



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties

Third evaluation round

**Thematic focus: Access to justice and effective remedies for
victims of trafficking in human beings**

Replies should be sent to: Trafficking@coe.int

Secretariat of the Council of Europe Convention
on Action against Trafficking in Human Beings
(GRETA and Committee of the Parties)
Council of Europe
F-67075 Strasbourg Cedex
France

trafficking@coe.int

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Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Introduction by the German Federal Government:

This reporting period has been shaped by three major developments in Germany and worldwide:

First, 2021 was the second year in which public life was heavily impacted by the COVID-19 pandemic – this also holds true for human trafficking and the efforts made to combat the phenomenon. The Federal Government and the *Länder* have continued to work closely with civil-society actors to counteract these effects, drawing on long-standing cooperation, and have made a joint effort to ensure that support structures for persons affected by violence remain functional, offer appropriate support, and can be accessed by those affected, including victims of human trafficking (e.g. mobile counselling services, digital formats). Examples of specific measures in this context are provided in the government's interim report to GRETA (October 2020).

Furthermore, as of March 2022, large numbers of persons fleeing the Ukraine arrived in various European countries, including Germany. In the case of mostly women and children entering the country, a risk of exploitation and trafficking was and remains imminent. Federal Ministries, *Länder* and civil society have been in close contact through the various working groups (Federal-*Länder* Working Group on THB, Federal-*Länder* Working Group Against Human Trafficking for Labour Exploitation, National Council against Sexual Violence Committed against Children and Adolescents), have shared relevant information and have developed a broad range of prevention and protection measures for those fleeing the Ukraine (examples are provided under Point 12.1).

Finally, this reporting period includes a change in government: in November 2021, the newly elected government consisting of the Social Democratic Party (SPD), Bündnis 90/Die Grünen (the Greens) and the Free Democratic Party (FDP) published their coalition agreement for the legislative period 2021–2025. The agreement states that the efforts to combat human trafficking are to be intensified and highlights the importance of combating human trafficking in a variety of thematic fields, including, for example, international protection of human rights, protection against violence and combating organised crime. The agreement announces the implementation of a national reporting mechanism, coordination at the national level and a national action plan on combating THB and strengthening the rights of victims of THB.

As a preface to answering the questions, it is important to stress that the responsibilities for measures taken to combat human trafficking in Germany are distributed as set out below.

The Federal Republic of Germany is divided into 16 federal states (*Länder*). The *Länder* are states with their own state constitutions, parliaments, administrative structures and responsible authorities. The exercise of government power is divided between the Federal Government and the *Länder* by the provisions of the German constitution – the Basic Law (GG).

With regard to human trafficking, the *Länder* have far-reaching responsibilities. For example, it should be noted that as a general rule (i.e. apart from exceptions) the criminal prosecution authorities in the individual *Länder* are responsible for the investigation and prosecution of human trafficking. As a general rule, the *Länder* are also responsible for victim support.

Part I – Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

Section 406i of the Code of Criminal Procedure (StPO) regulates the instruction of the victims about their powers in criminal proceedings.

The victims in a criminal offence are informed on request, to the extent they are concerned, of the discontinuation of the proceedings, the place and time of the main hearing, the charges brought against the accused, and the outcome of the court proceedings, for example. If the victims do not speak German, the place and time of the main hearing is communicated to them on request in a language they understand in accordance with Section 406d StPO.

In addition, pursuant to Section 406e StPO, the victim may inspect the case file themselves or have it inspected by a lawyer, providing there are no overriding interests of the accused or other persons that are worthy of protection.

Victims may also avail themselves of the assistance of a lawyer pursuant to Section 406f StPO.

Furthermore, subject to certain conditions, witnesses who have been victims of serious sexual offences, for example may avail themselves of psychosocial support in legal proceedings pursuant to Section 406g StPO.

The information must be given "as early as possible", usually at the first contact with the police. Otherwise, and in the further course of the investigation, by the public prosecutor's office and then by the court. The public prosecutor's office checks whether the police has provided the instructions and, if necessary, does so itself. After the indictment has been filed, the court has to inform the victims. The law requires that victims are informed "regularly in writing and, as far as possible, in a language they understand".

The text of the relevant provisions in the StPO can be found here:

https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html#p0337.

Written material aimed at providing the relevant information is produced by a variety of state and non-state actors:

If a victim is identified during a control of the Unit for the Financial Control of Undeclared Work (FKS), the officers provide information created and supplied by NGOs (contact details, flyers etc.). The NGOs can assist victims in their access to justice and effective remedies.

The Federal Ministry of Labour and Social Affairs (BMAS) publishes a flyer on assistance for victims of violent crimes. Additionally, information on the Act on Compensation to Victims of Violent Crime (OEG) can be found online on the BMAS website or that of the BMAS-funded database www.odabs.org. The *Länder*, which are responsible for implementation of the OEG, publish flyers and other information on the implementation of the Act offline and online.

The Service Centre against Labour Exploitation, Forced Labour and Human Trafficking (Service Centre) funded by the BMAS provides an online database accessible in English and German with information on

where to find counselling services, sorted by location and service offered. Similarly, the German NGO Network against Trafficking in Human Beings (KOK), which is funded by the Federal Ministry for Family Affairs, Seniors, Women and Youth (BMFSFJ), publishes a national database on specialised counselling services on its website.

Some NGOs have provided their information material to prosecution authorities so that the latter can provide it to victims. The Service Centre has developed a general information sheet on victims' rights for victims of forced labour and trafficking labour exploitation which can be used by authorities to fulfil their obligation of informing (presumed) victims, whereby prosecution authorities can hand these information sheets to potential victims at their first contact, e.g. during checks or in raid situations.

As part of an EU co-financed project named ReACT (2015-17), the BMFSFJ funded NGO ECPAT provides information to minors on their rights and access to support in Germany in 13 languages: <https://ecpat.de/2018/01/22/react-reinforcing-assistance-to-child-victims-of-trafficking/> The information needs to be updated.

KOK reports that if the affected persons have contact with a specialised counselling centre, they are informed by the counsellors about their rights and possibilities. If possible, the counselling sessions are conducted in the mother tongue, if necessary with a language mediator/interpreter. The persons concerned are informed of their rights and relevant judicial and administrative proceedings as soon as possible, but this also depends on their emotional, psychological and physical condition. Depending on the needs of the victims and the further procedure agreed on with them – in particular if the victims decide to cooperate with the police – victims are referred to a lawyer specialising in victims' rights who provides further information about rights and obligations in criminal proceedings.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

Pursuant to Section 185 of the Courts Constitution Act (GVG), an interpreter must be consulted at the main hearing in court if the hearing involves a person who is not proficient in German.

When questioned by the police in preliminary proceedings, the accused is entitled to the services of an interpreter pursuant to Section 163 (5) StPO in conjunction with Section 187 GVG. This also applies to persons with impaired hearing or speech. However, witnesses also have a right to have an interpreter present pursuant to Section 163 (7) StPO in conjunction with Section 185 GVG. The same applies to questioning by the public prosecutor's office pursuant to Section 161a (5) StPO in conjunction with Section 185 GVG.

Section 397 (3) StPO contains the right of the private accessory prosecutor to receive a translation of the documents as far as it is necessary to exercise their rights.

In the case of the criminal complaint, the necessary assistance in understanding is given pursuant to Section 158 (4) StPO. Adequate communication between the victim and the person taking the report in a foreign language spoken by both or by a person accompanying the victim is sufficient here.

2. Legal assistance and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

All victims who are witnesses can be assigned an attorney as legal assistance for the duration of their testimony since they are vulnerable and therefore unable to exercise their rights themselves (Section 68b (2) StPO). Victims of certain crimes, especially severe violent or sexual crimes, who are entitled to be private accessory prosecutors, have the right to be assigned an attorney free of charge by the court

without checking their financial circumstances and also even before they join the indictment of the prosecution (Sections 397a (1) no. 2, 406h (3) 1 no. 1 StPO). This rule is intended to serve the special need for protection of certain victims; moreover, private accessory prosecutors should not be prevented from using legal assistance out of concern as to the cost risk. In cases of other crimes, e.g. bodily harm, there is the possibility to join the proceedings as a private accessory prosecutor and receive legal aid for victims who are in financial need. Access to legal aid is then conditioned by a means test (Section 397a (2) StPO). All victims can claim compensation for financial damages as well as for pain and suffering from the defendant within criminal proceedings by means of adhesion proceedings (Section 403 et seq. StPO). Adhesion claimants can obtain legal aid according to the rules of civil law if they lack the necessary means to cover the expenses for the claim and a lawyer themselves (Section 404 (5) StPO). The special procedure for gaining compensation within the criminal proceedings (adhesion proceedings) is not applicable when the accused person is a juvenile (14 to 17 years old). In such cases, besides the generally applicable route of a civil lawsuit, juvenile criminal law provides for means more appropriate to the age and state of development of the young defendant (e.g. reparation order by the youth court, victim-offender mediation).

In addition, child and adolescent victims of human trafficking in particular are entitled to free psychosocial court assistance (Section 406 g (3) StPO).

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

The existing possibilities to get legal aid and support are available to all victims regardless of their nationality or place of residence, cf. also answer to 2.1.

Nevertheless, it should be mentioned that the immigration authorities can grant victims of human trafficking for sexual exploitation, for labour exploitation and the offense of promoting human trafficking a temporary residence permit in accordance with Section 25 (4a) Residence Act (AufenthG).

