

**Evaluation report by the
German Network and Coordination Office against Trafficking
and Violence against Women in Migration (KOK e.V.)
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings by the parties
to the treaty**

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Introduction

Questions 1–3

KOK e.V., the German Network and Coordination Office against Trafficking and Violence against Women in Migration, currently has a membership of 37 NGOs working to eradicate trafficking in human beings and to promote and assert the rights of migrants. KOK e.V. is the only coordination group in Germany and across Europe focusing on this specific issue. The coordination group draws on many years of extensive experience in the field of human trafficking and exploitation, and, in particular, on how to support persons affected by trafficking. Its expertise is guaranteed by the specialised knowledge of its member organisations, and is therefore informed by their practical experience. Counselling centres specialised in trafficking in human beings appeared in Germany in the 1980s. Over time, they have set up structures that have encouraged cooperation among the various stakeholders. Germany now boasts a firmly rooted support structure with effective networks among specialised anti-trafficking counselling centres. Along with other organisations, around 48 of these centres offer support and counselling to affected clients. Most of the centres counsel and support persons trafficked for the purposes of sexual and labour exploitation. In view of their origins, many of them essentially offer their services to women. Some of them work exclusively with women, while others support men and minors as well as women. There are also some currently examining whether and how they could open their services to men affected by trafficking. This depends as much on their individual focus as on their resources and mandates. The current structures of these counselling centres should and will evolve, as we can now draw upon years of practical experience on how best to support victims of trafficking. Nearly all existing counselling centres working in this field are members of KOK. KOK is a specialised organisation that bases its work on practical experience and shares its findings with professionals. Its networking efforts are not limited simply to bringing together member organisations, as it collaborates with other relevant stakeholders and usefully shares its knowledge¹.

KOK's main activities include:

- Encouraging networking among its own member organisations and with other stakeholders by taking active measures (organising regular events, taking part in boards/committees, etc.);
- Engaging in PR and lobbying work by drafting position papers; offering policy advice; organising symposia, etc.;
- Carrying out training of stakeholders, e.g. law enforcement agencies, NGOs, etc.;

¹ Cooperation partners include: political spheres at the federal level; federal ministries, e.g. the Federal Ministry of Family, Senior Citizens, Women and Youth (BMFSFJ), the Federal Ministry of Labour and Social Affairs (BMAS), the Federal Ministry for Economic Cooperation and Development (BMZ), the Federal Ministry of the Interior (BMI), the Federal Ministry of Justice and Consumer Protection (BMJV); the Federal Criminal Police Office; human rights organisations at the national and international level; trade unions; scientific institutions and individual scientists; other NGOs; and the media.

- Carrying out educational projects and ensuring knowledge transfer by carrying out studies; drafting publications, expert reports and papers; holding talks and maintaining an extensive web-based knowledge platform;
- Promoting international collaboration through global partnerships; publishing parallel reports.

KOK was commissioned by its member organisations to compile and coordinate the following report. The KOK main office received assistance from its member organisations to answer the various questions.² More information on KOK's member organisations and the services they offer can be found at <http://www.kok-buero.de/en/member-organisations-counselling-centres.html>. Information regarding minor victims of trafficking was contributed by ECPAT: www.ecpat.de.

The questions were answered according to their relevance to KOK's field of activity.

I. Inclusion of the basic concepts and definitions set out in the Conventions regarding national law of parties to the treaty

Paragraph I.1: Inclusion of the human rights-based approach into combating trafficking in human beings

Questions 4 - 5: Trafficking in human beings as a human rights violation

According to Article 1 para. 2 of the Council of Europe Convention, the treaty aims, among other things, to protect the human rights of victims of trafficking in human beings. For the first time, victim protection and prosecution are being treated on an equal footing.

It should be pointed out that Germany is yet to achieve this goal. In many cases, trafficked persons can only assert their rights if they cooperate with prosecuting authorities. For third-country nationals, this restriction also concerns the right to residence; for all trafficked persons, it conditions the access to secure accommodation and sufficient means of subsistence. Many policy measures and much of German legislation on trafficking in human beings refer primarily to the aspect of prosecution, a situation criticised by KOK. Victim protection and the rights of trafficked persons are of lesser interest to them.

Trafficking in human beings is recognised as a criminal offence and relevant measures have been taken. Interest therefore lies primarily in prosecution. There are, at present, no signs of a human rights-based approach. German law does not provide any special legal protection for cases of human rights violations. Accordingly, there is no particular legal protection based on the human rights violation argument for trafficked persons.

² Including case studies to illustrate problems described in the report, see Annex 2.

Recommendation:

- **Implementing a human rights-based approach focusing on the rights and protection of trafficked persons in measures and regulations taken to address trafficking in human beings.**

Paragraph I.2.: A comprehensive approach to trafficking in human beings; coordination among all stakeholders and measures to prevent and combat trafficking in human beings and protect trafficked persons; international cooperation

Article 29 (specialised authorities and coordinating bodies) questions 7, 8, 9

Question 7: Comprehensive policies/national action plan

In the past few years, various stakeholders in Germany have set up a series of anti-trafficking measures, such as round tables at the regional level, cooperation agreements or the aforementioned support structures for victims. However, they tend to focus on sexual exploitation. In 2005 Germany made trafficking in human beings for the purpose of labour exploitation a criminal offence like trafficking for the purpose of sexual exploitation.

However the structural changes needed to provide for this new field within the existing measures (round tables, cooperation agreements, etc.) are only just beginning. This explains why there are only a handful of round tables across Germany addressing both issues, and why written cooperation between various stakeholders (e.g. cooperation agreements) seldom deal with both forms of exploitation. There remains clear structural distinctions between the two fields, which explains why competencies are still divided between the Federal Ministry of Family Affairs, Senior Citizens and Women (BMFSFJ) and the Youth and Federal Ministry for Labour and Social Affairs (BMAS). Whereas BMFSFJ addresses the issue of sexual exploitation, the mandate for labour exploitation lies with BMAS. State stakeholders and the measures they take are not subject to any coordination, which KOK believes is necessary. From a practical perspective, the fact that both topics are treated separately is very problematic, as this means that ministry activities regularly overlap.

At this point, new developments, e.g. how to address other forms of exploitation such as forced begging or coercion into committing offences, are not covered by these structures. The same goes for the potential inclusion of all groups of trafficked persons (men, women, minors, intersexual/transsexual persons). This is certainly also due to the fact that EU Directive 2011/36 has not yet been transposed into German law. However, there are already relevant practical cases.

We can therefore conclude that Germany does not have a comprehensive approach to combating trafficking in human beings and supporting trafficked persons.

Although there is an action plan on violence against women, the issue of trafficking in human beings plays a minor role in it, and the action plan only mentions women as a target group.³ Similarly, child

³ German Federal Government (2012), *Aktionsplan II der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen* [Second Governmental Action Plan against Violence against Women], pp. 33, available at:

trafficking is only one of the numerous topics covered in the action plan for the protection of children and young people against violence and exploitation⁴, in which it is only mentioned in passing and hardly any specific measures to address this issue are put forward. A monitoring report on its implementation is planned, though it is not yet available.⁵ KOK and ECPAT view progress on this issue as extremely slow.⁶

Due to the allocation of thematic fields and responsibilities, the government has identified no overall strategic goals, no specific political project and no action plan on combating trafficking in human beings and supporting trafficked persons.

Recommendations:

- **Developing and publishing a national action plan involving all relevant stakeholders;**
- **The action plan should define measures and goals for the next five years with the help of civil society;**
- **The measures outlined in the action plan should not be limited to criminal law and anti-trafficking aspects but should explicitly cover support options and the rights of trafficked persons;**
- **All implemented measures should be evaluated with regard to their efficiency.**

Question 8: Specialised units; training and continuing professional development (CPD) for relevant stakeholders

In some places in Germany, prosecuting authorities include anti-trafficking teams as well as staff members specialised in the protection of victims. Due to the federal organisation of the country, these do not exist in all regions and it is impossible to comment on the size, operational capacities and working methods of these specialised units. The German Federal Criminal Police Office (*Bundeskriminalamt*) organises training courses for law enforcement representatives in which NGOs such as KOK are involved. Participants are either selected within the respective authorities or apply by themselves. KOK is not aware of how authorities ensure that all officers involved in anti-trafficking efforts are invited to take part in these courses.

The support and psychosocial counselling of victims are offered by specialised counselling centres. Their staff consists mainly of social workers. As to their training, there are, generally speaking, no

http://www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/aktionsplan-II-zur-bek_C3_A4mpfung-von-gewalt-gegen-frauen,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf.

⁴ German Federal Government (2011), *Aktionsplan 2011 der Bundesregierung zum Schutz von Kindern und Jugendlichen vor sexueller Gewalt und Ausbeutung* [2011 Governmental Action Plan for the Protection of Children and Teenagers against Sexual Violence and Exploitation], available at: <http://www.bmfsfj.de/RedaktionBMFSFJ/Abteilung5/Pdf-Anlagen/aktionsplan-2011,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf>.

⁵ See the parliamentary enquiry made by the parliamentary group *Bündnis 90/die Grünen* on 12 March 2014, ref. no. 18/783.

⁶ Telephone interview with ECPAT, 1 April 2014.

degrees or certified continuing professional development (CPD) courses focusing on this topic for counsellors working with trafficked persons.⁷

To provide guidance for its member organisations, KOK e.V. has published a manual on initial and further training and quality assurance for counselling centres serving victims of trafficking in women and of human trafficking in general. In the absence of generally applicable minimum requirements for the training of counselling centre staff, the quality standards set out in the manual are non-binding, but they provide important guidance.

There is generally no additional funding available from the government or elsewhere to offer extra training or CPD courses for counselling centre staff, despite the fact that they work in a very specialised field that requires in-depth and specialist knowledge. Staff members must therefore either pay for training out of their own pocket or specifically seek funding with the help of their centre. Some centres receive a set amount for CPD and supervision sessions in their funding; more often than not, these are very limited amounts (€200 – €450 per staff member per year according to some counselling centres). Depending on the funding institution, supervision of and participation in professional events may or may not be counted as CPD. Further education, however, such as therapy careers, require several months or years of training as well as considerable investment in time and financial resources. Any leave granted to staff members for the duration of the course must be negotiated with their employer, i.e. the counselling centres. As specialised counselling centres themselves have limited human resources, in many cases, they simply cannot grant educational leave. KOK holds networking and further training meetings once a year. These are currently funded for a three-year period by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth. Within certain bounds, KOK is able to offer in-service further training for counselling centre staff as part of these meetings. The meetings are two-day events. Here, too, counselling centres must meet a (small) attendance fee.

Overall, there are no specific programmes to promote training and CPD in the field of trafficking in human beings.

However, specialised counselling centres and KOK provide training for various groups of professionals, such as police officers, lawyers, decision-makers at the Office for Migration and Refugees, Immigration Advice Centres, etc. The problem is that project funds must be found to organise such workshops or training courses. Several multi-stakeholder training and networking workshops on the trafficking of minors, for example, were funded by ECPAT, while other CPD courses on trafficking in human beings in the context of asylum procedures received support from the Federal Office for Migration and Refugees (BAMF).

Recommendations:

- **There should be regular training courses across Germany for various stakeholders – i.e. prosecuting authority staff, authorities in charge of monitoring illegal employment, immigration officers, youth welfare officers, lawyers, counselling centre staff, etc. – with**

⁷ Occasional courses exist, which include the issue of trafficking specifically, such as for example, the cooperation course: Master of Social Work – Social work as human rights profession, Centre of postgraduate social work studies, Berlin.

fixed curricula and modules on victims' rights and protection in the specific case of trafficked persons;

- **Specialised counselling centres must have access to funding for regular CPD courses for their staff.**

Question 9: Coordination/reporting mechanism at the national level

Germany has a body called *Bund-Länder-Arbeitsgruppe Menschenhandel* (BLAG), the working group of national and regional experts on trafficking in human beings, which comes under the Ministry of Family Affairs, Senior Citizens and Women. Its members are representatives from government and civil society working in various fields and departments. The working group's main responsibilities are to promote exchange of expertise among participants, to gain an overview of various ongoing measures, to analyse practical issues in order to develop models of best practice, and to share multidisciplinary recommendations with relevant policy-makers. KOK is a member of BLAG. The working group has made substantial achievements in the past few years such as bringing out various publications, and drawing up cooperation agreements and action guidelines. The cooperation has proved to be very positive.

However, BLAG is not scheduled to take on any reporting or monitoring/coordination responsibilities. If we take the definition of a national referral mechanism provided by the OSCE⁸, the BLAG working group is a mere round table. There is therefore no dedicated body at a higher level charged with coordinating or evaluating relevant measures. Consequently there is no equivalent mechanism that has been set up to coordinate policy measures, and no national rapporteur.

