

# Trafficking in human beings

---

## Labour exploitation

Sexual exploitation

Forced criminal activities  
and begging

Organised ritual abuse



German NGO Network against  
Trafficking in Human Beings

## Table of Content

---

|   |    |
|---|----|
| 1. Introduction .....   | 3  |
| 2. Trafficking in human beings for labour exploitation .....    | 5  |
| 3. Legislative developments .....                               | 12 |
| 4. KOK's work .....   | 14 |
| 5. Specialised counselling centres for trafficked persons ..... | 19 |
| 6. Networking and cooperation .....                             | 23 |
| 7. What needs to be done .....                                  | 26 |
| Further information .....                                       | 28 |
| Contact and donations .....                                     | 30 |

## 1. Introduction

Trafficking in human beings is defined as a situation whereby a person's predicament is used to trap them in an exploitative situation. This can take various forms and occurs in different areas:

- Labour exploitation
- Sexual exploitation
- Exploitation in marriage
- Forced begging
- Forced criminal activities
- Forced removal of organs

Trafficking in human beings constitutes a serious human rights violation and an offence to the dignity and the integrity of the human being.

In the early 1980s women's counselling services began identifying an increasing number of cases of trafficking in human beings for the purpose of sexual exploitation, and the issue started to receive more attention. Specialised support structures have since been established, many of which also deal with cases of **trafficking** in human beings for the purpose of labour exploitation as well as cases of exploitative working conditions. Recently there has also been an increase in cases of exploitation where people are being forced to go out begging or commit crimes.

This brochure is **part of a range of information brochures**. Each one aims to take a closer look at a form of exploitation and to provide information about the counselling options and

support structures available to trafficked persons in Germany. In particular they will present the **services and work carried out by KOK's** members.

This brochure focuses on the phenomenon of trafficking in human beings for labour exploitation.

## 2. Trafficking in human beings for labour exploitation

When talking about **trafficking in human beings for labour exploitation and forced labour**, we are referring to situations in which employers take advantage of a worker's predicament or force them to perform work and exploit them. Their freedom of action is limited to the point where they no longer have a say in the work relationship. They receive insufficient or no remuneration and are forced to work in bad or even dangerous conditions.

In 2005, trafficking in human beings for the purpose of labour exploitation was defined as a separate criminal offence by the German Criminal Code. The relevant legislation was extended and restructured in 2016. Broadly speaking, criminal law provisions regarding **trafficking in human beings** and **labour exploitation** now cover three activities:

- Recruiting (trafficking in human beings)
- Initiating the exploitative activity (forced labour)
- Exploitation (labour exploitation)

Pursuant to **Section 232 of the German Criminal Code**, the German Criminal Code defines as **trafficking in human beings** situations whereby a person's personal or economic predicament or helplessness arising from being in a foreign country is used, and whereby this person is recruited, transported or accommodated with the aim of exploiting them. In the case of individuals under the age of 21, the criteria of exploita-

tion of a person's predicament or use of coercion by the perpetrator do not need to be met.

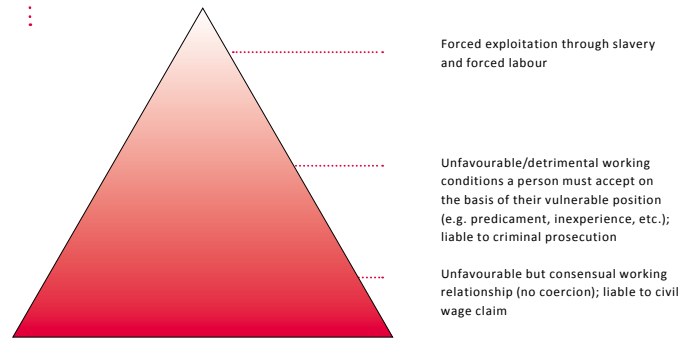
Actually initiating the exploitative activity, i.e. causing the trafficked person to engage in it or continue to engage in it, is provided for by **Section 232b of the German Criminal Code (Forced labour)**.

This may or may not be carried out by the same person as the one who organised the recruitment or transport.

Employment relationships that fall within the scope of **labour exploitation (Section 233 of the German Criminal Code)** can be characterised by low wages, overly long working hours, excessive mediation fees and/or rent, dangerous working conditions and/or non-payment of salary.

