



**DATA COLLECTION IN THE CONTEXT
OF TRAFFICKING IN HUMAN BEINGS AND
EXPLOITATION IN GERMANY 2022**

KOK Report



German NGO Network against
Trafficking in Human Beings

BACKGROUND ON TRAFFICKING IN HUMAN BEINGS AND EXPLOITATION IN GERMANY

In Germany, human trafficking 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 human trafficking 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

With this new report, the German NGO Network against Trafficking in Human Beings – KOK aims to provide a comprehensive insight into the work of specialised counselling centres supporting trafficked persons, thereby contributing to presenting trafficking in human beings in Germany through a human-rights lens. Thanks to the commitment demonstrated by KOK's member organisations, this report supplements in a very important way the Federal Situation Report published every year by the German Federal Criminal Police Office.

Unlike the enforcement authorities, KOK's focus is not on presenting the efforts made to combat crime from a purely penal point of view. Instead, KOK endeavours to understand how trafficked persons can enforce their rights and what support they receive from specialised counselling centres.

In particular, this analysis of the data provided by KOK's member organisations using a jointly developed piece of software offers a crucial insight into the situation of trafficked persons as regards their social and legal residence status, thereby also highlighting evidence-based gaps in policy.

KOK published its first data report in 2020, a year that also marked the launch of the data tool used by KOK to collect information about cases. The 2020 report describes in detail the participatory, civil-society based and human-rights focused approach and is highly recommended to first-time readers and anyone interested in learning more about how our data collection method was set up.

This report, on the other hand, covers the period from 1 January to 31 December 2022.

Berlin, October 2023

SUMMARY

- 19** participating specialised counselling centres
- 875** cases in total entered in the database
- 733** cases available for analysis
- 236** new cases entered in 2022
- 69** cases closed
- 428** cases taken on by the specialised counselling centres in 2022
- 88 %** of the trafficked persons receiving counselling were women
- 52 %** of the clients come from West African countries, with the majority (35 %) coming from Nigeria
- 38 %** of the clients are aged between 22 and 29, 30 % between 30 and 39
- 85 %** of cases were categorised as trafficking in human beings according to the criminal code by the specialised counselling centres, 72 % as forced prostitution

Once again, KOK specialised counselling centres registered a high number of cases in 2022. As compared to the previous year, 150 additional cases were entered into the data tool, 121 of which were released for data analysis. Counselling centre staff have also reported that when the restrictions linked to the pandemic began to ease, it became possible to perform outreach work again and to train new stakeholders to identify cases of trafficking in human beings. Many of these counselling centres, especially those focusing on the field of sexual exploitation, have also indicated that reaching out to potentially affected individuals remains difficult. During the pandemic, clubs and brothels were shut down, leading to adult services increasingly being offered in private homes, holiday accommodations and hotels as well as other places that tend to be more out of reach. Contact is now mainly made online and increasingly rarely in brothels. This remains the case in many federal states in Germany.

It was feared that many people fleeing Ukraine, especially women and children, could fall prey to traffickers and be exploited. However, this fear did not translate into an increase in the counselling centres' caseload in 2022. Although it is yet unknown if and how the situation will evolve, specialised counselling centres are poised for a surge in cases, as experience has shown that the emergence of trafficking in human beings tends to post-date the actual migration flow.

In November 2022, the national rapporteur on trafficking in human beings took up its work under the aegis of the German Institute for Human Rights. The task it has set itself is to support data owners in the field of trafficking in human beings as well as affected individuals. Its aim is also to collate the data held by various stakeholders to obtain meaningful insights into the situation of trafficked persons. KOK's data reports and the data collection and analysis work carried out by KOK and its member organisations will play a key role in this endeavour.

It is everyone's wish and in everyone's interest to learn more about the actual extent and nature of trafficking in human beings 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 KOK's data tool and annual reports come into play.

2

THE RESULTS FROM THE KOK DATA TOOL FOR 2022

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

The results of the data analysis performed for the year 2022 using the KOK data tool are outlined and discussed below. In the period from 01/01/2022 to 31/12/2022, 875 cases were entered in the database by the 19 specialised counselling centres, 733 of which were released for data analysis.

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 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.

For the most part, all 733 cases were included in the basic population for data analysis when calculating percentages. According to the information provided by the data tool, 236 new cases were created in 2022 and all other cases were processed for the first time in the previous year(s). This demonstrates that many clients rely on the support of the specialised counselling centres over a longer period. There can be multiple reasons for this, such as the long duration of investigations and criminal proceedings, sometimes lengthy residence and asylum proceedings or simply the individual needs of clients being counselled. 69 cases were closed in 2022, compared to 141 in 2021.

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.