KOK recommends and calls for the creation of a national reporting body in Germany, as does the German upper house, the *Bundesrat*.⁹ We consider it fundamental that this body adopt an approach that protects the privacy of trafficked persons in all data collection and analysis efforts. We strongly believe that such a national rapporteur must remain independent at all costs. In this respect, independence should not only mean that the body should be given the freedom by the government to act and define its activity, but also that the rapporteur's remit should not be limited by any other mandate or political agenda. The reporting body should not play any operative role, e.g. managing individual grievance procedures, or have any responsibilities to fulfil on behalf of judicial, prosecution or border authorities. KOK has drawn up a position paper on this issue, which you will find in the Annex.

KOK is working in close cooperation with La Strada International on the European NGO initiative 'dataACT – data protection in anti-trafficking action', which is aimed at protecting the privacy of trafficked persons and their right to decide how and what personal information should be collected and handled. To date, it is the only European NGO initiative calling for the implementation of

⁸ OSCE (2004), *National Referral Mechanisms*, OSCE Office for Democratic institutions and human rights, Warsaw.

⁹ *Bundesrat*, reference no. 641/13 (decision), available at: www.bundesrat.de/SharedDocs/drucksachen/2013/0601-0700/641-13%28B%29.pdf;jsessionid=974A2B65CE6A310F0E67AE00E4017861.2_cid391?__blob=publicationFile&v=3.

Article 11 of the Council of Europe Convention against Trafficking in Human Beings. Since dataACT was launched, its members have defined data protection standards for specialised counselling centres, carried out a survey and held training courses on the practical implementation of the right to privacy in the case of trafficked persons. These workshops are offered in specialised counselling centres in Germany and in sending countries in Europe. dataACT points out that existing victim protection institutions in Germany and other European countries should be evaluated as to their compliance with data protection legislation. Basic data protection principles are not always systematically observed by all stakeholders.

This is why KOK and dataACT are calling for new resources to be made available so that legal advice provided by authorities and counselling centres as informed by the rights of victims' as a data subject. It is also necessary to examine how personal data on trafficked persons is collected by international stakeholders and national governments as part of return programmes and victim protection measures.¹⁰

Recommendations:

- **Creation of an independent national reporting body with the involvement of civil society – special attention must be paid to protecting trafficked persons from surveillance and guaranteeing their right to privacy;**
- **It should be assessed as to whether an additional coordination mechanism should be created at the national level to ensure a consistent and coordinated approach to trafficking in human beings in terms of policy.**

II. Implementation of measures to prevent trafficking in human beings, protect and promote the rights of trafficked persons, and prosecute traffickers by the parties to the treaty

Paragraph II.1 Implementation of measures to prevent trafficking in human beings

Article 5, questions 22, 23, 29-31

Questions 22/30/31: Prevention campaigns¹¹ and their funding and effectiveness

To date, the government has not carried out or planned any large-scale anti-trafficking campaign carried out by the government in Germany. Many counselling centres and civil-society initiatives have launched small campaigns and engaged in PR work to raise awareness and reach out to potential victims or persons/groups at risk. Counselling centres engage in general prevention of the dangers of trafficking in human beings as part of their awareness and PR work, e.g. talks aimed at

¹⁰ Various European political instruments such as Transnational Referral Mechanisms are increasingly used to put pressure on counselling centres in destination countries to share trafficked persons' personal data with relevant authorities in the countries of origin. As an example, the Bulgarian Government Commission against Trafficking in Human Beings sent a letter to KOK and the Federal Ministry for Family, Senior Citizens, Women and Youth at the beginning of 2014 requesting KOK and its member organisations to share the personal data of Bulgarian victims with the Bulgarian Commission. This letter is available in the KOK office.

¹¹ See also Annex 3.

various groups within society (including school classes and youth groups). The majority of this ongoing prevention work takes the form of campaigns. Some counselling centres also reach out to sex workers through street workers to make sure they know their rights and the available support options should they experience violence and exploitation, for example. All NGO projects we are aware of usually have a local or regional scope and primarily cover the issues of labour exploitation, sexual exploitation and the effects of so-called 'loverboys'. We do not know whether these projects are based on studies aiming to develop effective prevention measures. Moreover, it is impossible to gauge their effectiveness. As these campaigns are carried out as part of counselling centres' PR work, which is funded out of their general budget or with additional resources secured by the NGOs, it is not possible to define how much public funding goes to these campaigns.

The campaigns described in the Annex only offer a small glimpse into the current range of prevention and awareness raising initiatives in Germany. Prevention work in this field is not subject to quality standards or monitored with regard to its effectiveness.

Question 23: Empowerment measures

To our knowledge, the German government has not developed or implemented any social and economic measures aimed specifically at groups at risk of falling victim to traffickers. Many general prevention measures against domestic and sexual violence, e.g. schools, or programmes aimed specifically at girls, achieve empowerment in the broadest sense, which can be effective in preventing trafficking in human beings. Counselling centres working with sex and migrants workers also contribute to the empowerment of vulnerable and disadvantaged target groups, for example by offering counselling and information to persons working in prostitution or migrant workers in Germany. Centres specialised in counselling trafficked persons are based on an empowerment approach, as this also prevents trafficked persons from falling into the same exploitation trap. This approach includes one-to-one counselling, help finding jobs, places on qualification programmes (partly in cooperation with job centres) and various one-off projects organised by counselling centres such as German lessons, art projects, self-defence, computing classes, sewing, jewellery making, photography courses, sport activities, etc. These empowerment activities are designed by each centre on an individual basis. They depend as much on their financial resources as on potential collaborations with civil-society stakeholders and external suppliers.

Recommendations:

- **Guaranteeing funding opportunities for NGOs to plan and develop campaigns;**
- **Ensuring academic monitoring and evaluation of campaigns.**

Paragraph II.2.: Implementation of measures to protect and promote the rights of trafficked persons

Article 10 (Identification of the victims), Article 12 (Assistance to victims), Article 13 (Recovery and reflection period), Article 14 (Residence permit), Article 15 (Compensation)

Questions, 32, 34, 35, 37, 38, 39, 40, 41, 42

KOK believes that the measures in place in Germany to protect and promote the rights of trafficked persons are incomplete and insufficient, with clear deficiencies in the areas outlined below.

Questions 32/34: Identification (Article 10)

Article 10 requires governmental and non-governmental bodies to work together to identify trafficked persons and calls for specific measures to be put in place to protect trafficked children. With regard to this point, police forces and other stakeholders are currently discussing to what extent prosecution and victim protection departments working on child pornography, child prostitution and child trafficking can be integrated as part of the field of sexual exploitation of children (under the age of 18). In Germany, ‘cooperation agreements’ have been signed in the field of trafficking in human beings. After a recommendation was issued at the national level and a ‘federal cooperation model’ (*Bundeskoooperationsmodell*) to provide for the cooperation between specialised counselling centres and prosecuting authorities was drafted in 1999 and revised in 2008¹², such cooperation agreements have been signed in 13 of Germany’s federal states. It is regarded by KOK as a model of best practice. Laying down a written framework for cooperation and establishing parallel round tables has proved extremely effective. However, it must be noted that they mostly cover the issue of trafficking in human beings for the purpose of sexual exploitation. Despite changes in German criminal law in 2005 to include trafficking in human beings for the purpose of labour exploitation as a criminal offence, cooperation agreements at the national and regional level have not been amended. To date, no specific measures or joint initiatives have been defined to identify trafficked children or minors. The identification of trafficked persons facing ‘new forms of exploitation’, e.g. begging, is also hazy, which means it is difficult to determine who belongs to these crucial target groups.

No information sessions or training courses have been aimed at authorities in the field of trafficking in human beings for the purpose of labour exploitation which could potentially identify trafficked

¹² *Bund-Länder Arbeitsgruppe Frauenhandel* [Working group of national and regional experts on trafficking in women] (1999/2008) *Kooperationskonzept für die Zusammenarbeit von Fachberatungsstellen und Polizei für den Schutz von Opferzeugen/innen von Menschenhandel zum Zweck der sexuellen Ausbeutung* [Collaboration Scheme on the Cooperation between Specialised Counselling Centres and Police for the Protection of Witness Victims of Trafficking in Human Beings for the Purpose of Sexual Exploitation], available at: www.bmfsfj.de/RedaktionBMFSFJ/Abteilung4/Pdf-Anlagen/gewalt-kooperationskonzept,property=pdf,bereich=rwb=true.pdf.

persons, such as monitoring authorities charged with tracking illegal employment or trade law enforcement authorities.¹³

Identifying trafficked persons among asylum seekers, migrants in detention pending deportation, or refugee shelters is regularly a cause for concern. Special training courses have been organised for asylum case-officers, and counselling centres have been granted permission to drop off information documents (i.e. posters, flyers, etc.) to shelters and/or to speak to residents.

The right to a residence permit and benefits can only be asserted if trafficked persons are identified and officially granted such status. Trafficked persons from third countries are entitled to a reflection and stabilisation period during which they receive asylum seekers' benefits in compliance with the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*). Article 59 para. 7 of the Asylum Seekers Benefits Act states that this reflection period is conditioned by there being specific reasons to believe that the person was subject to trafficking in human beings or labour exploitation (see below for details on residence rights). In their evaluation, authorities must take into account both the information provided by the person and the prosecuting authorities. Information from specialised counselling centres can also be factored in.¹⁴ However, experience shows that their input is rarely taken into account. More often than not, counselling centres have witnessed that trafficked persons were required to be in contact with prosecuting authorities even during the course of the reflection and stabilisation period. We believe that this contradicts the very purpose of the Directive and the Convention, and prevents some of the affected people from asserting their rights.

Identifying trafficked minors is also something that proves difficult, as is guaranteeing their access to the support system. Children and teenagers are usually identified as victims during police controls. As there is only one police station specialised in human trafficking in the case of minors (in Berlin), police officers are noticing that minors are affected by trafficking in human beings when they are carrying forged identity documents, for example. There are currently very few measures or projects focusing on identifying minor trafficked persons. The NGO Mitternachtsmission in Dortmund, for example, reaches out to minors and teenagers working in the sex industry through street workers, with the aim of identifying trafficked persons. Mitternachtsmission has also launched a project with the NGO ECPAT to train police officers and authorities to identify this target group.

As far as KOK is aware, this target group is not, or only partially, covered by existing round tables or regional cooperation agreements.

Recommendations:

- **Information provided by specialised counselling centres should suffice to postpone the deadline for departure;**

¹³ Rabe, H./ Tanis, N. (2013) *Menschenhandel als Menschenrechtsverletzung* [Human Trafficking as a Human Rights Violation], *Deutsches Institut für Menschenrechte/KOK e.V.*, Berlin. Available online at: www.kok-buero.de/uploads/media/Handreichung_Menschenhandel_als_Menschenrechtsverletzung.pdf.

¹⁴ Federal Ministry of the Interior (2009), *Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz, Rn. 50.2.a1.2*, available at: www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/AufenthG_VwV.pdf;jsessionid=CB2AC7DBF0525E08F1AA2F8B42C784E5.2_cid364?__blob=publicationFile.

- **The reflection period should fulfil the purpose laid down by the Council of Europe Convention and give trafficked persons the opportunity to stabilise, access information and decide whether they want to give evidence or not without having to maintain contact with law enforcement authorities.**

Questions 40/41: Residence right (Articles 13 and 14)

In compliance with § 59 para. 7 of the Residence Act (*Aufenthaltsgesetz*), trafficked persons in Germany are entitled to a reflection period of a minimum of 3 months. However, this reflection and stabilisation period is not formalised in these terms as intended by the Convention, but under the heading of ‘threat of deportation’ under § 59 of the Residence Act. There are no further specific legal provisions with regard to the rights of trafficked persons. After the reflection period expires, various factors condition whether or not a further residence permit is granted. Third-country nationals subjected to trafficking in human beings are only granted a residence permit in accordance with § 25 para. 4a of the Residence Act so long as they cooperate with prosecuting authorities until the investigations or the criminal proceedings against the perpetrators are over. Additionally, the department of public prosecution/prosecuting authorities must confirm that the person’s presence in Germany is necessary to shed light on the events. Moreover, a residence permit is only issued if the migrant has severed all connections with the persons accused of perpetrating the offence. The general administrative regulations (*Allgemeine Verwaltungsvorschriften*) on the right to residence spell out the purpose intended by § 25 para. 4a of the Act: ‘When weighing up the various interests at stake, the foreigner’s personal interests are only of secondary importance, as § 25 para. 4a sets out a case of *lex specialis* primarily intended to simplify the criminal proceedings against the perpetrator.’¹⁵

In many cases, these investigations do not lead to criminal proceedings for various reasons. Trafficked persons sometimes decide not to testify to protect their security or because their residence status is uncertain. In other cases, perpetrators remain unidentified or police officers discover during questioning that the trafficked person cannot provide any information that can be put before court. If there are no other legal grounds for victims to be granted a residence permit in Germany, they are forced to leave the country. Child welfare in the case of minors or the enforcement of civil claims do not confer any right to a residence permit. Pursuant to § 60 para. 7 of the Residence Act, in conjunction with § 25 para. 3 of the Residence Act, derogation may only be granted if the trafficked person faces a significant and direct threat to their life, physical safety and freedom in their home country. In this case, immigration authorities may issue a residence permit valid for six months. However, a residence permit granted on the grounds of personal safety is not equivalent to a long-term residence permit, as it remains conditioned by the person’s risk profile and its validity is regularly re-examined. Experience shows that trafficked persons are nearly always at risk because they have to testify. In many cases, perpetrators threaten not only the trafficked

¹⁵ *Bundesministerium des Inneren* (2009), *Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz* [general administrative regulations on the right to residence], Rn. 25.4a.4.2, available at: www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/AufenthG_VwV.pdf;jsessionid=CB2AC7DBF0525E08F1AA2F8B42C784E5.2_cid364?_blob=publicationFile.

persons but also their families in their home countries. Unfortunately, it is often difficult to provide specific proof of the dangers they are facing. Returning to their home country can itself also be problematic and may sometimes generate new forms of risk, e.g. upon their arrival, trafficked persons have no accommodation or job opportunities. They have to rebuild their social network and cannot share their experience for fear of facing prejudice and condemnation. If their story comes to light, they are at risk of being shunned and stigmatised. It is regularly reported by professionals that the hopeless situation in which these persons find themselves after returning to their home countries causes them to slip back into relationships of dependency.