Those affected are not entitled to a residence permit per se, but the latter should be issued as a general rule given subject to the following three conditions:

- a. The public prosecutor's office or the criminal court find that investigating the facts is made more difficult if the person concerned is no longer in Germany
- b. The victim breaks all ties with the accused
- c. The victim has agreed to testify as a witness in the criminal proceedings.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

For general information on legal assistance, see answer to 2.1. Furthermore, the following applies:

In order to assert their rights outside of court proceedings, citizens in need (regardless of their nationality) can receive government support according to the provisions of the Advisory Assistance Act (BerHG), available at <https://www.gesetze-im-internet.de/berathig/BJNR006890980.html>). In matters of criminal law, only advice (not representation) is generally provided under the Advisory Assistance Act (cf. Section 2 (2) 2 BerHG). For example, victims may seek advice when deciding whether to participate in criminal proceedings as a private accessory prosecutor. For representation in matters of criminal law, see answer to 2.1.

Under Section 1 (1) BerHG, advisory assistance is to be granted if the person concerned is unable to raise the necessary means due to their personal and financial circumstances. Apart from this personal need, the exercise of rights must not appear to be frivolous and there must be no other possibilities for assistance (Section 1 (1) nos. 2 and 3 BerHG).

The requirements for the granting of legal aid are regulated in Sections 114 et seqq. Code of Civil Procedure (ZPO), which also apply by reference in other judicial procedures, e.g. in criminal proceedings according to Section 404 (5) StPO. Pursuant to Section 114 (1) 1 ZPO, a party receives legal aid on application if, due to their personal and economic circumstances, they are unable to pay the costs of litigation, or are able to so pay them only in part or only as instalments, providing the action they intend to bring or their defence against an action has sufficient prospects of success and does not seem frivolous. Pursuant to Section 121 (1) ZPO an attorney should be assigned (assigned attorney) to represent a party if the due process of law requires parties to be represented by attorneys. The party can choose the said attorney. There are no costs to the party involved.

The legal aid according to Sections 114 et seqq. ZPO applies to all types of court proceedings regulated in the ZPO. Nor is it restricted to a specific position of the parties in the proceedings. Accordingly, a victim can also use legal aid to claim damages and enforce a compensation order. However, legal aid according to Sections 114 et seqq. ZPO is not granted for proceedings abroad unless a case is brought before courts in other EU countries, which is then based on Sections 1076 et seqq. ZPO.

The text of the relevant provisions in the German Code of Civil Procedure (ZPO) can be found here: https://www.gesetze-im-internet.de/englisch_zpo/

Child victims of human trafficking can join the public prosecution as private accessory prosecutors in criminal proceedings and thus have a variety of rights. As minor victims, they are assigned an attorney who is free of charge for them at their request. A claim in the adhesion proceedings cannot be asserted if the accused person is a juvenile (see answer to 2.1).

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

There are specialised lawyers for criminal law, some of whom also specialise in supporting crime victims. The regulations mentioned above apply to them. However, the focus of the practical activity of a specialist lawyer for criminal law is not the representation of victims of THB. The non-governmental organisation WEISSER RING provides the certification "Opferanwalt WEISSER RING" ["victim representative Weisser Ring"] and a list of lawyers for victims on its website. Victim representatives specialise in supporting people who have become victims of criminal offences in claiming their rights in criminal proceedings.

As already mentioned in 2.1, an application must be made for the provision of free legal assistance according to Section 397a (1) StPO, but this is also possible before joining the accessory prosecution, see Section 397a (3) StPO.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

See answer 2.1. In addition:

The extent to which legal aid is granted depends on the financial circumstances of the claimant. If a party is not at all financially able to bear the legal costs incurred for court action, legal aid is paid by the state

treasury to cover the court fees and lawyer's fees (for the party's own lawyer) in full. If the party's financial circumstances are better than this, the party will be ordered to pay the legal costs in instalments.

Persons seeking legal advice according to the provisions of the BerHG have to pay a fee of EUR 15.00 for the advisory assistance; the rest of the fees for the consultant are covered by the state treasury. The BerHG ensures that every citizen who is not in a position to pay for a lawyer receives professional help in asserting their rights outside of court proceedings.

The assigned lawyer according to Section 121 (1) ZPO receives a fee claim against the state treasury. The private accessory prosecutor is not subject to any cost risk.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

With regard to the possibility of an adhesion claim pursuant to Section 403 StPO, please see the reply to question 2.1

According to Section 111b (1) StPO, if it is reasonable to assume that the conditions for the confiscation of an object are met, the object may be seized to secure enforcement. If there are cogent reasons justifying this assumption, such seizure is to be ordered.

If it is reasonable to assume that the conditions for confiscation of the equivalent sum of money are met, seizure of the movable and immovable assets of the person concerned may be ordered to secure enforcement. If there are cogent reasons justifying this assumption, such asset seizure is to be ordered (Section 111e (1) StPO).

The public prosecution office is to give the victim notice of the enforcement of seizure or asset seizure and in the case of enforcement of asset seizure, for example, the public prosecution office is also to invite the victims to declare whether they wish to claim the sum of money equal to the value of that which was obtained by virtue of the offence and the amount thereof. Notification is to include a reference to the regulatory content of the relevant sections of the StPO (Section 111l StPO).

However, the public prosecutor's office cannot seize/freeze assets to secure claims for pain and suffering compensation.

The public prosecutor's office can work towards reparation, for example through victim-offender mediation.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

If a victim suffers material damage, this must be compensated in full by the offender in accordance with the general principles of German tort law (Section 823 (1) of the Civil Code (BGB), Section 823 (2) BGB in conjunction with a protective statute and Section 826 BGB). If trafficking in human beings is committed in conjunction with unlawful imprisonment and/or bodily injury, compensation for non-pecuniary damage may also be claimed in the form of damages for pain and suffering (Section 253 (2) BGB). Through the Act on the Introduction of a Right to Survivor's Benefits, which has been in force in Germany since 22 July 2017, the right to compensation for non-pecuniary damage was extended to include cases of death. Under this Act, compensation is paid to close relatives of the victim killed by an unlawful act for the emotional suffering caused by the killing.

With regard to the calculation of material damages, the tortfeasor must, in principle, restore the same economic conditions that would have existed without the damaging event (principle of full compensation).

Non-pecuniary damages are calculated on the basis of a holistic consideration of the circumstances characterising the injury, taking into account its future development. The damages calculated must be in reasonable proportion to the type and duration of the injury. Of primary importance for the calculation is the measure of the life impairment that has occurred. In practise, "tables of damages for pain and suffering" (*Schmerzensgeldtabellen*) can be an important aid for courts and other legal practitioners.

Under general principles of tort law, the amount of damages owed may be reduced if the victim has contributed to the damage (Section 254 BGB).

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

For civil court judgements or judgements in adhesion proceedings concerning a compensation, the compulsory enforcement takes place in accordance with the provisions of the general compulsory enforcement law (8th book of the ZPO). Should compulsory enforcement be pursued for a claim arising from intentionally committed tort, the execution court may determine, upon the creditor filing a corresponding petition, the attachable part of the earned income without taking account of the limitations usually provided for by the Section 850c ZPO. However, the debtors are to be left with sufficient funds to cover their necessary maintenance and to allow them to fulfil their current statutory obligations to pay maintenance (Section 850f (2) ZPO).

See also above 3.1.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

To obtain compensation and other remedies, it is irrelevant whether the victims are no longer in the country. Foreign victims can also apply for an adhesion procedure as well as other procedures, such as compensation payments under the OEG, claims for damages within the framework of criminal proceedings or civil claims in the form of claims for damages and compensation for pain and suffering. If the court grants the application in the verdict, the victim can enforce it. Pursuant to Sections 1076 et seqq. ZPO, victims who are not financially able to bear the costs may be granted legal aid also in cross-border cases within the EU.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

Pecuniary claims that have arisen from the criminal offence can be asserted in adhesion proceedings. These are all claims that are derived from property rights or are directed towards pecuniary benefits, e.g. claims for damages, compensation for pain and suffering, restitution or enrichment. The decision on the application must fall within the jurisdiction of the ordinary courts. This excludes in particular all claims which are related to an employment relationship and therefore fall under the jurisdiction of the labour courts. However, such claims can of course be asserted before the labour court.

According to Section 98a AufenthG, the employer is required to pay remuneration even if the employment lacks the required authorisation. Employers who employ a person without a work permit must pay the wage that is customary in the industry in Germany. What is customary may be determined by collective agreements. If there are no sectoral wages under collective agreements, the statutory minimum wage applies. It is assumed in favour of the foreign employees that they have been employed for at least three months. Wage claims become time-barred after three years.

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

The provision of professional development for judges and public prosecutors in the service of the *Länder* is primarily the responsibility of the individual *Länder*. For this reason, the Federal Government does not offer its own training courses on human trafficking for the judiciary. However, the German Judicial Academy (DRA), which is also funded by the Federal Government, does offer professional development courses for judges and public prosecutors that concern the issue of human trafficking, for example on victim protection, asset recovery and compensation. Judges and public prosecutors also have the opportunity to participate in interdisciplinary network meetings and in relevant seminars as part of international further training (e.g. through the European Judicial Training Network (EJTN) and the Academy of European Law (ERA)).