Finally, **Section 233a of the German Criminal Code** provides for cases in which **labour exploitation occurs by use of unlawful restraint**.

In many cases, the **shift** from unfavourable and poor working conditions to labour exploitation is **blurred**. Sometimes, working conditions that were originally "only" unfavourable become worse over time to the extent that they become cases of labour exploitation or even exploitation by use of unlawful restraint.



Adapted from: Source: Cyrus, Norbert in BMAS (2011): Entwicklung tragfähiger Unterstützungsstrukturen für die Betroffenen von Menschenhandel zur Arbeitsausbeutung in Deutschland, p. 48.

Some **industries** seem more prone to trafficking in human beings, forced labour and exploitation than others. The affected industries are currently believed to include in particular:

- Agriculture
- Care
- Private households (among others, domestic helpers, cleaners and au pairs)
- Hospitality industry
- Building trade
- Prostitution and sex industry
- Conveyance and transport services
- Meat processing industry

Although the public discourse often essentially associates labour exploitation with men, this is not always the case. Women also face labour exploitation, especially with regards to domestic services and care work, but also in

industries which are believed to attract fewer women, such as meat processing.<sup>1</sup>

**Reasons** why persons may be affected by trafficking in human beings, forced labour and exploitation and cannot leave the exploitative situation include:

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

Unlike what many believe, the legal definition of trafficking in human beings **does not require a border to have been crossed.**

Anybody can therefore be subjected to all forms of trafficking in human beings, although

people who lack language skills, knowledge of their surroundings or an understanding of legal matters or those living in a precarious situation are particularly vulnerable.

It is also important to **draw a line between trafficking in human beings and people smuggling.** Smugglers help migrants cross national borders illegally and derive a profit from this activity, sometimes using deception and violence. However, contrary to trafficking in human beings, they derive a profit from borders being crossed and not from exploitation through a certain activity. It is possible, however, that one criminal offence merges into the other and that a smuggled person is then also trafficked and exploited.

Labour exploitation and trafficking in human beings for the purpose of labour exploitation has received much less attention than sexual exploitation in the past few years in Germany and **the data available remains scarce.**

1 See Mitwalli, J. (2016): Menschenhandel zum Zweck der Arbeitsausbeutung und schwere Arbeitsausbeutung von Frauen – ein nicht gesehenes Phänomen?

## CASE STUDY

---

### Labour exploitation of a domestic worker

Alina is an illiterate 53 year old from Romania. She earns a small income by doing needlework for convents. Hoping to improve her situation, she asks an acquaintance to find her a placement as a domestic worker in a private household in Germany. For seven weeks, she works from six a.m. to one 1 a.m. She cleans, cooks, irons and looks after the children. She does not have a single day off and does not receive payment for her work. After being threatened with physical violence, she finally runs away after seven weeks.

She spends two nights on the streets before ending up at an NGO, the 'Bahnhofsmision'.

The police then refer her to a counselling centre specialised in trafficking in human beings. She is afraid of retribution from the intermediaries who organised her move to Germany, while feeling deep mistrust for the police and all other public authorities. In this case, the centre's counsellor is the first trustworthy person she meets and who speaks the same language. She manages to stabilise Alina over the course of several consultations. The centre's counsellor informs Alina of the possibility and consequences of filing a report with the police and organises her accommodation. Despite encouraging Alina to pass on information to the police, Alina's fear and misgivings cannot be overcome.

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

FIM – Frauenrecht ist Menschenrecht e.V., Frankfurt

### 3. Legislative developments

Crucial advances have been made in the legal framework to address trafficking in human beings, both at the international and European level and the national level in the past few years.

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

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

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

human beings that are liable to result in prosecution – alongside sexual and labour exploitation.

In **Germany**, trafficking in human beings for the purpose of labour exploitation has been a criminal offence since 2005.

Since the criminal legislation reform that took place in 2016, trafficking in human beings has been provided for in Section 232, forced labour in Section 232b and labour exploitation in Sections 233 and 233a of the German Criminal Code. All provisions include an age of consent, which means that these deeds are all liable to prosecution if the trafficked persons are under 21, even if there was no exploitation of an individual’s situation or predicament. Cases in which serious physical violence and/or the victim is a minor and/or the perpetrator is a member of a gang, for example, are considered to be aggravated, and therefore result in harsher sentences.