Additional problems are created by the fact, that the residence permit according to § 25 para. 4a is only issued for a period of six months, disregarding the factual length of the criminal proceedings which may take between one and three years. It is very difficult to find employment or accommodation for such a short period of time. Family reunification is regulated by § 29 para. 3 sentence 3 of the Act and is not possible. Neither is it possible to take part in integration and qualification programmes according to § 44 Residence Act.

Moreover, entitlement to residence in Germany is discretionary. In the case of trafficked persons pondering over cooperating with prosecuting authorities it is essential for them to know whether they will be granted a residence permit or not if they do decide to collaborate, as by testifying against perpetrators they are putting themselves at risk and will require special protection. Once the criminal proceedings are over and the person's right to residence expires, a residence permit under § 25 para. 5 sentence 1 will only be considered if for legal or factual reasons the person cannot return to their home country, and these grounds are unlikely to change in the foreseeable future. The other problems with this type of residence right is that it is difficult to provide evidence to substantiate their claims, that permit issue is discretionary, and that this residence permit was only planned as a temporary and not a long-term solution by the legislator. It is up to the trafficked persons to prove that they cannot reasonably be expected to leave the country for security or health reasons. This regulation is only subsidiary.

In 2013, the German *Bundestag's* Committee on Petitions called for trafficked persons to be granted the right of residence following the example of Italy.¹⁶ The UN Committee on the Rights of the Child, in its final remarks on the implementation of the Convention, also criticised Germany for making the right to residence in the case of trafficked persons and children conditional on their cooperation with prosecuting authorities.¹⁷

Under § 25 para. 4b of the Residence Act, illegal workers can be granted a residence permit on the condition that they cooperate with prosecuting authorities. The permit can be extended so that the persons can assert any claims to outstanding wages. Once again, this permit is granted at the

¹⁶ http://www.bundestag.de/presse/hib/2013_03/2013_134/01.html.

¹⁷ UN Committee on the Rights of the Child (2014) Concluding observations on the combined third and fourth periodic reports of Germany, CRC/C/DEU/CO/3-4, 25 February 2014, p. 14, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2fCO%2f3-4&Lang=en.

authorities' discretion. However, this does not apply to victims of trafficking in human beings, a situation criticised by KOK.¹⁸

We condemn the fact that this regulation makes access to support and protection options for trafficked persons conditional on their willingness to cooperate and on the relevance of their testimony. Trafficked persons therefore run the risk of becoming pawns of the justice system, with courts ignoring their rights as persons affected by serious human rights violations. Even in cases where they have access to support and counselling during criminal proceedings, they are only granted these rights so long as they satisfy the requirements of German prosecuting authorities.

Recommendations:

- **A residence permit must be granted to trafficked persons, regardless of their willingness to cooperate with prosecuting authorities and their usefulness as a witness, even at the end of the proceedings;**
- **They should be given a residence permit for a minimum duration of three years with the possibility of moving on to a more permanent status, e.g. through a permanent resident card. Subsistence needs must be provided for throughout this period according to the provisions set out by the German Social Code, Part II;**
- **Trafficked persons must be entitled to take part in qualification programmes;**
- **Relatives (children) and the husband/wife of trafficked persons must be entitled to family reunification;**
- **Creation of a statutory regulation with regard to trafficked persons and victims of criminal offences referred to in § 25 para. 4b of the Residence Act.**

Questions 37/38: Assistance (Article 12)

There are around 48 specialised counselling centres reaching out to trafficked persons in Germany offering comprehensive services for various target groups.¹⁹ These include:

- Continuous psychosocial counselling;
- Crisis support;
- Help to clarify legal issues related to residence rights and social welfare and ensure means of subsistence;
- Provision/organisation of secure accommodation, medical and therapeutic care, education/training opportunities and leisure activities;
- Accompaniment to appointments with authorities;

¹⁸ Rabe, Heike (2012) *Schriftliche Stellungnahme des DIMR für das öffentliche Fachgespräch „Europaratsübereinkommen zur Bekämpfung des Menschenhandels“ des Ausschusses für Familie, Senioren, Frauen und Jugend am 19.03.2012* [Written Statement by the German Institute for Human Rights for the Expert Discussion on the “Council of Europe Convention against Trafficking in Human Beings” organised by the Commission for Family Affairs, Senior Citizens, Women and Youth on 19.03.2012], available at: www.institut-fuer-menschenrechte.de/uploads/tx_commerce/DIMR_Stellungnahme_Anhang_B6_Brueckung_FSFJ_Ausschuss_Menschenhandel_M%C3%A4rz_2012.pdf.

¹⁹ Search by region and keyword: <http://www.kok-buero.de/mitgliedsorganisationen-fachberatungsstellen.html>.

- Support during investigations and criminal proceedings;
- Help with trial preparation and personal support during the trial;
- Referral to lawyers;
- Help developing future prospects in Germany (German lessons, housing and employment, etc.);
- Organisation of and assisting with return to home countries, and offer of referral to organisations/institutions in the home country able to provide help.

Unfortunately, such services can only remain available in the long term if centres have sufficient and secure funding, which is not the case. Most specialised counselling centres receive public funding (at the regional level) on an annual basis with no guarantee that funding will continue, and must provide a wide range of services on a very limited budget. Many specialised counselling centres have very scarce human resources. In some states, there is only one single centre with only 1-1.5 staff units in charge of the whole of the state (*Land*) in some cases. Some target groups, e.g. trafficked men or minors, currently have no support structures to turn to. Funding for services aimed at persons trafficked for the purpose of labour exploitation is also limited. Some of the existing centres which are members of KOK already reach out to these target groups. Due to limited funding and human resources, many specialised counselling centres are already working at the very limit of their capacity. Extending their services to other target groups would be very difficult or simply impossible. For example, finding accommodation for male or minor victims of trafficking in human beings is a challenge they regularly face. Moreover, cooperation partners (e.g. administrative authorities, the judiciary, other outreach centres, etc.) have little awareness of the problems they are experiencing. Additionally, many counselling centres are currently (or at risk of) experiencing cuts. We would also like to stress that although professional language mediation is very important, it cannot be guaranteed very often.

Specialised counselling centres offering support and protection services for trafficked persons simply do not have sufficient and secure funding.

Recommendation:

- **Existing counselling centres must have access to stable and sufficient financial resources and the support system must be extended to all trafficked persons in Germany.**

Assistance for trafficked minors:

KOK witnesses substantial discrepancies in the support opportunities offered to minors subjected to trafficking in human beings. Article 14 para. 2 of the Convention sets out that all child victims are to be granted a residence permit, when legally necessary, in the best interests of the child and, where appropriate, renewed under the same terms. For KOK, this provision can be interpreted as meaning that children (up to 18) are to be offered support regardless of whether they are needed and usable as witnesses in criminal proceedings. However, this is not the case in Germany. In addition, minors from third countries are only granted a residence permit if they cooperate with prosecuting authorities. We view this as a gross violation of the best interests of the child. Housing is another

problem in the case of children. There are not enough shelters and secure group homes with 24/7 care. Conditions also vary a lot from one state (*Land*) to the other, with some states failing to place 16 and 17 year olds in special youth centres. When the care received by minors is inadequate, it is often due to ill-defined cooperation between youth welfare offices, legal guardians, police officers and specialised counselling centres, which often causes misunderstandings and delays.

Recommendations:

- **Trafficked minors must be granted a residence permit regardless of their willingness to cooperate;**
- **All measures must focus on the best interests of the child;**
- **Secure housing options suitable for trafficked minors must be available.**

Accommodation (Article 12)

With regard to secure accommodation, national provisions in German law are insufficient: § 15a para. 1 sentence 2 of the Residence Act states that illegal immigrants are not entitled to sojourn in a particular *Land* or place. On this issue, Point 15 a. 1.5.2 of the administrative regulations on the right to residence specifies the following: 'Foreign victims of trafficking in human beings, particularly those holding a residence permit granted under § 25 para. 4a of the Residence Act, and persons where there are grounds to believe that they were subjected to trafficking in human beings but who have not yet decided whether they are willing to testify or not²⁰, should not be allocated to collective housing centres.' However, this administrative regulation is substatutory, i.e. it does not have the same binding effect as the relevant legislative provision (the Residence Act, in this case). A statutory regulation is therefore needed.

An additional problem is that there are not enough accommodation options which meet the needs of trafficked persons (in terms of security and anonymity, for example). Existing facilities, such as safe houses or women's shelters, are generally oversubscribed and insufficiently funded.

Housing male victims of trafficking in human beings also proves extremely difficult as there are very few appropriate options.

Recommendations:

- **Statutory regulation about not sending trafficked persons to collective housing centres must be adopted;**
- **Sufficient and long-term funding must be made available to offer all groups of trafficked persons secure and suitable housing.**

²⁰ Cf. § 50 para. 2 a of the Residence Act for the former provision, § 59 para. 7 for the new one.

Financial assistance (Article 12)

Trafficked persons have insufficient access to means of subsistence. In Germany, a distinction is made between third-country nationals and EU citizens.

Trafficked persons from third-countries:

Third-country nationals receive benefits under the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*) provided that their experience of human trafficking is known. If they are not granted a reflection and stabilisation period or, later in the process, a residence permit, they cannot apply for benefits. If they reveal what they have been through to the police but the police consider that there is no evidence of trafficking in human beings, there is a fundamental risk of these trafficked persons being deported. Trafficking in human beings for the purpose of labour exploitation is a particularly sensitive issue in this respect as prosecuting authorities have relatively little experience of this type of proceedings, and it is difficult to assess how § 233 of the German Criminal Code (*Strafgesetzbuch*) is applied.

Trafficked persons do not have access to the medical care they need from the moment they are granted a reflection period. Under § 4 para. 1 and § 6 of the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*), trafficked persons only receive treatment for illnesses that will affect their health if left untreated, as well as acute medical conditions and severe pains. These pared-down benefits do not cover therapy, essential dental care, travel expenses or interpreting services.²¹ Although a German Constitutional Court ruling of 12.07.2012 required amendments to the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*), no changes have been made to date. It would be vital for this target group to be granted financial support under a legal provision other than the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*). However, it is difficult to foresee whether this will happen.

EU citizens:

There is no statutory system overseeing financial support for EU citizens. Their legal situation is unclear. As things stand, they do not currently receive financial support during any reflection period they choose to undertake to decide whether they are willing to testify or not. Although the Federal Employment Office (*Bundesagentur für Arbeit*) has issued an internal note addressing this point, it is regularly interpreted as covering (victim) witnesses only, i.e. those who are already cooperating with prosecuting authorities and have chosen to testify. The internal note points out that it is forbidden to put EU citizens from member states with victim status at a disadvantage vis-à-vis third-country nationals. However, this refers exclusively to persons who are willing to testify and hold a residence permit under § 25 para. 4 of the Residence Act. Moreover, the note is only internal, which means that it has no legally binding force, unlike statutory provisions. Because of this unclear legal situation, EU citizens who take advantage of the reflection and stabilisation period are not guaranteed any benefits. Some only receive financial support if they agree to testify, while in some states, others are

²¹ Rabe, H./ Tanis, N. (2013) *Menschenhandel als Menschenrechtsverletzung* [Human Trafficking as a Human Rights Violation], pp. 49.

only granted benefits under the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*) or under the German Social Code, Part XII (*SGB XII*), which entitles them to lower benefit rates. The fact that benefits are sometimes paid out late or that considerable supporting evidence is required is another practical problem. Within the current legal framework, trafficked persons who do not want to testify are only entitled to jobseeker's allowance under the German Social Code, Part II (*SGB II*) if they can prove that they are (or have been) employed or self-employed, or are an entitled family member. This is especially difficult for trafficked persons as they are usually unable to provide any proof of the job in which they were exploited.

