



German NGO Network against
Trafficking in Human Beings

TRAFFICKING IN HUMAN BEINGS AND EXPLOITATION IN THE CONTEXT OF THE UKRAINE WAR –

An Investigation from the Perspective of Specialised
Counselling Centres on the Situation in Germany



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A. FORWARD

As of 24 February 2022, it is estimated that the Russian invasion of Ukraine has resulted in the displacement of over 7.8 million people¹ to the European Union and its neighbouring countries.² Many of the refugees returned to Ukraine after only a few weeks.³ State institutions and civil society responded immediately to the challenges presented by such a large movement of refugees. In contrast to refugees from other countries, refugees from Ukraine were assured unburdened entitlements to legal residence, housing, social benefits, medical care and access to the labour market and education. To this day, volunteers, family and diaspora networks, and organised civil society groups provide shelter, meals, and integration services.

Based on their practical experience, the FBS, specialised counselling centres (*spezialisierte Fachberatungsstellen*) that are members of KOK recognise that people fleeing war are particularly at risk of becoming victims of criminal acts.⁴ A large part of the people fleeing Ukraine are women and children, a particularly vulnerable group.⁵ Those who have already been physically and psychologically weakened by the war of aggression are particularly vulnerable when fleeing. Once they arrive in their destination country, precarious accommodation, a lack of legal information and a lack of support services can further increase this risk. To protect people arriving, a wide range of measures have also been taken in the fight against trafficking in human beings. Among other things, education in the prevention of trafficking in human beings, and activities to raise awareness of these issues were increased, and information about possible courses of action and the rights of potentially affected individuals was and is provided at a low level.

This report examines the measures taken by Germany in response to those factors that increase the risk of refugees becoming victims of trafficking in human beings or exploitation. Some of the measures have already been terminated, while others are still ongoing. In this study, they are evaluated for effectiveness where possible. Finally, the FBS formulate specific needs and recommendations for action based on the challenges resulting from the migration movement studied.

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- 1 7,824,440 registered refugees, see UNHCR Operational Data Portal (2022): Ukraine Refugee Situation. Refugees from Ukraine recorded across Europe, <https://data.unhcr.org/en/situations/ukraine>, accessed 10 November 2022.
 - 2 See Mediendienst Integration (Migration Media Service) (2022): Refugees from Ukraine, <https://mediendienst-integration.de/english/facts-figures.html>, accessed 10 November 2022.
 - 3 See Tagesschau (2022): Rückreise trotz Krieg. Warum viele Ukrainer Deutschland verlassen, <https://www.tagesschau.de/inland/gesellschaft/ukraine-gefluechtete-117.html>, accessed 10 November 2022.
 - 4 See United Nations Security Council (2015): Statement by the President of the Security Council, 16 December 2015, S/PRST/2015/25, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_prst_2015_25.pdf, accessed 10 November 2022.
 - 5 See Deutscher Bundestag, Antwort der Bundesregierung auf die Kleine Anfrage der Fraktion der CDU/CSU, Kriegsflüchtlinge schützen – Frauen und Kinder aus der Ukraine vor Menschenhandel und Zwangsprostitution bewahren, 25 April 2022, Drs. 20/1559.

B. THE PROJECT

KOK – German NGO Network against Trafficking in Human Beings is committed to protecting victims of trafficking and their exploitation regionally, nationally, and internationally. In addition to coordinating a network of 43 FBS, KOK serves as an interface between practice, the public, and politics.

Humanitarian crises and the resulting migration movements can make people more vulnerable, increasing their susceptibility to exploitation and trafficking in human beings. Therefore, KOK initiated the Ukraine Project to raise awareness, prevent trafficking in human beings and strengthen cooperation structures with regard to refugees from Ukraine in Germany. The aim of the project is firstly to map the status quo and identify current challenges and needs. Based on these findings, the necessary medium- and long-term measures for protection against trafficking in human beings will be identified and implemented in order to provide a resource with regards to early and sustainable protection options for potential victims of trafficking.

For this purpose, FBS were interviewed about their experiences in dealing with refugees from Ukraine, and information about the needs of the FBS was collected. Several of the specialised counselling centres have a focus on women due to their history of women's rights and feminism. This is also reflected in the study. The nationwide FBS initially received an online questionnaire with a total of eight questions. In addition, the FBS were offered the possibility of conducting a direct interview with the authors of this study. A total of 35 FBS were interviewed. 33 of the FBS completed the online survey, and 13 answered follow-up questions by phone. Two of the FBS conducted a telephone interview without participating in the online survey.

The victims of trafficking themselves were not interviewed. In order to indirectly include the perspective of those affected, the authors conducted two background interviews with Ukrainian employees in special Ukraine projects of two member organisations. These interviews were conducted on the basis of interview guidelines and documented by taking notes by hand.

Presented below are the results of the study, however, the authors point out that there is no claim to completeness and that this is not a comprehensive study *to shed light on what is a dark field*. Future challenges can be predicted based on the expertise of the FBS, but it is too early to make a conclusive assessment of the topic at this point. Moreover, perspectives on particularly vulnerable groups could only be provided to a limited extent. This is mainly due to the fact that those affected were not interviewed themselves.

The project, which will run from 1 August 2022 to 31 January 2023, is funded by the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend, BMFSFJ*) from special budget funds.

C. RISKS REFUGEES FACE IN GENERAL

People in war and crisis zones as well as refugees are particularly at risk of being exploited.⁶ But even in Germany as a supposedly safe destination country, there are particular risks of experiencing violence and/or being exploited. Trafficking in human beings and exploitation are complex phenomena that occur in many different forms and areas. The German Criminal Code (*Strafgesetzbuch, StGB*) sanctions trafficking in human beings, forced prostitution, forced labour, exploitation by means of deprivation of liberty and trafficking in organs in accordance with section 232 et seq. According to section 232 (1) of the Criminal Code, anyone who recruits, transports, transfers, harbours or takes in another person by exploiting his or her personal or economic predicament or foreign-specific helplessness is punished for trafficking in human beings. In this context, the concept of plight presupposes either economic hopelessness or social exclusion.⁷ Helplessness often accompanies exploitation when based in a foreign country. An affected person may not be able to resist a perpetrator's demands properly, or may only be able to do so to a limited extent, due to experiencing difficulties abroad, for example, due to a lack of language skills.⁸ These difficulties can take many forms: precarious accommodation facilities, gaps in the legal or support system, and lack of information in the country of destination can all increase risk.⁹ The risk of becoming a victim of trafficking and exploitation also increases if the person fears eviction or deportation due to an insecure residence status and has no educational or professional prospects in the country of destination. The legal *status that applies* to refugees from Ukraine is therefore essential for an analysis of the current challenges.

D. LEGAL BACKGROUND: TEMPORARY PROTECTION DIRECTIVE

The centrepiece of the European Union's response to the migration movement triggered by the military invasion of Ukraine is the so-called "Temporary Protection Directive" (*RL 2001/55/EC*) activated by the Council of the European Union on 4 March 2022.¹⁰ Originally adopted by the European Community in 2001 as a reaction to the wars in Yugoslavia in the 1990s and the resulting large-scale refugee movements, this was the first time the directive was applied. The aim of the regulations was to install an EU-wide mechanism to ensure the rapid, unbureaucratic and coordinated reception and balanced distribution of war refugees beyond the established Dublin System and national asylum procedures. In addition, the directive provides for entitlements for refugees to adequate accommodation, social benefits, medical care and family reunification, as well as access to the labour market and education.

6 See AWO Bundesverband e. V. (2020): Menschenhandel im Kontext von Flucht. Ein Leitfaden zur Unterstützung von Betroffenen, Berlin, S. 15.

7 See BGH, Beschluss vom 16. Juli 2014 – 5 StR 154/14 –, juris.

8 See BGH, Urteil vom 15. Juli 2005 – 2 StR 131/05 –, juris, Rn. 16.

9 KOK (2019): Informationsdienst 2019, Der Ausbeutung entkommen – Schutz in Deutschland, Berlin, S. 1 f.

10 The Temporary Protection Directive (Council Directive 2001/55/EC), a European Union directive of 20 July 2001, on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212 of 7 August 2001, p. 0012-0023.

As a result of the executive decision of the Council, Ukrainian nationals who have fled and stateless persons and nationals who enjoyed protection in Ukraine before 24 February 2022 and their families are eligible for temporary protection. The protection status is initially valid for one year but can be extended up to a total of three years (see section 4 of the Temporary Protection Directive). The beneficiaries have the right to move freely within the EU and may choose the member state in which they wish to avail themselves of the rights associated with temporary protection. The member states are supported in the implementation of the measures by means of the Asylum, Migration and Integration Fund¹¹, which was established by Regulation (EU) No. 516/2014.

As new priorities have been set in migration policy, the joint response of the EU member states and the activation of protection status for refugees from Ukraine has been remarkable. In the wake of the Ukraine war, the European Union has managed to implement a solidarity-based migration policy for the first time.¹² However, asylum seekers who have fled to Europe since 2015 because of the civil war in Syria or from countries other than Ukraine are still being pushed back and deported every day at Europe's external borders. Refugees from Ukraine do not have to go through lengthy asylum procedures, nor are they subject to the Dublin III Regulation¹³, under which refugees must apply for protection in the member state where they entered the EU. This is a welcome departure from current European asylum policy.

E. SPECIFIC RISK FACTORS

In the following, we will look at the factors that foster trafficking in human beings and exploitation in the context of the war in Ukraine. These factors can be mapped chronologically – from the time of departure from the country of origin, while fleeing, and upon and after arrival in Germany. The experiences of the FBS were instrumental in identifying these factors. The countermeasures that are also described have a positive effect on the risks of trafficking in human beings, which is why they should be continued by politics and civil society beyond the current context of the war in Ukraine or implemented in the long term.

11 See Regulation (EU) No. 516/2014 of the European Parliament and of the Council of 16 April 2014 for the establishment of the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC, OJ L 150/168 of 20 May 2014.

12 See Vienna Migration Conference (2022): 6 Takeaways on Europe's Protection Challenge: Preparing for the next stage, <https://www.icmpd.org/file/download/58309/file/VMC2022%2520Berlin%2520Takeaways%2520%2528v.3%2529.pdf>, accessed 15 November 2022.

13 See Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ 2013 L 180/31 of 29 June 2013.

II. Risks before and upon arrival

1. Refugee routes

As Ukraine's airspace was closed immediately after the outbreak of the war, people fled abroad by land.¹⁴ The more difficult border crossings are, the greater dependence there is on third parties by those people fleeing, and thus their risk of becoming victims of trafficking. It is therefore to be considered positive that, unlike with earlier migration movements, the routes to the EU and within the EU are relatively accessible, inexpensive, protected, and, above all, legal. European railway companies have even offered free travel for refugees from Ukraine, so that refugees did not have to rely on private transport.¹⁵ The possibilities for human traffickers to intervene in the context of supposed offers of assistance for illegal border crossings have been minimised, above all, by the fact that the refugees do not need visas to enter the country. Nevertheless, the experiences of the FBS show that transit zones at train or bus stations in particular are places with increased potential danger.

Many member states and civil society organisations are trying to counter this risk by providing information on the dangers of exploitation and trafficking in human beings on public transportation and at border controls.¹⁶ State institutions are also still required to ensure coordination and legal entry at border crossings.¹⁷ NGOs also play a supporting role in securing legal entry and onward travel options. In order to reach women and children early and in a targeted manner, the specialised counselling centre JADWIGA München, for example, cooperated with the Romanian border police. Along the border crossings, the police handed out a flyer about the FBS which included information regarding trafficking in human beings, to those individuals who informed the authorities that they wanted to flee further into Germany.

