accommodation in a women's refuge, in a safehouse or in another kind of secure accommodation provided by the specialised counselling centres. However, due to the limited number of places in women's refuges and the relatively small stock of safehouses, this often presents a challenge. In some cases, no accommodation is organised, for example because no funding or places are available, or because the affected individuals have already found accommodation. There is no accommodation system for men who are subject to trafficking in human beings, so for these individuals solutions must be sought on a case-by-case basis. The child and youth welfare services are responsible for providing accommodation for minors affected by trafficking in human beings. However, the options and services they offer are often not suited to the special needs of trafficked children and young people.

Information on accommodation is available for 386 of the cases entered in the KOK data tool. Among these, 94 individuals were not provided with accommodation. Of the 292 cases in which accommodation was organised, 63 % received municipal funding and 38 % at least received funding at federal state level.

3.5.2 Access to benefits

Since the residence prospects of many clients are often (still) uncertain, gaining access to the labour market and to a livelihood is also a difficult task. It was reported that around a third of those receiving counselling were not currently in employment (32 %) at the time of asking. 17 % had completed

a language course. 7 % were working as salaried employees. No information was available on employment situation in 191 cases. In only 48 cases was it reported that clients were earning their own income from employment.

The specialised counselling centres helped their clients access subsistence benefits in 289 cases. Many of their clients (459 cases) receive subsistence benefits. In around half of cases (53 %), clients were receiving benefits under the Asylum-Seekers Benefits Act (Asylbewerberleistungsgesetz), whilst 20 % were receiving unemployment benefits under the Unemployment Benefits II scheme (Arbeitslosengeld II).

As well as access to subsistence benefits, help getting into training and further education or finding a job play a key role in helping these individuals regain their autonomy. In 103 cases, clients received help and/or support in finding training and further education courses. In 56 cases, clients were given assistance finding employment.

Table 2: Referral and support provided by specialised counselling centres

Further training and education	Number	Percentage
Referral	71	11,6 %
Accompaniment	4	1 %
Referral and Accompaniment	28	4,6 %
Employment		
Referral	43	7 %
Accompaniment	2	0,3 %
Referral and Accompaniment	11	1,8 %
Literacy		
Referral	62	10,1 %
Referral and Accompaniment	6	1 %
Language courses		
Referral	151	24,7 %
Referral and Accompaniment	97	15,8 %
Legal advice		
Referral	146	23,9 %
Accompaniment	15	2,5 %
Referral and Accompaniment	214	34,9 %

On the path to regaining autonomy, literacy and language courses can be an essential gateway to becoming an active member of society. In 316 cases (52%), the specialised counselling centres helped clients find and get onto the relevant courses, and sometimes accompanied them during those courses. The comparatively high number of cases where these kinds of referrals were called upon illustrates just how high demand for them is. In 375 cases, the specialised counselling centres referred their clients to a legal advice service and/or accompanied them during their appointments. This underlines the role of specialised counselling centres in helping their clients to understand and exercise their rights (see Table 2).

Table 3: Medical referrals and accompaniment

Legal advice	Number	Percentage
Referral	167	27,3 %
Accompaniment	9	1,5 %
Referral and Accompaniment	226	36,9 %

Those affected by human trafficking and exploitation have often been subjected to years of grave threats, isolation and deprivation of liberty as well as physical, psychological and sexual violence. This can leave deep physical and psychological scars, requiring proper medical treatment and psychotherapy. The KOK data tool indicates that the specialised counselling centres provided medical referrals and/or accompanied clients to their appointments in 402 cases (see Table 3).

CASE STUDY: Mrs N. from Eastern Europe

Mrs N. lives in a small Eastern European city. She is married with a 13-year-old daughter. Mrs N. receives an offer to work in Germany as a prostitute. She and her husband deliberate the proposal and decide that it is a good opportunity to solve their financial problems. They accept the offer and agree that Mrs N. will be allowed to keep half of the money she earns and will give the other half to her 'boss', Mrs B. Over time, Mrs B. (who turns out to be a trafficker and a madam) exerts an increasing amount of psychological pressure on Mrs N. She threatens to hurt Mrs N. if she doesn't give her all her earnings. In addition, Mrs N. is not allowed to choose when and for how long she works. A few months later, Mrs B. violently attacks Mrs N. Shortly afterwards, Mrs N. is able to flee to a nearby police car and explain her situation to the authorities. She gives a statement and is put up in an anonymous decentralised shelter run by the Mitternachtsmission that same evening. Mrs N. spends three weeks in a safehouse, where she receives intensive support, participates in leisure activities, takes time to rest and re-evaluates her prospects. She is given help communicating with the police, organising a doctor's appointment and contacting a lawyer. Mrs N. and her counsellor plan her journey home together, which goes without a hitch. In her luggage she has the addresses of NGOs in her home country that offer support to trafficked persons. When her case comes before court, Mrs N. is planning to return to Germany to testify. We will help her to do so. 2021 Annual Report, Mitternachtsmission Heilbronn (KOK member organisation)