The overall problem is that it is difficult to secure means of subsistence once the person has lost their job. Access to jobseeker's allowance under the German Social Code, Part II (*SGB II*) for EU citizens is only limited. Persons who have a right of residence for the purpose of seeking employment are not entitled to benefits, as laid out by § 7 para. 1, sentence no. 2 of the German Social Code, Part II (*SGB II*). To date it is unclear whether this conforms to European Law.²²

The legal situation of trafficked persons from third countries and EU citizens is even more difficult once the criminal proceedings are over. As the victim's residence permit is usually based exclusively on their willingness to testify during criminal proceedings, it expires as soon as the criminal proceedings end or prosecution is terminated. New opportunities to safeguard the residence permit must be found. Professionals often report that trafficked persons are very affected by criminal proceedings and sometimes have low levels of education and qualification, which means they cannot enter the job market quickly, even though they would need to for a new residence permit. Persons without a residence permit or valid reasons for staying in the country under European law on freedom of movement are not entitled to any benefits.

We also have great concern about persons who were affected by trafficking in human beings in another country but have since entered German territory and wish to testify in Germany, as this situation is not covered by any clear provisions.

Recommendations:

- **Statutory provisions must be adopted so that all groups of victims of trafficking in human beings are granted benefits on the basis of the German Social Code, Part II (*SGB II*) instead of the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*);**
- **Trafficked persons must be offered sufficient support in terms of financial resources, secure accommodation and medical/therapeutic care. In cases of special hardship, means of subsistence must be ensured until the end of criminal proceedings;**
- **It is essential that trafficked persons receive better medical care coverage, e.g. therapy, as well as travel expenses and interpreting services.**

²² *Landessozialgericht* (Court of appeal on social questions) of Bavaria, Ruling - 19.06.2013 - L 16 AS 847/12.

Question 42: Compensation (Article 15)

The right of access to unpaid wages and compensation is another critical point. Although Article 15 of the Convention requires states to assist persons affected by human trafficking as defined by the Convention to assert their right to compensation, this is barely possible in view of the current law enforcement situation in Germany.

One of the main issues, in our view, is that although third-country nationals without a legal residence permit are entitled to claim unpaid wages before employment tribunals, employment and civil courts are required to share their data with immigration authorities under § 87 II of the Residence Act. According to information from professional sources, this deters many trafficked persons without a residence permit from claiming compensation.

Compensation from the state can also be claimed through the Crime Victims Compensation Act and the National Accident Insurance scheme (*Opferentschädigungsgesetz*). However, there are still considerable obstacles for trafficked persons asserting these rights²³:

- Trafficked persons who ‘only’ experienced psychological violence are excluded from the scope of the Crime Victims Compensation Act. Compensation under the Crime Victims Compensation Act can only be granted if the perpetrators committed direct ‘physical assault’ as defined by § 1 of the Crime Victims Compensation Act on German soil. However, perpetrators often retain control over their victims through any act of violence, deceit or threats of reprisal. Violence can also be carried out in the home country, with perpetrators may commit violence against relatives of the trafficked person, for example, to ‘discipline’ them; women are sometimes forced into prostitution after being subjected to a voodoo ritual;
- Even in cases where the victim experiences physical assault, it is difficult to establish a causal link between the damage to their health and the assault, as trafficked persons are often exposed to various stress factors such as violent customers, problems in the migration process, or fear of deportation due to the precarious nature of their residence status;
- Case officers charged with granting compensation under the Crime Victims Compensation Act usually wait until the criminal proceedings have come to an end. The long application process (one or two years) and the expert assessments required during the whole process are very stressful for claimants;
- Authorities charged with granting compensation under the Crime Victims Compensation Act and industrial injury corporations/accident insurance funds know very little about trafficking in human beings/labour exploitation.

KOK also has a critical stance against the fact that only a small proportion of all investigations entail measures aimed at freezing and seizing perpetrators’ assets.²⁴ According to the 2012 Criminal Police Office Federal Survey, these were used in only 12 (2 per cent) investigations, with around €103,000

²³ Rabe, H./ Tanis, N. (2013) *Menschenhandel als Menschenrechtsverletzung* [Human Trafficking as a Human Rights Violation], pp. 42.

²⁴ Federal Criminal Police Office (BKA), Bundeslagebild [*Federal Survey*], 2012, p. 7, www.bka.de.

worth of assets temporarily seized. Unfortunately, the profits reaped by perpetrators do not really go to compensating victims or their relatives.

Article 15 para. 2 of the Convention lays out that all parties to the treaty must provide the right to legal assistance and to free legal aid for victims under the conditions provided by their national law. Red tape involved in applying for legal aid sometimes makes it impossible for trafficked persons to pursue claims before a civil or employment court to obtain compensation or unpaid wages. The fact that this granting depends on the good will of the local officers of justice is often a practical obstacle.²⁵ Free access to a lawyer should also be possible after the end of proceedings, e.g. to monitor compliance with the terms of probation (e.g. lawyers can report violations of the injunction to stay away from the victim) and verify that compensation has been received.

Recommendations:

- **Residence rights must be improved, e.g. by exempting courts from the obligation to share information on parties;**
- **The legal framework must be improved, e.g. with regard to the Crime Victims Compensation Act: all trafficked persons must have access to compensation from the state, regardless of whether they were subject to psychological or physical violence;**
- **Creation of a state fund to ensure trafficked persons in special hardship or who cannot be compensated by perpetrators (e.g. because of their inability to pay or because they cannot be reached) receive direct compensation;**
- **Creation of a comprehensive strategy to improve asset recovery procedures and remove any regulatory barriers;**
- **Trafficked persons must have easy and direct contact to free legal assistance in order to assert their rights.**

Paragraph II.3.: Implementation of measures with regard to material criminal law, investigations, prosecution and procedural law

Article 26 (Non-punishment provision), 28 (Protection of victims collaborating with the judicial authorities)

Questions 52, 54, 55

Question 52: Possibility of terminating proceedings in the case of trafficked persons

As defined in Article 26, all parties to the treaty are required to provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been forced to do so.

²⁵ Martin, S. Änderungen der Prozesskostenhilfe und der Beratungshilfe [*Changes in legal aid*], 2014, edited by KOK http://www.kok-buero.de/uploads/media/BerHi-PKH_final_Februar_2014.pdf.

In Germany, this is laid out in § 154 c para. 2 of the Penal Procedure Code (*Strafprozessordnung*). However, one can question whether this provision is sufficient. The Convention's requirement aims to clarify that trafficked persons are victims and not perpetrators, and that they should not be further criminalised. It can even be assumed that a clear and unmistakable regulation stating that trafficked persons will not be punished for offences they committed against their will, and offering possibilities to terminate such proceedings, would have a positive effect on complaints filed by trafficked persons.²⁶ § 154 a of the Penal Procedure Code offers merely one option, as the decision as to whether to terminate proceedings or not remains at the discretion of the prosecution service. Courts do not have such power. KOK calls for a statutory provision on this point, as this would be the only possibility to make sure trafficked persons are protected from further reprisals should they decide to testify. It is simply not acceptable that they have to fear legal punishment on top of all the disadvantages they face, such as threats from perpetrators. They must have some form of certainty, especially as the outcome of criminal proceedings against trafficking in human beings is never foreseeable.

Recommendation:

- **Non-punishment of trafficked persons for their involvement in unlawful activities committed against their will must be enshrined in law.**

Question 54: Right to refuse to give evidence (Article 28)

As stated in Article 27 para. 3 of the Convention, all parties to the treaty are responsible for ensuring, by means of legislative or other measures, and in accordance with the conditions provided for by their national law, to any group, foundation, association or non-governmental organisation which aims to fight trafficking in human beings or for the protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence, established in accordance with Article 18 of the Convention.

Because staff at counselling centres offering services to trafficked persons cannot refuse to give evidence in court, KOK sees their assistance to victims as threatened.

The reason for this is following: Counselling staff are usually social workers. They are required to treat as confidential any information which comes into their possession in the exercise of their duties as defined by § 203 I no. 5 of the German Criminal Code. The laws on criminal procedures do not grant them the right to refuse to give evidence in court on the grounds of their profession. The work of a specialised centre counsellor is based on deep trust between the counsellor and their client. However, they are regularly called on to testify in criminal proceedings and are asked to reveal information that was confided in them by their clients. This puts the relationship between counsellors and clients under threat, which is a problem for the trafficked person as well as for the

²⁶ See also the study "Entwicklung tragfähiger Unterstützungsstrukturen für die Betroffenen von Menschenhandel zur Arbeitsausbeutung" [*Developing Sustainable Support Structures for Person Trafficked for the Purpose of Labour Exploitation*], coordinated by KOK, edited by BMAS, Kestermann, Rump, Busse, LI WP 2, page 118.

counsellor. It is also a matter of concern that by testifying in court, counsellors put themselves, their clients and their families at risk, as they sometimes have to provide information in court that they were given by their clients in confidence. Because of this, counsellors may only offer limited counselling sessions in the interest of their clients, as the fact that counsellors cannot refuse to testify may put the relationship of trust in jeopardy from the beginning. They may be forced to interrupt the conversation when they feel that the information may put the client or their family at risk.

Recommendation:

- **Extend the judicial right to refuse to testify in court to the staff of specialised counselling centres.**

Question 55: Measures to protect the identity or the security of victims before, during and after investigations and criminal proceedings:

Protection measures for persons affected by human trafficking are provided for by the German Penal Procedure Code and Instructions on Criminal Procedure and Administrative Fines Procedure (*Strafprozessordnung* and *Richtlinien für das Strafverfahren und das Bußgeldverfahren*). These include:

- Separate hearings for witnesses;
- Audio and video recordings;
- In camera hearings.

However, we consider these provisions as problematic for the reasons outlined below.

Some counselling centres have reported that, in some cases, audio and video recordings are not possible, as not all court houses have the equipment. In a recent ruling, the Federal Constitutional Court (*Bundesverfassungsgericht*)²⁷ ruled that the mere absence of technical equipment within the courthouse cannot justify the rejection of the use of audiovisual evidence during a hearing. In this precise case, a witness had requested this as she was to be heard as the alleged victim in a trial that threatened to renew her trauma.

- In practice, response to requests for in camera hearings tends to vary a lot. It has been reported that in camera hearings are sometimes not possible, even if the affected person is to testify about sexual practices and does not wish to have to speak before an audience;
- Barring the accused from the courtroom when the witness is heard, as provided by § 247 of the Penal Procedure Code (*Strafprozessordnung*), has regularly showed its benefits. It reinforces the trafficked person's willingness to testify, as the witness is sometimes engaged in an ambivalent relationship with the perpetrator(s). Moreover, the mere presence of the perpetrator(s) during the hearing can be so stressful for the witness that the trauma risks

²⁷ <http://tinyurl.com/odh3je2>.

being repeated. Experts have warned against the strong physical health risks for affected persons²⁸;

- Receiving direct assistance from counselling centre staff during criminal proceedings has also proved very positive. There are discussions being held about introducing a statutory framework to regulate psychosocial support during proceedings. KOK believes this is absolutely crucial and calls for the legal system to take into account the special circumstances of trafficked persons²⁹.

To safeguard the trafficked person's protection in court, it is highly preferable that they are represented by a lawyer. Article 15 para. 2 of the Convention requires that all parties to the treaty must provide, in their national law, for the right to legal assistance and to free legal aid for victims under the terms provided by their national law. Trafficked persons are not always assisted by a lawyer during police investigations. Even if no lawyer is assigned by the court or the investigations are terminated before a lawyer is assigned, the legal counsel still has costs to bear.

KOK notes that progress remains to be made in the case of trafficked minors: as provided by § 58 a para. 1 sentence 2 point 1 of the Penal Procedure Code (*Strafprozessordnung*), audiovisual recordings of the hearing must be used in the case of victims under the age of 18 if this is necessary to safeguard their legitimate interests. For the same reason, § 241 a para. 1 of the Penal Procedure Code (*Strafprozessordnung*) provides that witnesses under the age of 18 are only to be questioned by the chief judge. In compliance with § 247 sentence 2 of the Penal Procedure Code (*Strafprozessordnung*), it is also possible to bar the accused from the courtroom when witnesses under 18 are being heard. In the case of witnesses under the age of 18, the questioning by the judge *can* be replaced by an audiovisual recording, as defined by § 255 a para. 2 of the Penal Procedure Code (*Strafprozessordnung*), especially in conjunction with the offences mentioned in § 232 of the German Criminal Code. ECPAT however could not report a single case they were aware of and in which this had been used.

As provided for by § 172 no. 4 of the German Code on Court Constitution (*Gerichtsverfassungsgesetz*) the proceedings *can* take place in camera in the case of persons under 18. The Penal Procedure Code and Instructions on Criminal Procedure and Administrative Fines Procedure (*Strafprozessordnung* and *Richtlinien für das Strafverfahren und das Bußgeldverfahren*) have a specific paragraph on the hearing of children and teenagers under point 19, which states that multiple hearings should be avoided, that audiovisual transmission should be used, that a person trusted by the witness should be present, and that special guardian (*Ergänzungspflegschaft*) should be arranged as soon as possible. If this remains at the discretion of the judge, an incorrect assessment is always possible. Moreover this does not send the signal to children that their best interests are paramount.