Border crossings can be challenging for particularly vulnerable groups of people. For example, Transgender Europe (TGEU) reported cases where trans women and non-binary people were not allowed to cross the border due to the ban on men leaving the country because their passports recorded that they were male.¹⁸ There was also an increase in cases on the Ukrainian-Hungarian border where Romani people were insulted and sent away.¹⁹

In order to make traffic at the borders smoother and safer, member states should, on the advice of the European Commission, call on the support of Frontex and EUROPOL.²⁰ In cooperation with UNHCR and UNICEF, local authorities and their partner organisations, "Blue Dots" have been set up along the main refugee routes in Ukraine's neighbouring countries at almost

14 See Auswärtiges Amt (2022): Ukraine. Reisewarnung/Ausreiseaufforderung (Reisewarnung), <https://www.auswaertiges-amt.de/de/aus-senpolitik/laender/ukraine-node/ukrainesicherheit/201946>, accessed 10 November 2022.

15 See EURACTIV (2022): EU-Bahngesellschaften gewähren geflüchteten Ukrainern freie Fahrt, <https://www.euractiv.de/section/finanzen-und-wirtschaft/news/eu-bahngesellschaften-gewaehren-gefluechteten-ukrainern-freie-fahrt/>, accessed 10 November 2022.

16 See EU Solidarity Platform (2022): A Common Anti-Trafficking Plan to address the risks of trafficking in human beings and support potential victims among those fleeing the war in Ukraine. Under the lead of the EU Anti-Trafficking Coordinator, p. 4 f.

17 See Council Of Europe (2022): GRETA- Guidance Note on addressing the risk of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis, p. 3 ff., <https://rm.coe.int/guidance-note-on-addressing-the-risks-of-trafficking-in-human-beings-r/1680a663e2>, accessed 15 November 2022.

18 TGEU (2022): Resources in support of Ukraine. Trans-specific impact and needs, <https://tgeu.org/support-ukraine/>, accessed 15 November 2022.

19 Amnesty Deutschland (2022): Amnesty Journal Ukraine. Flüchtlinge zweiter Klasse, <https://www.amnesty.de/informieren/amnesty-journal/ukraine-fluechtlinge-diskriminierung>, accessed 15 November 2022.

20 See European Commission (2022): Communication from the commission – Providing operational guidelines for external border management to facilitate border crossings at the EU- Ukraine borders, C (2022) 1404 final from 2 March 2022.

all important junctions.²¹ At these locations, refugees find shelter, information on how to continue their journey, as well as food and other things. The International Organisation for Migration (IOM) provides assistance for potential victims of trafficking in Ukraine, Poland, Belarus, Moldova, Slovakia and the Czech Republic and offers them direct assistance in cooperation with other aid organisations.²² Another project that has so far enabled a fast and free onward journey for 11,768 people by bus from Moldova (Palanca) to Romania is the initiative “Green Corridor”, which involves the Moldovan and Romanian governments as well as UNHCR and IOM.²³

2. Arriving in Germany

a) Arrival

Many people from Ukraine arrived and continue to arrive by public transportation at German bus or train stations and need to be cared for, fed and accommodated as quickly as possible. It was increasingly observed that women and children travelling alone were approached upon arrival and offered dubious accommodation and help. For example, a counselling centre reported a case in which a person dragged a refugee by the hand towards the station exit against her will.

The Federal Ministry of the Interior and Community (*Bundesministerium des Innern und für Heimat, BMI*) therefore increased the presence of the Federal Police at hubs for the arrival and registration of people from Ukraine, as it was feared that, in particular, women who had fled were being forced into prostitution or exploitative employment under false pretences.²⁴ Recruiting the victim with the aim of exploitation as defined in section 232 (1) of the Criminal Code includes not only transporting, passing on, harbouring or receiving the person, but also recruiting as a preliminary measure. However, since it is difficult to determine and prove the transition from a non-punishable contact to the beginning of a punishable attempt, police have carried out identity checks if the case appears suspicious, as well as have approached at risk persons, and occasionally issued expulsions.²⁵ The introduction of special protection zones for refugee women and children in railway stations, as demanded by the then Federal Minister of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend, BMFSFJ*) Anne Spiegel, did not take place.²⁶

As children and adolescents travelling alone are particularly in need of protection, state measures in favour of this group are particularly far-reaching. For example, the BMFSFJ set up a registration and coordination office run by SOS Children’s Villages to take in children

21 See Digital Blue Dot (2022): Safe Space, protection and Support Hubs. Providing critical information and support to persons fleeing Ukraine, <https://bluedothub.org/>, accessed 15 November 2022.

22 See IOM UN Migration (2022): Ukraine Response: Counter Trafficking. July - September 2022, <https://www.iom.int/sites/g/files/tmzbd486/files/documents/CT-Ukraine-Response-Jul-Sep-2022.pdf>, accessed 15 November 2022

23 See IOM UN Migration (2022): Regional Ukraine Response: Situation Report #25, p. 3, https://www.iom.int/sites/g/files/tmzbd486/files/situation_reports/file/iom-regional-ukraine-response-external-sitrep-04082022.pdf, accessed 15 November 2022.

24 See Tagesschau (2022): Polizisten zum Schutz für Ukrainerinnen, <https://www.tagesschau.de/inland/faeser-ukrainerinnen-101.html>, accessed 15 November 2022.

25 See Berlin (2022): Pressemitteilung der Senatsverwaltung für Inneres, Digitalisierung und Sport vom 11.3.2022, Innensenatorin: Geflüchtete aus der Ukraine schützen, <https://www.berlin.de/aktuelles/7371425-958090-innensenatorin-gefluechtete-aus-der-ukra.html>, accessed 15 November 2022.

26 See BR24 (2022): Familienministerin fordert „Schutzzonen“ für ukrainische Frauen, <https://www.br.de/nachrichten/bayern/familienministerin-fordert-schutzzonen-fuer-ukrainische-frauen,T0kKW9z>, accessed 15 November 2022.

and adolescents from Ukrainian orphanages and children's homes.²⁷ Children and adolescents who have fled to Germany from Ukraine unaccompanied by a person with custody or parental authority are also temporarily taken into care by the responsible local youth welfare office.²⁸ One difference to the reception process of unaccompanied minors from other countries of origin is that most children and adolescents from Ukraine enter Germany with valid identity and passport documents. The age therefore rarely has to be assessed in a highly error-prone procedure according to section 42f of Book VIII of the Social Code (*Achte Buch Sozialgesetzbuch, SGB VIII*).²⁹

The rapid supply of support services upon arrival is an essential factor in preventing vulnerable people from being targeted. A lack of information, as well as contradictory, confusing or too much information, can lead to the reduced trust of refugees in institutions and support structures.³⁰ Since the state governments did not act quickly enough to the movements of refugees from Ukraine, many volunteers and members of civil society were compelled to meet the initial needs of the arrivals.³¹ Due to a lack of orientation, many refugees also contacted the FBS and asked for help regarding accommodation, residence status and matters regarding social and labour law. Some of the FBS associated with KOK have commented that it was difficult to get enough information about the legal situation and the responsibilities of the municipal support structures.

b) Registration

After arriving in Germany, refugees should first register if they intend to stay in the EU for more than 90 days.³² The registration in the Central Register of Foreign Nationals (*Ausländerzentralregister, AZR*) and the identification treatment according to section 49 (4a) of the German Residence Act (*Aufenthaltsgesetz, AufenthG*) are of particular importance for the application for social benefits and the issuance of a residence permit.³³ In order to ensure that refugees only assert the rights resulting from temporary protection in one member state, there is an exchange of information between the member states regarding registrations via the European registration platform Temporary Protection Directive (TPD) set up specifically for this purpose.³⁴

27 See BMFSFJ (2022): SOS Meldestelle: Koordinierungsstelle zur Aufnahme ukrainischer Waisenkinder gestartet, <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/koordinierungsstelle-zur-aufnahme-ukrainischer-waisenkinder-gestartet-195196>, accessed 15 November 2022.

28 See Antwort der Bundesregierung auf die Kleine Anfrage der Fraktion der CDU/CSU vom 25.04.2022, Kriegsflüchtlinge schützen – Frauen und Kinder aus der Ukraine vor Menschenhandel und Zwangsprostitution bewahren, BT- Drs. 20/1559, S. 5 f.

29 See González Méndez de Vigo, Nerea; Wiesinger, Irmela (2019): BumF – Alterseinschätzung, Rechtlicher Rahmen, Fachliche Standards und Hinweise für die Praxis, Berlin, S. 4.

30 See Hoff, Suzanne; de Volder, Eefje (2022): Preventing human trafficking of refugees from Ukraine, A rapid assessment of risks and gaps in the anti- trafficking response, La Strada International/ The Freedom Fund, p. 14.

31 See Süddeutsche Zeitung (2022): Hilfen für Ukraine-Flüchtlinge: Wir sind am Zug, <https://www.sueddeutsche.de/kultur/fluechtlinge-ukraine-berlin-senat-1.5540930>, accessed 15 November 2022.

32 See BAMF (2022): Fragen und Antworten zur Einreise aus der Ukraine und zum Aufenthalt in Deutschland (Stand: 29.08.2022), S. 4, https://www.bamf.de/DE/Themen/AsylFluechtlingsschutz/ResettlementRelocation/InformationenEinreiseUkraine/_documents/ukraine-faq-de.html, accessed 15 November 2022.

33 See BMI, Registrierung von Kriegsgeflüchteten aus der Ukraine ab dem 01.06.2022, Schreiben vom 25.05.2022, M5- 12000/72#7, S. 2 ff.

34 See BMI, Umgang mit Treffermeldungen in der Europäischen Registrierungsplattform im Zusammenhang mit den Fluchtbewegungen aus der Ukraine, M5-210000/80#10, Schreiben vom 08.08.2022, S. 1.

However, it is not possible to determine with certainty how many people have fled to Germany. According to UNHCR, 1,024,841 people have registered in the AZR so far.³⁵ Due to the high number of applications and the shortage of staff, the authorities are facing significant challenges. Based on article 21 of the EU Directive 2013/33/EU, refugees in need of special protection include (unaccompanied) minors, disabled persons, elderly persons, pregnant women, single parents with minor children, trafficked persons, persons with serious physical illnesses or mental disorders and persons who have suffered torture, rape or other serious forms of psychological, physical or sexual violence.³⁶ In the process of registration, there is still no mechanism to identify these vulnerable persons and address their needs accordingly.

II. Risks during the stay

1. Residence status and permit

For people who have fled Ukraine, the right of residence in Germany is based on their nationality. A distinction must be made here: EU citizens who have fled Ukraine have the right to freedom of movement according to Section 2 (1) and (4) of the Act on the General Freedom of Movement for EU Citizens (*Freizügigkeitsgesetz/EU, FreizügG/EU*), according to which they may enter Germany without a visa and stay there without restrictions or special permission.

Ukrainian nationals who entered Germany before 24 February 2022, on the other hand, generally require a separate official permit in the form of a residence title.³⁷ Section 24 of the Residence Act allows refugees to reside legally within the territory of the Federal Republic of Germany. The provision implements the Temporary Protection Directive at the national level. The scope of application of Section 24 of the Residence Act is in turn specified by the Ukraine Residence Transitional Regulation (*Ukraine-Aufenthalts-Übergangsverordnung, UkraineAufenthÜV*)³⁸. According to Section 2 (5) page 1 of the Ukraine Residence Transitional Regulation, residence in the Federal Republic of Germany without a residence permit is only permitted for 90 days. After this period, refugees must have registered. The personal scope of the regulation includes Ukrainian nationals, stateless persons and third-country nationals who already had a protection status in Ukraine before 24 February 2022, and their families. Ukrainian refugees who fall within the scope of application of the legal basis can apply for a residence title within the meaning of section 81 (1) of the Residence Act free of charge in accordance with section 24 of the Residence Act. The residence title is valid retroactively from the date of entry until 4 March 2024. It remains to be seen whether the title will subsequently be extended for another year or whether an additional right of residence will be created for refugees from Ukraine. Until the residence permit is issued, applicants are issued a Fictional Certificate in accordance with section 81 (5) in conjunction with (3) sentence 1 of the Residence Act. So far,

³⁵ See Mediendienst Integration (Migration Media Service) (2022): Refugees from Ukraine, numbers from 8 November 2022, <https://mediendienst-integration.de/english/facts-figures.html>, accessed 15 November 2022.