The Service Centre regularly invites prosecutors acting in the field of human trafficking to come together and share updates on individual and structural aspects of the prosecution of THB for the purpose of labour exploitation. The fourth meeting of this kind took place in June 2022. These meetings also contribute to sharing experience and information on practical assistance for victims of THB, such as on compensation and other remedies, in particular as representatives of counselling services are present as well. Moreover, the Service Centre trained the recently appointed coordinators for victim support within the FKS. Jointly with the Customs Authority the Service Centre plans to develop an e-learning tool for all FKS staff members. Some specialised NGOs organise trainings on a local or regional level.

The KOK and the specialised counselling centres often provide training courses for various types of professionals, e.g. police and federal police officers, the Federal Office for Migration and Refugees (BAMF), embassy staff, students and social workers etc.

Training courses are also organised for refugee shelter professionals in some federal states. Training depends on the capacities of specialised counselling centres and on demand. EPCAT, partly supported by staff of specialised counselling centres, regularly provides training courses for various occupational groups on the issue of trafficking in children.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

No. Victims of human trafficking are not excluded from compensation, nor is the entitlement to compensation under the OEG dependent on the outcome of criminal proceedings or whether the offender is able to provide compensation

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

The level of compensation for victims depends on the extent of the health and economic damage suffered as a result of the violence. The range of benefits under the OEG includes income-independent and income-related monthly compensation payments, sick treatment benefits and subsistence care benefits.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

Yes, it is possible to submit an application for benefits under the OEG from abroad. There are no special conditions that apply here.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

Normally, the assistance of a lawyer is not required for the application under the OEG. In principle, therefore, costs for an attorney are not covered. Benefits under the OEG are not taxable nor may they be set off against other social benefits.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to:

i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and

ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation.

Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

Regarding i):

Sections 73 to 73b of the Criminal Code (StGB) provide for the mandatory (conviction-based) confiscation of anything obtained by or as a reward for committing an unlawful act (i.e. proceeds), including any benefits derived from that which was obtained. If it is no longer possible to confiscate the object itself, Section 73c StGB provides for confiscation of a sum of money equivalent to the value of the object obtained. Any objects obtained by way of sale of that was obtained by or for an unlawful act, or as a substitute for it, or on the basis of a right obtained, may also be confiscated. The proceeds of unlawful acts may be confiscated from third parties if the offender or a participant was acting on behalf of the third party in question (Section 73b (1) 1 StGB), if such proceeds were transferred to the third party without remuneration or without legal justification (Section 73b (1) 2 (a) StGB) or if the third party was aware, or should have been aware, that the proceeds derived from an unlawful act (Section 73b (1) 2 (b) StGB). Section 73a StGB (extended confiscation) goes even further in that it provides for the confiscation of objects belonging to an offender or participant which were acquired as a result of, or for the purpose of, committing an unlawful act other than the one for which the offender or participant was convicted. In addition, since the 2017 reform of the law governing asset recovery, Section 76a (4) StGB has stipulated that any property of unclear origin that derived from an unlawful act and which has been secured in criminal investigations concerning certain listed offences typically committed on an organised basis may also be confiscated without the necessity of proving a specific unlawful act ("non-conviction-based confiscation"). In ordering the confiscation, the court may in particular base its conviction regarding the

illegal origin of the object on a gross disparity between the value of the object and the legal income of the party involved (Section 437 1 StPO).

Regarding ii):

If and to the extent that the relevant conditions are satisfied in the specific case, the public prosecutor's office has at its disposal the entire range of investigative powers provided for by the StPO in order to trace the assets.

In order to ensure the later confiscation and to prevent the assets from being hidden, seizure or attachment is ordered (Sections 111b et seq. StPO).

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

In principle, the perpetrator is obliged to compensate the victim for the damage caused by the act and, under certain circumstances, to pay compensation for pain and suffering. These claims are usually enforced through civil law. According to the provisions of Sections 403 to 406c StPO, an assertion is also possible within the framework of criminal proceedings in so-called adhesion proceedings before the criminal court. This applies regardless of whether the criminal proceedings take place before the district court or before the regional court. Claims can also be asserted by victims or their heirs in proceedings before the district courts, regardless of the value of the subject matter in dispute (Section 403 StPO).

Another possible compensation is regulated by Section 459h StPO. Under German law, Section 73 et seq. of the StGB require the confiscation of proceeds of crime as part of a criminal judgement (see answer to 5.1. above). In principle, all proceeds of crime are first collected by the state. Where such a confiscation was ordered, Section 459h StPO allows for the return of confiscated objects or their value to the victims. However, within the meaning of Section 459h StPO compensation can only be paid if a victim has a claim to restitution of the proceeds or to compensation for the value of the proceeds from the offence. Accordingly, as a rule, confiscated proceeds from the exploitation of victims of human trafficking are paid out to them after the trial, providing they have a respective claim. If no victims are known or cannot be identified, the assets remain with the state.

If such proceeds or their value are confiscated, the victims must be notified thereof and informed about their claims and the applicable procedure (Section 459i StPO). If the perpetrator's assets are not sufficient to satisfy all victims, the public prosecution office is to file a request to open insolvency proceedings against the debtor's assets (Section 111i (2) StPO; providing there are sufficient assets – usually at least EUR 5,000).

Precautionary measures and freezing of assets at the investigation stage serve to secure the execution of a later confiscation order under Sections 73 et seq. StGB. Victims with claims arising from the offence are informed by the public prosecutor's office about the execution of the freezing measures (seizure or attachment) and can register their claims with the public prosecutor's office (Section 111l StPO). Moveable property deriving directly from a crime can be returned to the victim (or the last person having possession of it), if it is not required any more for the purposes of the criminal proceedings, i.e. also before a final court decision (Section 111n StPO).

The law does not, on the other hand, provide for the disbursement of confiscated proceeds of crime to compensation funds or similar. Benefiting such funds is at most conceivable in the context of a judicial order to pay a sum of money to a charitable organisation in the context of a probation order (Section 56b (2) 1 number 2 StGB) or of a decision to terminate the proceedings subject to the imposition of

conditions (reparations for damage caused by the offence/victim-offender mediation, Section 153a StPO).

The following data (source: Federal Statistical Office (ed.) criminal prosecution tables for 2018 to 2020) refer to convictions for offences relating to trafficking in human beings (Sections 232– 233a StGB for the years 2018 to 2020 in respect of which confiscation was ordered. Of course, this does not reveal how victims have benefited from the confiscated assets.

Confiscation in relation to Section 232 StGB (trafficking in human beings)							
Year		Total convicted persons with ancillary penalties and measures	Confiscation of criminal proceeds, Sections 73, 73b, 73c StGB	Extended confiscation of criminal proceeds, Section 73a StGB	Confiscation of means, products and objects of crime	Confiscation of material and rendering an item unusable, Section 74d StGB	Confiscation of assets of unclear origin, Section 76a (4) StGB
2018	m	3	2	0	1	0	0
	f	4	3	0	1	0	0
	i):	7	5	0	2	0	0
2019	m	3	3	0	0	0	0
	f	0	0	0	0	0	0
	t	3	3	0	0	0	0
2020	m	4	3	0	1	0	0
	f	1	0	0	1	0	0
	t	5	3	0	2	0	0

Confiscation in relation to Section 232a (1-5) StGB (forced prostitution)							
Year		Total convicted persons with ancillary penalties and measures	Confiscation of criminal proceeds, Sections 73, 73b, 73c StGB	Extended confiscation of criminal proceeds, Section 73a StGB	Confiscation of means, products and objects of crime	Confiscation of material and rendering an item unusable, Section 74d StGB	Confiscation of assets of unclear origin, Section 76a (4) StGB
2018	m	12	11	3	2	0	0
	f	3	2	0	1	0	0
	t	15	13	3	3	0	0
2019	m	11	8	1	3	0	0
	f	2	2	0	0	0	0
	t	13	10	1	3	0	0
2020	m	25	15	1	6	0	0
	f	6	5	0	1	0	0
	t	31	20	1	7	0	0

Confiscation in relation to Section 233 StGB (exploitation of labour)							
Year		Total convicted persons with ancillary penalties and measures	Confiscation of criminal proceeds, Sections 73, 73b, 73c StGB	Extended confiscation of criminal proceeds, Section 73a StGB	Confiscation of means, products and objects of crime	Confiscation of material and rendering an item unusable, Section 74d StGB	Confiscation of assets of unclear origin, Section 76a (4) StGB
2018	m	0	0	0	0	0	0

	f	0	0	0	0	0	0
	t	0	0	0	0	0	0
2019	m	0	0	0	0	0	0
	f	0	0	0	0	0	0
	t	0	0	0	0	0	0
2020	m	1	0	0	1	0	0
	f	0	0	0	0	0	0
	t	1	0	0	1	0	0

Confiscations in relation to Section 233a StGB (exploitation involving deprivation of liberty) did not occur.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

Yes. Pursuant to Section 257c (1) 1 StPO, the court may, in suitable cases, reach an agreement with the parties on the further course and outcome of the proceedings. Whether cases involving a form of trafficking in human beings are "suitable" for plea bargaining (or "negotiated agreement") within the meaning of section 257c (1) 1 StPO depends on the specific circumstances. The consent of the victim is not required for such plea bargaining. This also applies to any private accessory prosecutors (i.e. victims of certain crimes, especially severe violent or sexual crimes who are entitled to be private accessory prosecutors) (Section 257c (3) 4 StPO). However, the private accessory prosecutor must be given the opportunity to make submissions in the course of the plea bargaining (Section 257c (3) 3 StPO). As such, the rights of the victim as well as those of the private accessory prosecutor correspond in the plea bargaining to the role they are otherwise accorded in the criminal proceedings. In particular, private accessory prosecutors would likewise not have unlimited influence on the verdict of guilt or the penalty to be imposed in proceedings in which no plea bargaining takes place. Their rights are also protected by the fact that they can appeal against the verdict regardless of whether a plea bargain has been reached (Section 401 (1) 1 StPO).