Recommendations:

²⁸ *Handbuch Traumaleitfaden* [Booklet on Trauma Guidelines], Eva Schaab, Dr. Markos Maragkos, edited by the Federal Criminal Police Office (BKA), 2010.

²⁹ Cf. also KOK's position paper on psychosocial assistance during criminal proceedings at http://www.kok-buero.de/uploads/media/KOK_Psycho-soz_PB_final_2013_6_28.pdf.

- Sufficient resources must be made available to provide that all courtrooms in Germany have the necessary audiovisual equipment;
- The Penal Procedure Code and Instructions on Criminal Procedure and Administrative Fines Procedure (*Strafprozessordnung* and *Richtlinien für das Strafverfahren und das Bußgeldverfahren*) must be updated to protect trafficked persons: whenever the issue of carrying out audiovisual transmission arises, the assessment should always go in favour of the trafficked person. In this case, the decision should cease to be discretionary;
- Creation of special regulations for minors, making void the discretionary power to decide whether to use audiovisual techniques and in camera hearings in the case of minors;
- Efforts should be made to avoid any delay in hearing children;
- The hearing must be held in a suitable room by specially trained staff and, where possible, one single person. We call for these recommendations to be implemented in the Penal Procedure Code and Instructions on Criminal Procedure and Administrative Fines Procedure as a minimum;
- KOK believes it is essential to start a wide-ranging debate on legal entitlement for trafficked persons to have access to psychosocial assistance during the proceedings offered by specialised centres; this discussion should take into account the specificities of specialised counselling centres working with trafficked persons;
- Because of this, we recommend that hearings are held in camera if this is the wish of the witness and if their well-being is at risk, and to prioritise the well-being and interests of the trafficked persons when deciding on this point. However, these measures should not be ordered without consulting the trafficked person and taking into account their personal situation.

Conclusion

Overall, political and legal measures and strategies with regard to trafficking in human beings implemented in Germany primarily serve the interests of prosecuting authorities.

The protection, support and rights of trafficked persons – taken independently from law enforcement – play only a minor role. To date there is no identifiable human rights-based approach to anti-trafficking policymaking.

Germany is in need of a more holistic approach to human trafficking, the fight against this criminal offence and the support offered to affected persons. Policymakers must place greater emphasis on human rights aspects in future, as required by the Council of Europe Convention and the EU Anti-Trafficking Directive.

Annex 1: KOK member organizations

Below you will find an exemplary collection of self-portrayals of members of the KOK e.V., which actively contributed to the KOK report to GRETA. Please note that this list is not complete. All 37 members can be found under the following online address: <http://www.kok-buero.de/mitgliedsorganisationen-fachberatungsstellen.html>

agisra e.V.

Agisra, short for *Arbeitsgemeinschaft gegen internationale sexuelle und rassistische Ausbeutung e.V.*, is an information and counseling centre for female migrants and refugees. agisra fights for the right of all women to receive information on their rights and against all forms of discrimination, such as anti-Semitism, islamophobia, anti-ziganism, racism and/or sexism. The organization's activities include counseling, assistance and support as well as therapeutic support of female migrants and refugees subjected to violence and affected by racism, sexism or other oppression mechanisms. Furthermore, agisra engages in information and education activities, as well as political lobbying and public relations work with a focus on women and migration.

Agisra actively supports the self-organization of female migrant. Agisra e.V., as well, is a migrant self-organization and as such active on the community level as well as the state and the federal level and connected to many other NGOs.

Ban Ying e.V.

Ban Ying is one of the oldest women's initiatives against trafficking in human beings in Berlin. Migrants who have experienced violence, exploitation and human trafficking are supported in two ways: On the one hand, Ban Ying stands up for equal participation in society for migrant women, through public relations work, education of public authority's staff, scientific analysis and advocacy. On the other hand, Ban Ying assists migrants in asserting their rights through counseling and assistance by social workers. Furthermore, Ban Ying maintains a shelter for women that were victim to trafficking in human beings.

Contra

Contra is the specialized counseling centre for victims of trafficking in Schleswig-Holstein. It operates since 1999 and is specialized in psychosocial counseling of female victims of trafficking. It is funded by the state of Schleswig-Holstein and the women's council of the Northern Church. Psychosocial counseling is conducted by out-reach work throughout the state, in the victim's native language and contains practical, individual assistance ranging from crisis intervention, help in situations of emergency, and safe shelter to support developing alternative life perspectives. The main goal is to strengthen the women's capability of asserting their rights and their autonomy. Another main aspect of the work of Contra is raising awareness of the public and expanding interdisciplinary co-operations in Schleswig-Holstein with other stakeholders, e.g. other professions, ministries and public

authorities. Additionally, Contra is engaged in working towards the implementation of a human rights based approach as well the improvement of the legal and factual situation of victims through lobby and educational work.

Fraueninformationszentrum (FIZ): specialized centre for female migrants and trafficking in women

The FIZ is a counseling centre for migrant women, predominantly for women migrating for the purpose marriage, but also for victims of sexual and labor exploitation. Assistance, counseling, and particularly in cases of trafficking, all-compassing care and accommodation in shelters are offered. Furthermore, public relations work, in form of public presentations and awareness-raising is central to the work of FIZ. Drop -in and counseling centers are an important tool for empowerment, as they inform victims about their rights and assist in asserting them. Therefore, maintaining consultations of victims of labour exploitation at the FIZ in Stuttgart is an important element of support.

FRANKA

FRANKA, the specialized counseling centre is part of the *Diakonisches Werk Kassel* and offers counseling and assistance for women who were victims to trafficking for the purpose of sexual or labour exploitation. Tasks of the counseling centre when assisting individual cases include: organizing safe accommodation, assisting to ensure material existence and medical care and to provide on-going psychosocial counseling. The counseling centre also provides information on questions regarding residence law, civil- and criminal law as well as social law. Furthermore the counseling centre informs on the role and tasks of the police and judiciary.

Psychological support before, during and after witness and court hearings while considering aspects of safety as well referral to a lawyer are also core tasks of FRANKA. In case of a return, FRANKA offers support as well and can assist when contacting potential support organizations in the country of origin.

FreiJa

Since 2006, the FreiJa counseling centre operates in Freiburg and Kehl. It supports victims of sexual exploitation as well as women who have experienced violence in prostitution. The centers are connected to the local branches of the *Diakonisches Werk*. The employees at each centre work in close cross-border cooperation with partner organizations in France and Switzerland (Mulhouse, Strasbourg and Basel). In cooperation with the federal program P.I.N.K. (Prostitution, Integration, New start, Know-how) the centers regularly conduct out-reach work and visit various locations where prostitutes work (e.g. brothels, flats etc.) in Freiburg and Offenburg as well as the red-light district in Strasbourg.

Additionally to counseling and out-reach work, the centre focuses on public relations work. In order to sensitize the public for the problems of the victims and the underlying reasons for trafficking as well as lobby for the concerned, FreiJa conducts information events, lectures, seminars, information stands and church services.

IN VIA

IN VIA is an internationally organized catholic women association which promotes social policies and direct assistance to establish fair life conditions for girls and young women. The assistance which IN VIA offers aims at supporting young women in finding their strength, encourage them to discover new things and open up to intercultural life. Moreover, IN VIA provides information about the manifold employment opportunities and offers advice.

JADWIGA:

The Bavarian counseling centers JADWIGA in Munich and Nuremberg support victims of international human trafficking for the purpose of sexual as well as labour exploitation. In addition, JADWIGA offers assistance to young women and men facing forced marriage. The main goal of the counseling and assistance is to encourage and enable women to take control of their lives. JADWIGA takes sides with the clients and actively promotes their rights. In order to find the best solutions possible for the clients, networking and cooperation are very important tools. JADWIGA operates as a mediator and agent between agencies, authorities and political decision-makers and cooperates with various institutions in Germany and abroad in the interest of the clients.

KARO:

KARO is active against forced prostitution, human trafficking and sexual exploitation of children since 1994. The association engages against forced prostitution, sexual exploitation of children as well as the trafficking of women and children, in particular considering health care issues. It furthermore perceives its task in initiating and supporting projects that offer protection, support, as well as psychological and social counseling for women, minors and children affected or threatened by physical, psychological or sexual violence. The association works towards awareness raising, sensitization and removal of taboos in the area of forced prostitution, commercial sexual exploitation of children and trafficking in women and children.

KOBRA:

The coordinating and counseling centre for victims of human trafficking KOBRA is a project of Phoenix e.V. since 1997. KOBRA takes sides with the clients and supports clients in their individual and personal life situations in accordance with the principle of empowerment. The services of KOFRA include organizing safe accommodation, psychosocial counseling, (conducted in the client's native language), trial preparation and assistance during the criminal proceedings. The goal of KOBRA is to permanently improve the judicial and real-life situation of victims; this is done especially by means of educational work about national and international regulations and standards concerning treatment of victims of human trafficking.

KOOFRA:

The coordination centre against trafficking in women, KOOFRA, operates since 1999. It is an independent, recognized association, who's beneficent and charitable status is approved. It is funded

mainly by the city of Hamburg. The goal is to support women and girls, who are victims of human trafficking, to stabilize them and provide information about their rights, and to assist them to assert those rights. Assistance is offered to clients from the moment of first contact until the very end of the counseling, in which concrete plans for the future are made and realized.

VERA:

The counseling centre VERA, an initiative of the *Arbeiterwohlfahrt*, AWO, fights trafficking in women, violence in the name of honor and violence against women in the migration process. VERA opposes gender-based discrimination, the fact that women are forced to work and live in unprotected conditions and / or without their consent, and their exploitation. For 14 years, VERA is commissioned by the State of Saxony-Anhalt to protect and support women affected by severe human rights violations. The work of the counseling centre is based explicitly on a binding human rights-based, partisan, humanistic and intercultural approach to counseling.

An important area of activity of Vera is public relations work. Through lectures, media and conducting own events or participation in, VERA raises awareness of the social and legal situation of victims, makes it visible and improves the situation. Problematic areas in dealing with victims of trafficking are identified and thus action at the state level is stimulated. In statements the specialized centre formulates political demands addressed at those responsible.

Networking with women's organizations at the state and federal level ensures an exchange of experience and mutual support. Through membership in the nationwide activist coordination group against trafficking in women and violence against women in the process of migration (KOK) the interests of the centre are represented in various bodies at the national and international level.

Annex 2: Case studies

This Annex will provide a few examples of cases. All case studies have been submitted by KOK member organizations throughout a number of information requests. The case studies give practical examples illustrating the problems described in the report.

Identification (Article 10), Questions 32/34

Protection from deportation/ identification

A Nigerian woman contacted a counseling centre (*Fachberatungsstelle*, FBS) out of custody pending deportation and stated that she was a victim of human trafficking. As it turned out, she had been in custody for about 4 months.

After being arrested she initially made false statements concerning her identity; the passport she was carrying was not her own. She applied for asylum. The application was declined as being obviously unfounded. Only in a conversation with an employee of a counseling centre, she revealed her true story as a victim of human trafficking (HT). Nevertheless the competent federal prosecutor did not release the woman from detention, even though the criminal investigation agency (*Landeskriminalamt*, LKA) expressed interest in her testimony. The woman was deported. Later on, she was sent back to Europe by her traffickers because she could not pay her debts. Thus she became a victim of HT for a second time and her debts increased.

Right of residence (Articles 13/14), Questions 40/41, 36

Fear for own security, no entitlement for residence title after criminal trial

Example 1:

A young woman from Russia was brought to Germany and forced into prostitution for several years. During a police control, she was unable to present official documents and was arrested. The FBS, which was contacted by the police, visited the young women frequently during her time in detention and informed her about the option of testifying, available assistance and informed her regarding her right of residence. Both, police and FBS, assured the woman of her fullest support and protection in the case of a testimony. However, due to fear of the consequences arising from a testimony the woman decided not to testify and was deported. During earlier sessions, she had told the FBS that she would rather be deported than facing the threat of being hunted by the perpetrators after having testified. She expected to get killed in the case of testifying. The assurance of a residence title only for the duration of the criminal proceedings was insufficient for the woman, as she would have to apply for an extension of the permit for different humanitarian reasons after the criminal prosecution case was closed. When making her decision, fear of the perpetrators and insecurity about her residence permit outweighed.

Example 2:

During the asylum procedure of a young Ukrainian woman it turned out that she was a victim of human trafficking. She cooperated with the authorities and testified. The prosecution was successful and the traffickers were convicted. Throughout the whole process, the woman repeatedly stated that her family back in Ukraine was threatened by the recruiters. The recruiters were looking for her and made it perfectly clear that they were waiting for her to come back.