³⁶ See Article 21 of Directive 2013/33/EU of the European Parliament and of the Council of 29 June 2013, laying down standards for the reception of applicants for international protection, OJ 2013 L 180/96.

³⁷ See Dr. Dittrich, Lars; Dr. Purschwitz, Laura (2020): Arbeitsrechtliche Fragen der Migration, NJOZ 2020, 1314.

³⁸ See Verordnung zur vorübergehenden Befreiung vom Erfordernis eines Aufenthaltstitels von anlässlich des Krieges in der Ukraine eingereisten Personen (Ukraine-Aufenthalts-Übergangsverordnung) vom 07.03.2022 (BAnz AT 08.03.2022 V1), die zuletzt durch Artikel 1 der Verordnung vom 24. August 2022 (BAnz AT 26.08.2022 V 1) geändert worden ist.

1,019,789 refugees have been granted protection status in Germany.³⁹ The Ministry of the Interior and for Municipal Affairs of the Federal State of Brandenburg (MIK) has provided a simplified application procedure for this purpose in the form of a digital application procedure at www.Germany4Ukraine.de in German, English, Ukrainian and Russian, which is used by several immigration offices.⁴⁰ The online service is supposed to shorten the administrative procedure by collecting basic data and reduce the number of applicants at the authorities. In practice, however, refugees sometimes wait several weeks for their residence permits, as the applicants still have to present themselves at the authorities for the mandatory identification process.⁴¹ In addition, for a long time authorities were unable to issue Fictional Certificates because the necessary forms were not supplied due to a shortage of paper at the Federal Press (*Bundesdruckerei*).⁴²

People without Ukrainian citizenship who have been in asylum proceedings in Ukraine, have only had a short stay in Ukraine, cannot prove a residence title or are stateless without protection status are not covered by the personal scope of the regulation.⁴³ For Jewish people who have fled from Ukraine, there is the possibility of applying for a residence permit in Germany in accordance with section 23 (2) of the Residence Act, in addition to the granting of a residence title in accordance with section 24 of the Residence Act, provided that there is a positive integration prognosis.⁴⁴ In this respect, the Federal Government facilitated the admission procedure for Jewish immigrants from Ukraine in view of the humanitarian situation in Ukraine, and Germany's historical responsibility.⁴⁵

Notwithstanding, trafficked persons who are willing to cooperate with state authorities in their role as witnesses can routinely receive a residence permit for humanitarian reasons for the duration of the criminal proceedings in accordance with section 25 (4a) of the Residence Act.

Overall, obtaining a secure residence status can counteract the development of economic and personal predicaments of potential trafficked and exploited persons. The sooner a right to stay in the country of destination is guaranteed, the less influence human traffickers have.

39 See Operational Data Portal (2022): Ukraine Refugee Situation, numbers from 8 November 2022, <https://data.unhcr.org/en/situations/ukraine>, accessed 15 November 2022.

40 See BMI und MIK (2022): Online-Dienst für Menschen aus der Ukraine, <https://www.germany4ukraine.de/hilfeportal-de/service/aufenthaltserlaubnis#/>, accessed 15 November 2022.

41 See BMI: Umsetzung des Durchführungsbeschlusses des Rates zur Feststellung des Bestehens eines Massenzustroms iSd. Art. 5 der Richtlinie 2001/55/EG und zur Einführung des vorübergehenden Schutzes, Schreiben vom 05.09.2022, Berlin, S. 12 f.

42 See Deutscher Städte- und Gemeindebund (2022): Rechtskreiswechsel richtiger Weg, <https://www.dstgb.de/themen/ukraine/rechtskreiswechsel-richtiger-weg/>, accessed 15 November 2022.

43 See Schuster, Andre/ Voigt, Claudius (2022): Der vorübergehende Schutz für Geflüchtete aus der Ukraine, in: Asylmagazin, 4/2022, S. 111.

44 See Zentralrat der Juden in Deutschland (2022): Zuwanderungsregelung für Juden aus der Ukraine, <https://www.zentralratderjuden.de/aktuelle-meldung/artikel/news/zuwanderungsregelung-fuer-juden-aus-der-ukraine/>, accessed 15 November 2022.

45 See BAMF (2022): Sonderaufnahmeverfahren, Merkblatt zum Aufnahmeverfahren für jüdische Zuwanderer aus der Ukraine, https://www.bamf.de/SharedDocs/Anlagen/DE/Integration/JuedischeZuwanderer/merkblatt-ukraine-sonderverfahren.pdf;jsessionid=18484760703FBE7C54984862FED9DBF7.intranet231?__blob=publicationFile&v=6, accessed 15 November 2022.

2. Dealing with refugees outside of the Residence Act (section 24)

The situation for refugees from Ukraine with Ukrainian citizenship is much more privileged compared to those outside the scope of application of section 24 of the Residence Act. Currently, there are an estimated 34,000 refugees from Ukraine without Ukrainian citizenship in Germany.⁴⁶ While initially third-country nationals and stateless persons who had fled Ukraine were also exempt from the requirement of a residence permit in Germany, this has changed with the second regulation amending the Ukraine Transitional Regulation.⁴⁷ The visa-free stay is now limited to 90 days from the date of entry. Accordingly, the visa-free period for persons who entered Germany by 3 June 2022 ended on 31 August 2022. Third-country nationals who do not receive international protection in Ukraine or who did not have a permanent residence status and who are presumed to have the option of a safe and permanent return to their home country⁴⁸ are generally not eligible under section 24 of the Residence Act.⁴⁹ This group also includes thousands of international students who pursued their education in Ukraine before the outbreak of the war and would like to continue studying in Germany.⁵⁰ They can only apply for residence permits for training or studying (sections 16 et seq. of the Residence Act) or for asylum under strict conditions. There are hardly any prospects that are sufficiently guaranteed for third-country nationals and stateless persons to live in Germany.⁵¹ An estimated 10-20 percent of Romani people living in Ukraine are also counted as stateless and are thus without access to international protection in the EU, as they do not have identity papers and therefore cannot identify themselves as Ukrainian refugees.⁵² Due to the unclear legal situation and the resulting vulnerability, they are consequently also exposed to a higher risk of becoming victims of trafficking.

Particularly vulnerable groups of people who had already been subject to discrimination in Ukraine report that this discrimination would now continue in Germany. For example, a number of Romani people report that the administrative authorities accused them of not being “real” war refugees and of wanting to receive benefits illegitimately.⁵³ Also BiPoC⁵⁴ refugees from other home countries report they are structurally discriminated against in this country.⁵⁵

46 See Mediendienst Integration (Migration Media Service) (2022): Third Country Nationals in Ukraine, numbers from 17 September 2022, <https://mediendienst-integration.de/english/facts-figures.html>, accessed 15 November 2022.

47 See Fn. 38.

48 See BMI, M3-210000/33#6, Schreiben vom 14.04.2022, S. 7.

49 See Some Federal States have enacted their own regulations to implement temporary protection, which allow third-country nationals to stay legally in Germany under certain circumstances. See e.g., Senatsbeschluss des Senats von Berlin, G Sen – 1240, Nr. S606/2022 vom 16.08.2022 (TO- Punkt 02.B.).

50 See Süddeutsche Zeitung (2022): Hochschulrektorenkonferenz: 21.000 Ukrainer wollen studieren, <https://www.sueddeutsche.de/bildung/hochschulen-hochschulrektorenkonferenz-21-000-ukrainer-wollen-studieren-dpa.urn-newsml-dpa-com-20090101-220806-99-292855>, accessed 15 November 2022.

51 See PRO ASYL (2022): Pressemitteilung vom 24.05.2022, Landesflüchtlingsräte und PRO ASYL fordern die Gleichbehandlung aller Geflüchteten aus der Ukraine, <https://www.proasyl.de/pressemitteilung/landesfluechtlingsraete-und-pro-asyl-fordern-die-gleichbehandlung-aller-gefluechteten-aus-der-ukraine/>, accessed 15 November 2022.

52 See European Network on Statelessness (2022): BRIEFING: Stateless people and people at risk of statelessness forcibly displaced from Ukraine, 10 March 2022, p. 1.

53 See Zentralrat Deutscher Sinti und Roma (2022): Melde- und Informationsstelle Antiziganismus (MIA) verurteilt die Diskriminierung geflüchteter ukrainischer Roma, <https://zentralrat.sintiundroma.de/melde-und-informationsstelle-antiziganismus-mia-verurteilt-die-diskriminierung-gefluechteter-ukrainischer-roma/>, accessed 15 November 2022.

54 BiPoC is the abbreviation of Black, Indigenous, People of Colour and is a political self-designation of racially discriminated people.

55 See Amadeu Antonio Stiftung (2022): Ein Willkommen, das für alle gilt – Freiwillige unterstützen BiPoC-Geflüchtete aus der Ukraine, <https://www.amadeu-antonio-stiftung.de/ein-willkommen-das-fuer-alle-gilt-freiwillige-unterstuetzen-gefluechtete-aus-der-ukraine-die-sonst-keine-hilfe-bekommen-84029/>, accessed 15 November 2022.

3. Accommodation

Another issue that increases the risk of trafficking in human beings is the housing situation of potential trafficked persons. The more protected and secure the accommodation for refugees, the lower the risk that they will become victims of trafficking.

a) Private accommodation

Solidarity and openness to take in refugees from Ukraine was initially high among the German citizens. Many people offered their own homes or other privately owned housing to provide accommodation for the arrivals. In the period from March to September 2022, more than 150,000 people registered via the online platform “Unterkunft Ukraine”⁵⁶ (“Accommodation Ukraine”) alone, and, as a result, approximately 49,000 refugees could be provided with accommodation.⁵⁷

It was problematic that the first accommodation arrangements to be made at the central arrival points were ad hoc and without any security precautions. Spontaneously allocated at stations, those to be accommodated were initially taken to private accommodation without the prior screening or registration of the hosts. This is further problematic as the identification of trafficked persons in private accommodation is particularly difficult without prior access and control. FBS report individual cases of women being offered accommodation on arrival in exchange for sexual services. With the establishment of the help portal “Germany4Ukraine”⁵⁸ by the Federal Government and the cooperation with the aid organisations “Unterkunft Ukraine” and “Airbnb.org”⁵⁹, central and digital contact points were provided. The risk of entering exploitative conditions was attempted to be minimised by the introduction of mandatory registration and prior identity verification of the hosts.

However, even with registration, the risk of becoming a victim of trafficking and exploitation remains in the private sphere. The FBS also identify the danger of voluntary helpers taking advantage of the refugees’ vulnerability. Furthermore, there is a certain degree of dependency in housing relationships.⁶⁰ The fact that trafficked persons are dependent on the perpetrators for their accommodation increases the risk of falling into a situation of coercion and/or foreign-specific helplessness within the meaning of section 232 (1) of the Criminal Code.⁶¹ As an example, a specialised counselling centre reported the case of a client who was threatened by her male landlord to “throw her out” of the flat if she did not have sex with him.