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

In principle, prioritisation in file processing, as well as the question of how thoroughly or how quickly a case is processed, concern core aspects of judicial independence. In cases in which the accused person has been placed in remand detention, the public prosecutor's office and the criminal courts must observe the principle of ensuring speedy conduct of proceedings. An overly prolonged and therefore inappropriate scheduling of the main hearing may be seen as a violation of this principle.

Nevertheless, for reasons of protecting vulnerable victims, according to Section 24 (1) GVG, it is possible to instantly bring charges before the district court because of the special need for protection of victims of the criminal offence who come into consideration as witnesses. A special need for protection applies in particular if it is to be expected that the questioning will be particularly burdensome for the victim and therefore multiple questionings are to be avoided. This provision can help to speed up the proceedings by omitting a second factual instance.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

Due to the independence of the judiciary, an indispensable component of the rule of law which is guaranteed by constitutional law, it is solely the task of the independent judges to interpret the laws in a binding manner, to apply them in the specific individual case, and to impose the appropriate sentence. The basis for sentencing is in all cases the guilt of the individual accused. It is the responsibility of the trial judge to determine the essential exonerating and incriminating circumstances, to evaluate them and to weigh them against each other. If there are doubts concerning the court's decision, the public prosecutor's office and the convicted person, and if applicable also the victims of a crime as private accessory prosecutors, can appeal (in an appeal on points of fact and law (*Berufung*), or an appeal on points of law only (*Revision*), which leads to a review of the decision in a higher instance.

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

The victim appears in the investigation and criminal proceedings in various procedural roles.

Victims of trafficking in human beings are considered as aggrieved persons according to Section 373b StPO. As already explained in 1.1, they are entitled to the rights to information set out in Sections 406i – 406l StPO. In addition, they have certain rights to information and file inspection according to Section 406d and 406e StPO. Furthermore, they have a right to confirmation of the criminal complaint pursuant to Section 158 (1) StPO. If difficulties arise in making the report, for example because they do not speak German, victims receive appropriate assistance in communicating under Section 158 (4) StPO.

Victims of trafficking in human beings can participate in criminal proceedings as private accessory prosecutors pursuant to Section 395 StPO. This gives the private accessory prosecutor a variety of rights under Section 397 StPO. This includes, for example, the right to ask questions pursuant to Section 240 StPO, the right to request evidence pursuant to Section 244 (3 – 6) StPO, and the right to translation of the documents required to exercise their rights pursuant to Section 397 (3) StPO.

In most investigative proceedings, the criminal complaint is filed by the victim. This means that this person has the right to be informed by the public prosecutor's office with a reasoned decision about the reasons for the termination of proceedings. The complainant can demand that the higher-level public prosecutor's office review this decision. As victims they can appeal against this decision – providing the termination was not based on a reason attributable to the opportunity principle (§§ 153, 153a, 153b, 154, 154b, 154c StPO) or a so-called private prosecution offense (§ 374 StPO) is in question (§ 172 et seq. StPO). The application for enforcement proceedings can only be drawn up by a lawyer. This person can inspect the investigation files on behalf of the victim.

Since victims are usually questioned as witnesses, the relevant hearings and other investigative actions must always be carried out taking into account the special need for protection pursuant to Section 48a StPO. Under certain conditions, the examination of witnesses separately from persons entitled to be present pursuant to Section 168e StPO, via audiovisual examination pursuant to Section 247a StPO, the exclusion of the public pursuant to Section 171b (1) GVG and the restriction of the right to ask questions for reasons of personal protection pursuant to Section 68a StPO may be considered. If the victims are questioned as witnesses, they can request that a person they trust be allowed to be present (§ 406f (2) StPO).

Victims as witnesses can use the assistance of a lawyer to exercise injured rights or be represented by one (§ 406f (1) StPO). This lawyer can exercise certain rights for the victim, which are specified in more detail in Section 406e StPO, such as the right to inspect the investigation files; the lawyer is also permitted to be present when the victim is questioned and the lawyer may also exercise the victim's right to object to questions.

In addition, under certain conditions set out in Section 68b (2) StPO, the court can appoint a lawyer to assist the victims – like any other witnesses – for the duration of their questioning.

Children can also be witnesses if they can be expected to give an understandable statement. The StPO contains provisions to minimise the burden of examining witnesses. For example, children who have been victims of sexual violence and human trafficking in particular can join the public prosecution in criminal proceedings and exercise their associated rights.

Germany points out that in the case of children and juveniles, there is the possibility of conducting video interviews in criminal proceedings.

Pursuant to Section 58a (1) StPO, witness hearings are to be conducted by the judge and recorded on video if the interests of persons under the age of 18 that are worthy of protection can thus be better safeguarded.

Pursuant to Section 255a StPO, audio-visual recordings are treated the same as transcripts in preliminary proceedings; moreover, the audio-visual recording of a minor witness to introduce the content of the testimony itself is admissible in the main hearing, thereby avoiding multiple questioning here as well and the burdens this involves.

In addition, Section 26 GVG regulates the jurisdiction of the juvenile court in cases involving the protection of minors. Accordingly, the juvenile court also has jurisdiction as a court for the protection of minors for criminal offences committed by adults that injure or directly endanger a child or a juvenile. This bundling of competences is intended to protect child and youth witnesses, e.g. through the use of video interrogation technology.

In addition, children and adolescent victims of trade in human beings in particular are entitled to free psychosocial court assistance in order to reduce the individual burden on the victim.

The victims as witnesses can also

- generally, not refuse to be examined for specific traces or consequences of a criminal offense (Section 81c (1) StPO). The situation is different only if such an examination cannot be expected of them given the overall circumstances (Section 81c (4) StPO).
- not refuse to answer questions that are uncomfortable for them, and certainly not answer the question incorrectly. Questions that could dishonour the victim or a relative – for example, about the sexual history of the rape victim – should only be asked if this is absolutely necessary. The question of previous convictions is also only permissible to a limited extent, in particular to assess the credibility of the witness (Section 68a StPO).
- be heard audiovisually (i.e. with data transmission into the courtroom) at a location other than the courtroom during the main hearing if serious disadvantages for the well-being of the witness are to be feared if the witness is questioned in the presence of those present at the main hearing (Section 247a StPO),
- request the exclusion of the public if circumstances of their personal life are discussed, the discussion of which would violate their interests worthy of protection (Section 171b (3) GVG). Such circumstances may include the victim's religious and political beliefs, health or sexual behaviour.
- object to an exclusion of the public provided for by the court if they are interested in bringing up certain events in the public main hearing (Section 171b (4) GVG).

If the aggrieved persons are victims of one of the crimes mentioned in Section 395 StPO, for example been violated by

- a crime against sexual self-determination according to Sections 174 to 182, 184i to 184k StGB,

- an insult according to Sections 185 to 189 StGB or a robbery or a predatory extortion according to Sections 249 et seq. StGB (both categories of offenses in the special cases of Section 395 (3) StPO),
 - suspension or bodily harm according to Sections 221, 223 to 226a and 340 StGB, human trafficking, forced prostitution, forced labour, exploitation of labour, kidnapping, abduction of minors, child trafficking, forced marriage, stalking, aggravated deprivation of liberty, an extortionate human screw, the taking of hostages or a severe coercion according to Sections 232 to 238, 239 (3), 239a, 239b and Section 240 (4) StGB,
- they can join the public prosecution brought by the public prosecutor's office as a private accessory prosecutor. The same applies to some other cases, such as the parents, children, siblings and spouses of a person killed by an illegal act.

The victim who is entitled according to the above to act as a private accessory prosecutor is also entitled to draw on the assistance of a lawyer as a private accessory prosecutor or to be represented by one, even without making use of this right. The respective lawyer has certain rights specified in more detail in Sections 397 (2), 406f (1), 406g (2) StPO. Upon request in this regard, the lawyer will be informed by the court of the date of the main hearing (Section 214 (1) StPO).

The victims have the following additional rights, among others:

- At their request in this regard, the victims are informed that the proceedings have been discontinued (Section 406d (1) StPO).
- At their request in this regard, the victims are informed under certain additional conditions if measures involving deprivation of liberty have been ordered or terminated against the accused or convict (Section 406d (2) StPO).
- At their request, the presence of a person of trust of the victims during their questioning is to be permitted (Section 406f (2) StPO).
- By filing a civil action in criminal proceedings, the victims can achieve a decision in criminal proceedings, at least on the merits, about their claims resulting from the crime; to this extent, a comparison of the civil law claims arising from the criminal offense can also be recorded in criminal proceedings (Sections 403 to 406 StPO).
- The victims are to be instructed of their above rights (Section 406i StPO).
- In addition, they are to be made aware of the possibility of receiving support and help from victim support organisations (Section 406i no. 5 StPO).
- At their request in this regard, the victim entitled to private accessory prosecution is to be informed by the court of the date of the main hearing (Section 214(1) StPO).