3.5.3 Support during criminal proceedings and access to compensation

If a trafficked person decides to make a statement and are consequently expected to testify during criminal proceedings, they are able to rely on the support of the specialised counselling centres. Since 2017, it has been possible for particularly vulnerable affected individuals to request professional assistance and counsel during the entire criminal proceedings. This is known as 'psychosocial support during court cases', and is governed by Section 406g of the German Penal Procedure Code (*Strafprozessordnung*). Some of the specialised counselling centres have staff who are certified to provide psychosocial support during court cases, and who then take responsibility for this particular task. However, this is not the case for most specialised counselling centres, in which case they either have to call upon

external psychosocial support staff⁴ or the affected individual does not receive psychosocial support during their court case within the meaning of the German Penal Procedure Code, and instead receives psychosocial counselling and support from employees of the specialised counselling centre during the criminal proceedings. As those affected by trafficking in human beings and exploitation are eligible to bring an accessory prosecution when testifying as a witness, they are also entitled to having a lawyer to represent them with respect to this accessory prosecution.

The German Federal Criminal Police Office's Federal Situation Report on Human Trafficking and Exploitation reported that in 2021, 291 proceedings were completed regarding sexual exploitation, 28 regarding labour exploitation, and 237 regarding exploitation of minors.

In the KOK data tool, the specialised counselling centres reported that investigations had been launched in 176 cases. This represents a relatively small proportion of all available cases in the tool (29 %), highlighting that a high number of cases of trafficking in human beings and exploitation go unreported, which is not yet sufficiently taken into account by the Situation Report of the German Federal Criminal Police Office on Trafficking in Human Beings and Exploitation.

In 59 % of these 176 cases, the investigations were instigated by a complaint on the part of the client, and in 32 % of the cases investigations were launched ex officio. In 144 cases, clients of the centres' services gave a statement during investigations. In the cases entered in the database, investigations were most frequently launched on grounds of forced prostitution (132 cases) and/or trafficking in human beings (128 cases). Other criminal offences were mentioned in only a minority of cases.

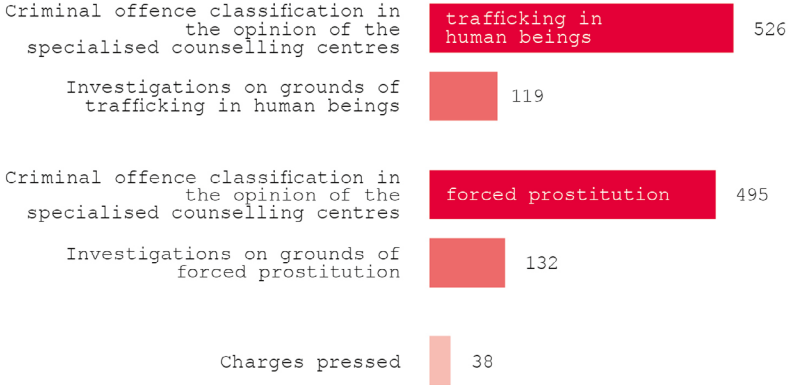
The KOK data tool makes it possible to perform combined data analyses in order to determine the extent to which the subject matter of the investigations corresponded to the categorisation of the offences by the employees of the specialised counselling centres. Of the 526 cases in which the employees of the specialised counselling centres estimated that the offence of human trafficking had been committed, 119 were investigated on these grounds. In 116 cases, investigations were (also) reported to have been launched on grounds of forced prostitution. The employees of the specialised counselling centres believed that the offence of forced prostitution had been committed in 495 cases. However, investigations were only reported to have been launched in 132 of these. 144 clients gave a statement during investigations; in 68 of these cases they were allowed to join as a private accessory prosecutor.