During the proceedings, police as well as the state prosecutor ensured their fullest support with regard to a residence permit subsequent to the proceedings. However, that was not the case. The authorities pointed to relevant state provisions, which stipulate that persons have to leave the country as soon as the criminal case was closed. The FBS supporting the woman initiated a petition. This process lasted several years throughout which the woman only had an exceptional leave to remain. Finally the committee on petitions advised the aliens department to issue a residence permit, while continue the monitor the level of threat. In the meantime, the woman had a baby. The woman received the residence permit, however, after one and a half years, the aliens department refused to extend the permit due to the fact that the woman received social benefits. Ignoring the fact that it was not possible for the woman to work, due to her baby child, she was supposed to proof that she had a job. The authorities subsequently only issued an exceptional leave to remain.

The woman tried for employment and vocational training and claimed little or no social benefits. The alien department continued to push for deportation because the Ukrainian Embassy denied any threat for victims of trafficking upon return and rated the family's statements as courtesy.

Another two years passed, the woman has finished her vocational training and is employed. Yet, she is still issued an exceptional leave to remain only. The alien department continues to demand her departure, arguing that she was no longer in danger. Currently another petitions procedure is under way. Almost 8 years the women is been living in Germany, fighting for her right to remain as victims of trafficking generally are obliged to leave the country once the criminal case is closed.

Fear for the family, no right to family reunification

Under false promises, the client in this case was brought to Germany by her boyfriend and several fellow perpetrators and forced into prostitution. In the course of the crime she was repeatedly raped and threatened with a gun. In her country of origin, the woman has two children, which are taken care of by her ex-husband. Shortly after she started consulting a counselling centre, one of the perpetrators called her, informing her that he went to see her children back in her country of origin and threatened to harm them.

Against advice of her solicitor, the woman refused to testify at the police because of her fear to put her family and herself in danger. She also declined the offer of the police to council her anonymously and grant her protection in the case of testifying. During the course of the counselling process, the FBS filed two hardship applications (*Härtefallantrag*), demanding *inter alia* for the children to be brought to Germany. Furthermore, the therapist of the client attested her serious suicidal tendencies and insistently demanded safe residence for her. Both requests were denied with the reasoning, the narrations of the woman were inconsistent and beyond provability.

The woman only was granted a temporary residence permit (*Fiktionsbescheinigung*). In conversations with the counselling centre, the client repeated her intention to press charges against the traffickers and fight for her rights. However, testifying for the police or the court is not an option as she has no guarantee for her safety and the safety of her children.

Support (Article 12), Question 37

Examples where necessary costs for therapy, translators, doctors or travels were not granted to third country nationals

Costs of therapy:

This case deals with a heavily traumatized woman from Nigeria. The therapy was necessary and was wished for by the client. However, the authorities refused to finance the therapy because it was not covered by the asylum seekers benefits act (*Asylbewerberleistungsgesetz*). The counselling centre had to find an alternative way. This is a very demanding and uncertain process which requires a substantial amount of additional work. Additionally, it is very difficult to find suitable therapists. In another case, the stationary urgent psychotherapeutic treatment was not financed as well.

Costs of translation:

For the therapy of a Nigerian woman, the necessary translation was not financed due to the same reasoning as above.

Same applied for the counselling of a lawyer.

Costs of medical attention:

Example 1:

A victim of human trafficking suffered from a severe headache. A medical examination in form of a computer tomography (CT scanning) was needed. The doctor in charge refused to conduct the examination because a CT scanning is not covered by the asylum seekers benefits act (*Asylbewerberleistungsgesetz*).

Example 2:

The teeth of a victim of human trafficking were, as a direct result of the crime, heavily damaged. The victim needed dental prosthesis. In spite of the damage being a direct result of the crime, the costs of the dental prosthesis were not covered by the asylum seekers benefits act (*Asylbewerberleistungsgesetz*).

Examples of precarious situation of EU-citizens victims of human trafficking after the criminal prosecution is closed

Example 1:

After the criminal trial, dealing with the case of a Bulgarian victim, her residence permit in accordance with §25(4)a Residence Act expired, as did the benefit payments according to the German Social Code II (*Sozialgesetzbuch II*, SGB II). At this point in time she was pregnant. As she was no longer covered by the SGB II, her health insurance terminated and she could no longer afford her rent. For her, returning to Bulgaria in her condition was no option. Thus, after the termination of the criminal case, she was entitled to stay according to the EU freedom of movement act for the reason of looking for employment. Due to her pregnancy and later on caring for her baby, she was dependent on the income of her partner. The separation two years later left her impecunious. Only due to the circumstance that her ex-boyfriend had a job, the child was living with him and they had joint custody, she was able to apply to receive payments according to the SGB II again.

Example 2:

In another case, a EU-citizen held a residence permit in accordance with §25(4)a Residence Act and received benefits according to SGB II because she was a witness to criminal trial. After the case was closed, her residence permit was no longer extended and as a consequence the basis for her right to benefits ceased. Her attempt to find employment during the time of the proceedings, which was supported by the counselling centre, was unsuccessful due to her lack of German skills and her limited qualification. Her as well can no longer claim benefits, as her right to remain in Germany is solely based on the purpose of looking for employment according to the EU freedom of movement act. According to her statement returning to her country of origin is not an option. This leaves her vulnerable for new exploitative situations.

Example 3:

Another EU- citizen victim of trafficking has two young children. The preliminary proceedings and the criminal proceedings lasted over one and a half years. During this time the FBS was able to register her children at nursery and school; they integrated very well and succeeded very well in learning German. On top of her German classes, taking care of the two children and participating in the criminal proceedings, the single mother made every effort to find a job. She was under enormous pressure, knowing that as soon as her residence permit resulting from the criminal proceedings expired she could only remain in Germany for the ground of looking for work and her family would no longer entitled to social benefits.

Examples for the problematic situation with regard to security throughout the criminal proceedings

Example 1:

A perpetrator is sentenced on probation. The probation condition contained an absolute prohibition of contacting the victim witness as well as compensation payments to the victim. Throughout the probation time, the witness regularly reports to her lawyer about attempts of the perpetrator to identify her place of habitation through e.g. social networks. The lawyer also has to work hard to attain the instalments for the compensation payments from the perpetrator. The contact via the lawyer continues to be necessary to ensure the security of the victim, keep her whereabouts secret and because the victim does not have sufficient German skills to ensure adequate representation of herself. An application for an assignment of counsel for the period of the probation was submitted, however, it is uncertain whether the costs for the lawyer will be covered.

Example 2:

A young victim of trafficking was referred by the police and taken in by a shelter. The beginning of preliminary proceedings was confirmed by the police. Since the victim wanted to return to her country of origin as soon as possible, the consulting centre arranged contact to a lawyer who provided initial legal advice and was subsequently authorised to act as joint plaintiff representative as well as provide witness assistance during the preliminary proceedings. However, the lawsuit was closed after several weeks already and the assignment of counsel of the lawyer was rejected. Thus, costs incurred for legal assistance which no one is willing to cover and which the victim normally would have to pay for herself.

Annex 3: Prevention campaigns (Question 22)

1. VIJ-Project OPEN for young women

The project “Orientation, Perspectives and European Network for young women”, short OPEN for young women, was launched in June 2011. The project is a advice and assistance program for young women from Eastern Europe who are looking for work or vocational training in Germany. The goal is to prevent human trafficking and exploitation based on the work of advice and counseling service in the countries of origin. The responsible agency is *vij* (association for international juvenile work e.V.). German locations of the program are Nuremberg, Stuttgart and Munich.

Within the program’s scope *vij* finances counseling centers in Romania, Russia and Ukraine and supports young women in protecting themselves against violence and exploitation.

The program includes:

- Information about and protection against exploitation and human trafficking;
- Information about volunteering, internships, study visits and au-pair;
- Advice and assistance during the stay in Germany, also in situation of crisis and emergency;
- Networking of Eastern European and German *vij*-advice centers;
- Accompanying upon return into the country of origin.¹

2. EU-project “An informed person is a protected one - promoting best practices in prevention activities against trafficking for forced labor through an European network”²

Between July 2011 and June 2013 the EU-financed project “an informed person is a protected one” with included two German locations (Bremen and Stuttgart) operated under the project management of AIDRom, Bucharest, Romania. The partner organizations consisted of: two Romanian counseling centers (Oreada und Iasi), the *Diakonische Werk Bremen*, which operates the specialized counseling centre for people affected by human trafficking and forced prostitution BBMeZ, and *vij* Stuttgart, which operates FIZ (Information centre for women).

The main topic of the project is human trafficking for the purpose of labour exploitation. The goal was to establish best-practice-models for prevention and counseling create public awareness and to set impulses in society. The project was supposed to offer advice across branches of trade in the countries of origin as well as countries of destination and operate with as many contact points as possible (health services, trade unions, migration counseling centers etc.). Prevention campaigns mainly targeted young people, students and pupils. The following publications were created in the course of the project:

¹ www.open-for-young-women.org/.

² <http://vij-stuttgart.de/fraueninformationszentrum/eu-projekt.html>.

- A handbook for counseling centers, which are likely to be approached by victims of human trafficking and labour exploitation (available in English, German, Romanian)
- An information brochure, posters and postcards in German and Romanian concerning safe work/ respectively risks of exploitation and human trafficking for persons who want to migrate from Romania to Germany

3. Fair Care – referral and advice for employees within home care³

The Association for International Juvenile Work (*vij*), the Information Centre for Women (FIZ), the *Diakonisches Werk Württemberg* and Protestant Women Wuerttemberg offer with the project “Fair Care” advice for and referral of employees in domestic care. FIZ advises women from Eastern Europe who work as a 24-hours caregivers in German families. The majority works under conditions violating German labour law. For a fair alternative to these conditions the *vij* offers, alongside with its cooperation partners *Diakonie Poland* und *AIDRom Romania*, the referral of caregivers. The project was running from summer 2011 to the end of 2013 but continue operating.

4. „European Fair Mobility Project“ (planned)

For a time period of 12 month, the DGB (German association of trade unions) and Arbeit und Leben e.V. (Work and Life e.V.) in cooperation with the CITUB from Bulgaria, the association of free labor unions in Slovenia and the FGS-Familia from Romania, are planning a project which shall assist employees asserting their labour and social rights after they have experienced problems in Germany. In addition, potential employees can receive information before going to Germany to work. The three partners in Eastern Europe are supposed to set up consulting centers. In addition to providing advice services, three workshops shall take place, primarily aiming at qualifying colleagues of the project partners and to create new networks. Furthermore, brochures in Serbian, Croatian, Bulgarian and Romanian are anticipated to be created, informing employees about the rights and chances in Germany.

5. IN VIA Berlin: Lost in Cyber World⁴

Since 2010, IN VIA Berlin conducts the project Lost in Cyber World. The objective is to inform young people, mainly between 12 and 16 years, in Germany, Poland, Bulgaria and Lithuania about the risks of internet usage and problematic online behavior. This includes e.g. Cyber Grooming and Sexting. Last year the project extended its activities, now including information on the Loverboy- method. Between 2010 and 2012 the project was funded by the European Union, since 2012 it runs without this support. In addition to information material, which is utilized by some schools in Bulgaria and

³ http://vij-stuttgart.de/images/pdf/fiz_jahresbericht_2013.pdf.

⁴ <http://www.lostincyberworld.eu/>.

Lithuania, regular information events are carried out in Berlin's and Brandenburg's schools and family centers. The objective is to sensitize parents or legal guardians for the topic and inform potential victims about the threats.

In preparation for the project, surveys were conducted in the participating countries, collecting information on young peoples' online behavior, existing experiences with the internet, as well as on the level of awareness of adults concerning the potential risks of the internet. Workshop material and information can be requested in several languages on the website of the project. Cooperation is maintained with organizations abroad, which deal with human trafficking, such as La Strada Poland and NGOs organized in the network COATNET.

6. FRANKA e.V. – Perspektiwa

FRANKA e.V. supports the Belarusian project „Perspektiwa“ in Gomel. The project is included in the structures of a women council for the region of Gomel and is funded by from Hesse, Germany. The consulting centre was founded in 2002 by a Belarusian teacher with following goals:

1. Prevention by education and information
2. Strengthening of own resources

This includes informing young women and man about the conditions of a legal stay abroad and about techniques and tactics human traffickers employ. Together with the young people, personal strategies of how to manage precarious economical situations shall be developed. Moreover, the young women are assisted in reflecting their role as a woman in the post-soviet society.

In seminars at schools and institutions of further education young people in Gomel are sensitized for the conditions under which human trafficking is likely to occur. To ensure the sustainability of the work, “Perspektiwa” educates multipliers, who subsequently work in youth work. Naturally, connections connections to NGOs like La Strada are maintained.

7. BAN YING – Willkommen in Deutschland⁵

The awareness campaign “Modern Slavery: Welcome to Germany” was initiated by the cooperation and consulting centre Ban Ying e.V. in 2008 and was pursued continuously ever since. The campaign is aims to sensitize civil society for the topic of modern day slavery. It is carried out by the presence of the website, the distribution of print material and the public relations work by the employees of Ban Ying.

⁵ <http://www.ban-ying.de/modernesklaverei>.