In addition – under certain conditions (such as a violent or sexual offense) – victims have the opportunity to make use of psychosocial support during legal proceedings pursuant to Section 406g StPO.

Psychosocial support during legal proceedings involves the non-legal support of victims with the aim of reducing individual stress and avoiding secondary victimisation. It involves the separation of counselling and support, thereby guaranteeing neutrality in the ongoing criminal proceedings. This support for victims includes being provided with information about the proceedings as well as emotional and mental support in order to cope with the challenges related to the offence that may arise in victims' everyday life.

There are numerous victim support organisations for victims of violence, such as the nationwide WEISSER RING e.V., which offers many support options. These include psychosocial support and counselling, referral to further help and counselling services, crisis intervention, accompaniment to appointments at court and with public authorities, lawyers and doctors, as well as psychosocial support for legal proceedings, support in filing applications and information about financial assistance and claims, e.g. under the OEG. Victims can be accompanied by representatives of an NGO in criminal proceedings, but not represented. This is reserved for lawyers in order to ensure the high quality of justice and sufficient support for victims.

Nevertheless, according to the KOK, whether and to what extent victims of human trafficking can assert their rights in criminal proceedings (e.g. psychosocial support during legal proceedings, video questioning or exclusion of the public from the proceedings or the removal of the accused from the courtroom) varies greatly and depends on the knowledge and commitment of the judicial personnel as well as the technical resources available.

Counsellors at the specialised counselling centres support their clients during the criminal proceedings if the latter so wish, but not as a rule, as staff at the specialised counselling centres do not have the right to refuse testimony in court and therefore risk being questioned as witnesses in the criminal proceedings. And additionally, it can involve the NGO staff into threatening situations if they become invited into the court room and have to disclose their personal data to the exploiters or traffickers.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

Pursuant to Section 172 StPO, victims may lodge an appeal against the public prosecutor's discontinuation order with the Office of the Federal Prosecutor General. Either the public prosecutor's office remedies the complaint by quashing the order or the Public Prosecutor General decides on the complaint. If the Public Prosecutor General's Office upholds the complaint, it cancels the discontinuation order. If they decide not to uphold the complaint, victims can apply for a court decision on the negative decision. The Higher Regional Court decides in these cases. It may be that the court decides to bring the public action.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

See answer 6.2.

Pursuant to Section 117 (1) StPO, a defendant in pre-trial detention may at any time request a judicial review as to whether the arrest warrant should be revoked or its execution suspended. The decision on this is made by the competent judge, usually after an oral hearing. An appeal may also be lodged against the arrest warrant issued by the arresting judge or the adjudicating court in accordance with Section 304 (1) and Section 305 (2) StPO. The aim of the appeal may be, in particular, the revocation of an arrest warrant and the amendment of its content, for example, or the granting of a reprieve from detention. The admissible application for a review of detention has priority over the appeal, because the review of detention leads to a comprehensive review of the question of the continuation of detention.

These options are available to any defendant and are therefore not special provisions for imprisoned victims of human trafficking.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

A victim of THB may bring a claim for full compensation against the State under Section 839 BGB in conjunction with Article 34 GG if officials intentionally or negligently breach the official duty incumbent upon them in relation to a third party. Every official has, for example, the duty to exercise their office lawfully. They are therefore, for example, obliged to refrain from all unlawful acts, in particular from all unlawful interference with protected legal interests, such as life, health, freedom or other absolute rights such as the general right of personality. Some officials are also under an official duty to intervene, e.g. if intervening is a matter of averting an immediate danger to essential legal interests. Unless otherwise

provided by law, the public prosecutor's office is obliged to take action in relation to all prosecutable criminal offences provided there are sufficient factual indications (Section 152 (2) StPO). This obligation also applies to police officers; the authorities and officers of the police force are to investigate criminal offences and take all measures which may not be deferred, in order to prevent the concealment of facts (Section 163 (1) StPO). Persons who, as public officials, are called to be involved in criminal proceedings or the proceedings to order a measure (Section 11 (1) no. 8 StGB) may be liable to prosecution for obstruction of justice in public office if they intentionally or knowingly prevent, in whole or in part, another person from being punished for an unlawful act or from being subjected to a measure in accordance with criminal law (Section 258a StGB).

If officials breach their duties in a judicial decision in a legal matter, then the State is generally only liable if the breach of duty consists in a criminal offence.

Article 31 of the Vienna Convention on Diplomatic Relations and Article 43 of the Vienna Convention on Consular Relations provide for immunity of members of diplomatic and consular staff. Criminal and misdemeanour proceedings may not be brought against these persons. Persons who have attracted attention are reported to the respective mission with a diplomatic note stating the facts of the case. In official talks, the delegating country may be asked to recall the ambassador.

Staff members of embassies and consular missions who do not enjoy privileges under the Vienna Conventions are subject to all regulations applicable in Germany. Their misconduct is prosecuted under criminal and regulatory law without restriction.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

See answer 3.6.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

Under German criminal procedural law, the principle of legality applies, which means that the public prosecutor's office is obliged to investigate criminal offences (Section 152 (2) StPO). However, there are some exceptions to this principle in the StPO that allow the non-prosecution of a criminal offence under certain conditions. The refusal of further prosecution is possible in particular under Section 153 StPO (Non-prosecution of petty offences), Section 153a StPO (Non-prosecution subject to imposition of conditions and directions) and Section 154c StPO (Non-prosecution of victim of coercion or extortion). Within the scope of the exercise of discretion, the concrete circumstances of the respective individual case are the deciding factor. However, Section 153 and 153a StPO are only applicable to offences ("*Vergehen*" – these are unlawful acts which are punishable by a minimum term of imprisonment lower than one year or by a fine, Section 12 (1), (2) StGB).

The victim's predicament is taken into account in particular under Section 154c StPO. In the area of trafficking in human beings, Section 154c (2) StPO is of particular importance: if the victim of trafficking in human beings reports this offence and if, as a result, an offence committed by the victim becomes known, the public prosecutor's office may refrain from prosecuting the offence unless atonement is indispensable due to the gravity of the offence. The consent of the court is not required for this.

Furthermore, it must be pointed out that a person who commits a crime under the conditions of Section 35 (1) StGB acts without guilt and may be exempt from punishment. This is the case if the person commits the punishable act in order to avert a present danger to life, limb or liberty which cannot otherwise be averted for themselves or a relative or another person close to them.

The age of criminal liability is 14 years (Section 19 StGB). Children who have not reached that age at the time of the act cannot be the subject of criminal proceedings and criminal sanctioning. When juveniles (14-17 years old) and – under certain conditions – young adults (who have not yet reached the age of 21) commit an offence, juvenile criminal law is applicable. The main goal of juvenile criminal law is not punishment for the offence but above all to counter renewed criminal offences on the part of the juvenile or young adult; in order to achieve this goal, the legal consequences, and also the procedure, is primarily geared to the educational concept (see Section 2 (1) of the Youth Courts Act – JGG). The JGG provides for additional possibilities for the discontinuation of criminal proceedings (Sections 45, 47 JGG) and, in the case of sentencing, a wide range of measures and sanctions. This allows young perpetrators to be dealt with who are victims of THB in an adequate way and in a manner that is appropriate to the circumstances of the individual case.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Under Section 2 of the OEG, benefits are to be denied if the victim caused the injury or if it would be inequitable to award compensation for other reasons, in particular the claimant's own conduct. This law is not about acts committed as a result of the act of violence, but about whether the victims themselves contributed to becoming a victim of an act of violence. Persons who have contributed to the act of violence through their own reproachable behaviour may be denied compensation. For example, a person who starts or voluntarily participates in a brawl may be denied compensation in respect of the damage to health resulting from that brawl. Whether compensation is to be denied is to be decided in the specific individual case.

8. Protection of victims and witnesses (Articles 28 and 30)

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

Where the accused is strongly suspected of having committed the offence, there are grounds for detention due to a risk of suppression of evidence, and the principle of proportionality is observed, the competent judge may order remand detention against the accused. Detention on account of a risk of suppression of evidence is warranted if, for example, on the basis of certain facts the accused person's conduct gives rise to the strong suspicion that he or she may improperly influence witnesses, with a resulting risk that the establishment of the truth will be made more difficult (Section 112 (2) no. 3 (b) StPO).

In cases where the accused poses a threat to witnesses, the police can also take measures provided by law to avert danger in order to protect witnesses.

Pursuant to Section 247a (1) StPO, it is possible for witnesses to remain in another place during the examination, with an audio-visual transmission of their testimony being provided simultaneously to the courtroom in cases where the attendance of the witness in the main hearing would entail an imminent

risk of serious detriment to their well-being. Pursuant to Section 68 (1) 2 and Section 68 (2) StPO, witnesses whose protection so requires are permitted to withhold their full address or their place of residence altogether during an examination or, pursuant to Section 68 (3) StPO, to keep their identity secret and to cover their face.

The witness counsellors and support workers can also accompany victims to the court hearing, make it easier for them to contact the court and continue to support them even after the proceedings have been concluded.

Pursuant to Section 68 StPO, witnesses may also be permitted in their examination to give their place of business or employment or another address capable of being used instead of their full address if there are reasonable grounds for concern that the giving of the full address will endanger the legal interests of the witness or another person or that the witness or another person will be unfairly influenced.