Last year, we were already able to analyse collated data and obtain a deeper insight into any links between individual data points entered into the tool. 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 Federal Situation Report published by the German Federal Criminal Police Office only discusses cases for which investigations have been launched and concluded, the KOK data tool covers a broader spectrum of cases. It can therefore provide some insight into those cases that would ordinarily slip under the radar.¹ Among those who call upon the services of specialised counselling centres, there are individuals whose case has not (yet) been the subject of completed criminal investigations or has not (yet) been subject to investigations at all. Specialised counselling centres also support many clients who do not (want to) enter into contact with law enforcement authorities. Moreover, the data tool has made it possible for the very first time 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 approach adopted by KOK

1 By way of comparison, the German Federal Criminal Police Office's 2022 Situation Report declares that there were 346 proceedings regarding sexual exploitation and 34 cases of labour exploitation. A further 171 proceedings regarding exploitation of minors were also documented.

for its data reports is a human-rights based one, as the intention is for the information provided by the specialised counselling centres to reveal the extent to which their clients 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. Data collection can also help identify the needs of those clients who seek out the support of specialised counselling centres, thereby helping understand if the regulations, rights and victim support services in place are able to meet those needs and are comprehensive enough.

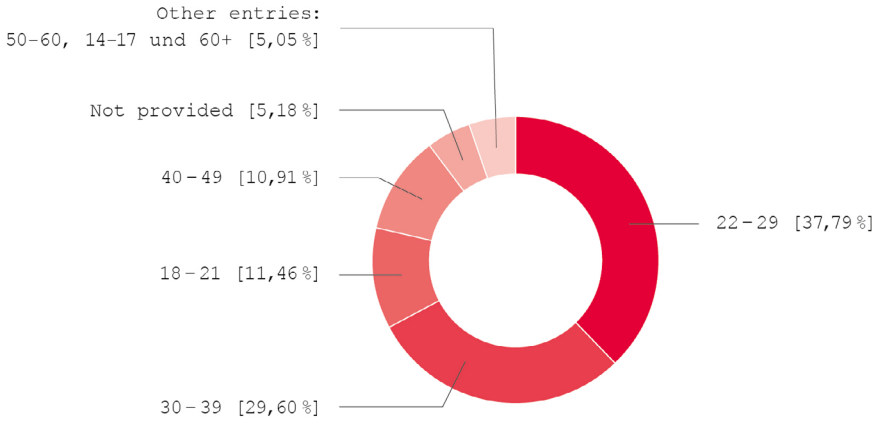
2.2 Information on individuals seeking counselling

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 becomes apparent that it is women and girls who make up the vast majority of clients who seek the assistance of the participating specialised counselling centres after being subjected to human trafficking and exploitation (88 %). The share of men in 2022 stood at 9 %.

With regard to age, the individuals registered by the collaborating specialised counselling centres mostly fell into the age categories 22–29 (38 %) and 30–39 (30 %). Approximately 13 % of clients were minors at the time the offence was committed.

Age



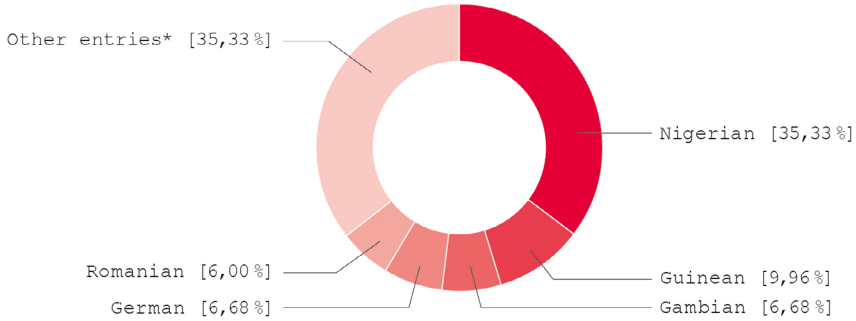
Source: KOK data tool

In the period from 01/01/2022 to 31/12/2022, 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 (35%), followed by Guinea (10%).

Only 7% of clients had German nationality (as compared to 5% the previous year). This figure once again deviates substantially from that presented in the German Federal Criminal Police Office's Federal Situation Report on trafficking in human beings².

2 According to the German Federal Criminal Police Office's 2022 Federal Situation Report, 28% of persons trafficked for sexual exploitation were German nationals.

Nationality



* Other entries: Serbian, Bulgarian, not provided, Cameroonian, Albanian, Hungarian, Ghanaian, Ugandan, Polish, Senegalese, Sierra Leonean, Ukrainian, Vietnamese, Beninese, Thai, Ivorian, Congolese (DRC), Moldovan, Somalian, Bosnian/Herzegovinian, Brazilian, Tanzanian, Afghan, Eritrean, Congolese, Syrian, British, Sambian, Yemeni, Liberian, Chinese, Ethiopian, Burundian, Georgian, Indonesian, Irakian, Latvian, Pakistani, Togolese, Palestinian, Rwandan, Portuguese, Bissau-Guinean, Venezuelan, North Macedonian, Montenegrin, Kenyan, Swiss, Slovakian, Islamic Republic of Iran and Croatian

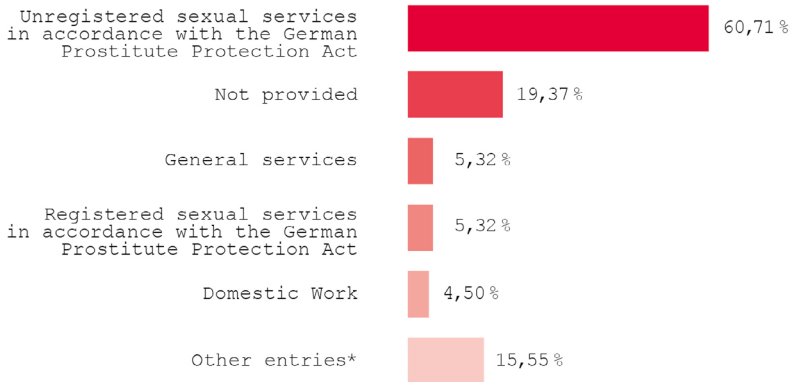
Source: KOK data tool

Slightly over half of clients stated that they had children (52 %). In the majority of these cases, the children were also in Germany (73 %). In 24 % of cases, clients stated that they had no children, and in 23 % of cases no information was provided on this subject.

