

# Trafficking in Human Beings for the Purpose of Labour Exploitation

---



## Table of contents

---

1. Introduction .....	3
2. Trafficking in human beings for the purpose of labour exploitation .....	4
3. Legislative developments .....	10
4. KOK's work .....	12
5. Specialised counselling centres for trafficked persons .....	16
6. Networking and cooperation with other specialised counselling centres .....	19
7. What needs to be done .....	20

Further information

Contact and donations

## 1. Introduction

---

Trafficking in human beings is defined as a situation whereby persons are persuaded, for example, through the use of deception, threats or violence and forced to carry out or pursue exploitative services and activities. Trafficking in human beings can take various forms and occurs in different areas:

- Exploitative employment relationships
- Sexual exploitation
- Exploitation in marriage
- Forced begging
- Coercion to commit criminal offences
- Removal of organs

Trafficking in human beings constitutes a serious human rights violation, and an offence to the dignity and the integrity of the human being.<sup>1</sup>

For many years, counselling centres have addressed trafficking for the purpose of labour exploitation or exploitative employment relationships as part of their everyday work, alongside cases of trafficking in human beings for sexual exploitation. This brochure aims to take a closer look at this phenomenon and to provide information about counselling options and support structures available to trafficked persons in Germany, presenting in particular the services and work of **KOK's** members.

<sup>1</sup> See Preamble of the Council of Europe Convention on Action against Trafficking in Human Beings – CETS No. 197

## 2. Trafficking in human beings for the purpose of labour exploitation

---

When talking about serious cases of labour exploitation and trafficking in human beings for the purpose of labour exploitation, we are referring to situations in which employers take gross advantage of workers in states of distress and force them to work without adequate compensation. Their freedom of action is limited to the point where they cannot be said to dispose freely of their workforce. They receive insufficient or no remuneration and are forced to work in dreadful conditions.

**Trafficking in human beings (THB) for the purpose of labour exploitation** has been defined as a separate criminal offence by the German Criminal Code since the 2005 penal reform. It is liable to prosecution in accordance with Article 233 of the German Criminal Code as “trafficking in human beings for the purpose of workforce exploitation”.

**Serious labour exploitation** is not a criminal offence as such in Germany, and falls within the scope of “usury” [*Lohnwucher*] (Article 291 German Criminal Code) or “employment of foreign nationals without a permit or without a residence permit and in unfavourable working conditions [*Schwarzarbeitsbekämpfungsgesetz*]” (Article 10 Act to Combat Illegal Employment).

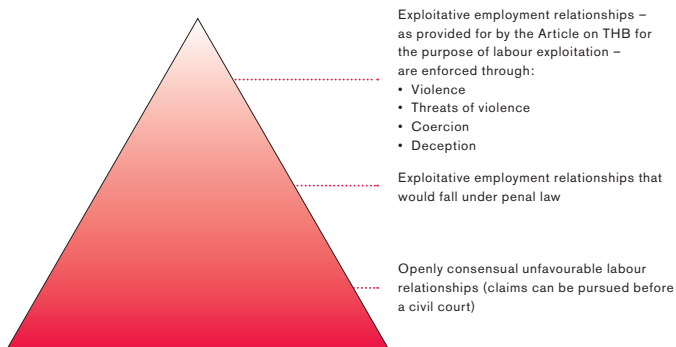
**The THB for the purpose of labour exploitation threshold is deemed to have been breached** if deception, coercion, threats or violence were used to make or force persons to carry out or pursue services and activities that are exploitative or that resemble slavery. **Employment** relationships in these

cases are characterised by low wages, long working hours, excessive mediation fees and/or rent, dangerous working conditions and/or non-payment of salary. Although the term suggests that affected persons are trafficked from one country to another, this is not automatically the case. The definition of “trafficking in human beings” as set out by German law does not require borders to be crossed. Although migrants are particularly at risk, there are also cases of trafficking in human beings among German citizens.

