

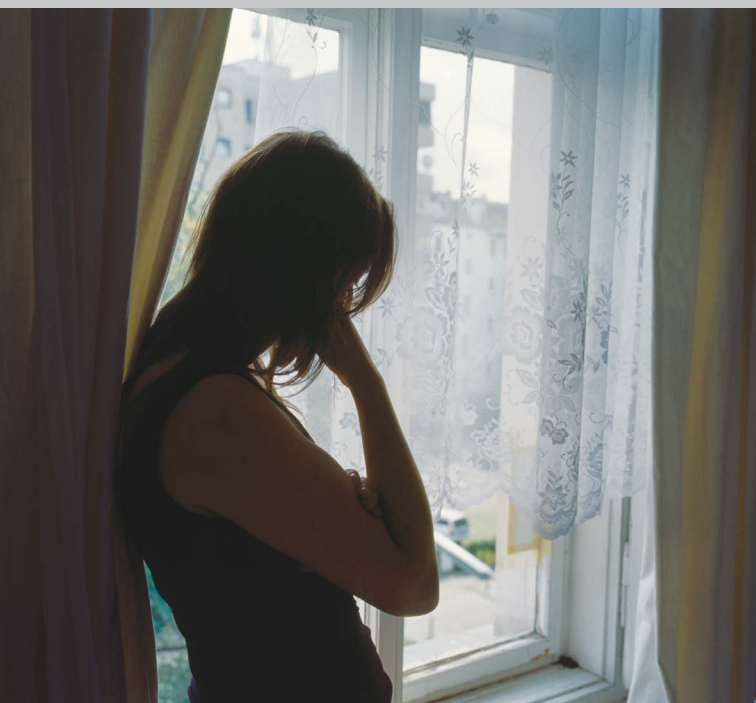
Trafficking in human beings

Labour exploitation

Sexual exploitation

Forced criminal activities
and begging

Organised ritual abuse



KOK

German NGO Network against
Trafficking in Human Beings

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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:

- Exploitative employment relationships
- 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 one form of exploitation and to provide information about the counselling options and support structures available to trafficked per-

sons 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 sexual exploitation**.

2. Trafficking in human beings for sexual exploitation

When talking about **trafficking in human beings for sexual exploitation or forced prostitution**, we are referring to situations in which a person's predicament or helplessness is exploited in order to induce them to engage in prostitution or offer other sexual services through which they are exploited. Their freedom of action is limited to the point that they cannot be said to make free decisions regarding their activity. They receive insufficient or no remuneration and/or are forced to work in dreadful conditions or provide services to which they did not consent.

A distinction must be made between trafficking in human beings for sexual exploitation and prostitution. Sex work is permitted in Germany and is no longer deemed to be contrary to public morals since the Prostitution Act [*Prostitutionsgesetz*] came into force. Self-determined sex workers can decide on their working conditions and the practices they carry out. Since 2017 operating as a sex worker and running a brothel have been governed by the German Act on the Protection of Sex Workers.

Surveillance and exploitation of sex workers is a criminal offence and qualifies as **exploitation of prostitutes** or **procuring** ("pimping") in accordance with Sections 180a and 181a of the German Criminal Code [*Strafgesetzbuch*].

In **Germany**, trafficking in human beings for the purpose of sexual exploitation has been a criminal offence since 1973. The relevant legislation was most recently reformed in 2016.

Broadly speaking, criminal law provisions regarding trafficking in human beings and sexual exploitation now cover three activities:

- Recruiting (trafficking in human beings)
- Initiating the exploitative activity (forced prostitution)
- Exploitation (exploitation of prostitutes/procuring).

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 a person is recruited, transported or accommodated with the aim of sexually exploiting them.

Actually prompting the exploitative activity, i.e. causing the person to engage in, or continue to engage in, prostitution or a sexual activity is provided for by **Section 232a of the German Criminal Code ("Forced prostitution")**. This may or may not be carried out by the same person as the one who organised recruitment or transport.

Circumstances that fall within the scope of **exploitation of prostitutes or procuring (Sections 180a/181a)** 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. Trafficked persons **can no longer freely decide whether** they want to practise sex work **and how**.

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

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 to 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 the 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.

Deception is one of the **causes** that lead to trafficking in human beings for the purpose of sexual exploitation. After being recruited through classified ads, acquaintances or agencies, victims are lied to about the **nature of the activity** in which they will be engaging.

It also happens that trafficked persons who originally chose to work in prostitution are later confronted with **working conditions** that they **did not agree** to, only to be forced to stay in them.