2.3 Most common forms of exploitation

The specialised counselling centres were also able to enter into the data tool the specific areas in which the exploitation of clients occurred, with multiple answers possible. Exploitation was most frequently reported in the area of unregistered sexual services as provided for by the German Act on Sex Worker Protection (Prostituiertenschutzgesetz) (61 %). Out of all exploitation cases, 5 % pertained to registered sexual services in accordance with this same law. General services and domestic work also made up 5 % of cases.

Areas in which exploitation occurred



* Other entries: other unskilled workers in production, cleaning, miscellaneous/other, criminal activities, begging, agriculture, care work, childcare, construction, catering, au pair, transport/logistics and not applicable

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 (64 %). In 17 % of cases, recruitment (also) took place in Germany. 16 % reported that they were (also) recruited in a transit country.

Germany was identified as the place of exploitation in 47 % of cases. Italy (21 %) and Libya (11 %) 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 revealed that cross-border organised crime also plays a major role. The exploitation suffered by trafficked persons en route often continues in Europe, which is also a reason why they flee to Germany.

CASE STUDY: Ms O.

Ms O. sought out our counselling centre, which supports victims of trafficking in women, in the summer of 2022. Physically, she was in bad shape and crippled with pain. She explained that she was from Cameroon and in her mid twenties and had been forced into prostitution in Germany.

She told us her story. Some time ago she was forced to flee Cameroon due to political unrest. After a number of her relatives were killed, she saw no other option than to flee to save her life. She travelled to Nigeria, but she did not feel safe there either as she had no family ties. In Nigeria, Ms O. met a woman who promised to take her to Europe and to get her a job in a restaurant. Before her departure for Europe, she had to swear an oath before a juju priest.

Upon her arrival in Germany, Ms O. was forced into prostitution. After a while, though, she managed to escape, which is how she came to us.

Because she was in acute pain, we first took her to a hospital, where she was kept for treatment for about a month. She was then moved to secure accommodation by our counselling centre. In the meantime, she reported to the police that she had been a victim of trafficking in human beings and pressed charges against the perpetrator. It remains to be seen if the perpetrator can be identified.

Ms O.'s mental and physical state has stabilised. She is attending German classes and is hoping to be able to stay in Germany with a secure residence status.

Any mention of possibly returning to Cameroon fills her with fear for her life. She may decide to apply for asylum on grounds of political persecution.

For the time being, she is relieved to have escaped from forced prostitution, to be pain-free and to have a safe roof over her head.

Case study of a specialised counselling centre working with trafficked individuals (anonimised)

In the data tool, counselling centre staff can also enter the criminal offences related to a particular case. In each case, they may list multiple offences.

According to the specialised counselling centres, 85 % of cases meet the criteria for being classed as human trafficking (Section 232 of the German Criminal Code). In many cases, forced prostitution was also entered under the offences (72 %). Labour exploitation was identified by counselling centres in 11 % of cases and exploitation under unlawful restraint in 4 % of cases. In 569 cases (78 %), counselling centre staff reported that there were several offences involved. These figures have not seen any noteworthy changes as compared to the previous year.

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.

CASE STUDY: Trafficked individuals for the purpose of labour exploitation

During checks carried out by customs authorities, approximately 60 people were identified as having been trafficked for the purpose of labour exploitation in different locations in Baden-Württemberg. These individuals were forced to work much longer than the permitted working hours under dreadful conditions. They received no pay and were housed in squalid quarters. The day after we were informed of the situation and of the whereabouts of nine Serbians, we visited them to offer our support and put in place an emergency plan. The affected individuals explained they wanted to go back home as soon as possible. The counselling centre staff took care of their immediate needs until their passports were released by the immigration authorities. On the day this happened, we were able to give them money for their trip back provided by the regional government. They left the day after.

2022 Annual Report, FIZ counselling centre (KOK member organisation)

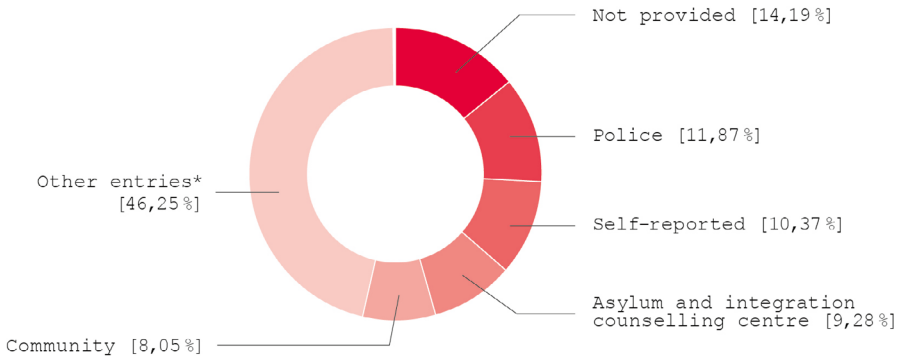
A combined analysis of the offences and the nationality of the trafficked persons shows that clients from Nigeria, Guinea and Gambia in particular were affected by trafficking in human beings (Section 232 of the German Criminal Code). Besides these three nationalities, the most frequently reported nationalities of individuals affected by forced prostitution (Section 232a) also include German passport holders. As regards the offence of labour exploitation, which was reported in 82 cases, clients from Serbia and Romania were more frequently represented than nationals of other countries.