However, even since the reform there have been relatively few investigation proceedings or even convictions despite a rise in the number of cases. According to the Federal Criminal Police Office Situation Report on Trafficking in Human Beings, in 2022 a total of 34 investigation proceedings were carried out into labour exploitation (compared to 346 proceedings for sexual exploitation).<sup>2</sup>

<sup>2</sup> Federal Criminal Police Office (2023) Bundeslagebild Menschenhandel 2022 (2022 Federal Situation Report on Trafficking in Human Beings), p. 14.

## 4. KOK's work

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

One of the main **goals** pursued by KOK and its member organisations is to **bolster** and **enforce** the rights of trafficked persons.

Further objectives include:

- Ensuring compliance with national and international standards in all dealings with trafficked persons
- Promoting a women-oriented and human-rights-oriented perspective in policymaking and society as a whole
- Supporting the existing network of specialised counselling centres
- Improving the living conditions of trafficked persons and migrants affected by violence

KOK also has extraordinary member organisations in Berlin, Switzerland and Italy (South Tyrol).

KOK brings together the **majority of specialised counselling centres** in Germany **working with trafficked persons** as well as other organisations combating this issue, including:

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

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

The **KOK Office** tends to focus on the following **areas**:

- Networking at national and international level with specialised counselling centres and other NGOs
  - ▶ Organising regular networking events and conferences
- PR work
  - ▶ Publications, newsletters, website etc.



- Raising awareness and providing training on trafficking in human beings and violence against female migrants
  - ▶ Training courses, talks, touring exhibitions etc.
- Participation in committees and networks
  - ▶ Interministerial/interdisciplinary working groups
- Advocacy and policy advice
  - ▶ Statements, policy advice at regional, national and European level

KOK is funded by the Federal Ministry of Family, Senior Citizens, Women and Youth.

## CASE STUDY

---

### **Exploitation in the hotel and restaurant industry**

Mrs E., who comes from an EU country in Eastern Europe, makes the trip to Germany after responding to an online advert for a job in the hotel and restaurant sector in order to earn money for herself and her family. She works in a pizzeria but doesn't receive any pay. Not only is she forced to work for free by the perpetrator, she is also sexually harassed. Due to her lack of language skills and local knowledge, she has no way of defending herself. The situation escalates and third parties notify the police. Mrs E. is questioned and taken to safe accommodation organised by the police as the perpetrator has been issuing death threats. Mrs E. makes it clear that she wants to go back to her home country as soon as possible. Her case is referred to the Heilbronner Mitternachtsmission, a specialised counselling centre for trafficked persons, and one of its counsellors comes to speak to Mrs E. and explains what support options are available to her with the help of a telephone interpreter.

Colleagues at the specialised counselling centre take her to sheltered accommodation and make sure she has food and everything else she needs. This allows Mrs E. to decompress a little. As requested, arrangements are swiftly made for her to return home, and she is able to set off only a few days later. She is also given the contact details for NGOs in her home country that she can contact if she needs any further counselling.

Heilbronner Mitternachtsmission, Jahresbericht 2021 (2021 Annual Report; only available in German)

## 5. Specialised counselling centres for trafficked persons

KOK specialised counselling centres offer trafficked persons anonymous, confidential and **holistic counselling and support** that is free of charge and independent of state institutions. They offer a wide range of counselling options and aim to improve sustainably the lives of trafficked persons and help them to assert their rights.

Trafficked persons receive psychosocial support as well as counselling with regard to their legal situation or their social, residence, labour or civil rights from counselling centres, or they are referred to a lawyer. They also offer accommodation or help with finding accommodation. Their scope also includes organising medical assistance and support during criminal proceedings. Very often, counselling centre staff accompany clients to meetings with authorities. If necessary, they also organise return to home countries.

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

Counselling center's staff have extensive experience in **psychosocial counselling of trafficked persons** and are aware of the needs of their clients, mostly traumatised women and girls. They use **multilingual counsellors** or interpreters to

offer comprehensive, far-reaching and individual counselling to trafficked persons.



