



Is Accommodation for Trafficked Persons in Germany Really Safe?

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An overview of the current situation
and recommendations on
accommodation for trafficked persons
in Germany based on two schemes in
EU countries

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1. Introduction

Trafficking in human beings induces a host of human rights violations, with trafficked persons seeing their right to life, freedom, dignity, safety and health considerably restricted and impacted; some of them continue to bear the consequences of their experience of violence and exploitation for the rest of their lives, even when they manage to escape the exploitative situation. To overcome the partly traumatic experiences and be able to lead an independent and self-determined life, trafficked persons need assistance and support. As holders of human rights, they are entitled to protection by the State.

At European level, two instruments in particular have been hailed as milestones in the efforts to promote the protection and rights of trafficked persons: the European Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims¹, agreed upon by all EU countries in 2011, and the 2005 Council of Europe Convention on Action against Trafficking in Human Beings². Prior to these, the focus of international legislation had lain on prosecuting and fighting crime, which is why these two instruments represented such a breakthrough. They provide for measures to protect and support trafficked persons and place these on a par with prosecution. With regard to accommodation for trafficked persons, the European documents state the following:

Directive 2011/36/EU, Article 11 para. 5:

The assistance and support measures [...] shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.

Council of Europe Convention, Article 12 para. 1:

Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least:

- (a) standards of living capable of ensuring their subsistence, through such measures as: appropriate and safe accommodation, psychological and material assistance;(...)

These articles show that trafficked persons (or persons who may have been trafficked) have various intertwined rights to support, counselling and

¹ Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA of 5 April 2011 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF> [20.05.2017]

² Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005, <https://rm.coe.int/168008371d> [20.05.2017]

accommodation. Providing safe accommodation therefore does not only mean providing trafficked persons with a place to sleep: safe accommodation must be seen as a holistic concept that includes at least therapy, healthcare, material support, information, psychosocial support and being accompanied.

Trafficked persons rarely have a safe place to stay of their own or a support network that can offer accommodation at short notice. However, they urgently need safe accommodation, as they have been subjected to serious offences and risk being sought out by the traffickers. Safe accommodation also plays a key role in stabilisation. In Germany, safe accommodation for such clients is often organised directly or in collaboration with specialised counselling centres working with trafficked persons.³ These counselling centres are NGOs assisting trafficked persons and migrant victims of violence. They provide comprehensive services, including, among other things, free and anonymous counselling, legal information and safe accommodation.

The work of specialised counselling centres working with trafficked persons:



³ You will find an overview of all specialised counselling centres that are members of KOK in Germany here: www.kok-gegen-menschenhandel.de/mitgliedsorganisationen-fachberatungsstellen [21.06.2017]

In Germany, accommodation for trafficked persons is not subject to consistent rules and is very challenging for practitioners. Although KOK member organisations have agreed upon quality standards for specialised counselling centres including the issue of accommodation, the situation in the German regions or Federal States (regarding funding, the number of counselling centres, women's shelters and safe houses) varies so much that there can be considerable differences in accommodation options. Accommodating trafficked men or entire families proves particularly challenging. Providing accommodation for trafficked minors is also a major source of difficulty. Existing options, such as shelters for homeless men or youth welfare institutions, are not appropriate for these target groups. GRETA, the Council of Europe's body that monitors the implementation of the Convention on Action against Trafficking in Human Beings, issued a warning to Germany about its shortcomings regarding accommodation for men and children⁴ back in 2015:⁵

"GRETA welcomes the existence of specialised counselling centres assisting victims of human trafficking for the purpose of sexual exploitation. However, GRETA is concerned by the absence of adequate long-term funding for many of them. In contrast, only few counselling centres assisting victims of THB for labour exploitation exist at present. GRETA calls on the German authorities to provide adequate funding to counselling centres and to develop assistance services for victims of trafficking for the purpose of all types of exploitation according to their needs. Currently there are no facilities to accommodate male victims and victims of labour exploitation, and no facilities adapted specifically to trafficked children. GRETA therefore urges the German authorities to provide safe and suitable accommodation to all victims of trafficking and assistance services for child victims of trafficking that address their special needs."

Given the shortfalls in the provision of accommodation solutions for trafficked persons in Germany, measures are needed. Assuming that the criminal offence reform of October 2016 (see also point 3), redefining trafficking in human beings and creating a new offence of trafficking in human beings for the purpose of forced begging and criminal activities⁶, will lead to an increasing need for action on the ground, this study will explore what could be the comprehensive strategic approach to ensure adequate accommodation and support for various target groups. This will be done by examining existing accommodation options in Germany but also those in

4 Children are defined as any person under the age of 18. See Article 4d of the Council of Europe Convention on Action against Trafficking in Human Beings.

5 GRETA(2015)10 - Expert Group On Trafficking In Human Beings: Report concerning the implementation of the Council of Europe's Convention on Action against Trafficking in Human Beings by Germany. First evaluation round. Adopted on 20 March 2015, published on 3 June 2015, Appendix I: List of GRETA's proposals, p. 60, <https://rm.coe.int/168008371d> p. 9 [20.05.2017]. GRETA's second evaluation round for Germany began in September 2017.

6 For more detailed information, see Küblbeck, Eva: Die EU-Richtlinie gegen Menschenhandel: Situation und Umsetzung in Deutschland. [The EU Directive against Trafficking in Human Beings: situation and implementation in Germany] NDV, April 2017: http://www.kok-gegen-menschenhandel.de/fileadmin/user_upload/Kueblbeck_NDV-4-2017.pdf (in German) [21.06.2017]

Austria and in the Netherlands, to take two examples of European countries, and whether these solutions could be adapted to the German context.

2. Research question and methodology

The present study will cover all groups affected by trafficking in human beings, i.e. women, men, minors as well as groups, families/women with children, LGBTI, also examining the case of vulnerable groups such as traumatised victims, victims with addiction issues and with physical and/or mental disabilities. The scope of the study will not be limited to particular exploitation forms, though the specialised counselling centres that were contacted have indicated that their everyday work tends to focus on trafficking in human beings for the purposes of sexual and labour exploitation as these are the more prevalent.

Research on the situation in Germany

To answer the research question (i.e. “How can victims of trafficking in human beings and various forms of exploitation be provided with adequate accommodation in Germany?”), we needed to take stock of the situation in Germany first. The central question—“What are the existing forms and schemes protection and accommodation?”—was subdivided into the following aspects:

- How are refugees and accommodation facilities organised in practice?
 - Number of beds
 - Security measures
 - How do victims have access to the accommodation facility?
 - Are there any particular access restrictions/conditions for admission?
 - Are any distinctions made between various target groups and forms of exploitation? Has there been any experience with the new offences as per Section 232 of the German Criminal Code [Strafgesetzbuch]?
 - Is there any particular scheme or focus in place regarding accommodation?
 - How are funding and competences regulated, by which organisation is the facility funded?
- What are the major practical issues in terms of accommodation? What needs addressing the most?
- What works well/are there examples of best practice?

Data collection on the aforementioned questions was carried out through the following steps:

- Four discussion groups with a total of 26 KOK members during KOK’s General Assembly on 24 February 2017; data collected through minutes
- Written enquiry to 49 organisations: 32 specialised counselling centres for trafficked persons and KOK members and 17 of their local branches; return: 23 written responses using the completed questionnaires (see Annex), three phone interviews and a face-to-face interview with counselling centre staff (23 March 2017, 28 March 2017, 26 July 2017 over the phone, 28 July 2017 face-to-face)
- Written enquiry to the trade union network “Fair Mobility”; return: the Berlin centre responded in writing on behalf of the entire network

- Written enquiry to “Arbeit und Leben”, the counselling centre for mobile workers in Hannover; return: written response
- Phone interview with the Central Information Point for Autonomous Women's Shelters [Zentrale Informationsstelle der autonomen Frauenhäuser / ZIF] (12 April 2017)
- Phone interview with the Women's Shelter Coordination Network [Frauenhauskoordinierung] (15 June 2017)
- Phone interview with the Regional Support Organisation for Male Workers in Saxony [Landesfachstelle Männerarbeit Sachsen] (15 June 2017)

All oral and written data were analysed on the basis of the study's research question.

Research on the situation in selected EU countries

The study aimed to identify examples of best practice in other European countries that have more experience with various accommodation schemes. The next step was therefore to carry out some research on the situation in EU countries. Enquiries were thus sent through the network of anti-trafficking organisations La Strada International and through the European network of child rights organisations ECPAT (*Ending the Sexual Exploitation of Children*) asking organisations to state which country, in their opinion, has effective accommodation schemes for trafficked persons. Answers mentioned several countries (Belgium, France, Austria, the Netherlands and Great Britain), which were then checked through desk research and follow-up enquires by email and phone. It was agreed with KOK as the study's commissioner that Austria and the Netherlands would be used as benchmarks for several reasons. Through its organisation LEFÖ-IBF, Austria has had well-established support services for trafficked women for many years. Since 2013, the country also has experience with setting up counselling and accommodation services for trafficked men through MEN VIA. Furthermore, Austria is similar to Germany in that it is organised in regions or federal states (“Länder”). This makes it particularly interesting to examine to what extent particular safeguarding and support elements could be transferred to the German context. The Netherlands have been a major anti-trafficking player for many years and implemented Directive 2011/36/EU as early as 2013. The country has a National Rapporteur on trafficking in human beings and a centralised system registering and dispatching trafficked persons. Compared with other EU countries, the Dutch have a unique scheme in Europe, their so-called protected shelters, which provide safe accommodation to trafficked foreign minors.

During the field trip to the Netherlands, we visited a *protected shelter* and an accommodation facility for trafficked men and another for women in two different locations. In Austria, a meeting was set up at the MEN VIA's counselling centre but we did not have the opportunity to visit their safe house.

3. German legal framework at national and federal state level

Criminal provisions

Trafficking in human beings for the purpose of sexual exploitation has been a statutory criminal offence in Germany since 1973; trafficking in human beings for the purpose of labour exploitation was criminalised in 2005. There have been developments in German criminal law since the *Act Implementing Directive 2011/36/EU*⁷ came into force on 15 October 2016. The legal provisions on trafficking in human beings now also cover other forms of exploitation, i.e. forced begging and criminal activities, and organ trade. Germany thereby complies with the European Parliament's requirement to include these phenomena in criminal law and to adapt German law to international definitions of trafficking in human beings. Other provisions regarding the protection and rights of victims set out by Directive 2011/36/EU have only been partly implemented by the German government.⁸

The present study will use the term “trafficking in human beings” as also including forced prostitution, forced labour and other forms of exploitation such as forced begging and criminal activities or organ trade as per Sections 232 and 233a of the German Criminal Code, with the view of covering all forms of trafficking in human beings and exploitation currently provided for by criminal law.

Regulations on residence, accommodation and social welfare benefits

The Asylum Act, the Asylum-Seekers Benefits Act, the Residence Act and the German Social Code, parts II and XII are the main national legal sources on residence, accommodation and social welfare benefits granted to trafficked persons. However, entitlement and benefits depend on whether the person is a third country national (i.e. from a country outside the European Union) or an EU citizen.

The **Residence Act** [Aufenthaltsgesetz] sets out provisions regarding entry and temporary or permanent stay in Germany. Trafficked persons without a residence permit are required to leave the country or may be deported. Avoiding any rash

7 Act Improving the Action Against Trafficking in Human Beings and Amending the Federal Central Registry and the Social Code, Part VIII

https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBI#_bgbl_%2F%2F*%5B%40attr_id%3D%27bgbl11652226.pdf%27%5D_1507189958647 (in German) [25.09.2017]

8 See: KOK (2016): KOK position paper on amendments requested by the CDU, CSU and SPD parliamentary groups relating to the Bill on the Implementation of European Parliament and European Council Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JI: www.kok-gegen-menschenhandel.de/fileadmin/user_upload/medien/stellungnahmen/Umsetzung_2011_36_EU_KOK_aktualisierte_Stellungnahme_28.04.2016.pdf (in German) [21.06.2017]

deportation or expulsion of trafficked persons is crucial for adequate protection of victims. The law provides for a three-month reflection and stabilisation period for victims of trafficking in human beings, which is entitled “period granted to leave the territory” in Section 59 para. 7 of the Residence Act, as well as a temporary residence permit of one year as per Section 25 para. 4A or Section 25 para. 4b of the Residence Act.⁹

The procedure is the following: upon identifying a (possible) victim of trafficking, the immigration services are required to grant the claimant at least three months to leave the country. During this time, the person can decide whether to cooperate with prosecuting authorities or not. If the person is not willing to testify or does not hold any information that is useful to the court, they are required to leave the country. If they decide to cooperate with prosecuting authorities, they are granted a residence permit as per Section 25 para. 4a of the Residence Act. Residence permits for this particular group are therefore subject to the trafficked person’s status as a witness. The residence permit is renewed for two additional years after the end of the criminal proceedings provided that the person is obliged to stay in Germany on humanitarian or personal grounds, or due to public interest (Section 25 para. 4a sentence 3 of the Residence Act). Citizens from third countries also have the option to apply for asylum or refugee status or to be recognised as a case of “special hardship” to be granted a residence permit in Germany. However, this often proves very difficult in practice. EU citizens, however, can move around as they wish under the Freedom of Movement Act/EU [Freizügigkeitsgesetz-EU], which takes precedence over the Residence Act. In this case, the residence issue is negligible.¹⁰

During the reflection period, trafficked persons from third countries can claim social welfare benefits under the **Asylum-Seekers Benefits Act**. This piece of legislation grants trafficked persons with a residence permit as per Section 25 4a of the Residence Act a right to accommodation and benefits under the **Social Code**, Part II in the case of persons capable of working and under the Social Code, Part XII in the case of persons unable to work. This also applies to EU citizens. The accommodation of trafficked persons greatly depends on their residence status. A claimant in asylum proceedings can be reallocated and dispatched to another municipality, which makes it more difficult to provide safe accommodation to trafficked persons, as there is no guarantee that the municipalities can actually provide adequate housing. Once a person has been identified during the asylum proceedings as having been trafficked, they are not to be housed in collective accommodation facilities, as provided for by general administrative legislation. Entitlement to benefits in the case of EU citizens also need to be regulated by law.¹¹ To date, claims by trafficked persons are treated in accordance with internal guidelines of the German Employment Agency.