2.4 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 analysis shows that initial contact between specialised counselling centres and their clients was established through various groups and institutions. In 12 % of cases, they were referred by the police. Some clients also sought counselling themselves (10 %) or contact was made via asylum and integration counselling centres (9 %). In 8 % of cases, contact was made after the client was informed about the specialised counselling centres by their community. In total, other stakeholders were named in 46 % of cases, including customs officers, doctors, women's shelters, the Federal Office for Migration and Refugees, the Violence against Women support hotline or clients of prostitutes.

Initial contact made via



* Other entries: German Customs - Financial control of undeclared work, other counselling services, specialised counselling centre for trafficked persons, asylum and integration counselling centres/Accommodation for refugees, other, other multipliers, unknown, initiatives and institutions, doctors and other medical professionals, other authorities, women's shelter, client, authorities under the German Act on Sex Worker Protection, Federal Office for Migrations and Refugees, Violence against Women support hotline, social media, Streetwork and Federal Police Force

Source: KOK data tool

Clients were asked how they found out about the specific specialised counselling centre they attended. In 10 % of cases they were informed by the police and in 9 % by their community. Their responses to this question in 2021 highlighted the importance of asylum and integration counselling services in referring individuals to specialised counselling centres, as 16 % of clients found out about the specialised counselling centres via this route. Although the 2022 figure is not as high, counselling centres still account for a large proportion of the 39 % of 'Other entries', stressing once again for this reporting year that civil-society stakeholders play a crucial role in guiding potential clients to specialised counselling centres.

CASE STUDY: A client and her story

Ms Li (not her real name) is living in a big city in China. She and her family are facing financial issues. A good acquaintance of her family offers her help and finds a job for her in Germany. She also organises and prepares the journey to Europe.

A few weeks later, Ms Li sets foot in Italy, from where she travels on to Berlin, where she is expected to sell her body against her will. After a few months, Ms Li manages to escape. With the help of a man, she goes to Bochum and applies for asylum.

The reception centre for asylum seekers in Bielefeld put Ms Li in touch with NADESCHDA. With help from the counselling centre, she files a complaint with the police, thanks to which the alleged perpetrator is identified. Unfortunately, it is her word against the perpetrator's. The public prosecution sees no proof and declines to bring charges against the suspect. Thanks to regular appointments with a therapist, Ms Li manages to cope with this challenging situation. It remains unknown what the future holds for her.

2022 Annual Report, NADESCHDA counselling centre (KOK member organisation)

2.5 Services provided by the specialised counselling centres and ability of their users 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. Table 1 presents a comparison of the services provided in 2021 and 2022. As in the previous year, psychosocial counselling and support as well as dissemination of information play a major role in almost all cases. In many cases, the specialised counselling centres also offered crisis intervention in 2022 (56 %).

CASE STUDY: Example of psychosocial counselling and crisis intervention

Hope (not her real name) has experienced severe trauma several times in her life. After losing her parents as a child, she was subjected to violence in her home country to force her to marry. The only living relative who was protecting her died and she ended up fleeing to a country in Europe where she was forced into prostitution. The sight of a minibus, whether with or without tinted windows, continues to spark sheer terror in her: this is how she was taken to appointments with 'clients'. Through therapy sessions, she is gradually learning to confront her fears and regain control over her life. Like her, 21 other clients availed themselves of therapy sessions either in the form of crisis intervention or a longer term treatment plan in 2022.

2022 Annual Report, NADESCHDA counselling centre (KOK member organisation)

In just over half of cases, the specialised counselling centres also provide support with respect to official formalities and applying for subsistence benefits. 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 (51 % in 2022). In 66 of all 374 cases in which support was provided with asylum proceedings, additional information regarding the type of assistance is available in the data tool.³ In 79 % of these cases, the specialised counselling centres helped prepare the hearing and in 53 % (also) offered support with the hearing before one of the Federal Office for Migration and Refugees' special representatives for victims of human trafficking. In 32 % of these cases, a member of staff (also) accompanied the client to the hearing.

As compared to the previous year, counselling centres helped more seldomly with asylum proceedings in 2022, whereas support with subsistence benefit claims was named slightly more frequently among the services provided by specialised counselling centres than in 2021. In 2022, the specialised counselling centres referred cases to other specialised services that can help their clients with specific matters slightly more often than in the previous year.

As explained above, many of the clients have children. The specialised counselling centres also provide support to this group of women and their children. In 165 cases (23 %), the particular needs of pregnant women or children were said to have been a relevant aspect of the counselling provided.