Blurred boundaries of labour exploitation can be demonstrated by the fact that refugees can also feel obliged to work in the household and/or to take on responsibility for the care of relatives. A counselling centre described a case in which a person with a child was accommodated in a private household. She was expected to do housework every day under pressure and

⁵⁶ See #Unterkunft Ukraine (2022): Gelebte Solidarität und direkte menschliche Verbindungen, <https://unterkunft-ukraine.de/?lang=de>, accessed 15 November 2022.

⁵⁷ See DeZIM Institut (2022): DeZIM.insights+, Working Paper #5, New platforms for engagement, Private accommodation of forced migrants from Ukraine, Berlin, p. 3.

⁵⁸ See Fn. 40.

⁵⁹ See airbnb.org (2022): In Krisenzeiten sein Zuhause für andere öffnen, https://de.airbnb.org/?_set_beve_on_new_domain=1666178095_NTVmMmESYWU3MzFh, accessed 15 November 2022.

⁶⁰ See Hoff, Suzanne; de Volder, Eefje (2022): Preventing human trafficking of refugees from Ukraine, A rapid assessment of risks and gaps in the anti-trafficking response, La Strada International/ The Freedom Fund, p. 18.

⁶¹ See BGH, Urteil vom 17. März 2004 – 2 StR 474/03 –, Rn. 27, juris.

without pay. Uncertainty also exists for many accommodated persons about what is expected and “normal” in Germany. Therefore, many of the persons affected do not know whether they are allowed and able to defend themselves against abusive and exploitative behaviour by landlords.

If people within the scope of application of section 24 of the Residence Act have found their own flat despite the tight housing market, they have a legal claim under section 22 of Book II of the Social Code or section 25 of Book XII of the Social Code to the assumption of costs for accommodation and heating costs if they cannot pay for them themselves.

b) State facilities

Many of the refugees are unable to find private accommodation and have to rely on state institutions.⁶² The need for state accommodation continues to increase, as Ukrainian refugees who initially found temporary private accommodation are unable and unwilling to return due to the ongoing threat, and at the same time the willingness of hosts to share living space with strangers decreases over time. This problem is exacerbated by the fear of rising energy and heating costs in winter. Reports from neighbouring countries also show that the initial wave of willingness to help has already subsided. In Slovakia, for example, many Ukrainian refugees are dependent on emergency accommodation in gymnasiums with a maximum duration of stay of ten days, because many landlords consider the financial situation of the refugees too uncertain.⁶³

Those who are not privately accommodated are usually allocated a place in a refugee accommodation under the distribution system “FREE”⁶⁴ in the different Federal States. Refugees who have applied for a residence status according to section 24 of the Residence Act are distributed by the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge, BAMF*) according to section 24 (5) sentence 2 of the Residence Act and assigned to a place by means of the so-called “residence requirement” (*Wohnsitzauflage*). The residence requirement is a major hurdle in the search for affordable housing, as it continues to apply even after a residence permit has been issued in accordance with section 12a (1) sentence 1 of the Residence Act.

Many districts and municipalities report that the capacities of the accommodation centres have been reached and that no new refugees can be accepted.⁶⁵ The already low housing capacities are the trigger for a displacement practice at the expense of refugees from other countries. For example, almost 200 asylum seekers living in the housing container facility “Tempohomes” in the district Reinickendorf in Berlin were evicted within 24 hours because Ukrainian refu-

62 See BMI (2022): Geflüchtete aus der Ukraine, Untersuchungsergebnisse iRd. Pressegesprächs am 4.4.2022, S. 21 f., https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichten/2022/umfrage-ukraine-fluechtlinge.pdf?sessionid=56499E90F3C54754F6C7518450C6DCDB.1_cid287?__blob=publicationFile&v=2, accessed 15 November 2022.

63 See Pro Asyl (2022): Schneller Schutz für Ukrainer*innen in der Slowakei: Aber wie geht es weiter?, <https://www.proasyl.de/news/schneller-schutz-fuer-ukrainerinnen-in-der-slowakei-aber-wie-geht-es-weiter/>, accessed 15 November 2022.

64 See BAMF (2022): IT- Fachanwendung „FREE“ im Einsatz, <https://www.bamf.de/SharedDocs/Meldungen/DE/2022/22060x-am-free-be-richt-behoerderspiegel.html?nn=282772>, accessed 15 November 2022.

65 See Deutscher Landkreistag (2022): Wir stehen vor einer Überforderung des Systems, <https://landkreistag.de/presseforum/nachrichten/3243-wir-stehen-vor-einer-ueberforderung-des-systems>, accessed 15 November 2022.

gees were to be given the space.⁶⁶ Due to the high media interest in Ukrainian refugees, other refugees have fallen out of focus.

c) Lack of protection against violence

The FBS also criticise the failure to meet minimum standards for the protection of refugees in refugee accommodation and the lack of procedures for protection against the implementation of violence. Due to staff shortages and overloaded accommodation capacities, refugees often live in poor conditions in state facilities. The special legal status of Ukrainians compared to other refugees also leads to potential conflicts and tensions in the already tense housing situations.⁶⁷ The FBS demand that the standards developed within the framework of the federal initiative “Protection of Refugees in Refugee Accommodation”, which includes supplementary guidelines for the implementation of violence protection measures for refugees with disabilities, people with trauma disorders and LGBTI* refugees, are respected.⁶⁸

The state discriminates against Romani and Sinti people in particular. According to reports, they are often housed separately from other refugees in temporary accommodation under the pretext of harassment. Some municipalities provide fair halls without privacy for up to 2,000 people, where they have to stay for several months, while other refugees are transferred in a few days. Other municipalities completely refuse to accommodate Romani refugees, offering stereotypical explanations.⁶⁹

The FBS also report that there are more conflicts and discriminatory behaviour towards distinct groups of refugees in state-run accommodation. Both racist thought patterns and a lack of understanding about the unequal treatment of refugees from different countries of origin play a role in this. Many of the shelter employees are untrained in the areas of trafficking in human beings and exploitation. In such desolate living situations, there is an increased risk that people will move into private accommodation in order to supposedly improve their living conditions, where they are more vulnerable to exploitation and sexual assault and violence.

4. Access to the labour market

Since economic hardship is one of the most frequently cited risk factors according to a study by the United Nations Office on Drugs and Crime (UNODC), securing livelihoods and ensuring access to the labour market are essential measures to prevent trafficking in human beings and exploitation.⁷⁰

66 See Correctiv (2022): Faktencheck – Ja, Berliner Senat hat bereits bewohnte Unterkünfte für geflüchtete Menschen aus der Ukraine geräumt, <https://correctiv.org/faktencheck/2022/03/22/ja-der-berliner-senat-hat-bereits-bewohnte-unterkuenfte-fuer-gefluechtete-menschen-aus-der-ukraine-geraeumt/>, accessed 15 November 2022.

67 See DeZIM-Institut (2022): DeZIMinutes #06, Schutz für Geflüchtete aus der Ukraine, Was der Ukraine-Krieg für den Gewaltschutz in Geflüchtetenunterkünften bedeutet, S. 2, https://www.dezim-institut.de/fileadmin/user_upload/Demo_FIS/publikation_pdf/FA-5325.pdf, accessed 15 November 2022.

68 See BMFSFJ; UNICEF u.a. (2021): Mindeststandards zum Schutz von geflüchteten Menschen in Flüchtlingsunterkünften, 4. Aufl.

69 See Zentralrat Deutscher Sinti und Roma (2022): Melde- und Informationsstelle Antiziganismus (MIA) verurteilt die Diskriminierung geflüchteter ukrainischer Roma, <https://zentralrat.sintiundroma.de/melde-und-informationsstelle-antiziganismus-mia-verurteilt-die-diskriminierung-gefluechteter-ukrainischer-roma/>, accessed 6 October 2022.

70 See UNODC (2021): Global Report On Trafficking In Persons 2020, Vienna, p. 70 f., https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf, accessed 15 November 2022.

a) Access to the labour market

Once issued a residence permit as defined in section 24 of the Residence Act, Ukrainian refugees generally have access to the labour market and thus have an unrestricted right to employment and self-employment (see section 4a (1) of the Residence Act).⁷¹ To ensure that refugees are already allowed to work before the residence permit is issued, their preliminary Fictional Certificate (*Fiktionsbescheinigung*) is marked “employment permitted” in accordance with section 81 (5a) of the Residence Act.⁷² It is only when an application for temporary protection has been legally rejected that section 4a (4) of the Residence Act applies, with the consequence that foreigners may only pursue employment with the explicit permission of the authorities.⁷³

Unlike in Ukraine, where sex work/prostitution is prohibited, open access to the labour market also means that refugees can legally pursue this occupation here in Germany. In some cantons in Switzerland, on the other hand, this activity has been explicitly prohibited despite the fact that a work permit has been issued.

b) Challenges in the labour market

Due to their high level of education, the prospects of integration for Ukrainian refugees are considered favourable in comparison to other refugees.⁷⁴ While many measures have been and are being taken by civil society, the private sector and state actors to promote the integration of Ukrainian refugees into the labour market, they are mostly confronted with practical issues. The challenges for integration into the German labour market are primarily the long waiting times in the formal recognition procedures for Ukrainian degrees and certificates, as well as insufficient language skills. A lack of knowledge about labour and social law entitlements as well as the German legal system as a whole also makes it difficult for refugees to stabilise their economic situation in Germany.

c) Labour exploitation

Some of the FBS associated with the KOK suspect that cases of labour exploitation with regards to refugees from Ukraine will increase. Experience shows that perpetrators take advantage of people’s personal distress or predicaments in order to employ them under exploitative conditions. The FBS observe that many arrivals are uncertain about what employers can expect according to national standards and what working conditions are “normal”. The affected persons therefore often stay in exploitative conditions for a longer period of time before approaching support centres. Some of the FBS have reported to the KOK that they are familiar with similar cases from past work. The perpetrators promise the trafficked persons lucrative work in Germany, often including their accommodation and meals, if they pay fees. Once here, the affected persons are then exposed to precarious employment with little or no pay as

⁷¹ See BMI, M3-21000/33#6, Schreiben vom 14.03.2022, S. 11 f.

⁷² See BMI, M3-21000/33#6, Schreiben vom 14.04.2022, S. 14.

⁷³ See Bundesagentur für Arbeit (2022): Fachliche Weisungen, Aufenthaltsgesetz und Beschäftigungsverordnung, 5758, INT 24, Stand: 06/2021, S. 15 f.

⁷⁴ See Sachverständigenrat für Integration und Migration (2022): SVR- Policy Brief 2022-3, Zeitenwende bei der Arbeitsmarktintegration?, S. 38 f., https://www.svr-migration.de/wp-content/uploads/2022/08/PB_Zeitenwende_bei_der_Arbeitsmarktintegration.pdf, accessed 15 November 2022.

well as catastrophic living conditions. This practice has been observed increasingly in cases of Ukrainian cleaners in the hotel industry. Thousands of jobs have already been placed without protection measures against exploitation or controls, offered exclusively to Ukrainian refugees by recruitment agencies or via online job platforms.⁷⁵ Under the coordination of EMPACT, law enforcement agencies from 14 EU Member States, including Germany, participated in a so-called “hackathon” in May 2022. The aim was to track down websites and online platforms that recruit Ukrainian refugees for sexual and labour exploitation.⁷⁶ According to the report, EUROPOL identified 80 individuals/username, 30 of whom may be exploiting Ukrainian refugees, and 11 suspected traffickers, five of whom are believed to be targeting Ukrainian refugees.⁷⁷

d) Work in private households

Before the war started, Ukraine played a rather subordinate role as a country of origin for migration. Due to the restrictive entry regulations, people from Ukraine came to Germany mainly to study, to do seasonal work or to work as 24-hour carers.⁷⁸ With the help of Polish recruitment agencies, many Ukrainian women found precarious jobs in so-called “live in” work models, where they live together with the person in need of care in a household and have to be available around the clock.⁷⁹ Compared to care workers from other Eastern European countries, care workers from Ukraine as third-country nationals often had an unclear residence status at that time and no permission to work.