THB for the purpose of labour exploitation received much less attention than sexual exploitation in the past few years and the **data available regarding THB for the purpose of labour exploitation in Germany remains scarce**. Only a handful of academic studies\* or reports have been published on this topic and the understanding of the real extent of the phenomenon and its forms is therefore limited.

\* **Study:** *Entwicklung tragfähiger Unterstützungsstrukturen für die Betroffenen von Menschenhandel zur Arbeitsausbeutung in Deutschland (2011)* [Developing Sustainable Support Structures for Persons Affected by Trafficking in Human Beings for the Purpose of Labour Exploitation in Germany], coordinated by KOK and commissioned by the Federal Ministry of Labour and Social Affairs, edited by the Federal Ministry of Labour and Social Affairs

The shift from unfavourable and poor working conditions to labour exploitation and trafficking in human beings is often blurred; it is often difficult to classify a case as one or the other. Sometimes, working conditions that were originally “only” unfavourable become worse over time to the extent that they become cases of labour exploitation or even trafficking in human beings.



**Source:** Cyrus, Norbert in BMAS (2011): *Entwicklung tragfähiger Unterstützungsstrukturen für die Betroffenen von Menschenhandel zur Arbeitsausbeutung in Deutschland [Developing Sustainable Support Structures for Persons Affected by Trafficking in Human Beings for the Purpose of Labour Exploitation in Germany]*, coordinated by KOK, p. 48.

Some **industries** seem more prone to labour exploitation and THB for the purpose of labour exploitation than others. According to current estimates, THB for the purpose of labour exploitation is increasing in the following industries:

- Agriculture
- Care
- Private households (among others, domestic helpers, cleaners and au pairs)
- Hospitality industry

- Building trade
- Prostitution and sex industry
- Conveyance and transport services
- Meat processing industry

**Reasons** why persons may be affected by THB for the purpose of labour exploitation:

- False promises regarding job and livelihood opportunities
- Lack of knowledge regarding their rights and the legal situation in Germany (also with respect to employment law)
- Dire economic situation and/or problems with obtaining a residence permit, which is exploited by employers
- Dependency on employers (due to their work/ residence permit)
- Need to support their family in their country of origin
- Documents are confiscated
- Alleged debts which have to be paid off
- Use of violence, threats, humiliation, control, pressure, coercion
- Isolation, e. g. due to the lack of language skills and contacts

### Labour exploitation of a domestic worker

Alina is an illiterate 53-year-old from Romania. She earns a small income by doing needlework for convents. Hoping to improve her situation, she asks an acquaintance to find her a placement as a domestic worker in a private household in Germany. For seven weeks, she works from six to one o'clock in the morning. She cleans, cooks, irons and looks after the children. She does not have a single day off and does not receive payment for her work. After being threatened with physical violence, she finally runs away after seven weeks.

She spends two nights on the streets before ending up at an NGO, the 'Bahnhofsmision'. The police then refer her to a counselling centre specialised in trafficking in human beings. She is very scared and exhausted. She is afraid of retribution from the intermediaries who organised her move to Germany, while feeling deep mistrust for the police and all other public authorities. In this case, the

centre's counsellor is the first trustworthy person she meets and who speaks the same language. The centre's counsellor manages to stabilise Alina over the course of several consultations. She informs Alina of the possibility and consequences of filing a report with the police and organises her accommodation. Despite encouraging Alina to pass on information to the police, Alina's fear and misgivings cannot be overcome.

All the counselling centre can do is organise her journey home with help of the police, who protected Alina, and to provide her with small financial assistance to make sure that Alina does not go back to Romania empty-handed.

### 3. Legislative developments

---

Crucial advances were made in the legal framework to address trafficking in human beings both at the international and European level as well as the national level in the past few years.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the **United Nations** Convention against Transnational Organised Crime (also known as the “Palermo Protocol”), entered into force in 2003. This Protocol is the first international treaty that specifically addresses trafficking in human beings within the scope of the international fight against crime.