As compared to other support services, fewer cases involving the client being accompanied during criminal proceedings were reported, although their number has nearly doubled on the previous year. This share is now slightly higher than help asserting other rights (see Section 2.5.3 for more details).

Table 1: Services provided by the specialised counselling centres

	2021		2022	
	Number	Percentage	Number	Percentage
Crisis intervention	331	54	413	56
Help asserting other rights (Crime Victims Compensation Act, statutory accident insurance claims, claims for unpaid wages, family reunification etc.)	80	13	126	17
Organisation of services providing access to means of subsistence	289	47	379	52
Other official formalities (acquiring a passport, documentation etc.)	320	52	389	53
Provision of information	530	87	619	84
Psychosocial counselling and support	546	89	636	87
Psychosocial support during court cases	48	8	51	7
Referral to other counselling centres	262	43	347	47
Residence proceedings	296	48	317	43
Support during asylum proceedings	366	60	374	51
Support during criminal proceedings	72	12	136	19
Support with pregnancy and childcare	159	26	165	23
N (cases available for analysis)	612	100	733	100

CASE STUDY: A successful collaboration

Alexandra (not her real name) comes from a very difficult family situation in a rural area in Romania. Her father has alcohol addiction issues and like Alexandra, her mother and brother are regularly victims of domestic violence. Although their financial situation is dire, Alexandra fights to finish school and get her leaving certificate. Her dream is to be the first in the family to get a degree. Alexandra meets Cornel on social media. They fall in love. Cornel is Romanian and has been living in Germany for years. After Alexandra obtains her school leaving qualification, Cornel travels to Romania to pick her up and take her to Germany for a new life together. He promises Alexandra she will have a well-paid job in Germany. Upon their arrival, Cornel books a place for Alexandra in a brothel in Munich and makes an appointment for her with the local authorities to get her registered as a prostitute. Alexandra refuses point blank. Cornel hits her several times and threatens her. Alexandra fears for her life and goes to the appointment. During the appointment, the local authority officer identifies signs of trafficking in human beings. JADWIGA is brought in. After a complex instance of crisis intervention, Alexandra is put up in a secure location. She decides to cooperate with the police and files a complaint. The ensuing criminal proceedings ended with the perpetrator being sentenced to 3 years and 3 months on grounds of attempted trafficking for the purpose of sexual exploitation. Because all stakeholders involved in the registration process of prostitutes reacted without delay, the actual exploitation could be averted. Thanks to JADWIGA's collaboration with Romanian counselling centres and a university in Romania, Alexandra is now studying social work and is involved in prevention campaigns on trafficking in human beings. She graduated this year and did an Erasmus internship earlier this year with JADWIGA.

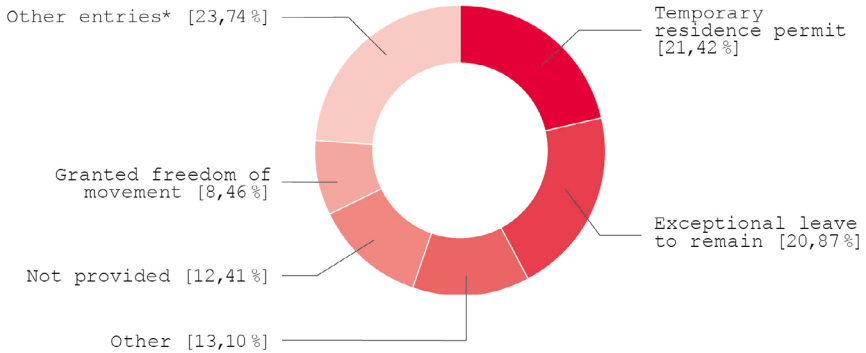
Case study of counselling centre JADWIGA (KOK member organisation)

2.5.1 Access to protection

It is clear from the figures on residence status that a large proportion of clients are not German nationals. In those cases for which the relevant information was available, the residence statuses most frequently reported were exceptional leave to remain (21 %) and temporary residence permits (21 %). Consequently, the residence status of many service users was 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



* Other entries: Section 25, para. 2 of the German Residence Act (Aufenthaltsgesetz), German citizenship, Section 25, para. 3 of the German Residence Act, Section 25, para. 4a of the German Residence Act (trafficking in human beings), Section 25, para. 5 of the German Residence Act, not applicable, residence permit for another EU country, Securing residence through employment, Training, Gainful employment or family reasons, Section 4 of the German Asylum Act Subsidiary protection, Section 3, para 1 of the Asylum Act Protection of refugees, Section 24 of the German Residence Act (Granting of residence for temporary protection) 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. In the data tool, a reflection period was applied for in 151 out of the 251 cases for which information on this is available. In 81 % of these cases, the reflection and stabilisation period was applied for without it having been signed off by the police. Moreover, for

135 cases recorded in the data tool, it is reported that the client had been granted a reflection period.⁴

However, a reflection period was applied for in only just over a fifth (see above: 151) of cases released for analysis in the data tool (21 %). According to reports from on the ground, it has become increasingly difficult over the past few years to obtain such a reflection period. The way in which this is handled varies vastly across regions. This proves challenging, especially when individuals have been subjected to exploitation in Germany or do not want 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.

The KOK data tool includes information about accommodation for 472 of the cases. In 128, the information entered was that no accommodation was provided. Of the 344 cases in which accommodation was organised, 60 % were funded using local authority funding and 40 % using regional funding. There has been little change in this respect as compared to the figure for the previous year.