The following statements only refer to victims of trafficking in human beings who have been taken into either witness protection or operational victim protection by witness protection agencies of the Federal Government and the *Länder*.

The prerequisite for admitting a person to witness protection pursuant to Section 1 (1) of the Witness Protection Harmonisation Act (ZSHG) is that without their statements in criminal proceedings, the investigation of the facts of the case or the determination of the whereabouts of the accused would be futile or substantially impeded, the person is exposed to a concrete danger to life, limb, health, freedom or substantial assets due to their comprehensive willingness to testify, and they are suitable for witness protection measures and declare their consent thereto.

Admission to witness protection requires an application for admission by the investigating department; the witness protection agency examines the application and assesses whether the requirements are met. The suitability of the person is determined by the witness protection agency by means of an admission procedure. Based on the risk assessment, the witness protection agency implements the necessary protection measures.

Unlike operational victim protection, the testimony and its value play a key role in witness protection. In the case of operational victim protection, the testimony and the value of the testimony plays only a subordinate role for the proceedings, because, for example, other evidence is available for the investigation of the facts. In this respect, the requirements for admission to witness protection are not met in these cases. Here, a person may be admitted to operational victim protection if they are exposed to a concrete danger to life, limb, health or personal freedom, and measures under the general law on the prevention of danger in conjunction with Police Service Regulation PDV 129 VS – NfD alone are not suitable for averting the danger, but effective protection of the endangered person can only be ensured with measures similar to witness protection, for example by relocating the endangered person from the danger area to a place unknown to the endangering parties. Other measures similar to witness protection would be the establishment of data and transmission blocks in order to prevent conclusions from being drawn about the new whereabouts of the person at risk, or also the assignment of a temporary cover identity. In the "Directive on Operational Victim Protection – VS – NfD" (dated 06.06.20), adopted by AK II (Working Group II of the Standing Conference of Ministers of Education and Cultural Affairs for the *Länder*) at its 260th meeting on 7/8 October 2020 in Mainz, one circumstance of operational victim protection is defined. The admission of persons at risk to operational victim protection and the implementation of protection measures is carried out by the witness protection agencies of the *Länder* defined in Section 2 (1) ZSHG. This ensures a uniform procedure, especially in the case of the cross-*Länder* relocation of persons at risk.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

In the cases described under 8.1, the relevant information is communicated to the protected person in an appropriate form in coordination with the respective investigating service/prosecutor's office.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

Under certain conditions, the court is permitted to exclude the public from the main criminal court hearing. For example, Section 171b (1) and (3) GVG allows the court to exclude the public at the request of the witnesses, or ex officio, in order to protect the privacy and rights of personality of the witnesses, insofar as circumstances from the private sphere are mentioned and public questioning would violate their interests meriting protection. In addition, the particular burden on children and juveniles that a public main hearing may cause, as well as the burden on persons of full age who have been victims of a criminal offence as children or juveniles, must also be taken into account. If a person under the age of 18 is being examined, the court may also exclude the public pursuant to Section 172 no. 4 GVG, while in the case of certain offences including offences against sexual self-determination and personal freedom, this is provided for as a rule under to Section 171b (2) GVG. Finally, for the safety of those affected by the proceedings, the exclusion of the public is also possible under Section 172 no. 1a GVG if the life, limb or freedom of a witness or another person could be endangered.

If a protected witness (responsibility: witness protection agency) or a person at risk (responsibility: operational victim protection agency) is to be questioned in the main hearing, the witness protection agency will suggest the appointment of a lawyer to assist the witness. Necessary protective measures during the examination in the main hearing are taken in consultation with the presiding judge and the judicial police.

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

Statistical details of how many cases witness protection measures have been taken for witnesses in human trafficking proceedings are not available from the Federal Situation Report on Witness Protection (*Bundeslagebild Zeugenschutz*), as this phenomenon is not recorded separately. In the Federal Situation Report on Witness Protection, the offence areas of organised crime, state protection and other serious crimes are recorded. Whether and, if so, how many human trafficking cases are recorded here cannot be inferred from the federal witness protection statistics.

By contrast, the Federal Situation Report on Operational Victim Protection covers the phenomenon of human trafficking/forced prostitution. In 2021, protection measures were carried out in eight operational victim protection cases in the area of human trafficking/forced prostitution nationwide.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution cooperate with NGOs?

In operational victim protection cases, cooperation with NGOs takes place on a case-by-case basis. It is important to stress that NGOs do not conduct witness protection measures themselves. The individual type of cooperation depends on the circumstances and needs of each individual case, so no general statements can be made about the individual cases.

Cooperation between specialised counselling centres and the police is usually laid down in so-called cooperation agreements. There is no national referral mechanism in Germany, but the cooperation agreements can be seen as a similar mechanism. These cooperation agreements were created on the model of the "Cooperation scheme for cooperation between specialised counselling centres and police for the protection of victims of trafficking in human beings for the purpose of sexual exploitation", which was developed in 1997, also with input from the Federal Criminal Police Office (BKA) at national level and reviewed in 2008. 13 out of 16 *Länder* now have such cooperation initiatives, in form of agreements,

decrees or contracts. Many of them now include new cooperation partners and/or have seen their content extended since their initial development.

The cooperation schemes are aimed at adults. They still do not automatically include all forms of exploitation or do not always include all relevant stakeholders working across all forms of exploitation. Most existing agreements cover at least trafficking in human beings for the purpose of sexual exploitation, some include labour exploitation or generally refer to trafficking in human beings without mentioning specific forms.

In recent years the FKS and the Federal Police (BPOL) have increasingly been involved in cases of trafficking in human beings (see last report to GRETA). According to the KOK there is a significant need for awareness raising, for example with regard to human rights provisions and specific victims' rights such as the reflection period remains. In many regions, sustainable cooperation is still to be established among authorities and civil society actors so that identified victims can be effectively referred to support structures.

On 22 July 2022, the BPOL and the KOK concluded a cooperation agreement in order to be able to work together more effectively in cases of human trafficking and exploitation at the regional and local level. The agreement describes in which cases and in what way the BPOL and the specialised counselling centres cooperate in cases of suspected human trafficking. The core objectives of the agreement are to improve the approach to trafficked persons and to intensify cooperation between the counselling centres and the BPOL.

The Federal Ministry of Finance (BMF), the BMAS and the German Trade Union Confederation (DGB) agreed in 2021 on a framework agreement to intensify cooperation and improve the distribution of responsibilities between the FKS and the counselling centres for foreign employees of "Fair Mobility" and "Fair Integration" as well as the Service Centre against Labour Exploitation, Forced Labour and Human Trafficking funded by the BMAS. This agreement lists contact persons within the main customs offices of the German Customs Administration and the NGOs, allows for regional exchange meetings, work shadowing and the cooperation in cases of infringement of labour and social rights. It also acknowledges the specific needs and rights of victims of forced labour and trafficking into labour exploitation.

The cooperation between the State (police and the judiciary) and the specialised counselling centres is and remains of great importance in victim protection.

The funding of the specialised counselling centres (which are all NGOs) varies. Many receive funding from the respective *Länder*. In addition, most counselling centres receive donations and raise third-party funds (e.g. for additional projects).

Besides the specialised support, there are several NGO networks that help exploited migrant workers to enforce their labour rights. These networks are funded by a variety of sources. Some are financed at the federal level, others at the state level. Some receive European funding through the ESF or AMIF. Some NGOs receive also private donations or are financed by charitable institutions or church-related institutions.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

There are several ways to accommodate child victims of THB and also a project to ensure a child-sensitive treatment.

According to the Statutory Guidelines for Criminal Cases and Administrative Fines (RiStBV), which apply to the public prosecutor's offices, repeated questioning of children and juveniles before the main hearing is to be avoided if possible because of the psychological burden this places on these witnesses (nos. 19, 19a). In the case of witnesses under the age of eighteen, the possibility of audio-visual recordings is to be used in order to avoid repeated questioning (Section 58a (1) 2 no. 1, Section 255a (1) StPO). In addition, the presence of a person of trust is also to be ensured.

In court proceedings, Section 241a (1) StPO assigns the examination of minor witnesses to the presiding judge alone. Furthermore, Section 247 StPO allows the defendant to be excluded from the courtroom during an examination, among other things in order to protect minor witnesses. Section 52 StPO regulates the right of the accused's relatives to refuse testimony. This right to refuse testimony is safeguarded in particular in Section 52 (2) StPO in the case of minor witnesses. If, due to their age, they do not have a sufficient understanding of the importance of the right to refuse testimony, they may only be questioned if they are willing to testify and their statutory representative also agrees to their examination. In addition, the provisions on witness protection in Sections 247a, 68 StPO also apply to children (please see also the answer to question 8.1).

In cases where children or juveniles are witnesses or aggrieved parties, the public can also be excluded pursuant to Section 171b GVG in order to protect their privacy and rights of personality (please see the answer to question 8.3). In addition, Section 26 GVG provides that the juvenile courts have jurisdiction in cases concerning juvenile protection (see answer to question 6.1).

The appropriate treatment and protection of child victims of THB is also part of the ISF (Internal Security Fund)-funded THB LIBERI project, which was initiated and is led by the BKA. Its aim is to combat the exploitation of children, young people and adolescents by organised groups of perpetrators in a way that is as sustainable as possible through close national and international operational cooperation.