In some cases, trafficked persons from abroad are told they have to repay very high, fabricated debts for travel costs, passport fees etc. to force them into a relationship of dependency and make them hand over most of their income to the perpetrators.

In other cases, girls and young women are persuaded to enter the sex industry by so-called **loverboys**. In this case, perpetrators feign a romantic relationship with the trafficked person and use emotional leverage to force them into prostitution.

Trafficking in human beings for the purpose of sexual exploitation, forced prostitution and exploitation can be **characterised** by:

- Confiscating documents or providing fake documents
- Making victims compliant by means of sexual or physical violence, alcohol, drugs or medication

- Putting pressure on trafficked persons, e.g. by pretending to have good relations with the police or using videos or photos
- Constant surveillance
- Unacceptable accommodation
- Threatening to inform families about a person working in prostitution or using violence against the trafficked persons or their relatives
- Forcing trafficked persons to hand over most or all of their earnings
- Debt bondage (the person has to pay back real or alleged debts)

According to the Federal Criminal Police Office's Federal Situation Report on Trafficking in Human Beings, the majority of trafficked persons currently originate from Germany and Eastern and South-Eastern Europe. The counselling centres also report that a large proportion of the trafficked persons they see come from these countries, but that they additionally see many trafficked persons from West African countries, primarily Nigeria. However, it should be borne in mind that information is only available for those cases that actually come to the attention of the counselling centres and/or the police.¹ In view of the high number of unreported cases, it is impossible to provide a conclusive overview of the countries of origin or the gender of trafficked persons. Although it is highly likely that most persons trafficked for

¹ Cf. The Federal Criminal Police Office's 2021 Federal Situation Report on Trafficking in Human Beings and Exploitation and the 2022 KOK Data Report on Trafficking in Human Beings and Exploitation in Germany.

the purpose of sexual exploitation are women or girls, some of the victims are men or transsexuals.

CASE STUDY

Tanja is an open-minded young woman who lives near Kiev with her family. She is 21, has finished school, but cannot find a training position. Tanja and her boyfriend want to get married, but to do this they both need a job and money to live on.

One day, a long-standing family acquaintance comes to visit and tells Tanja about an opportunity to move to Germany to work in a restaurant. The salary on offer would be enough to set a bit of money aside and even send some money back home. Tanja takes up the offer.

Soon after, Tanja begins what she thought would be her journey to happiness with a small travel bag, her passport and \$ 200 for the trip. She enters Poland legally and without any problems. Just before the German border, Tanja is told to hand over her passport and get into a truck as she cannot enter the country “normally”. She becomes suspicious, but does as she is told. She is not the only person hiding in the truck. After a long journey, they arrive in Berlin. Tanja is told she has to pay back € 3000 for the trip. As this was not part of the deal, she begins to suspect something is wrong. She is informed that she will have to work in a brothel to pay back her debt as she has no other way of earning money. She is taken to a brothel in Berlin and has to “service” several punters a day. She is forced to hand over 70 % of her income

to her pimps. The remaining 30 % is used to pay back her “travel loan”, her clothes and her food.

Tanja is terrified and feels she has no way out. She does not speak German. She is told by the perpetrators that, as an illegal immigrant, she would be mistreated by the police, and that they will pay her family a “little visit” were she to escape.

She is arrested by the police during a raid. She is afraid of what is to come, but she notices she is not an “offender”, but a victim of trafficking in human beings. Among other things, the police inform her that she can access secure accommodation from an organisation. The police put her in touch with KobraNet.

KobraNet, Dresden

3. Legislative developments

Unlike other forms of exploitation, trafficking in human beings for the purpose of sexual exploitation is a sensitive issue that has been widely discussed in the media and society for many years. In the early 20th century, various international treaties had already been concluded: the “International Agreement for the Protection against Trafficking of Girls” (1904), the “Convention for the Suppression of the Traffic in Women and Children” (1921) or the “Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others” (1949), and efforts were made at the international level to address cases of trafficking in human beings for the purpose of sexual exploitation.²

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

At the European level, an additional and more developed Convention was agreed in 2005 – the **Council of Europe** Convention on Action against Trafficking in Human Beings (CETS

² See United Nations (1949), A / RES / 317 (IV), Preamble of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

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 the Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims (2011/36/EU), which replaced an existing Framework and broadened its scope. 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, the exploitation of criminal activities and the removal of organs to the forms of trafficking in human beings that are liable to result in prosecution.