9 However, Section 25 para. 4b applies to victims of crimes pursuant to Section 10 para. 1 or Section 11 para. 1 no. 3 of the Act to Combat Undeclared and Illegal Employment [Schwarzarbeitsbekämpfungsgesetz] or pursuant to Section 15a of the Temporary Employment Act [Arbeitnehmerüberlassungsgesetz], and victims of crimes pursuant to Section 232 and 233a of the German Criminal Code (trafficking in human beings and all forms of exploitation) explicitly fall under Section 25 Abs. 4a.

10 For more detailed information, see KOK’s website:

11 For more detailed information regarding this issue, see KOK’s website: www.kok-gegen-menschenhandel.de/menschenhandel/rechtsgrundlagen-national/freizuegigkeitsg-eu/ (in German) [23.05.2017]

Collaboration at regional level

Thirteen federal states have cooperation agreements between the police and specialised counselling centres and, in some cases, other stakeholders (e.g. various public authorities) setting out competences for victim protection and support in the case of trafficked persons who cannot be admitted to the witness protection programme or who refuse admission. Since their inception, many of the agreements (but not all) have been amended to include trafficking in human beings for the purpose of labour exploitation and other target groups such as men and/or children. These were included right from the beginning in some agreements as they made no distinction on the basis of gender or forms of exploitation.

4. Accommodation for groups of trafficked persons in Germany, Austria and the Netherlands

4.1 Germany: accommodation options for trafficked persons - the status quo

Germany faces an overall challenging situation with regard to accommodation for trafficked persons as there are no consistent national services or guidelines regarding a specialised support system. The Federal State only provides a legal framework which grants trafficked persons personal benefits under social welfare legislation (i.e. the Asylum-Seekers Benefits Act, the Social Code, Part II and Part XII) to ensure their means of subsistence. Creating, funding and organising accommodation, however, falls under the remit of the different regions and municipalities and can vary widely in practice. In most regions, the specialised counselling centres receive funding from the region and/or municipalities to provide accommodation in a women's shelter or a safe house^{12,13}. Some regions (e.g. North Rhine-Westphalia, Rhineland-Palatinate and Baden-Württemberg) have a regional fund for the accommodation of trafficked persons, which can be used to provide short-term accommodation in a hotel or guest house, for example. However, the financial means are usually insufficient, which means that in all regions, organisations must combine multiple resources, including their own resources, donations and/or foundation endowments and manage and negotiate funding on a case-by-case basis.¹⁴

12 There is currently no uniform definition of a shelter or safe house; counselling centres therefore have to base their assessment on the facility's own vision of what they provide. See German Federal Government report on the situation of women's shelters, specialised counselling centres and support options for female victims of violence and their children (2012), p. 11, www.bmfsfj.de/blob/84048/a569e13f4b5782dc9ab63f5ad88239bb/bericht-der-bundesregierung-frauenhaeuser-data.pdf (in German) [20.05.2017]

13 For more detailed information on the different forms of funding: *ibid.*

14 Example of North-Rhine-Westphalia: a great number of cases of trafficking in human beings has been registered in this region, as shown by the specialised counselling centres' annual reports and the figures provided by the Report on Trafficking in Human Beings of the German Federal Criminal Police Office. Despite cost-effective, decentralised accommodation, the region incurs high annual costs for the accommodation of trafficked persons. The regional fund reserves are often depleted after only four months. The responsible municipality (through its social welfare office) then takes over, then the Job Centre, with total annual costs estimated between €200,000 and €300,000 per year. Source: information provided over the phone by a specialised counselling centre in North-Rhine-Westphalia.

Access to accommodation

Specialised counselling centres supporting trafficked persons are the main contact point in charge of providing safe accommodation. Most trafficked persons obtain accommodation directly through a specialised counselling centre or after being referred to the specialised counselling centre through an organisation, the police, or, in rarer cases, through public authorities, doctors, hospitals or, in the case of minors, the Youth Welfare Office.

Types of accommodation for women with children

Our enquiries have shown that due to the mandate¹⁵ granted to many specialised counselling centres and to the existing support system in Germany in the form of women's shelters, accommodation is mainly offered to trafficked women and their children.

Women's shelters are the most frequent type of accommodation for trafficked women. However, there are usually no guaranteed places for this particular group. Women's shelters also set age limits for children (between seven and fourteen). Whether women's shelters admit trafficked persons may vary from region to region and seems to depend on four key factors: funding, resources, security needs and definition of the target group.

According to the Central Information Point for Autonomous Women's Shelters [Zentrale Informationsstelle der autonomen Frauenhäuser], **funding** often determines whether a women's shelter will admit or refuse a trafficked person. Women's shelters funded on a flat-rate basis by the region and/or the municipality (i.e. not on a case-by-case basis) generally provide accommodation to trafficked women, provided they have available places. Another widespread model is based on daily allowances: the cost of the stay in the women's shelter is converted into the daily rates to be borne either by the women themselves or by the social welfare office depending on individual benefit entitlement under the Social Code, Part II or XII or the Asylum-Seekers Benefits Act. Shelters can find it difficult to be paid in the case of women with no entitlement. This can be the case of trafficked persons, for example, if they have no entitlement due to their status, or if their residence status and entitlement is pending but they still need accommodation. It is clear that the daily allowance system makes it considerably harder for women's shelters to offer such women a place. However, many members of the Central Information Point for Autonomous Women's Shelters also admit women for whom there is no source of

¹⁵ "Mandate" refers here to the fact that because of their history, many specialised counselling centres focus on women, regardless of the form of exploitation. This explains why many specialised counselling centres are partly funded by the regional authorities in charge of women's issues. In most cases, funds may only be used to support particular target groups, meaning that specialised counselling centres must negotiate their use for any other target group.

funding and compensate for the missing daily allowances through donations if possible. For many years, the autonomous women's shelters have been calling for their funding not to be based on individual cases to ensure they can support and safeguard all female victims of violence and their children.¹⁶

The members of the Women's Shelter Coordination Network [Frauenhauskoordinierung] are also concerned about the lack of places in shelters and funding. They call for a legal entitlement to protection for all female victims of violence and their children to be enshrined in federal law.¹⁷

The second factor relates to women's shelters' **resources**, both in terms of staff and capacity. If there is enough qualified staff to support women with special needs (e.g. trauma or addiction issues), trafficked women can be admitted without any problem, provided, obviously, that there are available beds.¹⁸ However, specialised counselling centres lament that women's shelters are fuller and fuller and "chronically overcrowded". In Stuttgart, for example, some women's shelters have waiting lists of up to six months.¹⁹

The third factor is linked to the **risk situation**. According to a 2012 survey, only 43% of all women's shelters in Germany believe their facility fulfils security requirements for trafficked persons.²⁰

The **definition of the target group** is the fourth factor that comes into play. Some women's shelters focus on providing accommodation to female victims of domestic abuse. Trafficking in human beings for the purpose of sexual exploitation and especially trafficking in human beings for the purpose of labour exploitation are not always part of women's shelters' protection schemes. Admission in such cases is often subject to prior negotiation.

Specialised counselling centres also use hotel rooms and guest houses as an alternative if the risk situation so requires. Approximately a third of all KOK member counselling centres also manage a safe house/flat or shelter of their own.

Types of accommodation for men

Up to now, cases of trafficked men have mostly been encountered by specialised counselling centres in connection with labour exploitation, with whole families or a trafficked partner. However, there are no specialised accommodation facilities for male victims in any federal state in Germany. The employment authorities and the Regional Office for Refugees [Landesamt für Flüchtlingsangelegenheiten or LAF] in Berlin are currently planning to open a shelter for male victims of labour exploitation.

16 See www.frauenhauskoordinierung.de/schutz-und-hilfe-bei-gewalt/frauenhaeuser/finanzierung.html (in German) [21.06.2017] and oral and written information provided by the Central Information Point for Autonomous Women's Shelters.

17 See the Coordination Network's open letter issued on 12 September 2017: http://www.frauenhauskoordinierung.de/fileadmin/redakteure/pdfs/Aktuelles/2017/2017-09-12_Offener_Brief_FHK_Frauenhausplaetze.pdf (in German) [22.09.2017]

18 Phone conversation with the Central Information Point for Autonomous Women's Shelters on 12 April 2017.

19 Source: group discussion the KOK General Assembly on 24 February 2017.

20 See the Federal Government's report on the situation of women's shelters, specialised counselling centres and other support services for female victims of violence and their children, p. 45: www.bmfsfj.de/blob/93350/bericht-der-bundesregierung-zur-situation-der-frauenhaeuser-data.pdf (in German) [15.04.2017]

The plan is to provide for flexible accommodation solutions for individual men and groups in facilities managed by the Regional Office for Refugees. No further information is available as the discussions are still ongoing (last update: August 2017).

Due to a lack of alternatives, specialised counselling centres often have to resort to case-by-case solutions. They usually use hotels and guest house or other services, especially shelters for asylum seekers or homeless persons. Although these facilities do cover the clients' basic needs, such as a warm meal and a bed, they cannot provide the psychosocial support and security needed by trafficked persons. This is also true for cases handled by trade union organisations. Based on the experience of "Fair Mobility:", a project by the German trade union DGB, mobile workers often need to be housed in a hotel or guest house at short notice until they can travel back home or continue their journey. This happens if they are forced to move out immediately by their employers if they also happen to be their host or landlord, which can happen after disputes regarding unpaid wages. There are often whole groups of men from EU countries needing accommodation at the same time.²¹

Accommodation of minors

As per Section 8a of the Social Code, Part VIII, the Youth Welfare Office has a duty of protection and is required by law to safeguard all children and young persons against any danger to their welfare (Section 1 para. 3 no. 3 of the Social Code, Part VIII), regardless of their nationality. The Youth Welfare Office is therefore to be involved when minors have been trafficked, in which case it will take the victim into care and appoint a guardian. As there are no accommodation facilities for trafficked minors in Germany, they are usually housed in regular youth welfare institutions. However, young victims of serious violence or exploitation often find it difficult to abide by rules. They tend to become violent, take drugs or run away, which is particularly true for young girls groomed by *loverboys*²²: as soon as their mobile is confiscated and they no longer have any contact with traffickers, they go missing. Ultimately, they are at risk of homelessness if they are thrown out.²³ Some cities offer emergency beds for young people living on the streets for the night but as there are no services during the day, they are often left to their own devices in the daytime.

In exceptional cases, minors can also be housed in a special safe house, a hostel providing temporary accommodation or, in cases of emergencies, in privately let accommodation, subject to the consent of the Youth Welfare Office. Girls are sometimes accommodated in women's or girls' shelters, a situation which at least takes into account the gender dimension for the provision of services. There are no similar facilities for trafficked boys in Germany.

²¹ Source: Fair Mobility, written information sent to the author of the study.

²² The word "loverboys" refers to men between 18 and 30 who fake a relationship with (usually younger) girls. They use emotional manipulation and social isolation to make them dependent and then force them into prostitution. They also sometimes resort to drugs, violence and threats as means of coercion.

²³ Example given by a specialised counselling centre in Dortmund: a "problematic" 14-year-old girl was forced to leave the institution and ended up streetwalking for want of an alternative.

Minors who have come to Germany unaccompanied often stay in “clearing-houses” specialising in this target group. During the “clearing process”, the stakeholders involved work under the aegis of the Youth Welfare Office to find out more about the age, developmental stage, educational background and health of the child or young person. All these accommodation options tend not to fulfil the specific needs of trafficked minors.

However, the situation is even more challenging in the case of clients with addiction issues, as this is often an exclusion criterion for many regular youth welfare institutions and there are very few services for minors with addictions. In many cases, admission to a psychiatric unit is the only solution.

Types of accommodation for groups and families

Accommodation for groups and families is also extremely patchy. A third of all surveyed specialised counselling centres declared that they cannot provide accommodation for groups. The others use hotels and flats, as do trade union organisations. Trafficked persons exploited in the same circumstances may remain together if they wish but they are often separated for security reasons and housed individually. This can be necessary for various reasons. Individual victims may for example reveal the group’s whereabouts to the traffickers out of a sense of solidarity. If they are living together as a group, rival subgroups may appear, leading to attacks or mutual accusations. Any member of the group feeling dejected may have a demoralising effect on the rest of the group. Such group processes are not specific to trafficked persons and are always at play when entire groups are housed together. This is particularly true for traumatised clients. In the case of families, counselling centres use hotels, reception centres for refugees or shared accommodation until they can be offered a flat, if necessary.