It appears that even after the outbreak of the war, many of the refugee women continue to look for work in private households, which includes nursing and care work. Particularly for mothers travelling alone, in view of the great housing shortage and the lack of childcare places, care work according to the live-in model can appear as an attractive work opportunity. However, employers are increasingly taking advantage of their economic need by paying low wages despite the high workload, and not providing social and health insurance for the care workers.⁸⁰ Many of the FBS are familiar with these types of exploitative relationships from their practice. For example, one counselling centre reported a case of labour exploitation in which a man brought his mother back home from the nursing home and took in a Ukrainian carer for 24-hour service under precarious conditions.

Especially in situations where employers also act as landlords and the overpriced rent or costs for meals are possibly deducted directly from the salary, there is a certain dependency from

75 See Hoff, Suzanne; de Volder, Eefje (2022): Preventing human trafficking of refugees from Ukraine, A rapid assessment of risks and gaps in the anti-trafficking response, La Strada International/ The Freedom Fund, p. 15.

76 See EUROPOL (2022): Human traffickers luring Ukrainian refugees on the web targeted in EU-wide hackathon, <https://www.europol.europa.eu/media-press/newsroom/news/human-traffickers-luring-ukrainian-refugees-web-targeted-in-eu-wide-hackathon>, accessed 15 November 2022.

77 See EUROPOL (2022): 20 countries spin a web to catch human traffickers during a hackathon, <https://www.europol.europa.eu/media-press/newsroom/news/20-countries-spin-web-to-catch-human-traffickers-during-hackathon>, accessed 15 November 2022.

78 See Sachverständigenrat für Integration und Migration (2022): SVR- Policy Brief 2022-3, Zeitenwende bei der Arbeitsmarktintegration?, S. 16 ff., https://www.svr-migration.de/wp-content/uploads/2022/08/PB_Zeitenwende_bei_der_Arbeitsmarktintegration.pdf, accessed 15 November 2022.

79 See bpb (2021): Analyse: Ukrainische Care- Migrantinnen in Deutschland, Prekäre Arbeitsbedingungen, lukratives Geschäft, <https://www.bpb.de/themen/europa/ukraine/338089/analyse-ukrainische-care-migrantinnen-in-deutschland-prekaere-arbeitsbedingungen-lukratives-geschaefte>, accessed 15 November 2022.

80 See CareWork (2022) : Ukrainische Pflegekräfte – aber bitte legal!, <https://www.24stundenbetreut.com/blog/ukrainische-pflegekraefte/>, accessed 15 November 2022.

which the affected persons sometimes find it difficult to free themselves.⁸¹ As an example, a specialised counselling centre reported that they are currently supporting Ukrainian clients in three cases who received a combined rental and employment contract. The rent for the accommodation was directly charged to their salaries by the employers.

There is a high number of unreported cases of labour exploitation in private households, as these are more difficult to reach, and controls by local law enforcement agencies are not legally permitted without having first registered suspicion. It can also be difficult to prove exploitative working conditions due to isolation and a lack of witnesses.⁸² Affected persons in employment situations in private households are therefore particularly vulnerable. Consequently, there is a need for greater awareness with regard to labour exploitation in the private sector.

5. Access to the social welfare system

Following the establishment of the Temporary Protection Directive, refugees who fall within the scope of section 24 of the Residence Act are provided with social security. Benefits are paid for living expenses to persons in need of assistance who are capable of working in accordance with section 74 (1) of Book II of the Social Code, as well as to persons who are not capable of working in accordance with section 146 of Book XII of the Social Code who have undergone identification procedures (in accordance with section 49 of the Residence Act), who hold or have applied for a residence permit in accordance with section 24 of the Residence Act, and who have been issued a corresponding Fictional Certificate (in accordance with section 81 (5) in conjunction with (3) of the Residence Act).

While refugees initially received benefits under the Asylum Seekers' Benefits Act (*Asylbewerberleistungsgesetz, AsylbLG*), which could be granted to foreigners without long-term prospects of remaining in Germany, they were excluded from application to the Asylum Seekers' Benefits Act in the course of the change in the legal system effective from 1 June 2022 (see section 1 (3a) the Asylum Seekers' Benefits Act). At the same time, section 74 of Book II of the Social Code and section 146 of Book XII of the Social Code were incorporated into the book of the Social Code, as a result of which the granting of benefits for beneficiaries of the Temporary Protection Directive was handled via Book II of the Social Code and Book XII of the Social Code respectively.⁸³ The background to the amendment of the law was to ensure the early integration into the labour market of the beneficiaries covered by section 24 of the Residence Act, and to grant state benefits for subsistence. This is an advantage for refugees because state benefit rates are higher than those of the Asylum Seekers' Benefits Act, and they have access to measures that support their entry into the labour market as well as to health benefits. However, support organisations have criticised that, due to legal changes and the shortage of staff in the authorities, beneficiaries have had to wait months for confirmation, and delayed benefits have sometimes led to situations that have threatened the livelihood of those in need.⁸⁴

⁸¹ See KOK (2016): Menschenhandel zum Zweck der Arbeitsausbeutung und schwere Arbeitsausbeutung von Frauen, Berlin, S. 28.

⁸² See KOK (2016): Menschenhandel zum Zweck der Arbeitsausbeutung und schwere Arbeitsausbeutung von Frauen, Berlin, S. 26.

⁸³ See a Nr. 2 c Gesetz zur Regelung eines Sofortzuschlages und einer Einmalzahlung in den sozialen Mindestsicherungssystemen sowie zur Änderung des Finanzausgleichgesetzes und weiterer Gesetze vom 23.5.2022, BGBl. I Nr. 17, S. 760.

⁸⁴ See BR (2022): Behörden- Wirrwarr mit Ansage, Jobcenter betreuen Flüchtlinge, <https://www.br.de/nachrichten/bayern/behoerden-wirrwarr-mit-ansage-jobcenter-betreuen-fluechtlinge,T7QKOer>, accessed 15 November 2022.

Some politicians feared that the increase in financial benefits would create a false incentive for refugees to enter the country in the sense of so-called “social tourism”⁸⁵ and that this would lead to an increase in applications for social benefits; however, this did not happen. According to scientific research, social entitlements are by no means a decisive factor in the choice of a country of destination for refugees fleeing war.⁸⁶ Instead, they either try to find refuge in neighbouring countries or flee abroad to countries where family or friends already live.

a) Social benefits

The range of benefits includes benefits for integration into the labour market (sections 14 et seq. of Book II of the Social Code), unemployment benefit II (sections 19 et seq. of Book II of the Social Code), social benefit (sections 19 and 23 of Book II of the Social Code) and benefits for education and participation (sections 19 and 28 et seq. of Book II of the Social Code).

Measures for integration into the labour market include access to free, digital language courses and job-related language courses, as well as integration courses within the framework of initial orientation courses. In addition, refugees can apply for admission to an integration course at the Federal Office for Migration and Refugees, which offers support in language acquisition, vocational orientation and integration.

b) Health care services

Refugees from Ukraine are also entitled to preventive health care services, provided they have a residence permit as defined in section 24 of the Residence Act. Those who receive Unemployment Benefit II (*Arbeitslosengeld II*), are automatically insured by the statutory health insurance system (*gesetzliche Krankenversicherung*) according to section 5 (2a) of Book V of the Social Code; in this way, they have access to the entire catalogue of benefits of the statutory health insurance system and are also included in the long-term care system. Refugees who receive social benefits according to Book XII of the Social Code have access to the same health services of the statutory health insurance system, including an electronic health card, according to section 264 (2) of Book V of the Social Code. For those refugees from Ukraine who are not in need of assistance as defined by Book II or Book XII of the Social Code because they have sufficient financial resources, it is required that they be insured by the statutory health insurance system according to section 5 (1, no. 13) of Book V of the Social Code in conjunction with section 5 (1) of Book XII of the Social Code. In order to better coordinate the reception and care of refugees with disabilities and persons in need of care, the Federal Ministry of Labour and Social Affairs (*Bundesministerium für Arbeit und Soziales, BMAS*) and the Federal Ministry of Health (*Bundesministerium für Gesundheit, BMG*) established the so-called “Federal Contact Point” at the German Red Cross.⁸⁷ The main task of the Federal Contact Point is to identify the needs of support of refugees arriving in Germany as best as possible and to refer them to care

⁸⁵ See e.g., Äußerung von Friedrich Merz, Vorsitzender der Unionsfraktion im Bundestag, Ende September 2022, <https://www.sueddeutsche.de/politik/migration-merz-sozialleistungen-ziehen-viele-zuwanderer-erst-an-dpa.urn-newsml-dpa-com-20090101-221004-99-01611>, accessed 15 November 2022; Antrag der Fraktion der AfD vom 18.10.2022, BT- Drs. 20/4051, S. 2.

⁸⁶ See BMI (2022): Bericht der Bundesregierung zu signifikanten Auswirkungen des Rechtskreiswechsels auf das Ankunftsgeschehen von ukrainischen Geflüchteten vom 29.09.2022, Az: KabParl-12003/1#1, S. 6.

⁸⁷ See BMAS (2022): Neue Kontaktstelle für geflüchtete Menschen mit Behinderungen und Pflegebedürftige aus der Ukraine, <https://www.bmas.de/DE/Service/Presse/Pressemitteilungen/2022/kontaktstelle-fuer-gefluechtete-ukrainer-mit-behinderungen.html>, accessed 15 November 2022.

facilities or organisation where they can receive assistance with regards to integration. However, whether a right to benefits exists depends on the residence title and is assessed within the framework of individual case decisions.

Many refugees and survivors of war suffer from depression or post-traumatic stress disorder. Staff of the REFUGIO Munich project “Mental Health Center Ukraine” report that many patients from Ukraine come to them for treatment with depression and symptoms of overwhelming stress. With refugee children and adolescents, withdrawal behaviour, aggression or refusal behaviour are increasingly observed. Due to a lack of capacity and funding, it was not possible to provide adequate psychotherapeutic care for all refugees even before the outbreak of the war. Psychosocial centres anticipate an increased need for psychosocial support for over 180,000 people fleeing Ukraine.⁸⁸ Sufficient language mediators must be made available for therapies and counselling for people with little or no knowledge of German. If no suitable health care is available for those affected, there is a danger that mental illnesses will become chronic.

6. Fake news

In connection with Russia’s war of aggression, false reports have been observed which spread quickly on the internet, increasing reservations regarding the arrival of refugees, thus posing a problem for the refugees from Ukraine.⁸⁹ The European Union Agency for Fundamental Rights (FRA) warns that disinformation can undermine people’s trust in institutions and governments and worsen social cohesion.⁹⁰ Acute situations, such as the war in Ukraine, act as catalysts to stoke fears and set the tone of political discourse on migration movements, among other things. In this context, false reports and conspiracy theories regarding refugees and religious and ethnic minorities have long been used to radicalise people. In the Czech Republic and Romania, for example, social media accounts and suspicious websites, some posing as real news outlets, were ‘flooded’ with messages about Ukrainians. These platforms claimed that the arriving Ukrainian refugees were wealthy and yet received extensive social and financial support, while residents in need were left without assistance. These reports are often based on the claim that refugees are treated more favourably than locals by the state authorities. In Poland, Ukrainian refugees were falsely accused of committing violent crimes against local residents.⁹¹

⁸⁸ See Psychosocial centres and cooperation partners were only able to cover 4.6 percent of the potential demand for care in 2020; See BAFF (2022): Flucht und Gewalt, Psychosozialer Versorgungsbericht Deutschland 2022, S. 92, https://www.baff-zentren.org/wp-content/uploads/2022/07/BAFF_Versorgungsbericht-2022.pdf, accessed 15 November 2022.