Within the THB LIBERI project, one focus is on personal evidence in human trafficking proceedings. Inter-agency workshops were conducted to sensitise and train participants in dealing with under-age victims of human trafficking.

Also, the BMFSFJ aims to make court proceedings more child-friendly and provide better training for child and youth welfare system and judiciary professionals in their contact with children. Proceedings can be stressful for children as they have a different perception of time. Furthermore, the goals and procedural circumstances are often difficult for children to grasp.

For this reason, the BMFSFJ supports the development of a professional development programme for family court judges entitled "Model Project for Quality Development and Quality Assurance for a Child-Friendly Judiciary through Interdisciplinary Training with the Integration of E-Learning" and an online course (guteverfahren.elearning-kinderschutz.de) developed in connection with this project. The online course is an interdisciplinary training programme on family court child protection proceedings. The aim of the project is to create a flexible learning programme in which all professional groups involved in child protection proceedings are addressed equally. The online course is accessible to all interested professionals.

The issue of "child-friendly justice" is a focal point of the National Council against Sexual Violence Committed against Children and Adolescents (www.nationaler-rat.de), which was constituted by the BMFSFJ and the Independent Commissioner for Child Sexual Abuse Issues (UBSKM) in 2019. The National Council includes representatives from politics, science, civil society and practitioners as well as victims of child sexual abuse. The top-level committee and five thematic working groups comprise a total of about 300 contributors. In 2021, the members of the National Council developed goals and implementation steps that aims to lasting improvements in the area of child-friendly justice, among other things. The working

group "Protection against exploitation and international cooperation" aims to improve the protection of and assistance to children and young people affected by sexual exploitation and human trafficking. To achieve this, it is important that they are recognised as victims as early as possible. For this reason, training and specific qualifications are key. In addition to training, the collaboration between the various actors plays a crucial role. The BMFSFJ promotes the structural development of regional cooperation through ECPAT e.V. which distributes the federal cooperation concept "Protection and Assistance in the Case of Trafficking in and Exploitation of Children".

9. Specialised authorities and co-ordinating bodies (Article 29)

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

Criminal investigations of THB offences are carried out either by the local criminal police units or the State Criminal Police Office (LKA). In most *Länder*, investigations in THB cases are assigned to units specialised in tackling organised crime or other units dealing with THB as part of a group of offences. For this reason, no exact data is available regarding budget, staff and resources. This also applies to public prosecution, whose organisation and resources is likewise the responsibility of the *Länder*.

The FKS was further strengthened by the Act to Combat Unlawful Employment and Benefit Fraud (*Gesetz gegen illegale Beschäftigung und Sozialleistungsmissbrauch*), that entered into force on 18 July 2019. It gave the FKS additional responsibilities and powers to combat exploitative working conditions and trafficking in relation to employment, created new administrative offences liable for fines, strengthened the rights of the FKS with regards to proceedings, and enhanced cooperation and the exchange of data between the participating authorities.

In order to implement the Act, the government intends to increase staffing for the FKS (approximately 3,500 additional posts by 2029). During its comprehensive inspections pursuant to Section 2 of the Act to Combat Undeclared Work and Unlawful Employment (SchwarzArbG), the FKS also covers checks on whether persons are or were employed under exploitative working conditions.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

In Germany, financial investigations are a central component of criminal investigations and of the investigation of suspicious circumstances preceding the latter. The aims of financial investigations are, in particular:

- to clarify the flow of assets and the origin of the assets in order to be able to prove the commission of the crime, and
- to trace the whereabouts of assets in order to secure them and confiscate them in the event of a conviction.

The investigations are also intended to uncover possible criminal structures and to punish them under criminal law. Depending on the stage of the investigation and the investigating authorities, different measures are used as part of financial investigations.

The Financial Intelligence Unit (FIU) is the national central office for financial transaction investigations. Operating under the umbrella of the Central Customs Authority (GZD), it is an independent and administratively oriented authority responsible for receiving, collecting and analysing suspicious transaction reports (STRs) in accordance with the Anti-Money Laundering Act (GWG). As a central

agency, the FIU receives and analyses all STRs and information on suspicious financial transactions that might be related to money laundering or terrorist financing. To this extent, STRs on THB as a predicate offence to money laundering or terrorist financing may also be submitted to the FIU.

As a central hub, the FIU brings together relevant information and data from other authorities and agencies so that a comprehensive assessment can take place regarding suspicions of money laundering or terrorist financing.

The public-private initiative "Anti-Financial Crime Alliance" (AFCA) under the leadership of the FIU aims to support the fight against money laundering/terrorist financing through closer networking and cooperation between the public and private sector. The aim is, among other things, to develop white papers which are made available to the obligated parties under the GWG, but also to the law enforcement and supervisory authorities. In this connection, the "Handbook on Financial Flows of Human Trafficking" has already been published. The AFCA also works closely with international institutions such as the United Nations University (UNU) and the United Nations Office on Drugs and Crime (UNODC) on the issue of human trafficking.

10. International cooperation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

The BKA cooperates with other countries within the framework of the international police service by initiating investigations or supporting investigations at home and abroad. In this way, it can then be ensured by the competent authorities that victims of human trafficking have access to rights.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

The FKS has participated in Europe-wide joint Action Days (EMPACT) for controls regarding THB.

Cases involving financial investigations cannot be identified due to a lack of statistics in this field, however information is available on joint investigation teams in THB cases, which have proven for years to be an effective instrument of cross-border cooperation. Since 2009, a total of 13 relevant JITs have been established with law enforcement authorities in the following EU Member States: Bulgaria: 6, Romania: 3, Czech Republic: 1, Spain: 1, Spain and Romania: 1, Hungary and Romania: 1. Details of these organised crime investigations cannot be provided for the purposes of the present evaluation. The focus was on offences in which members of criminal organisations brought (mainly young) women to Germany, often under false pretences of good earning opportunities, and then get them to work as prostitutes.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

Since no statistics on so-called other mutual legal assistance, which also includes the European Investigation Order, are kept at the federal level, it is not possible to provide any information on this. Please refer to *Länder* Annex for information provided by the 16 *Länder*.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

International cooperation through project work in specific areas in the fight against human trafficking has proven very helpful.

The BKA leads the ISF-funded projects ETUTU (Nigerian trafficking in human beings), PAYDAY (Vietnamese trafficking in human beings, focus on labour exploitation) and THB LIBERI (trafficking in human beings to the detriment of children, adolescents and young adults), and holds the Co-Lead in the EMPACT THB (European Multidisciplinary Platform Against Criminal Threats – Priority Trafficking in Human Beings) Project Chinese Trafficking in Human Beings. Through international cooperation, considerable added value is achieved in cross-border investigations as well as through the establishment of international networks and training programmes, and the fight against human trafficking is significantly improved.

At the European level, the BKA is active in the EU Policy Cycle 2021- 2025 EMPACT – THB, since close coordination with other countries is essential for a successful fight against trafficking in human beings and exploitation.

The Europol analysis project (AP) PHOENIX, which is responsible for trafficking in human beings, ensures the mutual exchange of expertise between EMPACT THB and Europol.

Within the EMPACT framework, there are various operational actions in which the BKA takes part. Through these networks, close and trustful cooperation with other Member States is guaranteed which also takes into account the rights of children.

In order to identify victims of human trafficking, so-called Action Days take place annually at European level (EMPACT framework). The aim of these measures is to combat criminal groups and identify potential victims involved in human trafficking, forced labour and/or labour exploitation. The Action Days help enhance collaboration in combating trafficking in human beings within the framework of international cooperation.

10.5 What international cooperation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

The BKA participates in measures to assist and identify victims via mutual information events and training courses/workshops between BKA and KOK as well as between BKA and the Service Centre.

Exchange with international organisations is also promoted through the projects led by the BKA in order to exchange information in the best possible way.

10.6 What international cooperation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

The BKA, Unit SO 42, is a participant in two operational actions within the framework of the Europol EMPACT sub-priority CSE/CSA. These operational actions deal with the topic of live streaming with a focus on the Philippines.

11. Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

As already explained, victims have many rights in the criminal proceedings and also receive help from support organisations that assist them in asserting their rights.

This includes the so called “consideration and stabilisation period” pursuant to Section 59 (7) AufenthG. This is to allow victims of human trafficking to carefully consider whether they wish to cooperate with the authorities and offers time to the authorities to better determine whether the victim could be a witness in criminal proceedings, thereby also improving the likelihood and efficiency of cooperation. For the time being victims are also protected from deportation and can claim basic rights and seek equal access to justice and effective remedies from within the country, regardless of their residence status. In order to raise awareness and ensure application, the Service Centre includes the reflection period in the training programmes provided for FKS staff members (see above) and the annual workshop for state prosecutors. In 2022, the Service Centre commissioned a legal opinion on the reflection period in order to better inform officials on how it should be implemented in order to safeguard victims’ access to justice and effective remedies. As yet, there is no data regarding concrete application numbers, also concerning minors.

However, it has to be pointed out, that the *Länder* are primarily responsible regarding all outlined measures described in this section 11. As to the steps taken by the *Länder*, we refer to the Annex of this report. Nevertheless, the Federal Government continues to provide extensive funding for umbrella organisations that support specialised counselling centres and advocate for the rights of victims.

The BKA organises further training courses with NGOs and at specialist conferences to provide the police with the best possible training in this area.