Accommodation for particularly vulnerable persons

The experience of specialised counselling centres has shown that trafficked persons with addictions (to medication, drugs or alcohol), trauma issues, physical or mental disabilities or at risk of suicide are particularly vulnerable and require specific accommodation and intensive support. However, the accommodation situation for such target groups is particularly poor, as over half of the surveyed specialised counselling centres cannot provide them with special accommodation. Up to now, they have had to find solutions on a case-by-case basis, e.g. in psychiatric clinics or other facilities offering 24-hour support. This search is usually time consuming, bureaucratic and slow, especially if funding is subject to the local authorities’ consent.

Experience with persons trafficked for the purpose of forced criminal activities and begging

The Criminal Code reform in October 2016 made forced criminal activities and begging a statutory offence falling under trafficking in human beings. In practice, however, specialised counselling centres had already encountered such cases but without being able to offer adequate support due to the lack of a definition in the Criminal Code, as the rights of victims are closely linked to criminal provisions. According to specialised counselling centres, these forms of exploitation affect various target groups (i.e. men, women and minors). Most specialised counselling centres believe that victims do not require different types of accommodation depending on the form of exploitation. However, practitioners point out that accommodation facilities for victims of trafficking in human beings for the purpose of forced criminal activities and begging do not always have secure funding and depend on funders' guidelines.

4.2 The accommodation of trafficked men in Austria

Policy and strategy framework

All Austrian anti-trafficking efforts since 2007 have been based on the National Action Plan on Combating Trafficking in Human Beings,²⁴ which includes measures on domestic and international coordination and collaboration, prevention, witness protection, prosecution and evaluation/monitoring. It is prepared by the Task Force on Trafficking in Human Beings launched in 2004 by a Ministerial Council Decision, which brings together members of all relevant federal ministries and government agencies involved in anti-trafficking efforts as well as representatives of social partners, academia and specialised NGOs. The Task Force is also in charge of monitoring the action plan's implementation and of preparing and coordinating all anti-trafficking and victim protection measures, e.g. The "Guidelines on Identifying and Dealing with Potential Child Victims of Trafficking in Human Beings"²⁵. It is led by the Federal Ministry of Europe, Integration and Foreign Affairs and has been chaired by the anti-trafficking coordinator since 2010. Every three years, the Task Force submits a report to the Federal Government and to Parliament on the implementation of the measures included in the National Action Plans, besides

24 National Action Plan I: 2007-2009, National Action Plan II: 2009-2011, National Action Plan III: 2012-2014, National Action Plan IV: 2015-2017, see www.bmeia.gv.at/europa-aussenpolitik/menschenrechte/schwerpunktthemen/kampf-gegen-menschenhandel/ (in German) [22.05.2017]

25 See

www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Handlungsorientierungen_zur_Identifizierung_und_zum_Umgang_mit_potenziell....pdf (in German) [22.05.2017]

preparing annual reports. Until 2015, the Task Force had three working groups on child trafficking, labour exploitation and prostitution.

Clearly identified contacts for prosecution and witness protection

To encourage prosecution, the Federal Criminal Police Office has launched a national hotline through which (suspected) cases of trafficking in human beings can be reported by phone or by email. Every region also has a dedicated police unit in charge of such cases. Victim support is provided by three organisations in Austria. The intervention agency LEFÖ-IBF was launched in 1998 to safeguard women and girls. Under Section 25 of the Security Police Act²⁶, it has an official mandate to support female victims of trafficking in human beings across the country. LEFÖ-IBF offers accommodation for 28 trafficked women and their children and for girls over 15. Trafficked men have been provided support by the Men's Health Centre MEN VIA since 2013. LEFÖ-IBF and MEN VIA deal with all forms of exploitation in which trafficking in human beings can manifest itself. UNDOK, a trade-union organisation, works to support undocumented workers.

MEN VIA - developing advisory, victim protection and accommodation services for trafficked men

The Men's Health Centre MEN VIA²⁷ in Vienna has safeguarded and provided male victims of trafficking with support in Austria since 2013. Its gradual history can be divided into three phases:

Phase 1 – Analysing the needs: This was based on the very first study on “Trafficked men in Austria”²⁸ published in 2013, which the Men's Health Centre was commissioned to prepare by the Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK) as part of the implementation of European Directive 2011/36/EU on preventing and combating trafficking in human beings in Austria in 2013. The EU Directive is therefore a central element of MEN VIA's work.

The study identified multiple needs. On the one hand, it became clear that the identification of (potential) victims of trafficking in human beings must be improved.

²⁶ Section 25 of the Security Police Act, “Criminal police advice”, para. 3: The Federal Interior Minister is authorised to officially mandate appropriate victim protection institutions to contact persons exposed to the threat of violence and persecution (Section 107a of the Criminal Code) to offer advice and support of a non-financial nature (intervention agencies). If this victim protection institution mainly advises and supports women, the agreement is to be made with the Federal Minister of Health and Women's Affairs. For institutions advising and supporting children mainly, a joint agreement is to be made with the Federal Minister of Social Security, Generations and Consumer Protection. See: www.jusline.at/25_Kriminalpolizeiliche_Beratung_SPG.html (in German) [23.05.2017]

²⁷ See www.men-center.at/via.html (in German) [23.05.2017]

²⁸ Men's Health Centre (2013): Männer als Betroffene von Menschenhandel in Österreich [Trafficked men in Austria], www.men-center.at/files/men_center/grafik/MEN_VIA/Bericht_Maennliche_Betroffene_von_Menschenhandel.pdf (in German) [23.05.2017]

According to the study, the poorer identification of male victims in Austria is due to a lack of experience on the part of witness protection institutions and to the difficult cooperation with potential male victims as reported by the police.²⁹ A systematic examination of court cases between 2008 and 2010 has revealed that trafficked persons had much better chances of having their traffickers sentenced and receiving compensation if they were provided with support from a witness protection organisation, especially psychosocial and legal support during the proceedings.³⁰ This leads to the second need identified, i.e. establishing an advisory service also offering financial support and safe accommodation to men.

Phase 2 – Pilot project: the study led to the creation of a pilot project, MEN VIA, initially planned for the period from 2013 to 2015 and funded by the Ministry of Social Affairs. Its activities included:³¹

- Establishing witness protection and support services for men
- Expanding the multicultural, interdisciplinary and gender-aware team
- Supporting the identification efforts of executive powers and other authorities
- Stabilisation, crisis intervention, psychological support
- Ensuring a recovery and reflection period in line with international standards
- Provision of healthcare and psychological support for trafficked persons
- Social work and support during the proceedings
- Help with social and labour law issues and with residence issues
- Cooperation with other organisations in the psychosocial field
- Making migrant communities and stakeholders in the field of refugee support, healthcare and mobile social work aware of the services
- Awareness-raising of the fact that men can also be trafficked and that they also need support

These activities were carried out by a team of three between 2013 and 2015, providing trafficked men with psychological support, social work, accompaniment to healthcare appointments and to authorities and support during the legal proceedings. Clients in need of accommodation were housed in hotels. It increasingly became clear that the organisation needed its own safe house.

General / overlapping developments in Phases 2 and 3:

MEN VIA registered 13 cases in 2014, 30 in 2015 and just under 60 in 2016. To date, in October 2017, MEN VIA has provided services to a total of 102 persons since 2013. At the beginning, most cases were referred to MEN VIA by the Federal and Regional Criminal Police Offices but the number of men identified by the police decreased

29 Julia Planitzer, Helmut Sax (2011): Combating Trafficking in Human Beings for Labour Exploitation in Austria. In: Conny Rijken (ed.): Combating Trafficking in Human Beings for Labour Exploitation, Tilburg, p. 45, [http://bim.lbg.ac.at/files/sites/bim/THB for Labour Exploitation_Chapter 1 Austria_JPlanitzer_HSax_2.pdf](http://bim.lbg.ac.at/files/sites/bim/THB%20for%20Labour%20Exploitation_Chapter%201_Austria_JPlanitzer_HSax_2.pdf) (in German) [23.05.2017]

30 Julia Planitzer, Evelyn Probst, Barbara Steiner, Barbara Unterlerchner (2011): COMP.ACT AUSTRIA. Possibilities to Obtain Compensation for Trafficked Persons in Austria.

31 Taken from MEN VIA's 2015/2016 performance report, p. 5.

when the number of incoming refugees increased in 2015. Furthermore, MEN VIA's reputation spread over time, especially during Phase 3 (see below), and suspected cases were then referred to MEN VIA by various services, diplomatic representations (embassies) and trade union organisations (UNDOK). MEN VIA also does outreach work, which helps identify other trafficked men and provide them with assistance.

In terms of expertise building, MEN VIA received support and training from LEFÖ-IBF. In Phase 2, (potential) victims of trafficking were mainly identified by the Federal or Regional Criminal Police Offices, who referred the cases to MEN VIA. Other clients came to MEN VIA through referrals from other organisations and, increasingly, through MEN VIA's own outreach work, especially thanks to a Romanian colleague's work on the streets.

Phase 3 – Safe house: the pilot project reached its first expansion stage in March 2015 (2015–2017), the main aim being to establish safe and supported accommodation in the form of a safe house with a confidential address and places for ten men. This had not been possible in the first part of the project between 2013 and early 2015. The safe house was established in three phases:

1. Rental, renovation and first clients
2. Developing routines and expertise in day-to-day care and crisis response
3. Reaching full capacity and admission of a whole group of clients

MEN VIA's networking efforts bore fruit in Phase 3, as trafficked men increasingly came through referrals by other organisations, trade-unions and refugee support centres or contacts made through MEN VIA's own outreach work. The majority are from Bulgaria, Romania, Ex-Yugoslavia, Hungary or Slovakia. At the beginning, due to investigations led by the police, forced begging was the most frequent form of exploitation the organisation worked with. However, the construction industry, harvesting and other low-wage sectors turned out to be the most common fields for labour exploitation in Austria. Isolated cases of sexual exploitation and forced criminal activities were also registered.

The duration of the clients' stay in the safe house ranges from the three days preceding the police hearing to over a year in the case of men who have greater support needs and cannot go back to their country of origin because the country has no social welfare system or the clients have no reliable support networks, for example. Because of their experience, some clients are highly traumatised and often suffer from mental illnesses. Work in the safe house often involves issues with sexuality and feelings (shame, fear), hygiene, conflicts (aggression, low frustration tolerance) as well as drugs and alcohol. MEN VIA makes sure counselling never takes place in the safe house itself, as it is explicitly meant to be a place of recovery where residents are not under pressure to take a decision. Due to a lack of resources, it has not been possible to offer 24-hour support in the safe house. However, experience has shown that this accommodation model offering support services during the day is well suited to most vulnerable men.³² In 2015, the flat was continuously occupied

³² There were exceptions, for example a man who could not be housed in the flat due to security concerns and another man who had to be excluded after serious security breaches.

by at least three men; part of the time, it was full after entire groups of men were admitted at the same time (especially in connexion with labour exploitation).

In 2016, the flat provided accommodation to 18 persons in total. MEN VIA will renew its application with the Ministry of the Interior for further funding for its part of the project dedicated to the safe house and basic support services during the day for the year 2018; the funding application for the part regarding its support, outreach and awareness-raising work will be submitted again to the Federal Ministry of Labour, Social Affairs and Consumer Protection. Psychosocial and legal support services during the proceedings are funded by the Ministry of Justice.

Assessment of the project's transferability to the German context

Trafficking in human beings has been an intersectional issue in Austria at least since the implementation of the first National Action Plan ten years ago. It divides competences between various stakeholders with regard to prevention, witness protection, prosecution, evaluation, and collaboration and coordination, and helped establish a clear political structure and set up advisory and support services of trafficked persons.

Despite Austria's federal structure and the ensuing division of responsibilities between the nine regions and the Federal Government, advice, support and accommodation of trafficked men and women are dealt with centrally through two stakeholders, LEFÖ-IFB (in the case of women) and MEN VIA (in the case of men). This provides clarity for all involved. This is not the case with children and young persons. LEFÖ-IBF can offer advisory services to female victims of trafficking over the age of 15 and provide them with accommodation in its safe houses, but support (including supported accommodation) for children up to 14 and all trafficked men under the age of 18 has to be provided by regional youth welfare organisations. Although the organisation Drehscheibe Wien in Vienna is involved in most cases and is very active, there is no central support scheme for this age group. According to MEN VIA, this affects the quality and efficiency of support services.

Centralised organisation of accommodation for trafficked persons would not be possible in Germany. Firstly, this has geographical reasons: Austria is about four times smaller than Germany, which means that clients do not have to travel as far for accommodation and support. Secondly, Germany does not have any centralised organisations in charge of coordinating all practical measures (even at regional or local level) in terms of witness protection and support for men, women and minors. Due to the large number of stakeholders providing (various types of) accommodation, a decentralised system with various accommodation options for trafficked persons has emerged in Germany. The structure of these options depends on the local situation in every region and sustainable funding is often lacking.