For 38 cases in the database, it was reported that the charges were brought after the investigations ended. In 23 cases, the investigations were

⁴ This tends to occur only rarely, as they are not available in every federal state.

discontinued due to failure to identify the perpetrators, and in 10 cases they were discontinued due to there being insufficient grounds for suspicion. Criminal proceedings are most frequently initiated regarding offences against personal freedom (forced prostitution, trafficking in human beings, unlawful restraint).

Criminal offences and investigations



Source: KOK data tool

In 40 cases recorded in the KOK data tool, it was reported that the clients of specialised counselling centres testified as witnesses. Often, trafficked persons themselves are at risk of having to face criminal proceedings, for example because they are residing in Germany illegally or because they are in breach of residence restrictions, the German Narcotics Act or tax regulations. In addition, most are not familiar with German criminal law. Perpetrators exploit this in order to put pressure on them, warning them that they too could be punished for their actions. That makes it all the more important to inform those affected by human trafficking and exploitation about their rights and obligations during investigations and criminal proceedings. The specialised counselling centres provided support during criminal proceedings in 72 cases, thereby helping their clients to exercise their rights. Clients testified as a witness in criminal proceedings in 20 out of these 72 cases.

The ordeal of participating in criminal proceedings can be very stressful for witnesses. Consequently, psychosocial support during court cases is highly important, and in many cases essential. In the case of certain offences, those affected have a right to psychosocial support during court

cases in accordance with the German Act on Psychosocial Support During Criminal Proceedings (*Gesetz über die psychosoziale Prozessbegleitung im Strafverfahren*), for example if they were minors when the offence was committed or in severe human trafficking cases. For other offences, the decision on whether to grant psychosocial support falls to the discretion of the court in accordance with Section 406g of the German Penal Procedure Code, for example in less severe cases of human trafficking. In 48 of the cases recorded in the KOK data tool, psychosocial support during court cases in accordance with the Act on Psychosocial Support During Criminal Proceedings was reported to have been provided. Often, such support was provided by certified employees of the specialised counselling centres. In 7 of these 48 cases, the clients had (already) testified as a witness in criminal proceedings.

CASE STUDY: Court hearing takes place 13 years after human trafficking offence

A number of canteens at major companies had been purchasing their meals from an industrial kitchen that had been exploiting Polish men and women at its premises in the District of Böblingen since 2007. These individuals were forced to spend more than 82 hours a week peeling potatoes in dilapidated houses under nauseating conditions for up to 18 hours at a time. They earned €25 per week, which they would only receive on their return to Poland. The company was run by a German married couple, while Polish overseers recruited workers and carried out the exploitation with threats and violence. In 2011, the company was exposed and subsequently closed. However, it was not until 2018 that it was announced that criminal proceedings were being launched on grounds of trafficking in human beings and social insurance fraud. The case was opened before the Stuttgart Regional Court in 2020. Back in Poland, criminal proceedings against the Polish overseers had already taken place. The FIZ counselling centre (Fraueninformationszentrum or Women's Information Centre) was asked by the court to provide support to the witnesses. We contacted several of them; most did not want to travel back to Germany, and some didn't even respond. One man, who was 18 at the time the offences were committed, returned to Germany in early 2021 to testify. FIZ helped him organise his trip and ensured that the procedure was explained to him before he testified. We checked whether he was eligible for assistance by a lawyer, but as all claims had unfortunately lapsed this was not necessary. The witness was shocked by our legal system, which allows anyone to ask questions and which

meant that his testimony lasted a whole day. These proceedings demonstrate that too few resources are available for investigations and criminal proceedings into trafficking in human beings, which is why proceedings take such a long time. As a result, the quality of the proceedings suffers – why would a witness want to return 13 years later and relive all that happened, and how likely are they to remember the details? What's more, certain offences (e.g. bodily harm committed by the overseers) and civil law claims will be subject to the statute of limitations by then.

2020 Annual Report of the FIZ counselling centre, Stuttgart (KOK member organisation)

Victims of violence or exploitative working conditions may be entitled to compensation. Claims for compensation for pain and suffering or for damages are often dealt with as part of civil proceedings, although it is also possible to have entitlement established in criminal proceedings. Those affected by human trafficking and exploitation are eligible to claim compensation for the injuries they have suffered under the German Crime Victims Compensation Act (*Opferentschädigungsgesetz, OEG*), under statutory accident insurance, or by filing a claim for compensation for unpaid wages or damages during civil or consolidated civil and criminal proceedings.