⁸⁹ See Die Bundesregierung (2022): Desinformation als Waffe, <https://www.bundesregierung.de/breg-de/themen/umgang-mit-desinformation/eu-gegen-desinformation-2007442>, accessed 15 November 2022.

⁹⁰ See FRA (2022): THE RUSSIAN WAR OF AGGRESSION AGAINST UKRAINE — THE BROAD FUNDAMENTAL RIGHTS IMPACT IN THE EU, Bulletin #2, p. 60 ff., https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-ukraine-bulletin-2_en.pdf, accessed 15 November 2022.

⁹¹ See EDMO (2022): Investigations, Ukrainian refugees and disinformation: situation in Poland, Hungary, Slovakia and Romania, <https://edmo.eu/2022/04/05/ukrainian-refugees-and-disinformation-situation-in-poland-hungary-slovakia-and-romania/>, accessed 15 November 2022.

F. CASES IN GERMANY: REALITY VS. PUBLIC DISCOURSE

I. Scale

A precise figure for the current number of cases of trafficking in human beings and exploitation in Germany in the context of the war in Ukraine is hardly possible. The reasons for this include the fact that some cases are difficult to define, and that the identification and placement of victims of trafficking is a lengthy process which can overlap with forms of exploitation. The following case figures are therefore primarily intended to serve as an initial example.

About half of the FBS that completed the survey provided counselling and/or referrals to refugees from Ukraine. According to their own information, the number of cases of suspected trafficking in human beings was less than ten at the time of the survey. In about 15 cases, persons affected by labour exploitation were, and continue to be, supported. In less than 30 cases, counselling was initiated due to sexual exploitation. The FBS reported on domestic violence in more than ten cases, although most FBS do not have a mandate for this, so victims seeking help likely turned to counselling centres specialised in this field. The majority of counselling sessions, however, were in general bureaucratic, covering organisational topics such as applying for social benefits, finding accommodation, or advising access to the labour market.

The low numbers of cases are in line with preliminary assessments by EUROPOL, which currently amount to sixty reported suspected cases, and five officially confirmed cases of trafficking in human beings across Europe.⁹²

However, it is certain that trafficking in human beings and exploitation are crimes that often remain undetected and are rarely reported. It is therefore clear that the number of unreported cases is much higher and that so far the situation has not been adequately recorded.

II. Reporting in the media

The terrifying description of an enormous increase in the number of cases of trafficking in human beings in the context of the Ukraine war, which has been given by the media since the beginning of the refugee movement, has not been confirmed so far. Many sexist stereotypes featured in public discourse. Especially in the first weeks after the outbreak of the war, warnings increased that refugees from Ukraine in need of help should beware of traffickers and criminals and that there was a great danger that refugee women would be picked up at train stations and forced into prostitution. As a result, trafficking in human beings was almost exclusively associated with the sexual exploitation of white, young, vulnerable women. Such stereotyping and stigmatisation led to a media construction of Ukrainian women as sexualised objects, reducing them to the role of victims. The focus was not so much on conveying objective and accurate information for the purpose of prevention, but rather on sensationalist reporting. Even though the FBS regarded the media reporting as predominantly sensationalist

⁹² Information from EUROPOL: Public Information- Reported potential THB incidents from 27 October 2022 at the event „EU Civil Society Platform“. EUROPOL states that information was not provided by all member states.

they described how at the same time, they appreciated that there was a high level of media attention, since it drew attention to the vulnerability of refugees.

G. INITIATIVES OF THE COUNSELLING CENTRES

To draw the conclusion that trafficking in human beings and exploitation are rare from the few confirmed cases would be short-sighted. Measures to prevent trafficking in human beings should be geared more to the degree of risk of becoming a victim than to the number of reports. In order to respond specifically to the identified risk factors, the FBS have also used their expertise to combat trafficking in human beings and exploitation.

Thanks to additional funding made available in the context of the war in Ukraine, almost 40 percent of the FBS applied for and received project funds. The majority of funding was used to initiate new projects to strengthen public relations in order to better reach, educate and help people who have fled the war. In addition, the funding was used to expand the staff. For instance, more multilingual Ukrainian/Russian counselling assistants and language mediators were employed. The focus here was on providing the best possible counselling to arrivals from Ukraine, which also included referring them across the entire support system. Responding to an additional need, one FBS specialised in the care of psychologically distressed refugees from Ukraine thanks to the project funds. However, even before funds were made available, staff of some of the FBS were already highly committed, for example distributing existing information material at train stations and providing support to those arriving.

I. Presentation of individual projects

In the project “Profilaktyka” (“prevention” in Ukrainian) of the Mitternachtsmission Heilbronn, for example, the aim is to help integrate refugee women who are (potentially) victims of domestic and/or sexualised violence, trafficking in human beings, forced prostitution into the social support system. For this purpose, the staff members seek out refugee women and prepare employees and volunteers who are in contact with refugees.⁹³

As part of its project “Raising awareness and identifying female trafficked persons who have fled Ukraine” (*Sensibilisierung und Identifizierung von weiblichen, aus der Ukraine geflüchteten Betroffenen des Menschenhandels*), the specialised counselling centre Nachtfalter Essen carried out outreach work and consultation hours in institutions and made contact with refugees in private accommodation. Furthermore, offers for group counselling in the community were supported and information was provided about the counselling centre. Also in this project, full-time and voluntary employees of refugee facilities and authorities were informed and prepared.

Some FBS dispatched mobile teams to better reach potential victims. At the women’s information centre FIZ Stuttgart, for example, a mobile team was able to inform and advise Ukrainian refugees about possible courses of action and offers of help in the case of violence,

⁹³ See Diakonie Diakonisches Werk Heilbronn (2022): Mitternachtsmission Heilbronn, Projekt Profilaktyka, <https://www.diakonie-heilbronn.de/was-wir-bieten/unsere-abteilungen/mitternachtsmission/beratungsstelle-fuer-prostituierte.html>, accessed 15 November 2022.

exploitation or trafficking for sexual exploitation. Furthermore, the team raised awareness among volunteers about the dangers of dependency in the relationship between refugees and their supporters, and also advised full-time volunteers in refugee work how to recognise situations of exploitation, and what kind of help was available.

Including the FBS projects described above, 20 out of 35 of the surveyed organisations decided not to apply for funding. The reason given by some of the member organisations is that they have not (yet) been able to identify any additional need for counselling services with regard to the arriving people from Ukraine. Some of the FBS do not see any additional needs, as they had already supported Ukrainian clients before the outbreak of the war with the help of colleagues who speak Ukrainian and/or Russian. Four of the FBS justified their failure to apply for state funding with a lack of time and the high amount of work involved in the application process. Another problem was that the funding of projects and staff positions was and is linked to measures specifically for refugees from Ukraine. This concentration on refugees from Ukraine has an exclusionary effect. The FBS do not differentiate between groups of refugees in their work, as they advise affected persons regardless of their origin. Other target groups could benefit from the same counselling services without the focus on the Ukrainian context, which would allow the structures to be used more efficiently overall.

Practical problems also arise when project funds are involved. It is often difficult for FBS to find suitable staff for a short project lasting only a few weeks. As a result, the hours of existing staff are instead increased, if possible. Due to the lack of long-term funding, this practice leads to the conclusion that the establishment of a sustainable counselling and support structure is not possible. Instead, funds are released ad hoc and with a narrow scope, at short notice, and in a time of crisis. The allocation of financial resources should be much more oriented towards actual needs and the FBS should be provided with sufficient funds on a permanent basis within the scope of their abilities.

II. Education and awareness work

With the help of the project funds in addition to already existing financial resources, more than 80 percent of the FBS carried out information and awareness-raising work. Most of the FBS have designed, (further) developed and published information and prevention materials in the form of multilingual flyers, handouts and posters. In particular, outreach work at bus and train stations, where information materials were distributed, was rated as very successful.

The knowledge of the arrivals on the subject of trafficking in human beings is assessed differently by experts. On the one hand, it is assumed that the majority of refugees have profound knowledge about the issue. At the same time, these people are probably also convinced that they will never be affected by trafficking themselves. This assessment correlates with the fact that Ukrainian NGOs have been doing educational work on the topic for years.⁹⁴

A Ukrainian employee from a specialised counselling centre, on the other hand, reported from her experiences in outreach work that many of the arriving refugees were initially surprised when they were confronted with the issues of trafficking in human beings and sexual exploitation in Germany. In her opinion, Germany as a destination country is idealised by most

94 See e.g., La Strada Ukraine, <https://www.lastradainternational.org/la-strada-ukraine/>, accessed 15 November 2022.

arrivals and perceived as very safe. In the conversations with the refugees, it became clear that the topic of sex work and prostitution in particular was taboo in Ukraine. The FBS also send flyers and information material on the topic of trafficking in human beings and exploitation to relevant centres. The information material mostly relates to education and prevention, protection and warning against trafficking in human beings and sexual and economic exploitation. Individual vulnerable and discriminated groups were not addressed separately. According to the FBS, the police, immigration authorities, volunteering agencies, social welfare offices and other social counselling centres have the most contact with the potential victims, which is why they are regarded as the main addressees of education and awareness-raising work by the FBS. Some of the FBS also directly approached people who volunteered to help due to the war in Ukraine.

In order to welcome people coming from Ukraine, but also to warn them preventively against exploitation, the IN VIA Berlin/Brandenburg counselling centre took the lead in producing and distributing multilingual flyers in A6 and A3 formats shortly after the outbreak of the war. Some of the FBS adapted already existing material by adding Ukrainian and Russian to their flyers as well as regional contact details for support services. In order to sensitise non-Ukrainian speaking refugees, especially foreign students living in Ukraine, more flyers were distributed in English. The translation into English is also appropriate in preparation for the event that the war extends to other countries and new target groups are added.

Welcome to Germany

Many private persons, volunteers and aid organisations offer you help.
Unfortunately, there are also people who take advantage of the emergency and may want to put you in exploitative situations.

Be vigilant!

- Never give your passport and mobile phone to other people for safekeeping
- Inform your families or friends where you are going or staying
- Be sceptical if you are offered work as soon as you arrive
- Leave your accommodation or home if you do not feel safe there
- Be sceptical if you are asked for money or pressured to do something you do not want to do
- Remember: Counselling and help about residency or social matters are free of charge in Germany

In the event of acute danger or suspicion, contact the police and dial 110!

If you have the feeling that someone wants to exploit your emergency situation, you can contact free of charge the following counselling centres in Berlin:

Ban Ying +49 30 440 63 73	IN VIA +49 177 73 86 276
Hydra +49 30 61 10 023	Solwodi +49 30 81 00 11 70
Zentrum für sexuelle Gesundheit und Familienplanung CW	+49 30 90 29 16 880

For counselling centres in other regions of Germany consult:



<https://www.kok-gegen-menschenhandel.de/der-kok/fachberatungsstellensuche>


Herausgegeben von IN VIA Katholischer Verband für Mädchen- und Frauensozialarbeit für das Erzbistum Berlin e.V.