The example of Austria shows that cases of trafficking in human beings often only become visible and identifiable in practice if there are adequate advisory and support services and if public authorities, non-governmental stakeholders and clients are aware of their existence. It must therefore be assumed—such is the position of specialised counselling centres and trade union organisations—that policies in Germany have insufficiently taken male victims of all forms of trafficking into

account although there is a practical and tangible need for advice, support and accommodation. Up to now, men have tended to be identified as victims of labour exploitation in the meat-processing, catering and construction industry. In many cases, the traffickers were not prosecuted because labour exploitation was not yet a criminal offence. As a result, victims could only partly uphold their rights as victims, as these were based on criminal provisions. However, the criminal law reform in connexion with trafficking in human beings and exploitation, establishing labour exploitation as a criminal offence (Section 233 of the Criminal Code), opened up access to new victim rights, e.g. in immigration law.

The close collaboration between LEFÖ-IBF and MEN VIA is one of the positive features of the latter's development of advisory services and accommodation for trafficked men in Austria. MEN VIA was able to draw upon LEFÖ-IBF's extensive experience supporting trafficked and exploited persons through training and ongoing consulting. Thanks to the atmosphere of mutual trust and shared expertise, it is now possible to find practical solutions quickly. This approach is absolutely conceivable and even advisable in Germany. There are specialised counselling centres working with trafficked persons in all regions except Thuringia. Their various locations could help take into account regional specificities when developing support services for men.

With only one facility in Austria, the offer for trafficked men is still very limited. However, it is a major first step towards a support service in which all trafficked persons can enforce their rights to protection and support. By funding this safe house through its Federal Ministry of Labour, Social Affairs and Consumers' Rights, the Austrian Government is in line with the duty of protection enshrined in international law.

4.3 The Netherlands: accommodation for foreign trafficked minors

Policy and strategy framework

The Netherlands was the first country to establish an independent National Rapporteur on Trafficking in Human Beings in April 2000.³³ The National Rapporteur is not a complaints body and does not investigate. It is in charge of monitoring trafficking in human beings and anti-trafficking efforts in the Netherlands and issuing policy recommendations. The outcome of these recommendations led to the first National Action Plan against Trafficking in Human Beings in 2004, which is renewed every three years. Policy-wise, the coordination of anti-trafficking measures falls under the remit of the Ministry of Security and Justice. Prosecution, prevention and residence issues are the responsibility of the Ministry of Justice. The competence for local policies lies with the Ministry of the Interior. The Ministry of the Interior, the Ministry of Health, Social Affairs and Sport and the

³³ The mandate of the independent national rapporteur on trafficking in human beings was extended to include child pornography in 2012 and its name was changed to "Trafficking in human beings and sexual violence against children" in 2013. See www.dutchrapporteur.nl/ [23.05.2017]

Ministry of Foreign Affairs are also key stakeholders. Since 2008, they have made up the Anti-trafficking Task Force alongside the independent National Rapporteur, the police, the prosecutor's office, the immigration and naturalisation service, the Royal Netherlands Marechaussee, several mayors and the NGO "CoMensha" (*Coördinatiecentrum tegen Mensenhandel*). The Task Force has no budget of its own: all involved stakeholders use their own financial resources to implement the measures agreed upon.

CoMensha is the central body in charge of the registration and initial provision of services for (potential) trafficked adults in the Netherlands. Minors fall under the remit of the Youth Welfare Office and the guardianship organisation "Nidos". CoMensha is a well-established NGO that works both with the police and specialised anti-trafficking organisations. It acts as a national help desk and offers information to all stakeholders working with trafficked persons or more generally dealing with trafficking in human beings (social workers, public authorities, lawyers, care facilities, refugee organisations etc.). Due to its broad network, CoMensha was commissioned by the Ministry of Justice to establish a National Rapporteur but also to gather data on trafficked persons in the Netherlands and to pass on this information to the National Rapporteur after anonymisation. By carrying out extensive data analysis, the National Rapporteur hopes to obtain meaningful information about trafficking in human beings and to gain insights into the number of unreported cases.³⁴ The police, Royal Netherlands Marechaussee and the revenue inspectorate (SIWI) of the Ministry for Social Affairs and Employment must refer any cases of (potential) victims of trafficking to CoMensha. Other organisations and stakeholders are strongly expected to do so but there is no legal obligation. CoMensha then allocates each registered person to a specialised accommodation facility. In 2015 CoMensha registered 1,321 cases. 33% (434) were Dutch nationals and the rest came from Bulgaria (132), Romania (129) and Poland (92). Most of them (873) were cases of trafficking in human beings for the purpose of sexual exploitation.³⁵

Accommodation of trafficked persons: The Categorical shelter for victims of human trafficking

In 2010, the Ministry of Security and Justice launched the pilot project *Categorical shelter for victims of human trafficking* (COSM) with the Ministry of Health, Social

34 Collecting personal data without prior anonymisation is controversial. See: German Institute for Human Rights (2016): Konzeptentwurf für eine nationale Berichterstattungsstelle Menschenhandel und eine Koordinierungsstelle Menschenhandel. [Draft scheme for a national rapporteur on trafficking in human beings and a coordination body on trafficking in human beings.] Expertise, p. 30 et seqq, http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/Weitere_Publikationen/Expertise_Berichterstattungsstelle_Menschenhandel_Februar_2016.pdf (in German) [21.06.2017]

35 See CoMensha's 2015 Annual Report: mensenhandel.nl/files/CoMensha-jaaroverzicht-2015-web.pdf (in Dutch) [23.05.2017]

Affairs and Sport. The idea was to establish new, specialised accommodation facilities for trafficked persons over 18 in order to provide appropriate services and stabilisation to victims as well as safe accommodation. There was also a hope to thereby increase the witnesses' willingness to testify before the police. When the project outcomes were assessed by the Ministry of Security and Justice's Research and Documentation Centre, it was found that approximately 90% of all residents of COSM facilities agreed to testify.³⁶ Unlike what had originally been expected, increased security measures were not necessary.³⁷ The first phase of the project with 50 beds (40 for women and their children, 10 for men) ran from 2010 to 2012. After a positive assessment, this figure went up to 70 during the second phase from 2012 to 2014. COSM then became an established scheme. Three organisations have established COSM facilities: *Prostitutie Maatschappelijk Werk* (PMW), *Amsterdams Coördinatiepunt Mensenhandel* (ACM) and *Jade Zorggroep*. Since June 2012, the Ministry of the Interior, the Ministry of Justice and the Ministry of Health have provided an annual budget of two million Euro for COSM facilities.³⁸ Although the accommodation landscape has improved, COSM facilities and other shelters still have waiting lists. To tackle this issue, the Housing Act (Section 60 a et seqq. of the *Huisvestingswet*) was amended in 2015 to put more pressure on local authorities to provide affordable housing.³⁹

Responsibility of local authorities to provide services and accommodation to trafficked persons

Foreign trafficked persons legally residing in the Netherlands have access to the same services as Dutch victims of trafficking in human beings. The only difference lies in the type of accommodation: while Dutch nationals can use COSM facilities but also regular women's shelters and youth welfare institutions, trafficked asylum seekers are usually housed in refugee centres or other facilities and are only housed in a COSM facility in exceptional cases, provided there are available places. The Netherlands has 40 other general accommodation facilities run by NGOs (women's shelters, etc.).

36 See Government of the Netherlands (May 2012): Response of the Netherlands to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties, p. 32.

37 See Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2013): Trafficking in Human Beings. Ninth report of the Dutch National Rapporteur, p. 180 et seqq.

38 See Government of the Netherlands (May 2012): Response of the Netherlands to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties, p. 34.

39 A committee chaired by the mayor of Leiden, Mr Lenferink, published a report in 2015 on local authorities' responsibility in terms of provision of services and accommodation to trafficked persons, see https://vng.nl/files/vng/nieuws_attachments/2014/20150409-gemeenten-en-opvang-slachtoffers-mensenhandel-commissie-lenferink_0.pdf (in Dutch) [21.06.2017]

All (potential) victims are granted a three-month reflection period in the Netherlands with access to healthcare, psychosocial support and benefits, regardless of the residence status. During this period, victims are entitled to a monthly allowance of 930 Euro. This sum is disbursed to the accommodation facility and then paid out to the resident in instalments. Victims of trafficking in human beings who decide to cooperate with prosecuting authorities and to testify before court can be granted a residence permit on humanitarian grounds (B8.3 permit).⁴⁰ This is granted for one year at most and is extended depending on the duration of the proceedings. If the victim decides not to testify, they are asked to leave the country. In some cases, they can apply for a permit for “continued stay” [*Voortgezet Verblijf*].⁴¹

At the end of the reflection period, the allowance drops to 700 Euro and is funded by local authorities. Accommodation is funded by the Ministry of Justice during the reflection period, and by local authorities thereafter. Since 2015, the responsibility for supporting and accommodating trafficked persons has increasingly been transferred to local authorities to address the problem of subsequent accommodation when victims leave the COSM facility. Legal guidelines were included in the Housing Act. Local authorities must provide a certain number of accommodation places for trafficked persons holding a B8.3 permit. If the resident agrees to move out of the temporary facility, CoMensha refers them to the *Central Agency for the Reception of Asylum Seekers* (COA). COA then passes on the case to the relevant local authority, which has two months to provide appropriate accommodation. As part of the transfer of responsibility to local authorities, about ten regional care coordinators were appointed. Their role is to accompany the victims to external support service providers.

Accommodation of trafficked children and young persons and the “protected shelter” scheme for unaccompanied minor victims

Children and young victims of trafficking in human beings with Dutch or EU citizenship (e.g. *loverboys* victims) fall under the remit of the Youth Welfare Office, which is in charge of organising accommodation and services. The Salvation Army is in charge of appointing a guardian for Roma children from EU countries.⁴² In most cases, regular youth welfare institutions are the only available option. Otherwise, young persons are housed in other facilities such as women’s shelters. Non-residential support services are limited and patchy. There are very few specialised facilities, such as *Meisa* in Amsterdam or *Fier Fryslân* in Leeuwarden. They are run

40 See more detailed information by the Dutch Justice Ministry’s Immigration and Naturalisation Service regarding residence permit options for trafficked persons: <https://ind.nl/en/other/pages/human-trafficking.aspx> [21.06.2017]

41 See http://www.fairwork.nu/international/what_is_human_trafficking/faq.html#anchor1380, question 21 [21.06.2017]

42 See ECPAT/ReACT (2016): Better support, better protection. Steps lawyers and guardians can take to better identify and protect trafficked children, p. 21, footnote 63:

by NGOs with expertise in supporting trafficked minors. A promising scheme based on the *Barnahus* model⁴³ began in 2013, which is when *Fier Fryslân* launched an interdisciplinary centre for trafficked children and persons offering diagnosis, accommodation and counselling services. It puts the child at the centre and brings together all relevant stakeholders around the child in the same place.⁴⁴

In cases in which a young person risks eluding security measures deemed necessary by the Youth Welfare Office to protect them, the Youth Welfare Office can decide to house them in a closed facility by court order.⁴⁵

Unaccompanied minors from third countries are under the responsibility of the guardianship organisation *Nidos*, which decides on the type of accommodation to be provided to (potential) victims of trafficking in human beings. Children under the age of 13 are placed in foster care. Victims over the age of 17 can also be housed in regular facilities of the Central Agency for the Reception of Asylum Seekers. In 2008, the Netherlands launched a special accommodation scheme for foreign unaccompanied minors between the age of 13 and 17 called “safe accommodation” (*besloten opvang*). What began as a two-year pilot project with a budget of four million Euro became an established scheme in 2010.⁴⁶ Currently, there is a facility for girls (24 beds) and another for boys (18 beds). Both are managed by *Jade Zorggroep* with long-term funding from the Central Agency for the Reception of Asylum Seekers (which also covers personnel costs), regardless of occupancy. They were established for young persons between the age of 13 and 18. They are welcome to stay in this protected shelter for up to six months after their 18th birthday.⁴⁷ Exceptions can be made for younger residents, e.g. to avoid separating siblings.

Protected shelters were created after increasing numbers of foreign minors, especially Indian boys, Nigerian girls and Chinese and Ghanaian youngsters at least suspected to be trafficked went missing from their accommodation. The *protected shelter* is a semi-open facility aiming to protect high-risk minors from disappearing and being exploited again.⁴⁸ This entails 1) external requirements, 2) an educational concept and 3) close cooperation between the relevant stakeholders.

Regarding 1): the accommodation’s external requirements must offer physical protection. The entrance door cannot be opened from the outside; an alarm system goes off at night if anyone opens the door from the inside without a key card and the entrance is monitored by CCTV. However, the address is not confidential, and the facilities cannot offer 100% protection. There have been situations in the past where perpetrators from trafficking rings ambushed girls in front of the facility. The

43 See EU project PROMISE on implementing the Barnahus model in other EU countries at www.childrenatrisk.eu/promise and PROMISE stakeholder mapping: www.childcentre.info/promise/wp-content/uploads/2016/06/114049-PROMISE-Web-versie1.pdf [21.06.2017]

44 See www.ckm-fier.nl (in Dutch) [21.06.2017]

45 See Unicef Netherlands/Defence for Children Netherlands (2013): *Child Trafficking in the Netherlands*, p. 54 et seqq.