2.5.2 Access to benefits

Since the residence prospects of many clients are often uncertain, gaining access to the labour market and to a livelihood is also a difficult task. It was reported that 30 % of those receiving counselling were not in employment when asked. 15 % had completed a language course. 4 % were in salaried

⁴ It is unclear what the ratio is between the 151 clients who applied for a reflection period and the 135 to whom it was granted as some of the applications may have been filed the previous year.

employment. No information on the employment situation is available in 229 cases. In only 46 cases was it reported that clients were earning their own income from employment.

The specialised counselling centres helped their clients access subsistence benefits in 379 cases. A quarter of clients (488 cases) received subsistence benefits. In 65 % of these cases, clients received benefits under the Asylum-Seekers Benefits Act (Asylbewerberleistungsgesetz), whilst 32 % received 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 118 cases, clients received help and/or support in finding training and further education courses. In 66 cases, clients were given assistance and/or accompanied on their journey to finding employment. There are no major changes in this respect as compared to the previous year.

Table 2: Referral and support provided by specialised counselling centres

	2021		2022	
	Number	Percentage	Number	Percentage
Employment	56	9	66	9
Further training and education	103	17	118	16
Language courses	248	41	261	36
Legal advice	375	61	441	60
Literacy	68	11	69	9
Medical treatment	402	67	426	58
N (cases available for analysis)	612	100	733	100

On the path to regaining autonomy, literacy and language courses can be an essential gateway to becoming an active member of society. In 330 cases (45 %), 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 referrals were called upon illustrates just how high demand for them is.

Those affected by trafficking in human beings 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 have a severe impact on their physical and mental health and leaves them requir-

ing quality medical care and psychotherapy. The KOK data tool indicates that the specialised counselling centres helped clients get medical care and/or accompanied clients to appointments in 426 cases (see Table 2).

In 441 cases, the specialised counselling centres referred their clients to a legal advice service and/or accompanied them to appointments. This underlines the role of specialised counselling centres in helping their clients to understand and exercise their rights.

2.5.3 Support during criminal proceedings

If a trafficked person decides to make a statement and is consequently expected to testify during criminal proceedings, they are able to rely on support from specialised counselling centres. Since 2017, it has been possible for particularly vulnerable individuals or persons subjected to particular offences to request professional assistance and counsel during the entire criminal proceedings in accordance with Section 406g of the German Penal Procedure Code (Strafprozessordnung). This is known as ‘psychosocial support during court cases’ under the German Act on Psychosocial Support During Criminal Proceedings (*Gesetz über die psychosoziale Prozessbegleitung im Strafverfahren*). In any other case, the decision on whether to grant psychosocial support falls within the discretion of the court.

Some of the specialised counselling centres have staff members who are certified to provide psychosocial support during court cases and who take responsibility for this particular task. In most, however, this is not the case, meaning that they either have to bring in external professionals who will provide psychosocial support,⁵ or the trafficked persons do not receive any psychosocial support during their court case within the meaning of the aforementioned law and instead receive support from the specialised counselling centre staff. 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 KOK data tool has 51 entries for cases where psychosocial support during court cases as provided for by the German Act on Psychosocial Support During Criminal Proceedings was performed. In many cases, it was provided by counselling centre staff with relevant certification. In 11 of these 51 cases, the clients had (already) testified as a witness in criminal proceedings.

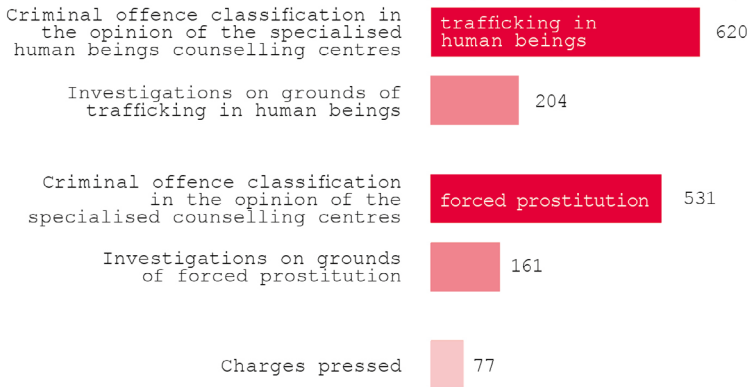
The German Federal Criminal Police Office’s Federal Situation Report on trafficking in human beings and Exploitation reported that in 2022, 364 proceedings were completed regarding sexual exploitation, 34 regarding labour exploitation, and 171 regarding exploitation of minors.

In 259 of the cases entered in the KOK data tool, the specialised counselling centres reported that investigations had been launched, which represents an increase of 61 cases compared to the previous year (2021). This amounts to a share of 35 % of all cases in the data tool for which information was available, which is not particularly high, and demonstrates that there are many unreported cases of trafficking in human beings and exploitation.

In 124 cases, the investigations were instigated by a complaint on the part of the client, and in 117 cases, investigations were launched ex officio. In 216 cases, clients of the centres' services gave a statement during investigations. The most frequent grounds for investigation entered into the data tool were trafficking in human beings (204 cases) and/or forced prostitution (161 cases). All other criminal offences played a rather minor role. The information provided suggests that investigations were instigated both on grounds of trafficking in human beings and forced prostitution in many of the cases entered.