In Germany, trafficking in human beings for the purpose of sexual exploitation has been a criminal offence since the beginning of the 1970s. Since the last reform in this field carried out in 2016, trafficking in human beings for the purpose of sexual exploitation has been provided for in Section 232, forced prostitution in Section 232a and the exploitation of prostitutes in Sections 180a and 181a of the German Criminal Code. Cases in which sexual exploitation occurs by use of unlawful restraint are covered by Section 233a of the German Criminal Code.

enabling exploitation through recruitment or transport can fall within the scope of trafficking in human beings.

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.

In practice, perpetrators are often sentenced to suspended sentences, the proceedings are closed or the court focuses on other offences. In the few cases in which the court does grant compensation for immaterial and material damage, there is no guarantee that the trafficked person will actually receive that money.

14 In the case of persons under 21, it is irrelevant whether perpetrators use a predicament or situation of helplessness: the simple fact of

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

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.

CASE STUDY

- 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.

During a party in her country of origin, a young African girl, Lisha, met an older woman who was impressed by her excellent manual skills. Later on, the woman suggested Lisha travelled to Germany, where she would make a better living from her work. The woman could pay the travel costs and Lisha would pay her back bit by bit.

As far as Lisha was concerned, this was her big opportunity. She had become more and more of a burden on the relatives who had taken her in after her parents' violent death. Before her departure, Lisha was taken to a voodoo priest by the woman. There she had to swear that she would pay back the €30,000 travel expenses as quickly as possible. As voodoo is part of everyday life in her country, Lisha was only slightly surprised.

After arriving in Germany, Lisha was told she would be working in a brothel. She had to bring in considerable earnings on a daily basis. When she did not, she was threatened with beating and rape. On one occasion, she ran away with a punter, following which the perpetrators threatened Lisha's family in Africa. Lisha's relatives begged her over the telephone to carry on working so that they did not have to live in fear in Africa. So Lisha returned to the brothel.

Several months later, when the situation had become almost unbearable, she ignored

her fear of death and her concerns for her family and escaped. She was helped by a punter, who went straight to the police with her. There, she testified against the perpetrators and the specialised counselling centre JADWIGA was contacted.

JADWIGA supported Lisha by offering the following services:

- Organising secure accommodation in a safehouse;
- Regularly accompanying Lisha to the doctor, as her time working in brothels had left physical marks;
- Coordinating support from agencies and authorities;
- Accompanying Lisha to the police and to court;
- Organising German lessons for her;
- Helping her find a job;
- Offering continuous psycho-social support through regular meetings.

Jadwiga, Munich

5. Specialised counselling centres for trafficked persons

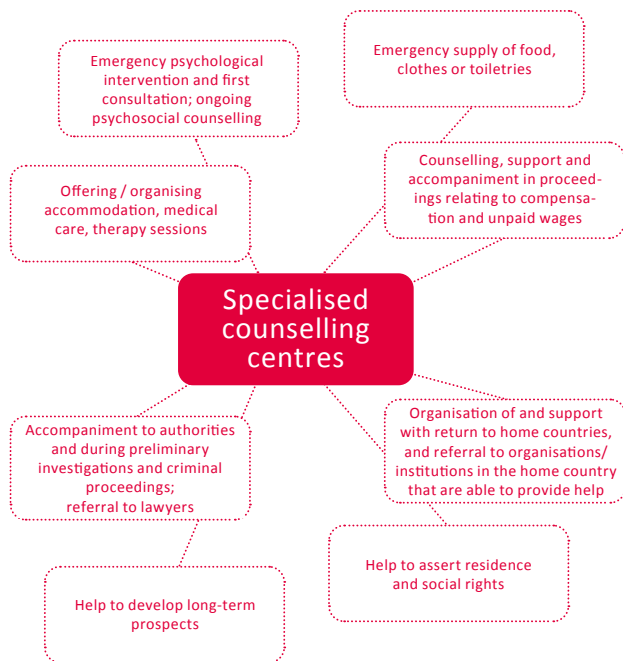
KOK specialised counselling centres offer trafficked persons anonymous, confidential and **holistic counselling and support** that is free of charge and independent of state institutions. They offer a wide range of counselling options and aim to improve sustainably the lives of trafficked persons and 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. The vast majority of KOK member organisations also occasionally 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.