46 European Union Agency for Fundamental Rights (FRA) (2008): *Thematic Study on Child Trafficking*, p. 52.

47 In 2012 for example the two facilities accommodated 80 young persons for an average duration of 117 days. See Defence for Children - ECPAT The Netherlands (2013): *Implementing the Core Standards for guardians of separated children in Europe, Country Assessment: The Netherlands*, p. 27, www.corestandardsforguardians.com/images/23/352.pdf [23.05.2017]

48 Central agencies regularly publish and update the indicator lists used for risk assessment.

youngsters are not locked up in the facility and can theoretically run away, which is what happened with several Vietnamese girls.

Regarding 2): the *protected shelter* follows an educational approach based on 24/7 supported accommodation aiming to reinforce the residents' assertiveness. The shelter for girls has a staff of 21, with six working during the day and one during the night. They also work with cultural mediators, especially in the case of Vietnamese victims. At the beginning, the minors are not allowed to go out alone, then, after a long process, they may go out unaccompanied but closely monitored. They may not have their own smartphone, mobile or internet access; however, they can make phone calls in agreement with and under the supervision of the shelter staff. Contacts with the outside world are limited to the school, which is run by *Jade Zorggroep*. It only caters for the residents of the two *protected shelters* and is located in the vicinity (classes are from 8:30 a.m. to 1 or 3 p.m.), or, in the case of the girls' shelter, in the retirement home next door, in which the girls sometimes cook with the residents. The protected shelter's educational approach comprises three phases: Admission—focusing on stabilisation, stay and parting—focusing on independence. Residents whose departure is approaching are placed in a separate group of four.

Regarding 3): the two shelters have been working with a new interdisciplinary risk-assessment scheme since 2016 in close collaboration with Nidos (the central body in charge of appointing guardians), COA, the JADE Foundation, the *Centre of Expertise of Aliens, Identification and Human Trafficking (EVIM)*, the immigration office and the *Expertise Centre for Human Trafficking and Human Smuggling (EMM)*. Its aim is to assess whether the victim is able to make a formal complaint, to testify and to collaborate with prosecuting authorities and what type of support and accommodation is needed. A new case is opened upon every new admission. It is immediately passed on to the police if the young person suddenly goes missing. A guardian is appointed within 24 hours of the young resident's admission. They are involved in any phone contact between minors and parents.

Assessment of the project's transferability to the German context

Policy strategy

Trafficking in human beings is an adequately covered issue in the Netherlands due to the National Action Plan, the Task Force and the independent National Rapporteur. The fact that the entire responsibility lies with a central stakeholder (i.e. the Ministry of Security and Justice) means that all prevention, witness support and anti-trafficking measures are well coordinated and follow a clear institutional structure. By analysing and assessing sound data, the National Rapporteur helps understand potential links between trafficking in human beings and sexual violence against children, while also examining various aspects, such as the double role of trafficked persons as victims and perpetrators, sexual exploitation of children by Dutch nationals abroad, organ trade and surrogacy as new forms of trafficking in human beings, etc. The data also provides insights into the number of unreported cases of trafficking in human beings in the Netherlands.

Germany has not yet established such a clear competence at the political level. Trafficking in human beings for the purpose of sexual exploitation and the trafficking of minors fall under the remit of the Federal Ministry of Family, Senior Citizens, Women and Youth, whereas trafficking in human beings for the purpose of labour exploitation falls under the remit of the Federal Ministry of Labour and Social Affairs. It is still unclear who is responsible for the new forms of trafficking and exploitation recently included in the German Criminal Code (forced begging and criminal activities). Governmental and non-governmental stakeholders working with the different forms of trafficking in human beings remain in contact through the Federal Government and Länder Working Group (BLAG) but these, once again, follow the ministries' remits, i.e. the Working Group on Trafficking in Human Beings is placed under the auspices of the Federal Ministry of Family, Senior Citizens, Women and Youth, whereas the Working Group on Labour Exploitation is under the responsibility of the Federal Ministry of Labour and Social Affairs. There is also a Working Group on the Protection of Children and Young Persons Against Sexual Violence and Exploitation that covers the trafficking and exploitation of children. This Working Group also falls under the remit of the Federal Ministry of Family, Senior Citizens, Women and Youth. The Working Groups are expert groups that have no mandate to coordinate policy measures. Germany therefore lacks both a coordinating body and a National Rapporteur on trafficking in human beings.⁴⁹ The country thereby violates its duty, as set out in Article 11 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, to set up a coordinating body and a National Rapporteur. The Dutch tripartite structure with the Ministry of Justice in charge of overall coordination, a Task Force as a support body and an independent National Rapporteur would be quite conceivable in the case of Germany.

The organisational structure with CoMensha as a central body in charge of registering all trafficked persons and dispatching them to accommodation facilities seems to work well in the Netherlands. This is mainly due to the fact that the publicly funded model of *Categorical shelter for victims of human trafficking* (COSM) was established with a total of 70 beds. The German approach is very different. The decentralised provision of accommodation and its regional discrepancies cannot work with a central dispatching system.

Discussion and evaluation of (semi-)open accommodation facilities in the Netherlands

The present study sees the semi-open nature of accommodation facilities for young unaccompanied foreign nationals as an issue. Because minors cannot be accommodated in closed facilities without the consent of a family court in the

⁴⁹ See German Institute for Human Rights (2016): Konzeptentwurf für eine nationale Berichterstattterstelle Menschenhandel und eine Koordinierungsstelle Menschenhandel. [Draft scheme for a national rapporteur on trafficking in human beings and a coordination body on trafficking in human beings.] Expertise, p. 5 [21.06.2017]

Netherlands, *Jade Zorggroep* uses what is called “protected shelters” that do not require such court approval. To understand why *protected shelters* were created in 2008, it is necessary to understand what types of accommodation were available for trafficked young persons in the Netherlands at the time. The accommodation situation was disastrous and could not fulfil the youngsters’ needs in terms of safety, separation from traffickers, age- and gender-appropriate support, qualified and, if necessary, culturally sensitive therapists and educational staff.⁵⁰ Since then, things have changed for the better and the support system has evolved towards more appropriate accommodation for trafficked minors.

Article 37 of the Convention on the Rights of the Child sets out that children may only be lawfully deprived of their liberty as a last resort and for the shortest appropriate period of time. With reference to the Dutch situation, it is up for debate whether the *protected shelter* is a proportionate measure of last resort compared with other measures that may also guarantee children’s welfare and protect them against harm by themselves and others. In view of security requirements especially, it does not seem necessary to resort to *protected shelters*. Obviously, these protected shelters are not prisons: although structural measures make it more difficult for residents to run away, this cannot be prevented entirely. This explains why some young persons always go missing from accommodation facilities (including from protected shelters) due to their involvement with certain persons, fear of the traffickers or pressure from the latter.⁵¹ Another issue that is worth discussing is the youngsters’ prospects upon their 19th birthday. An insecure legal status constitutes a serious problem. Young residents who do not hold a residence permit and have to leave the *protected shelter* at the age of 18 risk disappearing and going underground as they have no right to accommodation in the Netherlands due to their status as undocumented adults.

In Germany depriving children and young persons of their freedom by placing them in closed facilities is controversial;⁵² it is also unusual in the case of unaccompanied minors. The only case in which a regional authority contemplated establishing such a closed facility in the past two years was in connection with unaccompanied minors with behavioural issues in Bremen. However, the regional government cancelled its plans after they were harshly criticised by practitioners.⁵³

The only reference to freedom deprivation in juvenile law is in Section 42 para. 5 of the Social Code, Part VIII, which states:

- » Freedom deprivation measures may be taken as part of placement in care only if and to the extent that they are necessary to prevent risks to life or limb. Freedom

50 See Unicef Netherlands/Defence for Children Netherlands (2013): Child Trafficking in the Netherlands, p. 62 et seqq.

51 In 2012, 160 foreign youngsters disappeared from accommodation facilities. See Defence for Children - ECPAT The Netherlands (2013): Implementing the Core Standards for guardians of separated children in Europe, Country Assessment: The Netherlands, p. 30 [23.05.2017]

52 Lutz, Tilman (2016): Geschlossene Unterbringung im Fachdiskurs. [Closed accommodation in the professional discourse.] In: Forum für Kinder- und Jugendarbeit 2/2015, p. 4-7: www.kinder-undjugendarbeit.de/fileadmin/download/2015/2_2015/Lutz_Tilman_Forum_2_2015.pdf (in German) [21.06.2017]

53 See Bremen Working Group on Criminal Policy: GU für UmF? Kritische Anmerkungen zum Eckpunkte-Papier des Senats für ein „Konzept über den Umgang mit straffälligen unbegleiteten minderjährigen Flüchtlingen“: <https://bremerbuendnissozialarbeit.jimdo.com/app/download/8310228185/Offener+Brief+Geschlossene+Unterbringung+kripak+16.2.2015.pdf?t=1545074823> (in German) [21.06.2017]

deprivation without a court decision must end no later than the end of the day after it began.«

In the case of unaccompanied minors, such measures cannot be enforced without the guardian's consent. The guardian must in turn obtain authorisation from the family court in line with Section 1631b of the German Civil Code:

- » Accommodation for the child that is associated with deprivation of liberty requires the approval of the family court. Accommodation is permissible if it is necessary in the child's best interests, in particular in order to avoid any danger of harm by the child or a third party and the danger cannot be remedied by other means, including via other public assistance. Without approval, accommodation is only permissible if delay entails risk; the approval must thereafter be obtained without undue delay.«

Pursuant to the Social Code, Part VIII, such deprivation aims to sustainably safeguard the child, fully clarify the child's prospects and prepare adequate and appropriate support. The Dutch protected shelter model, however, is only intended for a medium-term stay, which contradicts any possibility of implementing the Dutch model in Germany. Other models, such as the interdisciplinary centre for trafficked children run by *Fier Fryslân*, would be more appropriate. This promising approach places children at the centre, with support services organised around them. This would also comply with the European quality criteria set out in the *Barnahus* model, which will be examined more closely in chapter 6.3.

5. Overview of the conclusions on accommodation in Germany

The introduction to the present survey highlighted that all trafficked persons have a right to safe and adequate accommodation and support as per international law. Germany has undertaken to observe these international instruments but has not yet implemented an appropriate accommodation mechanism at national level.

Accommodation and support services mainly cater for women. Even these well-established support services show that the support system is patchy. The gaps must be addressed by specialised counselling centres working with trafficked persons. Some specialised counselling centres have an explicit mandate from funders to work with female victims of sexual exploitation only. Men and minors as well as women trafficked for the purpose of labour exploitation are thereby denied support.⁵⁴ However, specialised counselling centres are usually free to at least advise male victims. Further advisory services, accompaniment and accommodation for men are sometimes possible, provided the counselling centres have access to other sources of funding (e.g. donations).

Accommodation facilities and advisory services for men and groups need to be developed, alongside special accommodation schemes for minors. Existing accommodation solutions also lack sustainable funding capable of covering the entire costs. Specialised counselling centres that have their own safe house or flats must bear additional personnel and overhead costs on top of those incurred for providing advisory services. In the absence of existing safe houses, counselling centres have to find solutions on a case-by-case basis depending on the options available in the region. Organising accommodation is often a long and bureaucratic application process. Having to find funding for short-term accommodation contradicts the urgent action needed in view of the trafficked person's risk situation.

The current system in Germany is a decentralised model spanning various accommodation options, safe houses being one of the options for trafficked persons that was mentioned. Although they are viewed favourably by many, some uncertainties remain with regard to this type of accommodation.

Safe houses for trafficked women with children:

Specialised counselling centres in Germany resorting to safe houses believe that this type of accommodation has proved useful, especially for the following reasons:

- If funded on a flat-rate basis, safe houses provide quick and unbureaucratic access to accommodation for vulnerable persons.

⁵⁴ This was the case of a specialised counselling centre in North-Rhine-Westphalia that wanted to advise and support a young man who had been forced to commit criminal offences: it could not provide the needed services as funds at regional level are reserved for female victims of trafficking. In this particular case, it was possible to refer him to the NGO "Weißer Ring". However, this does not offer a long-term institutional solution.

- Simple indications of trafficking in human beings suffice; victims do not have to provide proof to be admitted.
- In cases of (suspected) trafficking in human beings, safe houses are open to all women, regardless of their nationality.
- Unless otherwise agreed upon with the funder, the provision of services during the stay can be needs-driven.
- Safe houses can provide customised advisory services and support.
- Residents can have their privacy (depending on the safe house's layout), which is not automatically guaranteed in a women's shelter. This prevents any stigmatisation by other residents due to their experience of trafficking in human beings for the purpose of sexual exploitation.
- At full occupancy, safe houses are cheaper than renting rooms in hotels, hostels or guest houses.

However, the following must also be considered:

- Capacities are often very limited. This means that women from third countries who wish to stay in Germany can often only move out once they have sorted out a residence permit and found a flat. Due to slow and bureaucratic procedures and to the lack of affordable housing, this is often a long process.
- It is usually more difficult and time consuming to ensure that a safe house is indeed safe and protected than simply placing trafficked persons in a guest house, for example. However, this is also true for other institutions in the support system, even long-standing women's shelters for example, hence best practices and measures to ensure the facility's address remains confidential. Residents must also feel for their own safety and that of other residents.⁵⁵ For correspondence with public authorities, specialised counselling centres/women's shelters only give a post-office box as an address and always black out the address on documents to be submitted. Only the police know the location of the safe house/women's shelter.
- If a resident's security is at risk, they have to move to a new safe house.