Due to the context in which they were created, many specialised counselling centres who are members of KOK work primarily with **women**, regardless of the type of exploitation they have faced. Many KOK member organisations now also counsel **men and whole families**.

They also regularly support and counsel **minors** affected by trafficking and act in concert with other stakeholders in the area of child and youth protection.

In addition to comprehensive and holistic counselling for trafficked persons, specialised counselling centres also offer **training and information events** to raise awareness on trafficking in human beings. These include:

- Prevention training courses
- Training courses for prosecuting authorities
- Information events for vulnerable persons
- Organisation of networking workshops for various stakeholders, e.g. police, lawyers or relevant public authorities
- Discussions with pupils or teachers

For further information about the individual specialised counselling centres, visit the KOK website:

[www.kok-gegen-menschenhandel.de/en/kok/specialised-counselling-centres](http://www.kok-gegen-menschenhandel.de/en/kok/specialised-counselling-centres)

## KOK member organisations and their local branches



## 6. Networking and cooperation

**KOK member counselling centres** are located **all over Germany**, with at least one centre in every federal state. At a regional level, they often cooperate with various regional and local stakeholders. Their focus and target groups tend to vary: through effective networking, counselling centres can offer each other support and complement each other's activities, whilst plugging many of the gaps in the support system.

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

For some time now, **trade unions and union-linked organisations** have increasingly been addressing the phenomenon of labour exploitation of mobile/foreign workers. The counselling centres that are members of the Gute Arbeit ('Good Work') network, which is funded by the association 'Verein Arbeit und Leben e.V.', offer advice to individuals affected by labour exploitation regardless of their country of origin and also provide support to trafficked persons in some locations. The Faire Mobilität ('Fair Mobility') project run by the Confederation of German Trade Unions (DGB) offers advice on labour and social law matters for mobile workers from EU countries, with each counselling centre specialising in certain industries. In addition, third country nationals affected by labour exploitation can obtain support at the

Faire Integration ('Fair Integration') counselling centres. In many locations, cooperation initiatives have been set up between specialised counselling centres for trafficked persons and the various trade-union/union-linked counselling centres. This network is constantly being expanded and its work intensified.

There have also been significant developments in recent years with respect to **government bodies** and their jurisdiction when it comes to combatting trafficking in human beings. For example, since 2019 the Customs Office has also had the authority to check whether employees are working under exploitative conditions. The involvement of new stakeholders has meant that existing **cooperation agreements** have needed to be expanded and new agreements concluded, for example with the Federal Police Force or the Federal Ministry of Finance (with respect to the Customs Office). Such cooperation agreements set out guidelines for collaboration between the stakeholders involved in cases of trafficking in human beings and are intended to be supplemented by discussion forums like round tables. Some regions have been organising round tables of this kind for many years.

At national level, in addition to the Joint Working Group of the Federal Government and the Länder on Trafficking in Human Beings there is a **Joint Working Group on Trafficking in Human Beings for the Purpose of Labour Exploitation**. These working groups provide a

forum for ongoing exchange of information and expert knowledge across federal state borders, bringing together the relevant ministries and authorities at national and federal state level as well as non-governmental organisations.

Moreover, a **National Rapporteur on Trafficking in Human Beings** was set up in Germany in November 2022. This body is tasked with monitoring compliance with international obligations regarding combatting trafficking in human beings, identifying areas where action is needed and drawing up recommendations for policymakers and the administration. The National Rapporteur is attached within the German Institute for Human Rights.

## 7. What needs to be done

Victims of violent crimes have a fundamental right to be protected and states must adhere to their obligations. **A lot still needs to be done in Germany and changes must be made, for example in order to meet provisions under EU law.**

Trafficked persons must receive comprehensive and effective **information regarding their rights** and be empowered to assert them.

Independently of criminal prosecution, the **rights, interests and protection** of trafficked persons must **be appropriately taken into consideration.**

Trafficked persons must be offered the **legal opportunity to reside and work** in the country, even beyond the duration of the criminal proceedings and **regardless of their willingness and ability to testify.**

Access to **medical assistance**, including therapy to cope with their ordeal, must be improved for all victims, regardless of their residence status.