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

These include:

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

KOK member organisations and their local branches



Specialised counselling centres for individuals affected by trafficking in human beings and related issues that are members of KOK:

Baden-Württemberg:

Fraueninformationszentrum FIZ – Stuttgart, Freija Freiburg, Freija Kehl, Mitternachtsmission Heilbronn

Bavaria:

JADWIGA München, JADWIGA Nürnberg, SOLWODI Augsburg, SOLWODI Bad Kissingen, SOLWODI München, SOLWODI Passau, SOLWODI Regensburg

Berlin/Brandenburg:

Ban Ying, Frauentreff Olga, Hydra, IN VIA Berlin-Brandenburg, ONA, SOLWODI Berlin, BEMA - Berliner Beratungszentrum für Migration und Gute Arbeit

Bremen:

BBMeZ

Hamburg:

Amnesty for Women, KOOFRA, FairLove Präventionsprojekt – Diakonie Hamburg

Hesse:

FIM – Frauenrecht ist Menschenrecht – Frankfurt, FRANKA – Kassel, SOLWODI Fulda

Mecklenburg-Vorpomerania:

ZORA – Schwerin

Lower Saxony:

Kobra – Hannover, Phoenix – Hannover,
SOLWODI Braunschweig, SOLWODI Osnabrück

North Rhine-Westphalia:

agisra – Köln, Beratungsstelle für Migrantinnen
im Eine-Welt-Zentrum – Herne, Beratungsstelle
für Opfer von Menschenhandel der Diakonie
Mark-Ruhr – Hagen, Dortmunder Mitternachts-
mission, Nachtfalter Essen, Fachstelle für
Opfer von Frauenhandel in der frauenberatungs-
stelle düsseldorf, NADESCHDA – Herford,
SOLWODI Aachen, SOLWODI Bonn,
SOLWODI Duisburg, SOLWODI Oberhausen

Rheinland-Palatinate:

SOLWODI Koblenz, SOLWODI Ludwigshafen,
SOLWODI Mainz

Saarland:

Aldona – Saarbrücken

Saxony:

KARO – Plauen, KOBRAnet – Dresden,
KOBRAnet – Leipzig

Saxony-Anhalt:

VERA – Magdeburg

Schleswig-Holstein:

contra – Kiel

Thuringia:

bekom thüringen

Outside of Germany:

ALBA Project – La Strada Bozen (Bolzano –
Italy) Fachstelle Frauenhandel und
Frauenmigration (Zurich – Switzerland)

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

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

6. Networking and cooperation

KOK member counselling centres are located **all over Germany**, with at least one centre in every federal state. 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.

The **working group of national and regional experts on trafficking in human beings** [Bund-Länder Arbeitsgruppe Menschenhandel], was established in 1999 under the auspices of the Federal Ministry of Family, Senior Citizens, Women and Youth. It created a scheme to improve cooperation among stakeholders and the protection of trafficked persons: the "Cooperation scheme for cooperation between specialised counselling centres and police for the protection of victims of trafficking in human beings for the purpose of sexual exploitation".

There are currently 13 federal states with such a **cooperation agreement**. Depending on regional structures, other relevant institutions or stakeholders may be involved in these cooperation agreements, besides specialised counselling centres and the police. As a member of the Working Group on Trafficking in Human Beings, KOK played a critical role in establishing this scheme. To accompany the cooperation agreements, **round tables** regarding the issue of trafficking in human beings are held in the

various federal states and are often coordinated by regional governments. In some cases, round tables have also been arranged at council level.

To strengthen ties, KOK invites NGOs to an **annual networking event**, allowing German-speaking counselling centres (from Austria, Switzerland and Luxemburg, as well as Germany) to discuss current issues at stake and to develop cooperation initiatives.

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 crime 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 a **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.

The possibilities to **claim unpaid wages and compensation** must be improved.

Finally, in order for trafficked persons to be offered support and **counselling, specialised counselling centres must have the necessary funding**.

Further information

- **KOK:**
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 Federal Criminal Police Office:**
www.bka.de/EN/CurrentInformation/AnnualReports/TraffickingInHumanBeings/traffickinginhumanbeings_node.html
- **Federal Ministry for Family Affairs, Senior Citizens, Women and Youth:**
www.bmfsfj.de/bmfsfj/meta/en/equality
- **German Institute for Human Rights (German only):**
www.institut-fuer-menschenrechte.de/themen/menschenhandel
- **Global Alliance against Traffic in Women:**
www.gaatw.org/
- **La Strada International:**
www.lastradainternational.org/
- **European Union:**
www.ec.europa.eu/anti-trafficking/
- **OSCE:**
www.osce.org/secretariat/trafficking
- **Council of Europe:**
www.coe.int/en/web/anti-human-trafficking
- **UNODC:**
www.unodc.org/unodc/en/human-trafficking/index.html?ref=menuse
- **UN Special Rapporteur on trafficking in persons:**
www.ohchr.org/en/special-procedures/sr-trafficking-in-persons

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

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

Also available in German.

Edited by

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