8. Different prevention projects targeting potential German victims:⁶

- Counseling centre KOOFRA Hamburg: Twelfth grade pupils from a school in Hamburg created a play on human trafficking. KOOFRA held a lecture on trafficking in women, the organization's work and on the handling of the topic and treatment of the victims by the media. KOOFRA regularly receives requests of pupils, who want to conduct school projects concerning the topic.
- Mitternachtsmission Heilbronn : In fall 2013 „RESPEKT – Ways out of violent relationships“, a prevention project against domestic violence for teenagers and young adults in city and district Heilbronn, was launched. The project seeks to raise awareness and inform young people through workshops and seminars and to offer professional help for persons affected. Additionally, multipliers for the topic are trained. Alongside domestic violence on training module addresses so-called Loverboy-relationships, in which young women, by the pretence of love or the use of pressure are forced into prostitution and sexual exploitation. Schools can book RESPEKT's employees for lessons and project days.
- FBS Zora, Schwerin: During several project days in schools (8th and 9th grade), the issues of human trafficking and the Loverboy-method was presented. An overview was given and during group work conducted on potential moments/indicators/ warning signals for perpetrators as well as potential victims. The WDR-movie about loverboys, including the work of the NGOs eilod and stoploverboy, was shown as well. While students were engaged in group work, discussions with teachers and social workers were lead dealing with the question of how to address pupils who appear to be potential victims. Furthermore, general information about the field was developed and awareness-raising conducted.
- Eine Welt Zentrum Herne: The counseling centre already organized several events about human trafficking and the Loverboy-method at various schools with the goal of raising awareness among pupils and teachers.
- SOLWODI Koblenz: A similar project targeting pupils from higher classes is planned.
- Contra, Schleswig-Holstein: Throughout the last three years a workshop was organized once a year, informing young persons volunteering for social service about prostitution. The workshops were requested by Red Cross Germany Schleswig-Holstein (DRK).
- Freja, Freiburg/Kehl: Human trafficking is not integrated in the official school curriculum in Baden-Wuerttemberg. Occasional prevention and awareness raising projects were

⁶ Informationen originates from a survey conducted by the KOK e.V..

organized. Most of the time these were requested by committed religion and/or ethics teachers.

- FBS Kobra, Hannover: In 2012 and 2013 Kobra concentrated on the prevention of young women and girls falling prey to the Loverboy-method. In cooperation with the child protection agency of the city and region of Hannover, Violetta and the girls' shelter, the idea of creating a movie, dealing with the question of how far individuals would go for love, was developed. The movie, conceptualized by young people, intends to raise awareness for the risk of getting into situations, where own principles are compromised and how to avoid this.⁷ In addition, so-called Citycards were created and distributed in bars etc in April 2014.

Please note that this list is not complete but attempts to present an overview and give examples of current projects and initiatives in the area of prevention.

⁷ <http://www.youtube.com/watch?v=aGBFKkufCcc>.

Annex 1: KOK member organizations

Below you will find an exemplary collection of self-portrayals of members of the KOK e.V., which actively contributed to the KOK report to GRETA. Please note that this list is not complete. All 37 members can be found under the following online address: <http://www.kok-buero.de/mitgliedsorganisationen-fachberatungsstellen.html>

agisra e.V.

Agisra, short for *Arbeitsgemeinschaft gegen internationale sexuelle und rassistische Ausbeutung e.V.*, is an information and counseling centre for female migrants and refugees. agisra fights for the right of all women to receive information on their rights and against all forms of discrimination, such as anti-Semitism, islamophobia, anti-ziganism, racism and/or sexism. The organization's activities include counseling, assistance and support as well as therapeutic support of female migrants and refugees subjected to violence and affected by racism, sexism or other oppression mechanisms. Furthermore, agisra engages in information and education activities, as well as political lobbying and public relations work with a focus on women and migration.

Agisra actively supports the self-organization of female migrant. Agisra e.V., as well, is a migrant self-organization and as such active on the community level as well as the state and the federal level and connected to many other NGOs.

Ban Ying e.V.

Ban Ying is one of the oldest women's initiatives against trafficking in human beings in Berlin. Migrants who have experienced violence, exploitation and human trafficking are supported in two ways: On the one hand, Ban Ying stands up for equal participation in society for migrant women, through public relations work, education of public authority's staff, scientific analysis and advocacy. On the other hand, Ban Ying assists migrants in asserting their rights through counseling and assistance by social workers. Furthermore, Ban Ying maintains a shelter for women that were victim to trafficking in human beings.

Contra

Contra is the specialized counseling centre for victims of trafficking in Schleswig-Holstein. It operates since 1999 and is specialized in psychosocial counseling of female victims of trafficking. It is funded by the state of Schleswig-Holstein and the women's council of the Northern Church. Psychosocial counseling is conducted by out-reach work throughout the state, in the victim's native language and contains practical, individual assistance ranging from crisis intervention, help in situations of emergency, and safe shelter to support developing alternative life perspectives. The main goal is to strengthen the women's capability of asserting their rights and their autonomy. Another main aspect of the work of Contra is raising awareness of the public and expanding interdisciplinary co-operations in Schleswig-Holstein with other stakeholders, e.g. other professions, ministries and public

authorities. Additionally, Contra is engaged in working towards the implementation of a human rights based approach as well the improvement of the legal and factual situation of victims through lobby and educational work.

Fraueninformationszentrum (FIZ): specialized centre for female migrants and trafficking in women

The FIZ is a counseling centre for migrant women, predominantly for women migrating for the purpose marriage, but also for victims of sexual and labor exploitation. Assistance, counseling, and particularly in cases of trafficking, all-compassing care and accommodation in shelters are offered. Furthermore, public relations work, in form of public presentations and awareness-raising is central to the work of FIZ. Drop -in and counseling centers are an important tool for empowerment, as they inform victims about their rights and assist in asserting them. Therefore, maintaining consultations of victims of labour exploitation at the FIZ in Stuttgart is an important element of support.

FRANKA

FRANKA, the specialized counseling centre is part of the *Diakonisches Werk Kassel* and offers counseling and assistance for women who were victims to trafficking for the purpose of sexual or labour exploitation. Tasks of the counseling centre when assisting individual cases include: organizing safe accommodation, assisting to ensure material existence and medical care and to provide on-going psychosocial counseling. The counseling centre also provides information on questions regarding residence law, civil- and criminal law as well as social law. Furthermore the counseling centre informs on the role and tasks of the police and judiciary.

Psychological support before, during and after witness and court hearings while considering aspects of safety as well referral to a lawyer are also core tasks of FRANKA. In case of a return, FRANKA offers support as well and can assist when contacting potential support organizations in the country of origin.

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VERA:

The counseling centre VERA, an initiative of the *Arbeiterwohlfahrt*, AWO, fights trafficking in women, violence in the name of honor and violence against women in the migration process. VERA opposes gender-based discrimination, the fact that women are forced to work and live in unprotected conditions and / or without their consent, and their exploitation. For 14 years, VERA is commissioned by the State of Saxony-Anhalt to protect and support women affected by severe human rights violations. The work of the counseling centre is based explicitly on a binding human rights-based, partisan, humanistic and intercultural approach to counseling.

An important area of activity of Vera is public relations work. Through lectures, media and conducting own events or participation in, VERA raises awareness of the social and legal situation of victims, makes it visible and improves the situation. Problematic areas in dealing with victims of trafficking are identified and thus action at the state level is stimulated. In statements the specialized centre formulates political demands addressed at those responsible.

Networking with women's organizations at the state and federal level ensures an exchange of experience and mutual support. Through membership in the nationwide activist coordination group against trafficking in women and violence against women in the process of migration (KOK) the interests of the centre are represented in various bodies at the national and international level.

Annex 2: Case studies

This Annex will provide a few examples of cases. All case studies have been submitted by KOK member organizations throughout a number of information requests. The case studies give practical examples illustrating the problems described in the report.

Identification (Article 10), Questions 32/34

Protection from deportation/ identification

A Nigerian woman contacted a counseling centre (*Fachberatungsstelle*, FBS) out of custody pending deportation and stated that she was a victim of human trafficking. As it turned out, she had been in custody for about 4 months.

After being arrested she initially made false statements concerning her identity; the passport she was carrying was not her own. She applied for asylum. The application was declined as being obviously unfounded. Only in a conversation with an employee of a counseling centre, she revealed her true story as a victim of human trafficking (HT). Nevertheless the competent federal prosecutor did not release the woman from detention, even though the criminal investigation agency (*Landes-kriminalamt*, LKA) expressed interest in her testimony. The woman was deported. Later on, she was sent back to Europe by her traffickers because she could not pay her debts. Thus she became a victim of HT for a second time and her debts increased.

Right of residence (Articles 13/14), Questions 40/41, 36

Fear for own security, no entitlement for residence title after criminal trial

Example 1:

A young woman from Russia was brought to Germany and forced into prostitution for several years. During a police control, she was unable to present official documents and was arrested. The FBS, which was contacted by the police, visited the young women frequently during her time in detention and informed her about the option of testifying, available assistance and informed her regarding her right of residence. Both, police and FBS, assured the woman of her fullest support and protection in the case of a testimony. However, due to fear of the consequences arising from a testimony the woman decided not to testify and was deported. During earlier sessions, she had told the FBS that she would rather be deported than facing the threat of being hunted by the perpetrators after having testified. She expected to get killed in the case of testifying. The assurance of a residence title only for the duration of the criminal proceedings was insufficient for the woman, as she would have to apply for an extension of the permit for different humanitarian reasons after the criminal prosecution case was closed. When making her decision, fear of the perpetrators and insecurity about her residence permit outweighed.

Example 2:

During the asylum procedure of a young Ukrainian woman it turned out that she was a victim of human trafficking. She cooperated with the authorities and testified. The prosecution was successful and the traffickers were convicted. Throughout the whole process, the woman repeatedly stated that her family back in Ukraine was threatened by the recruiters. The recruiters were looking for her and made it perfectly clear that they were waiting for her to come back.

During the proceedings, police as well as the state prosecutor ensured their fullest support with regard to a residence permit subsequent to the proceedings. However, that was not the case. The authorities pointed to relevant state provisions, which stipulate that persons have to leave the country as soon as the criminal case was closed. The FBS supporting the woman initiated a petition. This process lasted several years throughout which the woman only had an exceptional leave to remain. Finally the committee on petitions advised the aliens department to issue a residence permit, while continue the monitor the level of threat. In the meantime, the woman had a baby. The woman received the residence permit, however, after one and a half years, the aliens department refused to extend the permit due to the fact that the woman received social benefits. Ignoring the fact that it was not possible for the woman to work, due to her baby child, she was supposed to proof that she had a job. The authorities subsequently only issued an exceptional leave to remain. The woman tried for employment and vocational training and claimed little or no social benefits. The alien department continued to push for deportation because the Ukrainian Embassy denied any threat for victims of trafficking upon return and rated the family's statements as courtesy.

Another two years passed, the woman has finished her vocational training and is employed. Yet, she is still issued an exceptional leave to remain only. The alien department continues to demand her departure, arguing that she was no longer in danger. Currently another petitions procedure is under way. Almost 8 years the women is been living in Germany, fighting for her right to remain as victims of trafficking generally are obliged to leave the country once the criminal case is closed.

Fear for the family, no right to family reunification

Under false promises, the client in this case was brought to Germany by her boyfriend and several fellow perpetrators and forced into prostitution. In the course of the crime she was repeatedly raped and threatened with a gun. In her country of origin, the woman has two children, which are taken care of by her ex-husband. Shortly after she started consulting a counselling centre, one of the perpetrators called her, informing her that he went to see her children back in her country of origin and threatened to harm them.

Against advice of her solicitor, the woman refused to testify at the police because of her fear to put her family and herself in danger. She also declined the offer of the police to council her anonymously and grant her protection in the case of testifying. During the course of the counselling process, the FBS filed two hardship applications (*Härtefallantrag*), demanding *inter alia* for the children to be brought to Germany. Furthermore, the therapist of the client attested her serious suicidal tendencies and insistently demanded safe residence for her. Both requests were denied with the reasoning, the narrations of the woman were inconsistent and beyond provability.

The woman only was granted a temporary residence permit (*Fiktionsbescheinigung*). In conversations with the counselling centre, the client repeated her intention to press charges against the traffickers and fight for her rights. However, testifying for the police or the court is not an option as she has no guarantee for her safety and the safety of her children.

Support (Article 12), Question 37

Examples where necessary costs for therapy, translators, doctors or travels were not granted to third country nationals

Costs of therapy:

This case deals with a heavily traumatized woman from Nigeria. The therapy was necessary and was wished for by the client. However, the authorities refused to finance the therapy because it was not covered by the asylum seekers benefits act (*Asylbewerberleistungsgesetz*). The counselling centre had to find an alternative way. This is a very demanding and uncertain process which requires a substantial amount of additional work. Additionally, it is very difficult to find suitable therapists. In another case, the stationary urgent psychotherapeutic treatment was not financed as well.