A wide range of accommodation options

The wide range of accommodation options organised at regional level in the form of decentralised accommodation schemes is based not only on safe houses, but also on hotels, guest houses, hostels and other types of accommodation. This has the following advantages:

- The variety of accommodation solutions makes it possible to fulfil at least part of the specific needs and wishes of trafficked persons. Specialised counselling centres must take a decision based on what makes the most sense and what

⁵⁵ Women usually have to sign a contract with the specialised counselling centre upon their admission agreeing 1) not to divulge the location of the house, 2) not to entertain guests, 3) not to meet up with visitors anywhere nearer than one tube station away from the house, etc.

they can afford depending on regional specificities and the centre's staff and financial situation.

- Using a selection of different places of accommodation also offers a high level of protection against traffickers and criminal networks as it is not foreseeable where clients are actually staying.

However, one must bear in mind the following when using a pool of various accommodation options:

- The procedure must be defined anew for every single trafficking case, i.e. the organisation must look for an appropriate accommodation, contact it to enquire about free places and settle funding if necessary. This flexibility is both a positive aspect and a considerable source of work for specialised counselling centres, who have to find a free place for the client and negotiate funding with the relevant funding agency or, if it is unclear who will bear the costs, find their own source of funding or pay for the accommodation out of their pocket to begin.

The German accommodation landscape is currently characterised by its manifoldness, which makes it possible to find tailored solutions. However, the current offer is by no means sufficient, be it for trafficked women, men or minors. This is true in terms of the number of accommodation facilities and their funding, which is a regular challenge for specialised counselling centres.

The current situation in Germany as described and its comparison with two neighbouring countries, the Netherlands and Austria, have enabled us to draw key conclusions about accommodation for trafficked persons in Germany. Due to the remit of many specialised counselling centres, they tend to concentrate on female victims of different forms of trafficking in human beings.

Conclusion 1: Specialised counselling centres are essential

Trafficking in human beings has a complex and harmful impact on the lives of victims. Trafficked persons who manage to break out of exploitation suddenly face various other challenges: who can they trust? Where can they find a safe place to stay where they will be protected from the traffickers and separated from the exploitative environment and who will pay for it? How are they going to survive without work? What rights and duties will they have now that they have managed to come out of exploitation? Do they have to testify before the police? Will they be allowed to stay in Germany although they may not have a residence permit? How can they access medical care and therapy? These are the questions specialised counselling centres supporting trafficked persons can answer as they are in charge of offering advice, support and, if necessary, safe accommodation to victims. Protecting trafficked persons will remain a political and social duty for specialised counselling centres as long as politics and society are not able to effectively prevent trafficking in human beings.

Conclusion 2: Outer security is necessary for an inner sense of safety

For trafficked persons, security through safe and anonymous accommodation is an existential precondition for an inner sense of safety. Therapy is more effective in a safe environment: the patient can be stabilised more quickly, and clients therefore regain independence sooner. Safe accommodation is a basic condition to ensure that the trafficked person will overcome trauma and stand in as a stable witness during the proceedings.

Conclusion 3: Accommodation requires a holistic approach

In view of trafficked persons' complex situation, safe accommodation does not only mean providing a roof over their head. Safe accommodation requires a holistic approach working with specialised counselling centres. This includes at least therapy, medical and financial assistance, information, psychosocial support and accompaniment. One must bear in mind in connection with accommodation schemes that related support services entail three different phases: crisis intervention and stabilisation upon the client's arrival, helping the client gain a foothold during the duration of their stay and preparing them for moving out and finally organising subsequent housing. The first phase requires much more intensive support than the other two; this must be taken into account when budgeting for support services.

Conclusion 4: The accommodation landscape varies a lot regionally and is usually patchy

The accommodation landscape varies a lot depending on the region/federal state and is contingent on different factors:

- Is there a specialised counselling centre in this region and how is it funded and staffed?
- Does the specialised counselling centre have an official mandate and funding to work with trafficked women, men and minors and to deal with all forms of exploitation?
- Does the specialised counselling centre have its own safe house, what is it like in terms of beds, services and security measures and how is it funded?
- Is there a women's shelter in the area, does it have any available places, and does it admit trafficked persons and their children?
- Are there any accommodation facilities for trafficked persons with additional issues such as alcohol or drug addictions?

Some specialised counselling centres have their own safe house for women with children. They vary and can take the form of individual flats or as shared housing with places for several persons including children. In other regions, specialised counselling centres have access to various accommodation options for trafficked persons such as women's shelters, privately let flats, hotels, students' halls or

conference guest houses. Both have their advantages and disadvantages; practitioners should ideally examine which of the available accommodation options is the best to fulfil the client's needs and wishes, e.g. in which type of housing a woman can both be as independent as possible and receive as much support as necessary. However, any type of accommodation requires funding and financial resources are often insufficient. Specialised counselling centres therefore often have limited options, meaning that accommodation cannot always fulfil the clients' needs.

6. Recommendations on improving the accommodation landscape

With the view of gaining better understanding of this phenomenon, we shall list and examine recommended measures applying to women/families, minors and men separately. However, protection schemes for all target groups must be interlinked in practice as more and more clients from these three groups are seeking support from specialised counselling centres. All groups therefore have acute needs for safe accommodation. Accommodation options must retain their diversity in order to fulfil the different accommodation needs and requirements of trafficked persons. Generally speaking, accommodation urgently needs to be developed.

6.1 Developing accommodation for women and families and ensuring sustainable funding (W)⁵⁶

RECOMMENDATION W1: Adapting accommodation to the needs of trafficked persons

After escaping from an exploitative situation, trafficked women primarily need protection and security, peace and stability/stabilisation, trust, information and support, including help with (re-)gaining their independence. Such services are provided by specialised counselling centres. To be appropriate, housing must also aim to meet these needs if accommodation and support services are integrated, e.g. in a safe house. If this is not the case, accommodation and specialised counselling centre must be linked to ensure at least the following:

- **Protection and security:** safe accommodation must offer immediate security to trafficked women. Trafficking in human beings is sometimes closely linked to organised crime and traffickers generally pose a danger; trafficked persons must therefore be shielded from any renewed risk from perpetrators by moving them to a different location.
- **Peace and stabilisation:** safe accommodation must offer enough privacy for residents to allow them to find peace. Women with children/families must have separate rooms/units. Safe accommodation must also include psychosocial support to make sure residents not only have a sense of security but also a sense of stability to plan their next steps and build a (professional) future for themselves.
- **Trust and qualified staff:** the specialised counselling centres' extensive experience shows that violence and exploitation have a traumatic effect

⁵⁶ The acronym "W" refers to recommendations regarding accommodation and support for trafficked women/families. Women and families are included under the same point as the vast majority of reported cases in practice generally concern women with families/children.

on many trafficked persons, who usually experience fear, threats, coercion, pressure, lack of freedom and violence during their ordeal. Trafficked persons feel powerless and deprived of their autonomy. This is compounded by the abuse of trust committed by persons whom they thought they could believe and who deceived them to exploit them.⁵⁷ They can receive adequate support from practitioners qualified in trauma-informed pedagogy. In the case of foreign clients, resorting to professionals who have the same mother tongue has proved effective. Interpreters must also have awareness of the issue and be trustworthy.

- **Information:** all clients must be offered easy access to their rights in their own language to ensure they can enforce them. Support services must therefore be available in various languages.
- **(Re-)gaining their independence:** despite necessary security requirements, safe accommodation facilities must not be totally isolated. Clients need to be able to access public transport, shops, schools, kindergartens and culture to find their way (back) to independence.
- **Support:** safe accommodation for women must provide access to psychosocial, legal and financial support and to adequate healthcare. Accommodation must be available for as long as necessary, without any time restriction. However, the aim is to ensure women can lead an independent life in their own dwellings. To make this possible, specialised counselling centres must support clients during their transition to independent accommodation.

RECOMMENDATION W2: Ensuring a low threshold for access

Access to safe accommodation must have a low threshold and not depend on nationality, residence permit, income or wealth. The trafficking must not have to be proved before a criminal court. Simple indications must suffice to grant access to accommodation.

For security reasons, access to safe accommodation should only be granted through specialised counselling centres or the police. However, all relevant stakeholders must be aware that trafficked persons can be provided safe accommodation and know which specialised counselling centres are in charge. These stakeholders include the prosecutors' offices, customs, hospitals, medical authorities, GPs or community health centres, local authorities, Youth Welfare Offices, job centres, railway missions ("Bahnhofsmission"), homeless shelters, facilities for asylum seekers and refugees, counselling centres and outreach workers. They should contact their nearest specialised counselling centre to allow access to accommodation. Round tables, working groups and networking events on trafficking in human beings have proved to be an effective means of

⁵⁷ See Ban Ying/ONA (2009): Psychosoziale Betreuung und Beratung von Betroffenen des Menschenhandels: [Psychosocial counselling and support for trafficked persons:] www.ban-ying.de/sites/default/files/Psychosoziale%20versorgung.pdf (in German) [21.06.2017]

informing other stakeholders of the existence of specialised counselling centres and of sharing experience with other professionals.

RECOMMENDATION W3: Increasing the number of safe houses funded on a flat-rate basis

Experience over the years has shown that safe houses that are sustainably and comprehensively funded on a flat-rate basis provide overall protection for trafficked women and their children, help them sustain their livelihoods and enable access to adequate advice, support and accompaniment services, provided that the funding also covers the staff needed to ensure extra support services (see below: the example of Bang Ying, which both has a specialised counselling centre and a safe house). Otherwise, it is strongly advisable to establish links between safe houses and specialised counselling centres providing the necessary advice and support services. Funding safe houses on a flat-rate basis addresses a common issue for specialised counselling centres, i.e. occupancy-based funding. Provided there are available places, safe houses funded on a flat-rate basis help provide accommodation in a prompt and unbureaucratic manner to women suspected of being trafficked, regardless of their nationality and residence permit, for the needed duration in accordance with one principle: “as short as possible and as long as necessary”. Having access to several safe houses means that clients can be “swapped” if there is any risk and that they can be efficiently protected against traffickers and criminal networks.

It is recommended this model should be developed in all regions.⁵⁸ The number of safe houses funded on a flat-rate basis must be increased to offer sufficient coverage nationwide for victims of all forms of trafficking.⁵⁹ Special safe houses for families must be established. This would help the Federal Government comply with international law and at least ensure safe accommodation and psychological and financial support for trafficked women and families.

→ **Example of Berlin:** the local government in Berlin currently funds two safe houses on a flat-rate basis for (suspected) victims of trafficking in human beings. One is run by ONA, the other by Ban Ying. Ban Ying’s accommodation scheme is linked to a specialised counselling centre with social workers, interpreters and other casual workers also funded by the local government. Funding is granted for two years at a time, after which a

⁵⁸ There is one exception, Thuringia, which has no specialised counselling centres. In the case of Saarland, on the other hand, there are concerns that the region may be too small and rural to keep a safe house’s location confidential in the long term. However, it could offer an interesting solution for women from other regions.

⁵⁹ Certain quality standards must be met. The following document offers a useful guideline: Women’s shelter coordination network Frauenhauskoordination e.V. (2014): Qualitätsempfehlungen für Frauenhäuser und Fachberatungsstellen für gewaltbetroffene Frauen [Quality recommendations for women’s shelters and specialised counselling centres for female victims of violence], www.big-berlin.info/sites/default/files/uploads/1412_FHK_Qualitaetsempfehlungen_fuer_Frauenhaeuser_und_Fachberatungsstelle_n_2014_web.pdf (in German) [23.05.2017]

new application must be made. However, the specialised counselling centres are free to set their own budget and focus for the ensuing two years.

RECOMMENDATION W4: Easing the transition to independent living through the “safe house+” model

Once clients are ready to leave the safe house and lead an independent life and all legal requirements are met, it is often difficult to find a privately-let flat, especially in big cities, due to housing shortages. A small privately-let flat linked to the existing safe houses could be a solution, offering women under particular stress who still need some form of support after moving out some privacy while making them more and more independent. This type of support requires limited additional personnel costs for specialised counselling centres.

It is recommended to examine whether such housing projects can be funded with national or regional means. One possibility would be for the Federal Government to put out to tender this safe house+ [Schutzhaus+] as a multi-year pilot project with start-up funding. The project should then be evaluated to determine whether it is an appropriate medium term supported accommodation option with external support services. If so, the regions should undertake to include this accommodation scheme in their regional budget.

RECOMMENDATION W5: Finding funding solutions

Some regions have established a regional fund to provide specialised counselling centres with financial resources for the accommodation of trafficked persons. This ensures trafficked persons can receive more support and makes the specialised counselling centres’ work easier. However, in some cases, the funds are explicitly aimed at clients from EU countries or third countries and exclude German nationals. Unfortunately, experience has shown that the funds are depleted as soon as there is a rise in the number of cases. To address this, it should be examined whether it would make sense to set up an additional national fund with adequate financial resources to supplement funding for temporary accommodation for victims of trafficking in human beings and define how it could be organised. The regions could use this fund as and when they need it and allocate the means to the specialised counselling centres in charge of providing accommodation to trafficked person.⁶⁰ Ideally, the specialised counselling centres would only have to issue an invoice for accommodation, which would account for speedier and less bureaucratic procedures. Local authorities would also have to be involved.