At the European level, an additional and more developed Convention was agreed in 2005 – the **Council of Europe** Convention on Action against Trafficking in Human Beings (CETS No. 197). For the very first time, the Convention placed the protection and support of trafficked persons on a par with the prosecution and combating of trafficking in human beings.

In 2011, the member countries of the **European Union** agreed on a directive on preventing and combating trafficking in human beings and protecting its victims (2011/36/EU). The Directive provides for minimum standards with regard to anti-trafficking measures and support for trafficked persons while committing EU member countries to add forced begging and criminal activities, and trafficking in human beings for the purpose of the removal of organs, to the list of forms of trafficking in human beings that are liable to result in prosecution.

In **Germany**, trafficking in human beings for the purpose of labour exploitation has been a criminal offence since 2005 (Article 233 German Criminal Code). In practice, however, this prescription is still

rarely applied. Currently, prosecutions are few and far between and very few perpetrators have been sentenced to this day. According to the German Federal Criminal Police Office Report, 53 criminal proceedings were completed with 23 suspects in 2013. The criminal justice statistics issued by the German Federal Statistical Office reveal a similar situation, with 10 sentences in 2012.

#### Jurisdiction

The Düsseldorf district court [Amtsgericht] sentences a Polish couple to a year and six months in prison and two years on probation for trafficking in human beings for the purpose of labour exploitation. The accused lured deaf Polish citizens with false work promises from 2005 to 2007 to Germany. Upon their arrival, their passports, their money and mobile phones were confiscated and they were forced to sell key rings in various cities. The victims were made to live in makeshift accommodation and were badly fed. They were forced to hand over the majority of their earnings. They were at the mercy of the accused and suffered several instances of ill treatment.

Düsseldorf District Court, Ruling of 26 January 2012,  
see KOK Case Law Database

## 4. KOK's work

---

The **German NGO Network against Trafficking in Human Beings – KOK e.V.** was founded in 1999 and advocates the rights of trafficked persons and female migrants facing violence. KOK is the only coordination network in Germany or Europe with this focus and is considered to be a model of successful networking.

One of the main **goals pursued by KOK** and its member organisations is to improve the living conditions of trafficked persons and to help them assert their rights.

**KOK** brings together **most specialised counselling centres in Germany working with victims of trafficking in human beings** as well as other organisations addressing this issue:

- Specialised counselling centres and shelters for trafficked persons
- Autonomous projects for female migrants
- Counselling centres for sex workers
- Women's shelters
- Women's and human rights groups and lobbying organisations
- Church-led groups
- Umbrella organisations representing charitable NGOs

**KOK's** work takes an intersectional approach, i. e. with the knowledge that there are many different forms of discrimination that may concur and reinforce each other. **KOK's** work focuses on representing women's, and, in particular, migrants', interests. Moreover, thanks to their experience, **KOK** offers expertise in all groups of trafficked persons.

The **KOK Office** focuses primarily on the following **areas**:

- Promoting national and international networking among specialised counselling centres and other NGOs  
→ **Networking events, conferences**
- PR and media work  
→ **Publications, newsletter, website, etc.**
- Raising awareness and educating about trafficking in human beings and violence against women in the migration process  
→ **Training courses, touring exhibition, etc.**
- Participating in committees and networking  
→ **Interministerial and interdisciplinary working groups**
- Political lobbying and policy advice  
→ **Position papers; policy advice at the regional, national and European level**

**KOK** is funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

### Exploitation of cheap workforce

In one case, five men from a group of over 20 young men from Afghanistan received support after they were exploited in particularly dreadful conditions. The men were granted asylum in Italy and Hungary but lived on the streets in extremely precarious situations, something that the two perpetrators took advantage of. They recruited the men in Italy and Hungary by promising them jobs in Germany.