However, it was only reported in 80 of the cases recorded in the KOK data tool that the specialised counselling centres supported individuals in asserting these rights. Wage compensation was only claimed in 14 cases, and victim compensation in 7.

The relatively low number of compensation claims corroborates reports that it is very difficult in practice to enforce compensation claims filed by trafficked persons. There are numerous bureaucratic hurdles, for example when it comes to payment of lawyers' fees and uncertain, time-limited residence permits. Furthermore, those affected lack the necessary knowledge about the various compensation options, for example under statutory accident insurance or in connection with consolidated civil and criminal proceedings. Even if a trafficked person is granted compensation, for instance during consolidated civil and criminal proceedings, this does not guarantee that they will actually receive the money from the perpetrator. The latter often have no above-board assets and are therefore unable to pay.

As for the German Crime Victims Compensation Act, this law is often difficult to apply in cases of trafficking in human beings, for example because it does not recognise psychological violence as a form of violence that gives rise to a right to compensation, or because the proceedings under this act are often lengthy, and may take years to reach a conclusion.

CONCLUSIONS AND RECOMMENDATIONS

This report corroborates the findings of the report published in 2021, in particular the fact that trafficking in human beings cannot be tackled through criminal law measures alone. Access to protection and support as well as enforcement of the rights of those affected are key aspects that usually fall to the responsibility of the specialised counselling centres. In the period covered by this report, namely 2021, there once again appears to have been huge demand for the broad spectrum of services the specialised counselling centres offer to trafficked persons. The specialised counselling centres continue to perform these demanding tasks to a high degree of professionalism and in line with commonly agreed quality standards. This underlines what was already identified as a great need in the previous report, i.e. a need for long-term funding of the specialised counselling centres, which is unfortunately not available everywhere.

Once again this is at odds with the information found in the German Federal Criminal Police Office's Federal Situation Report on trafficking in human beings. Specialised counselling centres register many more cases and affected persons with no contact with law enforcement authorities.

That said, the police were the second most frequently reported referring institution, after asylum and integration counselling services. Consequently, it cannot be stressed enough how important awareness raising and solid cooperation structures are when it comes to the identification and referral of trafficked persons.

A large portion of the work done by the specialised counselling centres involves helping to clarify their clients' residence status and providing support during asylum proceedings. As the results show, the residence status of around half of clients is either uncertain or not yet definitive. However, this is usually the prerequisite for other entitlements, for example to financial support, safe accommodation, access to the labour market or to training, or enforcement of wage or damage claims.

This underlines the need for humanitarian residence permits, which should be granted regardless of whether individuals cooperate in criminal proceedings, as currently set out in the Coalition Agreement of the German Federal Government.

A new feature of this report that has generated some interesting findings is the possibility of combined data analyses. For example, it was found that there are major discrepancies between the classification of the offences committed in each case by the specialised counselling centres compared to that in investigations and criminal proceedings.

Overall, there are very few mentions of criminal proceedings in the database. This is consistent with the results of the KOK report entitled *Rights of Trafficked Persons during Criminal Proceedings – A Study of the Implementation of EU Anti-Trafficking Directive 2011/36/EU in Germany* and with the evaluation of the reformed criminal offence categories for human trafficking carried out by the Lower Saxony Criminological Research Institute. Both of these reports found that in general, only a small number of cases of human trafficking end up before court in Germany, and that the reform did not have the intended effect of facilitating human trafficking proceedings.

The data collected by the specialised counselling centres shows that investigations were launched in only a tiny proportion of cases compared to the number of cases in which they estimated that the offence of human trafficking or forced prostitution had been committed. Although a relatively high number of clients gave statements during investigations (144), it is extremely surprising to note that charges were pressed in only a fraction of these cases (38).

This confirms reports from on the ground that although there are clients who are prepared to give a statement and investigations are being performed, this rarely leads to charges being brought and subsequently to successful prosecution. Many proceedings are discontinued at a relatively early stage, often during the investigation phase. We can only speculate why this is happening and whether it may be due to the way in which investigations are conducted. The extent to which victim protection and the rights and interests of trafficked persons are taken into account in these investigations in order to increase the likelihood of successful prosecution also remains a matter of conjecture. Based on the findings of its project on the monitoring of proceedings, KOK is due to carry out a study in 2022/2023 to examine this matter.