Costs of translation:

For the therapy of a Nigerian woman, the necessary translation was not financed due to the same reasoning as above.

Same applied for the counselling of a lawyer.

Costs of medical attention:

Example 1:

A victim of human trafficking suffered from a severe headache. A medical examination in form of a computer tomography (CT scanning) was needed. The doctor in charge refused to conduct the examination because a CT scanning is not covered by the asylum seekers benefits act (*Asylbewerberleistungsgesetz*).

Example 2:

The teeth of a victim of human trafficking were, as a direct result of the crime, heavily damaged. The victim needed dental prosthesis. In spite of the damage being a direct result of the crime, the costs of the dental prosthesis were not covered by the asylum seekers benefits act (*Asylbewerberleistungsgesetz*).

Examples of precarious situation of EU-citizens victims of human trafficking after the criminal prosecution is closed

Example 1:

After the criminal trial, dealing with the case of a Bulgarian victim, her residence permit in accordance with §25(4)a Residence Act expired, as did the benefit payments according to the German Social Code II (*Sozialgesetzbuch II*, SGB II). At this point in time she was pregnant. As she was no longer covered by the SGB II, her health insurance terminated and she could no longer afford her rent. For her, returning to Bulgaria in her condition was no option. Thus, after the termination of the criminal case, she was entitled to stay according to the EU freedom of movement act for the reason of looking for employment. Due to her pregnancy and later on caring for her baby, she was dependent on the income of her partner. The separation two years later left her impecunious. Only due to the circumstance that her ex-boyfriend had a job, the child was living with him and they had joint custody, she was able to apply to receive payments according to the SGB II again.

Example 2:

In another case, a EU-citizen held a residence permit in accordance with §25(4)a Residence Act and received benefits according to SGB II because she was a witness to criminal trial. After the case was closed, her residence permit was no longer extended and as a consequence the basis for her right to benefits ceased. Her attempt to find employment during the time of the proceedings, which was supported by the counselling centre, was unsuccessful due to her lack of German skills and her limited qualification. Her as well can no longer claim benefits, as her right to remain in Germany is solely based on the purpose of looking for employment according to the EU freedom of movement act. According to her statement returning to her country of origin is not an option. This leaves her vulnerable for new exploitative situations.

Example 3:

Another EU- citizen victim of trafficking has two young children. The preliminary proceedings and the criminal proceedings lasted over one and a half years. During this time the FBS was able to register her children at nursery and school; they integrated very well and succeeded very well in learning German. On top of her German classes, taking care of the two children and participating in the criminal proceedings, the single mother made every effort to find a job. She was under enormous pressure, knowing that as soon as her residence permit resulting from the criminal proceedings expired she could only remain in Germany for the ground of looking for work and her family would no longer entitled to social benefits.

Examples for the problematic situation with regard to security throughout the criminal proceedings

Example 1:

A perpetrator is sentenced on probation. The probation condition contained an absolute prohibition of contacting the victim witness as well as compensation payments to the victim. Throughout the probation time, the witness regularly reports to her lawyer about attempts of the perpetrator to identify her place of habitation through e.g. social networks. The lawyer also has to work hard to attain the instalments for the compensation payments from the perpetrator. The contact via the lawyer continues to be necessary to ensure the security of the victim, keep her whereabouts secret and because the victim does not have sufficient German skills to ensure adequate representation of herself. An application for an assignment of counsel for the period of the probation was submitted, however, it is uncertain whether the costs for the lawyer will be covered.

Example 2:

A young victim of trafficking was referred by the police and taken in by a shelter. The beginning of preliminary proceedings was confirmed by the police. Since the victim wanted to return to her country of origin as soon as possible, the consulting centre arranged contact to a lawyer who provided initial legal advice and was subsequently authorised to act as joint plaintiff representative as well as provide witness assistance during the preliminary proceedings. However, the lawsuit was closed after several weeks already and the assignment of counsel of the lawyer was rejected. Thus, costs incurred for legal assistance which no one is willing to cover and which the victim normally would have to pay for herself.

Annex 3: Prevention campaigns

1. VIJ-Project OPEN for young women

The project “Orientation, Perspectives and European Network for young women”, short OPEN for young women, was launched in June 2011. The project is a advice and assistance program for young women from Eastern Europe who are looking for work or vocational training in Germany. The goal is to prevent human trafficking and exploitation based on the work of advice and counseling service in the countries of origin. The responsible agency is *vij* (association for international juvenile work e.V.). German locations of the program are Nuremberg, Stuttgart and Munich.

Within the program’s scope *vij* finances counseling centers in Romania, Russia and Ukraine and supports young women in protecting themselves against violence and exploitation.

The program includes:

- Information about and protection against exploitation and human trafficking;
- Information about volunteering, internships, study visits and au-pair;
- Advice and assistance during the stay in Germany, also in situation of crisis and emergency;
- Networking of Eastern European and German *vij*-advice centers;
- Accompanying upon return into the country of origin.¹

2. EU-project “An informed person is a protected one - promoting best practices in prevention activities against trafficking for forced labor through an European network”²

Between July 2011 and June 2013 the EU-financed project “an informed person is a protected one” with included two German locations (Bremen and Stuttgart) operated under the project management of AIDRom, Bucharest, Romania. The partner organizations consisted of: two Romanian counseling centers (Oreada und Iasi), the *Diakonische Werk Bremen*, which operates the specialized counseling centre for people affected by human trafficking and forced prostitution BBMeZ, and *vij* Stuttgart, which operates FIZ (Information centre for women).

The main topic of the project is human trafficking for the purpose of labour exploitation. The goal was to establish best-practice-models for prevention and counseling create public awareness and to set impulses in society. The project was supposed to offer advice across branches of trade in the countries of origin as well as countries of destination and operate with as many contact points as possible (health services, trade unions, migration counseling centers etc.). Prevention campaigns mainly targeted young people, students and pupils. The following publications were created in the course of the project:

¹ www.open-for-young-women.org/.

² <http://vij-stuttgart.de/fraueninformationszentrum/eu-projekt.html>.

- A handbook for counseling centers, which are likely to be approached by victims of human trafficking and labour exploitation (available in English, German, Romanian)
- An information brochure, posters and postcards in German and Romanian concerning safe work/ respectively risks of exploitation and human trafficking for persons who want to migrate from Romania to Germany

3. Fair Care – referral and advice for employees within home care³

The Association for International Juvenile Work (*vij*), the Information Centre for Women (FIZ), the *Diakonisches Werk Württemberg* and Protestant Women Wuerttemberg offer with the project “Fair Care” advice for and referral of employees in domestic care. FIZ advises women from Eastern Europe who work as a 24-hours caregivers in German families. The majority works under conditions violating German labour law. For a fair alternative to these conditions the *vij* offers, alongside with its cooperation partners *Diakonie Poland* und *AIDRom Romania*, the referral of caregivers. The project was running from summer 2011 to the end of 2013 but continue operating.

4. „European Fair Mobility Project“ (planned)

For a time period of 12 month, the DGB (German association of trade unions) and Arbeit und Leben e.V. (Work and Life e.V.) in cooperation with the CITUB from Bulgaria, the association of free labor unions in Slovenia and the FGS-Familia from Romania, are planning a project which shall assist employees asserting their labour and social rights after they have experienced problems in Germany. In addition, potential employees can receive information before going to Germany to work. The three partners in Eastern Europe are supposed to set up consulting centers. In addition to providing advice services, three workshops shall take place, primarily aiming at qualifying colleagues of the project partners and to create new networks. Furthermore, brochures in Serbian, Croatian, Bulgarian and Romanian are anticipated to be created, informing employees about the rights and chances in Germany.

5. IN VIA Berlin: Lost in Cyber World⁴

Since 2010, IN VIA Berlin conducts the project Lost in Cyber World. The objective is to inform young people, mainly between 12 and 16 years, in Germany, Poland, Bulgaria and Lithuania about the risks of internet usage and problematic online behavior. This includes e.g. Cyber Grooming and Sexting. Last year the project extended its activities, now including information on the Loverboy- method. Between 2010 and 2012 the project was funded by the European Union, since 2012 it runs without this support. In addition to information material, which is utilized by some schools in Bulgaria and

³ http://vij-stuttgart.de/images/pdf/fiz_jahresbericht_2013.pdf.

⁴ <http://www.lostincyberworld.eu/>.

Lithuania, regular information events are carried out in Berlin's and Brandenburg's schools and family centers. The objective is to sensitize parents or legal guardians for the topic and inform potential victims about the threats.

In preparation for the project, surveys were conducted in the participating countries, collecting information on young peoples' online behavior, existing experiences with the internet, as well as on the level of awareness of adults concerning the potential risks of the internet. Workshop material and information can be requested in several languages on the website of the project. Cooperation is maintained with organizations abroad, which deal with human trafficking, such as La Strada Poland and NGOs organized in the network COATNET.

6. FRANKA e.V. – Perspektiwa

FRANKA e.V. supports the Belarusian project „Perspektiwa“ in Gomel. The project is included in the structures of a women council for the region of Gomel and is funded by from Hesse, Germany. The consulting centre was founded in 2002 by a Belarusian teacher with following goals:

1. Prevention by education and information
2. Strengthening of own resources

This includes informing young women and man about the conditions of a legal stay abroad and about techniques and tactics human traffickers employ. Together with the young people, personal strategies of how to manage precarious economical situations shall be developed. Moreover, the young women are assisted in reflecting their role as a woman in the post-soviet society.

In seminars at schools and institutions of further education young people in Gomel are sensitized for the conditions under which human trafficking is likely to occur. To ensure the sustainability of the work, “Perspektiwa” educates multipliers, who subsequently work in youth work. Naturally, connections connections to NGOs like La Strada are maintained.

7. BAN YING – Willkommen in Deutschland⁵

The awareness campaign “Modern Slavery: Welcome to Germany” was initiated by the cooperation and consulting centre Ban Ying e.V. in 2008 and was pursued continuously ever since. The campaign is aims to sensitize civil society for the topic of modern day slavery. It is carried out by the presence of the website, the distribution of print material and the public relations work by the employees of Ban Ying.

⁵ <http://www.ban-ying.de/modernesklaverei>.

8. Different prevention projects targeting potential German victims:⁶

- Counseling centre KOOFRA Hamburg: Twelfth grade pupils from a school in Hamburg created a play on human trafficking. KOOFRA held a lecture on trafficking in women, the organization's work and on the handling of the topic and treatment of the victims by the media. KOOFRA regularly receives requests of pupils, who want to conduct school projects concerning the topic.
- Mitternachtsmission Heilbronn : In fall 2013 „RESPEKT – Ways out of violent relationships“, a prevention project against domestic violence for teenagers and young adults in city and district Heilbronn, was launched. The project seeks to raise awareness and inform young people through workshops and seminars and to offer professional help for persons affected. Additionally, multipliers for the topic are trained. Alongside domestic violence on training module addresses so-called Loverboy-relationships, in which young women, by the pretence of love or the use of pressure are forced into prostitution and sexual exploitation. Schools can book RESPEKT's employees for lessons and project days.
- FBS Zora, Schwerin: During several project days in schools (8th and 9th grade), the issues of human trafficking and the Loverboy-method was presented. An overview was given and during group work conducted on potential moments/indicators/ warning signals for perpetrators as well as potential victims. The WDR-movie about loverboys, including the work of the NGOs eilod and stoploverboy, was shown as well. While students were engaged in group work, discussions with teachers and social workers were lead dealing with the question of how to address pupils who appear to be potential victims. Furthermore, general information about the field was developed and awareness-raising conducted.
- Eine Welt Zentrum Herne: The counseling centre already organized several events about human trafficking and the Loverboy-method at various schools with the goal of raising awareness among pupils and teachers.
- SOLWODI Koblenz: A similar project targeting pupils from higher classes is planned.
- Contra, Schleswig-Holstein: Throughout the last three years a workshop was organized once a year, informing young persons volunteering for social service about prostitution. The workshops were requested by Red Cross Germany Schleswig-Holstein (DRK).
- Freja, Freiburg/Kehl: Human trafficking is not integrated in the official school curriculum in Baden-Wuerttemberg. Occasional prevention and awareness raising projects were

⁶ Informationen originates from a survey conducted by the KOK e.V..

organized. Most of the time these were requested by committed religion and/or ethics teachers.

- FBS Kobra, Hannover: In 2012 and 2013 Kobra concentrated on the prevention of young women and girls falling prey to the Loverboy-method. In cooperation with the child protection agency of the city and region of Hannover, Violetta and the girls' shelter, the idea of creating a movie, dealing with the question of how far individuals would go for love, was developed. The movie, conceptualized by young people, intends to raise awareness for the risk of getting into situations, where own principles are compromised and how to avoid this.⁷ In addition, so-called Citycards were created and distributed in bars etc in April 2014.

Please note that this list is not complete but attempts to present an overview and give examples of current projects and initiatives in the area of prevention.

⁷ <http://www.youtube.com/watch?v=aGBFKkufCcc>.