When using the KOK data tool, it is possible to carry out combined analyses as regards whether the investigation grounds matched the counselling centre staff's assessment. Of the 620 cases which the employees considered to be cases of trafficking in human, only 195 were investigated on these grounds. In 147 cases, investigations were (also) carried out on grounds of forced prostitution. In 531 cases, counselling centre staff believed that the criminal offence committed was forced prostitution. Only in 159 of these cases did they enter that investigations on these grounds had been carried out.

Criminal offences and investigations



Source: KOK data tool

Clients were allowed to join proceedings as a private accessory prosecutor in 83 of the 259 investigations entered into the KOK data tool for the year 2022. For 77 cases in the data tool, it was reported that the charges were brought after the investigations ended, which represents an increase compared to the 38 cases in 2021. In 26 cases, the investigations were discontinued due to failure to identify the perpetrator, and in 9 cases due to there being insufficient grounds for suspicion. Charges were pressed most frequently on grounds of offences against personal freedom (forced prostitution, trafficking in human beings, unlawful restraint).

In 74 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 136 cases, thereby helping their clients to exercise their rights. Clients testified as a witness in criminal proceedings in 42 out of these 136 cases.

CASE STUDY: Accompanying a client during proceedings before the Federal-State Court [Landgericht] of Bielefeld

Criminal proceedings on grounds of serious trafficking in human beings began in May 2021 before the juvenile division of the Regional Court of Bielefeld. The perpetrators, all between 21 and 24, were convicted on grounds of trafficking in human beings and other offences. During additional investigations carried out in 2022, the police was able to identify and arrest another perpetrator, who was handed down a suspended sentence with additional obligations under juvenile criminal law.

For the victim and witness, having to sit opposite the perpetrator and recount her ordeal was a gruelling experience. This is why NADESCHDA had to offer extended support through its staff, provided, as in this case, that the client agreed.

2022 Annual Report, NADESCHDA counselling centre (KOK member organisation)

2.5.4 Access to compensation

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 criminal proceedings. Those affected by trafficking in human beings 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.

Wage compensation was only claimed in 10 cases and victim compensation in only 5.

The low compensation rate corroborates the claim made in other reports that it is very difficult in practice to enforce claims filed by trafficked persons. There are various bureaucratic hurdles to overcome, including the question of who is liable to pay lawyers' fees as well as uncertain or short-term residence permits. Trafficked persons also often know too little about the different compensation options available to them, for example through statutory accident insurance or as part of a consolidated civil and criminal procedure. Even if a trafficked person is granted compensation during such 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 and because the proceedings under this act are lengthy and may take years to reach a conclusion. The new social compensation legislation (German Social Code, Part XIV) will replace the Crime Victims Compensation Act from 1 January 2024. The new provisions are likely to improve the circumstances of trafficked persons in many respects. It remains to be seen if a positive impact is also seen on the ground—this is something the data tool will tell us.

CONCLUSIONS AND RECOMMENDATIONS

This report substantiates the findings of the reports from the previous years, chiefly that trafficking in human beings cannot solely be addressed by way of criminal law. Access to protection, support and enforcement of victims' rights are crucial aspects that mainly materialise thanks to specialised counselling centres. Once again, 2022 has shown that the extensive services provided by counselling centres for trafficked persons are greatly needed. The specialised counselling centres continue to carry out this demanding work in line with the high requirement and joint quality standards. This underlines the major need identified in the previous report for long-term funding of the specialised counselling centres, something that is unfortunately not available everywhere.

Once again, there are deviations from the findings of the Federal Situation Report on trafficking in human beings. Many of the cases registered in the counselling centres did not come into contact with the law enforcement authorities, and there are again differences with regard to the countries of origin.

What these findings do demonstrate is that police forces play a crucial role in identifying trafficked persons and establishing contact with specialised counselling centres. It has also become clear that a number of other stakeholders, including many from civil society but also public authorities, may be the first point of contact of such individuals. This is why raising awareness and establishing good collaboration networks cannot be underestimated 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. The number of clients from third countries who fall prey to traffickers as refugees or asylum seekers once again highlights the considerable risk for women of being subjected to (sexual) violence and exploitation en route. The systematic tightening of European asylum and migration policy has only abetted this and has made it more difficult to identify and protect vulnerable target groups among refugees.

As the results show, the residence status of around half of clients is either uncertain or not yet definitive. And yet this is usually a prerequisite to sorting out access to other benefits such as financial support, secure accommodation, access to the labour market and training or education or enforcement of wage or compensation claims.

This underlines the need for a residence permit on humanitarian grounds, regardless of a person's willingness to cooperate in criminal proceedings, as called for in the Government's Coalition Agreement.

Our findings regarding the extent to which the classification of cases by criminal offence performed by specialised counselling centres matches the one performed during investigations and criminal proceedings indicate that there are major discrepancies. Once again, this corroborates last year's findings.

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 trafficking in human beings or forced prostitution had been committed. Although a relatively high number of clients gave statements during investigations (216), the number of charges brought (77) is much lower.

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 quite soon in the process, often as early as the investigation stage.