The KOK data tool is helping to improve the quality of available data and knowledge on the extent of human trafficking and exploitation in Germany. Although the datasets collected are far from all-encompassing, the fact that they primarily focus on the rights of trafficked persons means they nonetheless provide illuminating insights into the situation of trafficked persons in Germany and the broad range of services offered by specialised counselling centres in the area of human trafficking. Moreover, by compiling information from all the specialised counselling centres for the very first time, the datasets serve as a good supplement to existing reports.

By continuing to develop the data tool, encouraging more of the specialised counselling centres to use that tool, and publishing its series of data collection reports, KOK aims to continue playing its part in establishing a human-rights-based anti-human-trafficking policy in Germany.

5

APPENDIX

Selected tables

Age

Age	Number	Percentage
22 – 29	257	41,99 %
30 – 39	191	31,21 %
18 – 21	72	11,76 %
40 – 49	54	8,82 %
Not provided	21	3,43 %
Other entries: 50-60, 14-17 and 60+	17	2,78 %

Nationality

Nationality	Number	Percentage
Nigerian	268	43,79 %
Guinean	60	9,80 %
Gambian	43	7,03 %
German	29	4,74 %
Romanian	27	4,41 %
Other entries: Bulgarian, Hungarian, Cameroonian, Albanian, Ghanaian, Serbian, Ugandan, Polish, Senegalese, not provided, Sierra Leonean, Ukrainian, Moldovan, Tanzanian, Beninese, Thai, Congolese, Ethiopian, Eritrean, Somalian, Bosnian/Herzegovinian, Russian, Afghan, Liberian, Chinese, Venezuelan, Ivorian, Vietnamese, Irakian, Latvian, Yemeni, Georgian, Syrian, Arab Republic, Palestinian, Egyptian, Rwandan, Pakistanian, Portuguese, Columbian, Bissau-Guinean, Slovakian, Togolese, Korean and Islamic Republic of Iran	185	30,23 %

Criminal offence classification

Criminal offence classification (in the opinion of the specialised counselling centres)	Number	Percentage
Section 232 of the German Criminal Code (trafficking in human beings)	526	85,95 %
Section 232a of the German Criminal Code (forced prostitution)	495	80,88 %
Section 233 (labour exploitation)	25	4,08 %
Section 233a of the German Criminal Code (labour exploitation under unlawful restraint)	22	3,59 %
Other forms of exploitation	19	3,10 %
Other entries: Section 232b of the German Criminal Code (forced labour) or not provided	25	4,08 %

Multiple answers possible

Areas in which exploitation occurred

Areas in which exploitation occurred	Number	Percentage
Unregistered sexual services in accordance with the German Prostitute Protection Act	404	60,39 %
Not Provides	117	17,49 %
Registered sexual services in accordance with the German Prostitute Protection Act	46	6,88 %
Domestic Work	26	3,89 %
Miscellaneous/other	16	2,39 %
Other entries: criminal activities, childcare, begging, cleaning, catering, care work, general services, agriculture, au pair, construction, organ trafficking and transport/ logistics	60	8,97 %

Multiple answers possible

Referral to specialised counselling centres

Initial contact made via	Number	Percentage
Asylum and integration counselling centre	126	20,59 %
Police	80	13,07 %
Self-reported	66	10,78 %
Not provided	55	8,99 %
Community	50	8,17 %
Other entries: other counselling services, other, specialised counselling centre for trafficked persons, other multipliers, other authorities, initiatives and institutions, unknown, doctors and other medical professionals, authorities under the German Act on Sex Worker Protection, women's shelter, client, social media, 'Violence against Women' support hot-line and German Customs - Financial control of undeclared work	235	38,40 %

Residence status

Residence status	Number	Percentage
Exceptional leave to remain	157	25,65 %
Temporary residence permit	154	25,16 %
Granted freedom of movement	67	10,95 %
Other	62	10,13 %
Section 25, para. 2 of the German Residence Act (Aufenthaltsgesetz)	46	7,52 %
Other entries: Section 25, para. 3 of the German Residence Act, German citizenship, Section 25, para. 4a of the German Residence Act (trafficking in human beings), Section 25, para. 5 of the German Residence Act, residence permit for another EU country and Section 25, para. 4b of the German Residence Act (German Act to Combat Undeclared and Illegal Employment or wage claims)	126	20,59 %

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