Trafficked persons would thereby always have access to safe accommodation even if it is unclear who is funding it, for example, if initial financial support is needed for the client in the safe house or if the client is going through an

⁶⁰ There are similar models in the refugee sector, with local authorities undertaking financial compensation.

existential crisis. Experiences with existing regional funds should be taken into account and civil society, especially specialised counselling centres, should be involved in this process.

RECOMMENDATION W6: Improving the psychotherapy provision nationwide

Due to the violence and exploitation, there is a risk of trauma among women and this can have an impact on their behaviour. If it remains unaddressed, victims may find it difficult or even impossible to regain agency, to plan their future and to reintegrate society. However, trauma therapy only becomes possible once the clients have reached a form of “outer calm” and have a feeling of physical and (in the case of foreigners) legal security, i.e. have long-term housing and a secure residence permit. This is why stabilisation therapy should also be offered alongside a safe environment. Mental healthcare provision is absolutely inadequate in all regions⁶¹ and must urgently be improved. For this to happen there must be more psychotherapists, if possible specialised in trauma therapy, everywhere including in rural regions, and who also treat foreign patients in their mother tongue or are prepared to work through interpreters. But first and foremost, trafficked persons must have a legal right to psychotherapy enshrined in law, with sustainable funding to ensure clients with a precarious/illegal residency status or with no health insurance have a right and access to psychotherapy.

OVERVIEW OF THE RECOMMENDATIONS:

Developing accommodation for women and families and ensuring sustainable funding

- Adapting accommodation to the needs of trafficked persons
- Ensuring a low threshold for access
- Increasing the number of safe houses funded on a flat-rate basis
- Easing the transition to independent living through the “safe house+” model
- Finding funding solutions
- Improving the psychotherapy provision nationwide

⁶¹ See ado, bff, KOK and VBRG (29 March 2017): Gemeinsame Stellungnahme zum Ersten Arbeitsentwurf eines Gesetzes zur Regelung des Sozialen Entschädigungsrechts (SGB XIII) [Joint position paper on the first draft of an act on social compensation provisions (Social Code, Part XIII)] on 10 January 2017

6.2 Establishing accommodation facilities and support and counselling services for men (M) ⁶²

RECOMMENDATION M1: Rooting the topic in the political discourse at national and regional level

Male victims of all forms of trafficking in human beings have the same right to protection, safe accommodation and support services enshrined in law as other target groups. However, to enforce this right to protection, the issue must be more firmly rooted in the political discourse at national and regional level. In a position paper on the 2012 report on the situation of women's shelters, specialised counselling centres and other support services for female victims of violence and their children, the Federal Government announced the following:

"As soon as the Federal Government has reliable insights into the needs of male victims of violence, it will examine what measures are needed at national level to improve their protection and implement them." (p. IX)

However, trafficking in human beings is not explicitly mentioned in this context. The Federal Government should implement the aforementioned measures and disclose any findings, then draw the necessary conclusions, always bearing in mind the case of trafficked men. A recent study by KOK has revealed that biased and stereotypical media coverage contributes to bolstering the view in political spheres, the wider public and public authorities that men are only ever victims of trafficking in human beings for the purpose of labour exploitation.⁶³ However, all governmental and non-governmental measures should cover all forms of exploitation involved in trafficking in human beings, i.e. even sexual exploitation, exploitative begging or forced criminal activities.

RECOMMENDATION M2: Taking stock

It is necessary to take stock of the current advisory and support landscape for male victims of violence. The Federal Government must examine the existing services, how they are funded and organised, and which stakeholders could be considered to expand the existing advisory and safe accommodation services for men exploited for all forms of trafficking in human beings.

RECOMMENDATION M3: Drawing on past experience

Developing gender-specific advisory and accommodation schemes will need to be based on past experience. According to Austrian counselling centre MEN VIA, men often find it more difficult than women to self-identify as

⁶² The acronym "M" refers to recommendations regarding accommodation and support for trafficked men.

⁶³ KOK (2016): Menschenhandel zum Zweck der Arbeitsausbeutung und schwere Arbeitsausbeutung von Frauen - ein nicht gesehenes Phänomen? [Trafficking in human beings for the purpose of labour exploitation and serious labour exploitation of women - an invisible phenomenon?]

victims and accept support. Specialised counselling centres have also reported that some police forces, public authorities but also social workers in Germany are not convinced that men can be victims of trafficking in human beings, and all the more so in the case of sexual exploitation. According to the local government in Berlin, the few German cases in which accommodation was provided to male victims of labour exploitation have shown that they have very different needs to those of trafficked women. The focus was less on intensive psychosocial support than on accommodation and financial support for the short time needed until the next steps became clear.⁶⁴ It will be necessary to take into account the services for male victims of violence and forced marriage that already exist in Germany to develop new support services. Even if they have not had any experience with trafficking in human beings, there are a few safe houses for men over 18 and their children.⁶⁵ These are open to all men regardless of their origin, religion, sexual orientation or identity and are directed at male victims of domestic, sexual, social or economic violence.⁶⁶ It would be advisable to draw on the experience of the Men's Health Centre and counselling centre MEN VIA in Vienna (Austria) to find out more about the specificities of counselling and accommodation services for men. There are no similar services for men in Germany to date.

RECOMMENDATION M4: Linking new services with existing support structures

Specialised accommodation for trafficked men should be linked to various counselling centres for men and victims and to healthcare centres to cover various types of violence and exploitation within the network. They should ensure that the existing additional support and counselling services are known. We recommend close collaboration with specialised counselling centres working with trafficked persons.

We will not discuss whether specialised accommodation facilities for men should be linked to trade union organisations. The narrow focus on labour exploitation and trafficking in human beings for the purpose of labour exploitation entails the risk of not reaching male victims of other forms of exploitation or even ignoring them completely. Trade union organisations also tend to focus on labour law issues and do not offer holistic psychosocial counselling (even if it is needed and wanted). Such services can be useful in some cases but not in many other cases where holistic counselling and support is indeed needed.

⁶⁴ Email from the local government in Berlin on 17 August 2017.

⁶⁵ Phone interview with the regional support organisation for male workers in Saxony [Landesfachstelle Männerarbeit Sachsen] on 15 June 2017.

⁶⁶ The two most recent safe houses to have opened on 1 February 2017 are the project MännerHaus Leipzig's safe house for men (funded by LEMANN: www.lemann-netzwerk.de/index.php?id=61) (in German)) and a safe house in Dresden, which is run by organisation Männernetzwerk Dresden: <https://mnw-dd.de/maennerschutz-wer-sind-wir.html> (in German) [23.05.2017]. Other facilities also have extensive experience, such as the safe house for men in Oldenburg (Lower-Saxony).

OVERVIEW OF THE RECOMMENDATIONS:

Establishing accommodation facilities and support and counselling services for men

- Rooting the topic in the political discourse at national and regional level
 - Taking stock
 - Drawing on past experience
 - Linking new services with existing support structures
-

6.3 Developing special accommodation schemes for children and young persons (C)⁶⁷

RECOMMENDATION C1: Establishing accommodation schemes that meet the needs of trafficked minors and are incorporated into the youth welfare system

Special and safe accommodation that meets the needs of German and foreign trafficked minors must be established and integrated into the youth welfare system. Such schemes should also cover the needs of vulnerable 18 to 21 olds, as Sections 232 to 233 of the German Criminal Code explicitly mention the age group up to 21. In the past, minors have been housed in women's shelters (there are no accommodation facilities for sexually exploited boys), hotels or, in the case of foreign children, emergency shelters/safe houses or shared accommodation for adult asylum seekers or reception centres. However, this does not suit the position of vulnerability of trafficked minors nor fulfil their legal right to have their best interests taken into account in line with the Convention on the Rights of the Child. It is recommended that the Asylum Procedures Act [Asylverfahrensgesetz] should be amended to ensure that unaccompanied minors are only housed in youth welfare institutions. Accommodation schemes for trafficked minors must comply with the minimum standards set out for trafficked persons and with the quality standards for youth welfare. Awareness raising and training for Youth Welfare Office and youth welfare institution staff as well as for guardians are essential. At the same time, existing youth welfare institutions must reflect on the way they deal with trafficked minors. These children and young persons often find it difficult to abide by the rules of regular institutions. This should not lead to them receiving no protection due to their failure to comply with the rules, e.g. their being expelled from a facility because of violent behaviour, infringement, etc. They must have the chance to be readmitted. Schemes that take into account such cases and offer measures to help them get back on their feet are therefore necessary.

RECOMMENDATION C2: Following an interdisciplinary approach

Cases of sexual violence, trafficking in human beings and exploitation of children always involve many stakeholders, be it for their identification, counselling, support (financial or otherwise) or prosecution. In Germany, it is for the child to go to the relevant institutions. However, experiences with the Barnahus scheme from various European countries have shown that an approach based on the child's perspective is much more appropriate to protect the child's best interests. The German support system also needs reorganising. It is recommended that an interdisciplinary network should be institutionally set up for cases of child trafficking (i.e. Youth Welfare Office, managing organisations of youth welfare institutions, guardians, stakeholders working with migrants and asylum seekers) to find new appropriate accommodation solutions for German and foreign trafficked

⁶⁷ The acronym "C" refers to recommendations regarding accommodation and support for trafficked children and young persons.

minors. The positive experience gained with the Barnahus model in Scandinavian countries with its child-centred approach and its concept of uniting all stakeholders of the support system under one roof in a “children’s house” could serve as a model. The Council of the Baltic Sea States has launched an EU project, “PROMISE”, which has identified ten Barnahus quality standards⁶⁸ and is carrying out model projects on its implementation in various EU countries. It is recommended that the applicability of these standards in Germany should be examined. The PROMISE Tracking Tool, a self-evaluation instrument, could also be used.⁶⁹

RECOMMENDATION C3: Promoting social integration and resource strengthening within accommodation facilities

It is important to make sure accommodation does not make trafficked persons isolated. Living with peers who have gone through a similar experience of exile and migration can be positive. Counselling schemes within accommodation facilities should draw on the youngsters’ resources instead of highlighting their flaws and vulnerabilities. Vulnerability in this respect is defined as the interaction between risk and resilience. Studies have indicated that children’s vulnerability is mainly the result of a lack of impact and status to uphold their rights and address legal rights violations and not a result of limited capabilities.⁷⁰ Irrespective of their origin, young persons should be integrated back into everyday life as soon as possible (through school or an apprenticeship, contacts with peers, by having the ability to spend their leisure time doing what they like, etc.). Regardless of the type of accommodation, the social integration of minors should be promoted within the local community.

RECOMMENDATION C4: Discussing principles applying to accommodation schemes and adapting them if necessary

Germany has no standards for special accommodation schemes for trafficked children and young people, which is why the following principles based on British considerations could provide guidance:⁷¹

68 European Barnahus Quality Standards: <http://www.childrenatrisk.eu/promise/european-barnahus-quality-standards/> [20.08.2017]

69 PROMISE Tracking Tool: <http://www.childrenatrisk.eu/promise/trackingtool/> [20.08.2017]

70 See ECPAT Germany (2017): Risikoanalyse Kinder auf der Flucht. Risiken sexueller Gewalt für geflüchtete Kinder und Schutzbedarfe [Risk analysis: the risks of sexual violence for child refugees and their needs] (unpublished to date), with reference to the UNICEF Innocenti Research Center, Save the Children (2005): The Evolving Capacities of the Child, p. 32.
71 Based on ECPAT UK (2014): On the Safe Side. Principles for the safe accommodation of child victims of trafficking, www.ecpat.org.uk/sites/default/files/on_the_safe_side.pdf [23.05.2017]. We strongly recommend reading the original brochure as it includes many practical tips and a wealth of information on each of the ten principles. It can provide useful guidance for practitioners, even though they will have to reflect on whether measures make sense in a particular case. Example of Principle 4: “Particular security measures” Children should be housed in safe accommodation

- 1) All measures and considerations regarding accommodation and care must be based on the **best interests of the child**.
- 2) Children/young persons must be asked about **their opinion**.
- 3) Young persons must have enough information about their accommodation and care to take an **informed decision**; remark by the author: additional considerations are required in the case of young persons under the age of 14 as they can also be taken into care against their will. However, this can have a “revolving door effect”, i.e. a young person taken into care against their will is more likely not to remain in the facility and to go missing.
- 4) Particular **security measures** must be implemented in the first 72 hours after first contact with the child (see above examples of specific measures in footnote 70).
- 5) Safe accommodation does not only concern physical security: the psychological aspect of the child and the impact of any potential **trauma** must also be recognised. When trauma is not understood, the behaviour of traumatised children and young persons may be seen as challenging, dismissive, unsuited or inadequate, which can have a negative impact on the relationship with their carers. In order to avoid this, the educational staff working in institutions should at least have received trauma informed pedagogy training. Cultural sensitivity is also necessary to care for foreign minors. Pedagogical staff must understand the migration or refugee context and show empathy for the young persons’ experiences.
- 6) The safe accommodation and **care needs** of children/young persons **change over time** and should be regularly assessed.
- 7) Children should **not feel punished or locked up** by measures taken to help keep them safe in accommodation.
- 8) Children should be given access to psychosocial and legal **support** as well as to adequate healthcare, financial support and education as part of safe accommodation for children/young persons.
- 9) All professionals working with trafficked children should be **trained** to the specific needs of children and young persons.

as far as possible from the environment in which they were exploited; the location of the child’s placement should be kept confidential from all authorities except the police; the child must be told about the risks involved in running away and how to come back (e.g. laminated contact cards with an emergency telephone number); they must be asked what can help make them feel safe; children exploited in the same context must be separated, unless there are siblings, as there is a risk of one of them keeping in touch with the traffickers; adults must keep an eye on any warning signs that the child might go missing, which requires careful observation.