Upon their arrival in Germany, the recruits inserted leaflets in newspapers in a storehouse and delivered the newspapers around the area. The men were promised a daily wage of EUR 30–35. They sometimes had to work twelve-hour shifts or more. Most of them lived in the extremely dirty and mouldy storehouse, with up to 22 people living in three rooms. They slept on cardboard boxes on the floor or on mattresses they found at the rubbish tip. The men had to pay between EUR 100 and 150 per month for their accommodation.

They were fed one low-quality meal per day. The promised wages were only paid out after repeated requests, if at all. They were sometimes beaten for demanding the money they had been promised. The disastrous conditions faced by recognised refugees in Italy and Hungary made it easy for perpetrators to

exploit these persons, who were so desperate that they were prepared to accept any offer of work. The men were arrested during a police check. Five of them were willing to testify.

The specialised counselling centre was able to provide the following support:

- Organising benefits provided for in Article 25 para. 4b of the Residence Act for victims of trafficking in human beings
- Referral to a specialised lawyer to act as the private accessory prosecutor
- Support and accompaniment with everyday formalities (opening bank accounts, medical appointments, communicating with authorities, help with issuance of a work permit)
- Job search assistance
- Place on a German language course
- Help with finding accommodation
- Comprehensive counselling with regard to the situation of trafficked persons, legal opportunities and compensation



## 5. Specialised counselling centres for trafficked persons

The **KOK** specialised counselling centres offer trafficked persons **holistic counselling and support**, including counselling with regard to their work situation, but also to their social, residence and civil rights situation and any other issues, as well as psychosocial support. They also offer help finding accommodation or medical assistance as well as assistance during criminal proceedings.

These services are not limited to groups of people from a certain region or country. Counselling centres offer support and counselling regardless of the nationality and residence permit situation.



Due to the history of their creation, many specialised counselling centres who are members of **KOK** work primarily with women, regardless of the type of exploitation they have faced. The vast majority of **KOK** member organisations also occasionally counsel men. Part of them consider their **target group** to include both men and women. Specialised counselling centres who only offer services to trafficked women refer male clients if possible to other specialised counselling centres, such as trade-union organisations. Counselling centres also support and counsel minors who have been or are affected by THB for the purpose of labour exploitation.

Specialised counselling centres offer comprehensive and holistic counselling of trafficked persons, but also **training and information events** to raise awareness on trafficking in human beings. These include:

- Prevention training courses
- Information events for vulnerable persons
- Networking workshops for police, lawyers, relevant public authorities
- Discussions with pupils or teachers

## KOK member organisations



## 6. Networking and cooperation with other specialised counselling centres

KOK has member counselling centres all over Germany, with at least one centre in almost every federal state. They often cooperate with various regional and local stakeholders. Their focus and target groups tend to vary: by networking, counselling centres can offer each other support and complement each other.

In the past few years, **trade unions** have increasingly addressed labour exploitation/trafficking in human beings for the purpose of labour exploitation. Trade union centres primarily offer advice relating to labour issues and social rights. They tend to specialise in specific sectors or groups.

Trade-union centres offering advice on labour exploitation and, sometimes, on trafficking in human beings, include the German Confederation of Trade Unions (DGB), especially through its *Fair Mobility project*, *ver.di*, the *Arbeit und Leben* association and the *Alliance against Human Trafficking project [Bündnis gegen Menschenhandel]*.

KOK organises an annual networking event to strengthen these ties, allowing German-speaking counselling centres to discuss current issues and build on cooperation initiatives.

## 7. What needs to be done

---

Victims of violent crimes have a fundamental right to be protected. States must adhere to their obligations. **A lot still needs to be done** in Germany, especially to comply with EU legislation.

Trafficked persons must receive comprehensive and effective **information regarding their rights** and be empowered to assert them. Independently of criminal prosecution, the rights, interests and protection of trafficked persons must be appropriately taken into consideration.