EN

Flyer with safety tips and specialised counselling centres from IN VIA Berlin

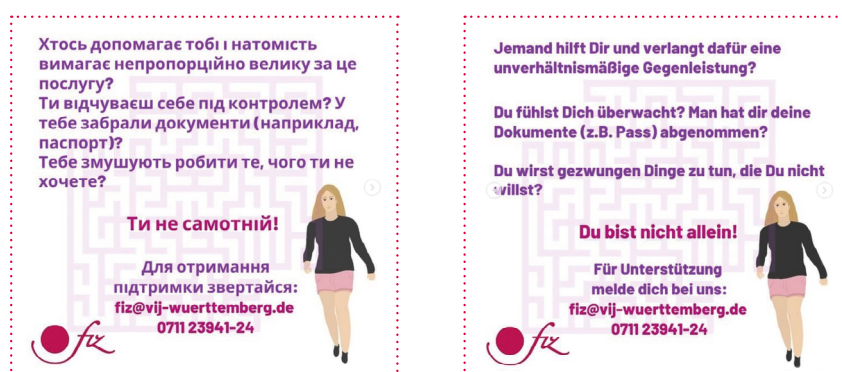
III. Digitalisation

According to the survey conducted, potentially affected persons who have fled to Germany in the course of the war in Ukraine come into contact with the FBS in the context of outreach work mainly through information material or through referral in the support system. JADWIGA München, for example, has started an information and prevention campaign and carried out outreach work in various arrival points in Munich. Due to the high demand and the lack of financial resources for reprinting, however, a shortage of flyers quickly developed.

Due to the shortage of flyers the arriving women were initially asked to take pictures of the flyers and share them on social media; the approach was immediately effective. On the one hand, the women had the information on their mobile devices in case they lost the flyer. On the other hand, they had access to various groups, so the information could be shared and forwarded numerous times. An initially analogue campaign thus shifted to a digital space, which ultimately enabled many more potential victims of trafficking to be reached.

It is becoming apparent in the course of digitalisation that people seeking help are increasingly finding out about and locating counselling structures online. The establishment and further development of low-threshold, digital counselling services is therefore an essential component for reaching potential victims in the future. For this purpose, the counselling centre FIZ Schweiz has initiated a project to analyse Ukrainian groups in social media and messenger services. The aim is to evaluate communication channels to create low-threshold information offers as well as to increase the accessibility of the target group from Ukraine.

Some of the FBS have already further developed their virtual counselling services in line with the new target group. The Fraueninformationszentrum FIZ Stuttgart (women's information centre), for example, launched a digital campaign on Instagram in August 2022, using graphics and multilingual texts to draw attention to their counselling activities.⁹⁵ Due to its multilingual and digital format, a low-threshold access was created for the refugees from Ukraine. Other individual FBS have also translated website texts into Ukrainian, used low-threshold multilingual posts on social media to draw attention to support services, and communicated with potential victims using messenger services.



Instagram Post by FIZ Stuttgart from 7 October 2022

⁹⁵ See fiz_stuttgart (2022, August – November): FIZ on Instagram, https://www.instagram.com/fiz_stuttgart/?igshid=YmMyMTA2M2Y%3D, accessed 19 October 2022.

The state has also conducted digital information campaigns in the course of the war in Ukraine. Upon entry, refugees receive a welcome SMS with links to further information, and to the Federal Government's information and assistance portal "Germany4Ukraine.de".⁹⁶ Additionally, adolescents and women travelling alone are warned in Ukrainian and Russian by the Federal Police regarding suspicious offers of accommodation. The homepage of the portal also contains the telephone number for the help hotline "Gewalt gegen Frauen" ("violence against women"), as well as warnings in Ukrainian, Russian, English and German.⁹⁷ As of relatively recently, women affected by violence can also receive counselling in Ukrainian via the telephone number, or be referred accordingly (to the FBS that are members of KOK, for instance).⁹⁸

In an international context, among others, LSI international is running a digital awareness campaign called "Be Safe" together with the OSCE. The campaign is aimed at refugees from Ukraine and offers help and information on how to identify and minimise risks of trafficking in human beings.⁹⁹

However, digitalisation also brings new challenges in the fight against trafficking in human beings. Since the COVID-19 pandemic, the issue of trafficking in human beings has increasingly extended to the internet, which has furnished new channels and methods of exploitation. The OSCE reports that in the context of the migration movement from Ukraine, the risks of exploitation also extend to the virtual space (especially Facebook, Telegram and Viber).¹⁰⁰ Many Ukrainians turn to social media for support, revealing information about their whereabouts and vulnerable condition, which can be exploited by traffickers.¹⁰¹ Platforms that pose a particularly high risk for online trafficking in human beings are websites for sexual services and the labour market, social media, platforms for accommodation and transport, and video-chat and live-streaming platforms.

It has already been noted that the recruitment of potential victims of sexual exploitation has increasingly shifted to the internet since the beginning of the war, and online demand for sexual services from Ukrainian women has increased significantly.¹⁰² In order to reduce the risks in the digital space, the OSCE recommends analysing online platforms with a potential risk for trafficking in human beings, and proactively monitoring high-risk platforms on the internet, as well as conducting digital awareness campaigns. The OSCE recommends building partnerships between law enforcement agencies, technology companies and anti-trafficking NGOs.

⁹⁶ See Deutscher Bundestag: Antwort der Bundesregierung auf die Kleine Anfrage der Fraktion der CDU/CSU vom 05.04.2022, Kriegsflüchtlinge schützen – Frauen und Kinder aus der Ukraine vor Menschenhandel und Zwangsprostitution bewahren, BT-Drs. 20/1282, S. 5.

⁹⁷ See BMI (2022): Telefonische Beratung für kritische Lebenssituationen, <https://www.germany4ukraine.de/hilfeportal-de/telefonische-beratung-fuer-kritische-lebenssituationen-2025706>, accessed 15 November 2022.

⁹⁸ See Gewalt gegen Frauen (2022): Das Hilfefon, <https://www.hilfefon.de/das-hilfefon/beratung/beratung-in-18-sprachen/ukrainisch.html>, accessed 15 November 2022.

⁹⁹ See OSCE (2022): Be Safe From Human Trafficking, <https://www.helpforukrainians.info/>, accessed 15 November 2022.

¹⁰⁰ See UNODC (2022): Research Update August 2022: Conflict in Ukraine: Key evidence on risks of trafficking in persons and smuggling of migrants, p. 4.

¹⁰¹ See OSCE (2022): Recommendations on enhancing efforts to identify and mitigate risks of trafficking in human beings online as a result of the humanitarian crisis in Ukraine, p. 1.

¹⁰² See OSCE (2022): Recommendations on enhancing efforts to identify and mitigate risks of trafficking in human beings online as a result of the humanitarian crisis in Ukraine, p. 1.

IV. Collaborations and networks

In order to meet the challenges resulting from the war, many new collaborations and associations have been established both nationally and internationally, including developing existing networks. Around two-thirds of the FBS also state that they have intensified existing cooperation structures and founded new ones in order to collectively carry out effective prevention work. Some of the FBS collaborate with networks of the Ukrainian diaspora and migrant independent organisations.

Many of the FBS also participate in close professional exchanges with state institutions. For example, two of the FBS regularly participate in newly established “round tables” with volunteers, representatives of the Youth Welfare Office (*Jugendamt*), the Social Office (*Sozialamt*) and other organisations. These round tables, some of which are set up by the state governments, deal with the challenges and support options for refugees from Ukraine. The aim of such working groups is to create a space where representatives from different fields can exchange information.

The specialised counselling centre ALDONA has, for example, helped arrange housing for refugees from Ukraine. They have also further developed existing cooperative structures with the State Reception Centre and the Immigration Office of the city of Saarbrücken, and worked on the newly established information point of the Citizens’ Initiative of Ukrainians in Saarland, “Info.Saar.UA”.

According to the survey, the FBS also developed their cooperation with other support institutions, especially those FBS with a focus on labour exploitation. They referred people in need of counselling to agencies such as “faire Integration”, BEMA, counselling centres for mobile victims or the DGB (German Trade Union Confederation). There was also increased cooperation with other representatives from civil society, such as social workers and staff at railway stations and in [emergency] shelters. The Mitternachtsmission Heilbronn has also made use of existing cooperation structures and further expanded the network of refugee social work by sharing information with social services and adult education centres throughout the state in Baden-Württemberg.

One third of the FBS, however, stated that they had not intensified existing collaborative structures or had not formed cooperations with new partners. The reason for this is that either there was no reason to do so in view of the number of cases or it was not feasible due to limited staff and time capacities.

V. Work of the KOK

The KOK also intensified exchange and cooperation in pre-existing structures. For example, the KOK shared insights from the field to forums such as the Bund-Länder-Arbeitsgruppen (Working Groups of the Federal and State Governments) on the topic of trafficking in human beings, and combating trafficking in human beings with regards to labour exploitation; for this, there is a regular exchange between the Federal Government, the Federal States and civil society. Holding a permanent seat at these meetings, the KOK actively advocated for the needs of the FBS, as well as for potential victims of trafficking in the course of the Ukraine war. The KOK also participated in various discussions and conferences with relevant stakeholders. In

addition, the association shared its expertise with politicians, for example in discussions with members of the Bundestag and at a hearing of the Bundestag Committee on Family Affairs, Senior Citizens, Women and Youth. At the international level, the KOK was involved in the issue of Ukraine and trafficking in human beings by networking within the framework of LSI international and PICUM, as well as in discussion forums organised by EUROPOL among other things. Another cooperation supported by the KOK is the “Alliance4Ukraine”, which consists of 431 civil society organisations, foundations, state institutions and companies. “Alliance4Ukraine” works on issues such as housing, legal counselling, protection of vulnerable groups and sexualised violence. Collaborations as such provide a wider support network.¹⁰³

The KOK also monitors the international committee work of the OSCE and the EU network of National Rapporteurs against Trafficking in Human Beings, in which Germany cooperates with other European states, in particular the states that border Ukraine. The EU Commission established an international solidarity platform in May 2022 to accompany the implementation of the Temporary Protection Directive.¹⁰⁴ The platform aims to monitor the emerging needs and receptive capacities of Member States in the EU, as well as to coordinate their operations. Alongside this, the Anti-Trafficking Plan¹⁰⁵ to protect people fleeing the war in Ukraine was presented at EU level, based on the EU Anti-Trafficking Strategy¹⁰⁶ and the EU Directive on Trafficking in Human Beings.¹⁰⁷

H. OUTLOOK AND RECOMMENDATIONS FOR ACTION

The various FBS have different assessments of what they consider necessary to meet the medium- and long-term challenges of the protection and support of refugees from Ukraine. While one third of the FBS have already identified additional financial and staff requirements resulting from the war in Ukraine, the remaining FBS have stated that such requirements would not arise or would only arise in the event of an increase in counselling requests from this target group. Some of the FBS have predicted that other exploitation networks could emerge as a result of changing refugee routes and the sudden threat of a war of aggression which could change the requirements for support. Others of the FBS predict that due to already established structures of exploitation, there will be more cases of labour exploitation in the future. An increase in the number of cases of sexual exploitation in the context of the war in Ukraine also cannot be ruled out. The survey did not show local differences in demand between the FBS in the new and old Federal States.

The differing answers of the FBS reflect the complexity of a development prognosis. Since refugees, as already described, are fundamentally exposed to an increased risk of becoming

¹⁰³ See Deutscher Bundestag, Antwort der Bundesregierung auf die Kleine Anfrage der Fraktion der CDU/CSU vom 05.04.2022 – Kriegsflüchtlinge schützen, Frauen und Kinder aus der Ukraine vor Menschenhandel und Zwangsprostitution bewahren, Drs. 20/1282, S. 6.

¹⁰⁴ See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Report on Migration and Asylum, COM (2022) 740 final from 6 October 2022, p. 2f.

¹⁰⁵ See EU Anti-Trafficking Coordinator (2022): A Common Anti-Trafficking Plan to address the risks of trafficking in human beings and support potential victims among those fleeing the war in Ukraine. Under the lead of the EU Anti-Trafficking Coordinator, https://home-affairs.ec.europa.eu/system/files/2022-05/Anti-Trafficking%20Plan_en.pdf, accessed 16 November 2022.

¹⁰⁶ See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Being 2021-2025, COM (2021) 171 final from 14 April 2021.