- 10) Efforts to keep children and young persons **safe** should involve the wider community in ways that help create an environment that is difficult for traffickers and organised crime to operate.

These ten principles are to be seen as interconnected and complementary. Taken separately, they cannot guarantee the same level of accommodation security, which is why it is not recommended to implement them in isolation.

OVERVIEW OF THE RECOMMENDATIONS:

Establishing special accommodation schemes for children and young persons

- Establishing accommodation schemes that meets the needs of trafficked minors and are incorporated into the youth welfare system
 - Following an interdisciplinary approach
 - Promoting social integration and resource strengthening within accommodation facilities
 - Discussing principles applying to accommodation schemes and adapting them if necessary
-

6.4 Additional general recommendations for the Federal Government and the regions (G)⁷²

RECOMMENDATION G1: Securing funding for accommodation and support services for trafficked persons

Specialised counselling centres and public authorities sometimes resort to women's shelters as accommodation for trafficked persons, partly because there are no other options, partly because they offer the best solution for women. The funding of women's shelters is challenging, as is that of safe houses run by specialised counselling centres. All policy efforts and suggestions for nationally consistent and flat-rate funding of women's shelters and other facilities that provide protection and help to female victims of violence have proved unsuccessful.⁷³ The accommodation landscape for trafficked persons is insufficient; resorting to women's shelters is often not possible due to a lack of available places or the profile of the client group (e.g. men, transgender persons, women with a family/older children, children and young persons). A serious political debate on how to ensure safe and secure accommodation for trafficked persons is urgently needed. New funding models have to be developed and investigated and solutions must be found.

RECOMMENDATION G2: Establishing and implementing a national action plan

The Federal Government urgently needs to establish a national action plan to combat trafficking in human beings and enforce victims' rights defining specific measures and competences as well as a time frame. Civil society, academia and, if necessary, victims and other stakeholders must also be involved on equal terms in its preparation. The action plan must at least cover qualification and awareness-raising, prevention, prosecution, witness protection and victims' rights. It must provide for needs-based schemes and stable funding of accommodation for trafficked persons. While the plan should distinguish between the various groups of victims, it should avoid establishing different accommodation and support services depending on the form of exploitation. Its implementation should be supervised and monitored by an independent expert body and reviewed after five years, with the outcomes of the review broadly discussed.

⁷² The acronym "G" refers to recommendations at national and regional level.

⁷³ See parliamentary question put by the group DIE LINKE: Legal right to protection and support for female victims of violence - promoting nationally consistent funding, Bundestag printed paper no. 18/7540 of 16 February 2016, <http://dipbt.bundestag.de/extrakt/ba/WP18/723/72359.html> (in German) [23.05.2017]; Bundestag Academic Department (22.05.2014): Federal regulation on the funding of women's shelters. Analysis of the Federal Government's report (Bundestag printed paper no. 17/10500) and of the Bundestag's Committee on Family, Senior Citizens, Women and Youth's hearing on 10 December 2012 www.bundestag.de/blob/422388/e8d306b5cd8993747c336dbdb9ea161b/wd-3-084-14-pdf-data.pdf (in German) [23.05.2017]

RECOMMENDATION G3: Implementing an overall strategy framework by the Federal Government

In order to establish and implement a national action plan, Germany needs an overall strategy framework on tackling trafficking in human beings, prevention, victim protection and the coordination of related measures. Now that the criminal offences relating to trafficking in human beings have been reorganised, splitting responsibility between the Federal Ministry of Family, Senior Citizens, Women and Youth in the case of sexual exploitation and trafficking of minors and the Federal Ministry of Labour and Social Affairs in the case of trafficking in human beings for the purpose of labour exploitation is no longer appropriate. Examples of other European countries have indeed shown that establishing a coordination body can help promote contacts between relevant ministries and public authorities, NGOs and prosecuting authorities to set out consistent measures to combat trafficking in human beings and provide support to victims in line with their needs.

RECOMMENDATION G4: Concluding/extending/implementing cooperation agreements

KOK's experience has shown that cooperation agreements that are applied in practice are a model for success. Clearly defined institutional cooperation at regional level between specialised counselling centres, the police and, if necessary, other relevant stakeholders has proved useful. However, existing cooperation schemes must be developed and new cooperation models established, e.g. for minors, men, etc. Thirteen regions already have a cooperation agreement, contract or decree. Such an agreement should also be drawn up by Schleswig-Holstein and Bremen. Thuringia remains an exception, as it is the only region with no specialised counselling centre. The cooperation agreements should explicitly set out guidelines on safe accommodation and their practical implementation should be regularly monitored. Cooperation agreements should be complemented by round tables bringing together all relevant stakeholders. It is also recommended that coordination bodies should be set up to help addressing any potential challenges in the cooperation. The existing agreements must also be reviewed to include other forms of trafficking in human beings.

RECOMMENDATION G5: Promoting interdisciplinary collaboration within the support system

It is necessary to integrate the support system for trafficked persons with other counselling centres to ensure trafficked persons are identified (sooner) and provided with the support and counselling they need. This is particularly true for services for homeless people, men, migrants or asylum seekers, addiction counselling or victim support services, health education centres, counselling centres in the field of sexual violence against children and integration support services for persons with a disability, among others. However, this requires adequate resources. Offering practical training to various groups of professionals has proved useful in this respect, but this type of measure is resource-consuming. The trained participants should then

be required to act as disseminators within their region and be responsible for improving local networking. Another practical training event should be organised two years later to find out how the collaboration has worked out and whether there are any challenges.

OVERVIEW OF THE DEMANDS:

Additional general recommendations for the Federal Government and the regions

- Securing funding for accommodation and support services for trafficked persons
 - Establishing and implementing a national action plan
 - Implementing an overall strategy framework by the Federal Government
 - Concluding/extending/implementing cooperation agreements
 - Promoting interdisciplinary collaboration within the support system
-

7. Annex

- A. Questionnaire sent to KOK member organisations
- B. List of questions sent to trade-union counselling centres
- C. List of all interviewees and visited facilities

Annex A: Questionnaire sent to KOK member organisations

ENQUIRY FOR KOK MEMBER ORGANISATIONS Accommodation for trafficked persons in Germany

Dear KOK member,

As mentioned during the last General Assembly on 24 February 2017 in Berlin, we would lobby the coming government for better accommodation for trafficked persons. In order to do this, we need your expertise as professionals!

What is the situation like, exactly? We would like to ask you to complete this questionnaire and to return it by **Monday, 27 March 2017**.

Thank you!

1. What accommodation options do you use for trafficked women?

- a. How many places are available for this target group?
- b. Do women in this specific type of accommodation have access to healthcare/mental healthcare?

☐ Specialised safe house; number of beds _____.
Access to healthcare/mental care _____

☐ Hotel/guest house; number of beds _____.
Access to healthcare/mental healthcare _____

☐ Women's shelter; number of beds _____.
Access to healthcare/ mental healthcare _____

☐ Accommodation facility for female asylum seekers;
number of beds _____. Access to healthcare/ mental healthcare

☐ Shelter for homeless women; number of beds _____.
Access to healthcare/ mental healthcare _____

☐ Other type of accommodation: please specify _____

2. What accommodation options do you use for trafficked men?

- a. How many places are available for this target group?
- b. Do men in this specific type of accommodation have access to healthcare/ mental healthcare?

- ☐ Hotel/guest house; number of beds _____.
Access to healthcare/mental healthcare _____
 - ☐ Homeless shelter; number of beds _____.
Access to healthcare/ mental healthcare _____
 - ☐ Accommodation facility for male asylum seekers; number of
beds _____. Access to healthcare/ mental healthcare _____
 - ☐ Other type of accommodation: please specify _____
 - ☐ We have not had any cases of trafficked men but would provide advice
and support to them.
 - ☐ We cannot provide any advice to men (as per funder's instructions)
 - ☐ We cannot provide any support to men (as per funder's instructions)
-

3. What accommodation options do you use for trafficked minors? How many places are available for this target group?

- ☐ Youth welfare institution; number of beds _____
 - ☐ Accommodation facility for unaccompanied minors; number of
beds _____
 - ☐ Women's shelter; number of beds _____
 - ☐ Girls' refuge; number of beds _____
 - ☐ Other: please specify _____
 - ☐ We have not had any cases of trafficked minors but would provide
advice and support to them.
 - ☐ We cannot provide any advice and support to minors (as per funder's
instructions)
 - ☐ We cannot provide any support to minors (as per funder's instructions)
-

4. How are families and groups accommodated?

5. How are vulnerable persons accommodated (e.g. persons with addiction issues and with physical and/or mental disabilities, traumatised persons, LGBTI and others)?

6. How do trafficked persons access the accommodation?

- ☐ Women:
 - ☐ Men:
 - ☐ LGBTI
 - ☐ Families/groups:
 - ☐ Minors:
-

7. What conditions/restrictions are imposed for trafficked persons to be able to access accommodation? E.g.: only persons identified as having been trafficked, no contact with the traffickers, women with children (older boys), risk aspects, non-EU countries, etc.

8. Are any distinctions made between different forms of exploitation with regard to the type of accommodation? E.g.: cases of sexual exploitation vs. forced criminal offences.

- ☐ No
 - ☐ Yes, which distinctions and why? _____
-

9. What has been your experience with accommodation for victims of the “new” forms of exploitation, i.e. forced begging or criminal activities?

10. How is the residents’ safety in the accommodation ensured? Are there any particular safety measures?

11. How do you fund accommodation for trafficked persons?

12. What is the focus of your accommodation scheme? Please explain briefly.

13. Where do you see the greatest gaps/need for action?

Gaps:

Action needed at regional level:

Action needed at national level:

In which areas do you need practical support:

14. Please outline briefly an example of best/good practice from your everyday work which can be used as a basis for other measures/that could be transferred to other regions.

15. Do you have any other comments/advice regarding accommodation and the current and future situation?

16. Information regarding your organisation/specialised counselling centre

Name of the organisation:

Target group(s):

If applicable: Funder:

Annex B. List of questions for trade union counselling centres

Dear XXX,

The German NGO Network against Trafficking in Human Beings (KOK – Berlin) is preparing a report on the implementation of EU Directive 2011/36 on trafficking in human beings in Germany. It will focus on the current accommodation situation of victims of all forms of trafficking and exploitation, especially of the “new” forms of exploitation, i.e. forced begging and criminal activities.

On behalf of KOK, I would kindly ask you to provide the following information:

- 1) Is accommodation needed in your everyday counselling work?
 - a. For which target groups?
 - b. What type of accommodation is needed (mainly short-term accommodation in a safe house, accommodation only or alongside advisory services, other...)?
- 2) What accommodation options have you been using up to now? E.g. Hotels/guest houses, homeless shelters, accommodation facilities for asylum seekers, other
- 3) What has been your experience with persons trafficked for the purpose of force begging and/or forced criminal activities and what accommodation was provided?
- 4) Do you provide accommodation for larger groups (over 6) and families?
- 5) In which cases do you collaborate with specialised counselling centres working with trafficked persons? How has this collaboration worked?
- 6) What are the greatest gaps/need for action with regard to accommodation of victims of (trafficking for the purpose of) labour exploitation?
- 7) What good practices in the field of accommodation have you used when working with victims of (trafficking for the purpose of) labour exploitation?

Annex C. Overview of all interviewees and visited accommodation facilities

No.	Organisation	City/country	Type of interaction	Date
1	Specialised counselling centre for trafficked persons	DE	Phone interview	23.03.2017
2	Specialised counselling centre for trafficked persons	DE	Phone interview	28.03.2017
3	Specialised counselling centre for trafficked persons	DE	Phone interview	26.07.2017
4	Specialised counselling centre for trafficked persons	DE	Face-to-face interview	28.07.2017
5	Central information point for autonomous women's shelters (Zentrale Informationsstelle der autonomen Frauenhäuser)	Bonn, DE	Phone interview	12.04.2017
6	Women's shelter coordination network (Frauenhauskoordination)	Berlin, DE	Face-to-face interview	15.06.2017
7	COSM shelter for men, couples and families	Assen, NL	Visit and face-to-face interview	13.03.2017
8	Protected shelter for foreign girls	Assen, NL	Visit and face-to-face interview	13.03.2017
9	COSM shelter for women	Rotterdam, NL	Visit and face-to-face interview	14.03.2017
10	LEFÖ-IBB	Vienna, AT	Phone interview	01.03.2017
11	Healthcare centre MEN VIA	Vienna, AT	Face-to-face interview	05.04.2017