Trafficked persons must be offered the **legal opportunity to reside and work** in the country, even beyond the duration of the criminal proceedings. The possibilities to claim unpaid **wages and compensation must be improved**. In order for trafficked persons to be offered support and counselling, **specialised counselling centres** must have the **necessary funding**.

Existing and future **cooperation networks** must be broadened to include all forms of trafficking in human beings and all target groups, and the cooperation with local authorities, NGOs and trade unions must be enforced. Finally, **training courses** regarding trafficking in human beings for the purpose of labour exploitation must be organised to raise awareness among a variety of stakeholders (e.g. tax authorities in charge of illegal employment, intermediation and temporary work agencies, trade licensing authorities).

## Further information

---

- **KOK:**  
[www.kok-gegen-menschenhandel.de/en/home.html](http://www.kok-gegen-menschenhandel.de/en/home.html)  
*You will find a list, including links, to all KOK members as well as other counselling centres*
- Fair Mobility: [www.faire-mobilitaet.de/en/](http://www.faire-mobilitaet.de/en/)
- German Institute for Human Rights: [www.institut-fuer-menschenrechte.de/en/topics/prohibition-of-slavery.html](http://www.institut-fuer-menschenrechte.de/en/topics/prohibition-of-slavery.html)
- Alliance against Human Trafficking for Labour Exploitation: [www.buendnis-gegen-menschenhandel.de/en](http://www.buendnis-gegen-menschenhandel.de/en)
- Counselling office for posted workers sent to Berlin: [http://berlin-brandenburg.dgb.de/beratung/eb/?tab=tab\\_0\\_6#tabnav](http://berlin-brandenburg.dgb.de/beratung/eb/?tab=tab_0_6#tabnav)
- German Federal Criminal Police Office: [www.bka.de/nn\\_194550/EN/SubjectsAZ/TraffickingInHumanBeings/traffickingInHumanBeings\\_\\_node.html?\\_\\_nnn=true](http://www.bka.de/nn_194550/EN/SubjectsAZ/TraffickingInHumanBeings/traffickingInHumanBeings__node.html?__nnn=true)
- European Union: [www.ec.europa.eu/anti-trafficking/](http://www.ec.europa.eu/anti-trafficking/)
- OSCE: [www.osce.org/secretariat/trafficking](http://www.osce.org/secretariat/trafficking)
- Council of Europe: [www.coe.int/t/dghl/monitoring/trafficking/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/default_en.asp)
- UNODC: [www.unodc.org/unodc/human-trafficking/](http://www.unodc.org/unodc/human-trafficking/)

## Contact and donations

---

Provisions made for adequate support or for secure accommodation of trafficked persons are insufficient in Germany. This needs to change through lobbying and PR activities.

**We need your support – every donation helps.**

### Account for donations:

**Evangelische Bank eG**

**IBAN: DE43 5206 0410 0003 9110 47**

**BIC: GENODEF1EK1**

### Donation Line: 0900 – 156 53 81 (only within Germany)

For each phone call, € 5 (including a € 0.75 phone service charge) will be donated to **KOK**.  
The amount will appear on your next phone bill.

**KOK** is happy to issue a donation receipt.

### Boost:

You can now support **KOK** online via the website [www.boost-project.com](http://www.boost-project.com)

**KOK** is funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.



Federal Ministry for  
Family Affairs, Senior Citizens,  
Women and Youth

*Edited by*  
**KOK – German NGO Network  
against Trafficking in Human Beings**  
*Layout: Ricarda Löser*  
*Photo: Ana Catalá*  
*Printing: hinkelsteindruck, Berlin*  
© **KOK e.V.** – 2015



**Kurfürstenstraße 33, 10785 Berlin**

**Tel.: +49 (0) 30 / 263 911 76**

**Fax: +49 (0) 30 / 263 911 86**

**[info@kok-buero.de](mailto:info@kok-buero.de)**

**[www.kok-gegen-menschenhandel.de](http://www.kok-gegen-menschenhandel.de)**