¹⁰⁷ See Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ 2011 L 101/1.

victims of trafficking in human beings, the development of the number of cases in Germany could therefore be significantly related to the size of the migration movement. However, the course of the war is still unpredictable and the consequences of the war, especially in the occupied Ukrainian territories, are difficult to assess. It is already becoming apparent that the Russian invasion of Ukraine has led, and will probably continue to lead, to an exceptionally strong migration movement.¹⁰⁸ Migration scenarios predicted by experts depend on the length of the war, the extent of destruction of Ukrainian territories, the economic situation and the guarantee of rights in the destination countries.¹⁰⁹ Furthermore, the individual needs of the refugees vary greatly.¹¹⁰ When returning to Ukraine and when moving back and forth between states, there is once again, and with every transit movement, an increased vulnerability for refugees. Depending on how they are integrated into the local labour market and the terms of the duration of their stay, an estimated 2.5 to 3.5 million displaced persons will settle permanently in the European Union.¹¹¹ According to a recent UNHCR survey, 63 percent of the refugees interviewed currently plan to remain in their countries of destination for the foreseeable future.¹¹² The trend in recent months showed a decrease in the arrival of refugees from Ukraine.¹¹³ However, due to the already destroyed infrastructure and housing, the desolate economic situation and the expected cold temperatures in the winter months in Ukraine, the number of refugees could increase again in the future.¹¹⁴ Among them, it is predicted that there will be a number of conscientious objectors fleeing Russia and people affected by repression.¹¹⁵

The FBS agree that the political decisions outlined above and the generous treatment of refugees from Ukraine are to be welcomed. With the activation of the Temporary Protection Directive, the European Union has shown that refugees from Ukraine can be accepted without bureaucracy and that opportunities for participation can be opened up. Until March 2024, the German state allows most of the refugees to stay in Germany legally, to receive social benefits, and to work. Also worthy of recognition is the great commitment to help on the part of the civil society: a large number of volunteers provide first aid and shelter for those arriving. Meeting basic human needs is an important precondition for reducing the risk of falling into exploitative relationships. In practical terms, although the authorities alone were unable to provide for the many refugees, the organisation by the state and the financial resources were essential.¹¹⁶

¹⁰⁸ See IAB (2022): Forschungsbericht 2/2022, Die Folgen des Ukraine- Kriegs für Migration und Integration, 2022, Nürnberg, S. 21.

¹⁰⁹ See Prague Process ICMPD (2022): Policy Brief, The war in Ukraine: Post-war scenarios and migration repercussions, June 2022, Vienna, p. 7 ff.

¹¹⁰ See BMI (2022): Geflüchtete aus der Ukraine, Untersuchungsergebnisse iRd. Pressegesprächs am 4.4.2022, S. 27, https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichten/2022/umfrage-ukraine-fluechtlinge.pdf;jsessionid=56499E90F3C54754F6C7518450C6DCDB.1_cid287?__blob=publicationFile&v=2, accessed 16 November 2022.

¹¹¹ See Prague Process ICMPD (2022): Policy Brief, The war in Ukraine: Post-war scenarios and migration repercussions, June 2022, Vienna, p. 10.

¹¹² See UNHCR (2022): Displaced Patterns, Protection Risks and Needs of refugees from Ukraine, Regional Protection Analysis #1, 26 October 2022, p. 18, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2a-hUKEwjD14zBtLL7AhWRQPEDHZFGCDIQFnoECAwQAQ&url=https%3A%2F%2Fdata.unhcr.org%2Fen%2Fdocuments%2Fdownload-ad%2F96447&usg=AOvVaw3sy0C6ix0V50htZ9d9E1Ek>, accessed 16 November 2022.

¹¹³ See IOM: Ukraine Internal Displacement Report. General Population survey, Round 9, 26 September 2022, p. 2.

¹¹⁴ It is estimated that by the end of 2022, one in five Ukrainians will be living in poverty; See DW (2022): Ukraine, Der Wiederaufbau wird teuer, <https://www.dw.com/de/ukraine-der-wiederaufbau-wird-teuer/a-63094618>, accessed 16 November 2022.

¹¹⁵ See bpb (2022): Migrationspolitik – September 2022, <https://www.bpb.de/themen/migration-integration/monatsrueckblick/514063/migrationspolitik-september-2022/>, accessed 16 November 2022.

¹¹⁶ See Heinrich Böll Stiftung (2022): Aufnahme von ukrainischen Geflüchteten in der EU: Impulse für bestehendes Asylsystem, <https://heimatkunde.boell.de/de/2022/04/08/aufnahme-von-ukrainischen-gefluechteten-impulse-fuer-bestaehendes-asylsystem>, accessed 16 November 2022.

This productive and cooperative relationship between state and civil society can and should be used as a blueprint for future migration movements.

However, despite the continuation of the war, voluntary work in aid of refugees has diminished in recent months. There is a nationwide lack of suitable housing, German language courses and integration courses, as well as day-care places. In order to minimise the risks of becoming victims of trafficking and exploitation in the long term, refugees need a long-term perspective in Germany, which includes sufficient support services and integration measures. The assistance system needs to be equipped with sufficient resources in the long term.

The FBS providing counselling for victims of trafficking work independently of nationality or residence status. They do not distinguish whether clients have Ukrainian citizenship, are third-country nationals fleeing Ukraine, or are refugees from other regions, such as West Africa. With regards to the latest developments, they criticise above all that the current legal situation leads to a hierarchy and consequently to discrimination against refugees from different countries of origin. The majority of the FBS therefore call for an end to the unequal treatment of groups of refugees from different countries of origin. The currently regulatory restrictions could be eased in such a way that the legal situation of refugees from other countries would be strengthened. As already described, it is obvious that an improved living situation for refugees fundamentally reduces their risk of becoming victims of trafficking and exploitation. This preventive character of migration-friendly legislation should be considered in the fight against trafficking in human beings in the future.

Even if it remains unclear how the situation will change, the FBS are preparing for an increase in demand for counselling, as practice shows that trafficking in human beings usually only becomes visible sometime after the migration movement has started.

It is certain that additional financial resources for language and cultural mediators will be required if more Ukrainian-speaking clients visit the FBS. A Russian-speaking Ukrainian employee of a counselling centre noticed that refugees from the eastern regions of Ukraine, where Russian is spoken for the most part, deliberately asked for counselling in Ukrainian. The reason for this is the political symbolism of not using the language of the aggressor. It is therefore important, she says, that enough Ukrainian translators are available so that those affected are not forced to speak Russian. Some of the FBS state that there are too few qualified Ukrainian translators, which can complicate counselling.

Trafficking in human beings is a serious violation of human rights. International human rights obligations require states not only to combat trafficking in human beings, but also to offer effective protection to victims of trafficking.¹¹⁷ In order to meet this requirement, special assistance structures, financially secure FBS and sufficient accommodation facilities for trafficked persons are needed. Currently, there lacks a comprehensive support network for victims of all forms of trafficking and exploitation. Some counselling centres are limited to counselling victims of sexual exploitation due to their funding and mandate. If deemed appropriate by the relevant centres, the mandate of the FBS should also extend to other forms of exploitation, in

¹¹⁷ E.g., Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, BGBl. III of 29 December 2005 No. 220 (Palermo Protocol).

particular labour exploitation. In addition, the support structures for individual victim groups, such as cis men, non-binary or trans persons, must be expanded. It is the task of the Federal Government, the states and the municipalities to guarantee the basic financing of support structures to prevent and combat trafficking in human beings and exploitation. The FBS must receive more financial support so that the existing caseload and future challenges can be met. Long-term and secure funding ultimately lead to a much more sustainable and effective assistance system. Future cuts in state funding must therefore be prevented by all means.

I. CONCLUSION

So far, the FBS in Germany have recorded case numbers of trafficking in human beings and exploitation in the context of the Ukraine war in the low double-digit range. An enormous increase – as predicted in the media – is not apparent. Can this be attributed to the numerous and widespread information and awareness-raising campaigns? Does the improved legal situation of refugees through the Temporary Protection Directive lead to a noticeable reduction in the risk of becoming a victim of trafficking and exploitation? Or is the low number of confirmed cases the result of the fact that the data on the extent of trafficking in human beings in Germany is generally very incomplete due to a large number of unreported cases?

In a statement, Chancellor Olaf Scholz said that 24 February 2022 marked a “turning point” in the history of our continent.¹¹⁸ However, the migration movement triggered by the Russian invasion is not unique. Refugees from other countries have also been seeking protection in Germany for years. In the future, too, people will continue to flee due to war and violence, but also discrimination, persecution, poverty and/or environmental disasters. Germany can only meet these challenges if it adapts to temporary as well as permanent refugee scenarios in a sustainable manner and is willing to learn from the mistakes of the previous years.

At this point in time, it seems too early to comprehensively assess the situation regarding trafficking and exploitation in Germany in the context of the war in Ukraine. Trafficking in human beings and exploitation often remain undetected and unreported. Nevertheless, it can be assumed that the positive developments in immigration law and the multi-faceted awareness-raising work of the FBS contribute to reducing the risk of refugees from Ukraine becoming victims of exploitation and trafficking. This circumstance should also be taken into account in the future with regard to refugees from other countries. Once again it is clear that the establishment of sustainable support structures to combat trafficking in human beings and exploitation is effective, as well as just how crucial the work of the FBS, and the collaborations of stakeholders are.

¹¹⁸ See Die Bundesregierung (2022): Regierungserklärung von Bundeskanzler Olaf Scholz am 27.02.2022, <https://www.bundesregierung.de/breg-de/suche/regierungserklaerung-von-bundeskanzler-olaf-scholz-am-27-februar-2022-2008356>, accessed 16 November 2022.

LIST OF ABBREVIATIONS

AsylbLG	Asylum Seekers' Benefits Act
AufenthG	German Residence Act
AWO	Workers Welfare Association
AZR	Central Register for Foreign Nationals
BAMF	Federal Office for Migration and Refugees
BEMA	Berliner Beratungszentrum für Migration und gute Arbeit
BGH	Federal Court of Justice
BIPoC	Black, Indigenous, People of Color
BMAS	Bundesministerium für Arbeit und Soziales
BMFSFJ	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
BMG	Federal Ministry of Health
BMI	Federal Ministry of the Interior and Community
bpb	Federal Agency for Civic Education
DeZIM Institut	German Centre for Integration and Migration Research
DGB	German Trade Union Confederation
EDMO	European Digital Media Observatory
EMPACT	European Multidisciplinary Platform Against Criminal Threats
EU	European Union
EUROPOL	European Union Agency for Law Enforcement Cooperation
FBS	Specialised Counselling Centres
FRA	European Union Agency for Fundamental Rights
FREE-Verteilungssystem	Distribution system for refugees
Frontex	Act on the General Freedom of Movement for EU Citizens
FreizügG/EU	Act on the General Freedom of Movement for EU Citizens
GRETA	Group of Experts on Action against Trafficking in Human Beings
IAB	Institute for Employment Research
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
LGBTI*	Lesbian, Gay, Bisexual, Trans, Intersexual
LSI	La Strada International
MIA	Reporting and Information Center for Antiziganism
MIK	Ministry of the Interior and for Municipal Affairs of the Federal State of Brandenburg
NGO	Non-governmental organization
OSZE	Organization for Security and Co-operation in Europe
PICUM	Platform for International Cooperation on Undocumented Migrants
SGB	Social Code
StGB	Strafgesetzbuch
TGEU	Transgender Europe
TPD-Plattform	Temporary Protection Directive Platform
UkraineAufenthÜV	Ukraine Residence Transitional Regulation

UN

UNHCR

UNICEF

UNODC

United Nations

United Nations High Commissioner for Refugees

United Nations International Children's Emergency Fund

United Nations Office on Drugs and Crime

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