The findings regarding the relatively low number of charges pressed and the relatively high readiness of trafficked persons to testify do confirm that whether trafficked persons are granted a residence permit or not should not be made conditional upon their cooperate in criminal proceedings. Instead, the data underlines the need for a residence permit on humanitarian grounds, regardless of a person's willingness to cooperate in criminal proceedings, as suggested in the Government's Coalition Agreement.

The KOK data tool still provides very little information on criminal proceedings. Last year, KOK already stressed that this is consistent with the outcome of the Project on the Monitoring of Proceedings and the Evaluation of the Reformed Criminal Offence Categories for Trafficking in Human Beings carried out by the Lower Saxony Criminological Research Institute. Both found that in general, only a small number of cases of trafficking in human beings end up before court in Germany, and that the 2016 reform did not have the intended effect of facilitating proceedings.

The KOK data tool is helping to improve the quality of available data and knowledge on the extent of trafficking in human beings 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 systematically compiling information from all the specialised counselling

centres for the very first time, the datasets serve as a valuable 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.

4

APPENDIX

Selected tables / Source: KOK data tool

Age	Number	Percentage
22 – 29	277	37,79
30 – 39	217	29,60
18 – 21	84	11,46
40 – 49	80	10,91
Not provided	38	5,18
Other entries: 50-60, 14-17 and 60+	37	5,05
All evaluable cases (733) are used as a reference.		

Nationality	Number	Percentage
Nigerian	259	35,33
Guinean	73	9,96
Gambian	49	6,68
German	49	6,68
Romanian	44	6
Other entries: Serbian, Bulgarian, not provided, Cameroonian, Albanian, Hungarian, Ghanaian, Ugandan, Polish, Senegalese, Sierra Leonean, Ukrainian, Vietnamese, Beninese, Thai, Ivorian, Congolese (DRC), Moldovan, Somali, Bosnian/Herzegovinian, Brazilian, Tanzanian, Afghan, Eritrean, Congolese, Syrian, British, Sambian, Yemeni, Liberian, Chinese, Ethiopian, Burundian, Georgian, Indonesian, Irakian, Latvian, Pakistanian, Togolese, Palestinian, Rwandan, Portuguese, Bissau-Guinean, Venezuelan, North Macedonian, Montenegrin, Kenyan, Swiss, Slovakian, Islamic Republic of Iran and Croatian	259	35,33
All evaluable cases (733) are used as a reference.		

Areas in which exploitation occurred	Number	Percentage
Unregistered sexual services in accordance with the German Prostitute Protection Act	445	60,71
Not provided	142	19,37
General services	39	5,32
Registered sexual services in accordance with the German Prostitute Protection Act	39	5,32
Domestic Work	33	4,50
Other entries: other unskilled workers in production, cleaning, miscellaneous/other, criminal activities, begging, agriculture, care work, childcare, construction, catering, au pair, transport/logistics and not applicable	114	15,55
All evaluable cases (733) are used as a reference. Multiple answers possible.		

Criminal offence classification (in the opinion of the specialised counselling centres)	Number	Percentage
Section 232 of the German Criminal Code (trafficking in human beings)	620	84,58
Section 232a of the German Criminal Code (forced prostitution)	531	72,44
Section 233 (labour exploitation)	82	11,19
Section 233a of the German Criminal Code (labour exploitation under unlawful restraint)	32	4,37
Not provided	30	4,09
Other entries: Section 232b of the German Criminal Code (forced labour) or not provided	44	6
All evaluable cases (733) are used as a reference. Multiple answers possible.		

Referral to specialised counselling centres Initial contact made via	Number	Percentage
Not provided	104	14,19
Police	87	11,87
Self-reported	76	10,37
Asylum and integration counselling centre	68	9,28
Community	59	8,05
Other entries: German Customs - Financial control of undeclared work, other counselling services, specialised counselling centre for trafficked persons, asylum and integration counselling centres/Accommodation for refugees, other, other multipliers, unknown, initiatives and institutions, doctors and other medical professionals, other authorities, women's shelter, client, authorities under the German Act on Sex Worker Protection, Federal Office for Migrations and Refugees, 'Violence against Women' support hotline, social media, Streetwork and Federal Police Force	339	46,25
All evaluable cases (733) are used as a reference.		

Residence status	Number	Percentage
Temporary residence permit	157	21,42
Exceptional leave to remain	153	20,87
Other	96	13,10
Not provided	91	12,41
Granted freedom of movement	62	8,46
Other entries: Section 25, para. 2 of the German Residence Act (Aufenthaltsgesetz), German citizenship, Section 25, para. 3 of the German Residence Act, Section 25, para. 4a of the German Residence Act (trafficking in human beings), Section 25, para. 5 of the German Residence Act, not applicable, residence permit for another EU country, Securing residence through employment, Training, Gainful employment or family reasons, Section 4 of the German Asylum Act Subsidiary protection, Section 3, para 1 of the Asylum Act Protection of refugees, Section 24 of the German Residence Act (Granting of residence for temporary protection) and Section 25, para. 4b of the German Residence Act (German Act to Combat Undeclared and Illegal Employment or wage claims)	174	23,74
All evaluable cases (733) are used as a reference.		

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IN HUMAN BEINGS AND EXPLOITATION 2022**

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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 service user 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

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

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