Further opportunities for claiming unpaid **wages and compensation** must be provided.

In order for trafficked persons to be offered support and counselling, specialised **counselling centres must have sufficient and secure funding.**

Existing and future **cooperation networks must be broadened** to include all forms of trafficking in human beings and all target groups, and cooperation with local authorities, NGOs and trade unions must be enforced.

Finally, **training courses** regarding trafficking in human beings for the purpose of labour exploitation must be organised to **raise awareness among a variety of stakeholders** (e.g. tax authorities in charge of illegal employment, the Federal Police Force, job placement and temporary work agencies, regulatory authorities, etc).

## Further information

- **KOK:**  
[www.kok-gegen-menschenhandel.de/en/home](http://www.kok-gegen-menschenhandel.de/en/home)  
*You will find a list, including links, to all KOK members as well as other counselling centres*
- **German Institute for Human Rights**  
(German only):  
[www.institut-fuer-menschenrechte.de/themen/menschenhandel](http://www.institut-fuer-menschenrechte.de/themen/menschenhandel)
- **Arbeit und Leben e. V. in verschiedenen Bundesländern, siehe z. B. Niedersachsen**  
(German only):  
[www.beratungsstelle.mobi/](http://www.beratungsstelle.mobi/)
- **Service Point for Combatting Labour Exploitation, Forced Labour & Trafficking in Human Beings:**  
[www.servicestelle-gegen-zwangsarbeit.de/en/](http://www.servicestelle-gegen-zwangsarbeit.de/en/)
- **Fair Integration:**  
[www.faire-integration.de/en/](http://www.faire-integration.de/en/)
- **Faire Mobilität ('Fair Mobility'):**  
[www.faire-mobilitaet.de/en/](http://www.faire-mobilitaet.de/en/)
- **German Federal Criminal Police Office:**  
[www.bka.de/EN/CurrentInformation/AnnualReports/TraffickingInHumanBeings/traffickinginhumanbeings\\_node.html](http://www.bka.de/EN/CurrentInformation/AnnualReports/TraffickingInHumanBeings/traffickinginhumanbeings_node.html)
- **European Union:**  
[www.ec.europa.eu/anti-trafficking/](http://www.ec.europa.eu/anti-trafficking/)
- **OSCE:**  
[www.osce.org/secretariat/trafficking](http://www.osce.org/secretariat/trafficking)
- **Council of Europe:**  
[www.coe.int/t/dghl/monitoring/trafficking/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/default_en.asp)
- **UNODC:**  
[www.unodc.org/unodc/en/human-trafficking/index.html?ref=menuse](http://www.unodc.org/unodc/en/human-trafficking/index.html?ref=menuse)
- **UN Special Rapporteur on trafficking in persons:**  
[www.ohchr.org/EN/Issues/Trafficking/Pages/TraffickingIndex.aspx](http://www.ohchr.org/EN/Issues/Trafficking/Pages/TraffickingIndex.aspx)

## Contact and donations

Provisions made for adequate support or for secure accommodation of trafficked persons are insufficient in Germany.

KOK intends to change this through its work.

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

### **Account for donations:**

Evangelische Bank eG

IBAN: DE43 5206 0410 0003 9110 47

BIC: GENODEF1EK1

### **Donation Line: 0900 – 156 53 81**

#### **(only within Germany)**

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

### **Donate while shopping online:**

You can support KOK directly by simply donating while shopping online via the website [www.wecanhelp.de](http://www.wecanhelp.de)

KOK is funded by



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





The **Trafficking in human beings** information brochure also has a version on

- **Trafficking in human beings – Sexual exploitation**
- **Trafficking in human beings – Forced criminal activities and begging**
- **Trafficking in human beings – Organised ritual abuse**

Also available in German.

Edited by  
KOK – German NGO Network  
against Trafficking in Human Beings  
*Legally responsible for content:* Sophia Wirsching  
*Layout:* Ricarda Löser  
*Photo:* Ana Catalá  
© KOK e.V. – third, updated edition 2023



German NGO Network against  
Trafficking in Human Beings

Lützowstraße 102–104 | Hof 1, Aufgang A | 10785 Berlin

Phone: +49 (0) 30 / 263 911 76

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

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

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