From 27 September to 1 October 2021, various experts and professionals from Germany participated in a live simulation training organised by the OSCE as part of the project “Combating Human Trafficking along Migration Routes”. 35 experts and professionals, including police, the FIU, public prosecutor’s offices, (victim)lawyers and NGOs from five countries participated in the training programme. The German delegation consisted of a representative of the BKA, the BPOL, a prosecutor from Berlin, a lawyer from Baden-Wuerttemberg, a representative of the BAMF and two NGOs.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

The BKA organises further training courses with NGOs and at specialist conferences to provide the police with the best possible training in this area.

Many specialised counselling centres try to ensure in advance that female trafficked persons also have female interpreters at their disposal and that they are heard by female special representatives for victims of trafficking in human beings in the asylum procedure or are questioned by female police officers. When the counselling centres accompany male victims, they make sure that they are interviewed by male experts and accompanied by male interpreters. In general, the key factor here is what the persons concerned prefer and what they feel comfortable with.

The responsibility for the criminal, civil, labour and administrative proceedings, however, remains with the *Länder*.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child’s views?

The *Länder* and the BKA provide for training and discussion on this topic. Besides this, child-friendly justice was the subject of an overarching workshop on “Personal evidence in human trafficking proceedings” as part of the THB LIBERI project run by the BKA in 2020.

There is also a working group on child-sensitive justice organised under the National Council against Sexual Violence Committed against Children and Adolescents, which developed a guideline on child-sensitive criteria on criminal proceedings (<https://www.nationaler-rat.de/de/ergebnisse>) that was published in July 2021.

In order to make court proceedings more child-friendly, a Practical Guide on the Application of Child-Friendly Criteria for Family Court Proceedings is to be finalised and disseminated. The published Practical Guide on the Application of Child-Friendly Criteria for Criminal Proceedings is due to be tested and evaluated in practice (www.nationaler-rat.de). These guidelines focus on the question of how proceedings can best be conducted in a manner that is child-friendly and sensitive to those affected. For this purpose, interdisciplinary recommendations for child-friendly design are presented within the framework of the scope for design and action in the proceedings, which are based on the requirements of the UN Convention on the Rights of the Child and on the Council of Europe's guidelines for child-friendly justice that put these into concrete terms.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

At national level, the Federal Government, together with relevant stakeholders, is in the process of implementing its 2016 National Action Plan for Business and Human Rights. The National Action Plan aims to improve the human rights situation worldwide, formulating the expectation that businesses fulfil their obligation to exercise due diligence with regard to human rights and respect human rights in their supply and value chains. Referencing the United Nations Guiding Principles on Business and Human Rights and its due diligence standard, the prevention of forced labour is included here. Furthermore, the Federal Government fosters and participates in multi-stakeholder initiatives such as sector-based dialogues with industry and civil society in order to enable businesses to exercise due diligence.

In June 2021, the German Parliament adopted the Act on Corporate Due Diligence in Supply Chains (LkSG) which will enter into force in 2023 to initially cover companies with 3,000 or more employees. It places companies under the obligation to establish a risk management system to identify, prevent or minimise the risks of human rights violations and violations of certain environmental regulations. The Act sets out the necessary preventive and remedial measures, makes complaint procedures mandatory and requires regular reports. The due diligence obligations include the prohibition of child labour and apply to the entire supply chain. The law establishes powerful regulatory oversight and enforcement.

This means that an enterprise's responsibility no longer ends at its own factory gate but applies along the entire supply chain. The LkSG contains an exhaustive list of eleven internationally recognised human rights conventions and three internationally recognised environmental agreements. The legal interests protected in those conventions are used to derive behavioural requirements or prohibitions for corporate action in order to prevent a violation of protected legal positions. These include, in particular, the prohibition of child labour, slavery and forced labour, the disregard of occupational safety and health obligations, withholding an adequate wage, the disregard of the right to form trade unions or employee representation bodies, the denial of access to food and water as well as the unlawful taking of land and livelihoods.

If enterprises fail to comply with their legal obligations, administrative fines may be imposed. These can amount to up to EUR 8 million or up to 2% of annual global turnover. The fines system based on turnover applies only to enterprises with an annual turnover of more than EUR 400 million. Moreover, if an administrative fine is imposed above a certain minimum level, enterprises may be excluded from the award of public contracts.

An authority is to be equipped with effective enforcement instruments to monitor an enterprise's supply chain management. The competent authority, the Federal Office for Economic Affairs and Export Control (BAFA), has far-reaching supervisory powers. It can, for example, enter business premises, demand information and inspect documents as well as demanding that enterprises take concrete action to fulfil their obligations and enforce this by imposing financial penalties. Additionally, in future, NGOs and trade unions can represent persons affected by a violation of certain rights in their own name before German courts.

At international level, the Federal Government is a partner of the Alliance 8.7, which aims at eradicating forced labour, ending modern slavery and human trafficking, and securing the prohibition and elimination of the worst forms of child labour. In addition, sustainable supply chains have been put on the agenda of G7 (in particular for the 2022 German Presidency) and G20.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

Under German legislation, bribery of public officials is comprehensively criminalised (cf. Sections 331 et. seq. StGB). This includes cases where an advantage is offered to or accepted by public officials as a return to facilitate human trafficking.

The provisions of the Federal Civil Servants Act (BBG) provide the general framework for federal civil servants working for the BKA. This Act for example prescribes that federal civil servants are to "perform their duties impartially, for the good of the community" and contains additional provisions on such issues as secondary employment and gifts / other benefits.

The main anti-corruption policy document at federal level is the Federal Government Directive concerning the Prevention of Corruption in the Federal Administration. This Anti-Corruption Directive includes a code of conduct for federal employees and guidelines for supervisors and executives. The code of conduct is targeted at employees and explains the principles of transparent and honest conduct. The guidelines show supervisors and executives what action they must take to minimise the risk of corruption in their area of influence.

The information is compiled in a brochure entitled "Rules on Integrity", which also contains further guidance to each of the provisions of the Anti-Corruption Directive (called recommendations for prevention of corruption), additional circulars and administrative regulations on such issues as gifts, sponsoring (etc.). This brochure is made available to all employees in the public sector (and the public at large) on the website of the Federal Ministry of the Interior and Community (BMI) (<https://www.bmi.bund.de/SharedDocs/downloads/EN/publikationen/2014/rules-on-integrity.html>).

Federal agencies are required to report to the BMI on an annual basis on the implementation of the Anti-Corruption Directive about all benefits received by the private sector (sponsoring) and the use of external persons. Annual reports on preventing corruption in the federal administration are available on the Ministries public website (<https://www.bmi.bund.de/EN/topics/administrative-reform/corruption-prevention/integrity.html>).

Applicants for positions in the BKA are checked against entries in police databases and their suitability is assessed through various tests and interviews. Furthermore, employment as a police officer in the BKA requires a security clearance check. The purpose of the security vetting process pursuant to the Security Clearance Check Act (SÜG) is to establish whether an individual poses a security risk that precludes employment in a sensitive area.

There have been no known cases of corruption or related offences in the BKA with regard to question 11.5.

Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- **emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);**

Human Trafficking

Ukraine

So far, the year 2022 was very much influenced by the war against the Ukraine. THB targeting Ukrainian victims has been identified as a high risk. All kinds of exploitation are in the focus of fighting THB. The Federal Government, together with the *Länder* and civil society have intensified their efforts to protect those fleeing the Ukraine from the risk of human trafficking. To name only a few examples: the BMI, the BPOL and the BKA published a range of information and warnings to protect refugees from the dangers of human trafficking. Civil society organisations (especially KOK and the Service Centre) also swiftly produced information material on the risks of human trafficking and the support services available in Germany which were disseminated online as well as at central points of arrival, including train stations. The services provided by the national helpline "Violence Against Women" were extended by support offers with interpretation in Ukrainian. The BMI set up a help portal for the Federal Government offering information in Ukrainian, Russian, English and German and assistance for all people fleeing from Ukraine: "Germany4Ukraine". The website contains information on accommodation with links to online providers that help refugees find private accommodation. Tens of thousands have successfully found accommodation to date. Information on medical care, mobility, entry, residence and return, labour and social affairs, education and research are also covered. The aim of the website is to be the first online point of contact for a good start in Germany. The website is available as an app which can be downloaded free of charge and is updated with all relevant information on a regular basis. Various telecom operators agreed to automatically send text messages to draw refugees' attention to "Germany4Ukraine". In order to ensure early identification and effective prevention, long-standing cooperation between civil society organisations, the BPOL, the FKS and the BAMF have been intensified. To address safety concerns related to private housing arrangements for refugees, the BMI entered into a cooperation agreement with #Unterkunft-Ukraine and the non-profit organization Airbnb.org. While the primary purpose of the agreement is to provide accommodation for arrivals from Ukraine, it includes verification of the identity of the host. From August-December 2022, the BMFSFJ will provide funding for a special project by the KOK aimed at ensuring continued prevention and protection for refugees from Ukraine. The KOK will produce various best-practice publications and recommendations for policymakers and practitioners and will engage in intensified measures to sensitise volunteers working with refugees. The challenges linked to the goal of ensuring prevention and protection from human trafficking for persons fleeing the Ukraine will continue to be a point of major concern for all actors involved.

Since the beginning of the crisis, Germany has been monitoring the human trafficking situation with regard to Ukraine. To date, the BKA has received only very scattered reports of investigations that have been launched concerning human trafficking crimes, forced prostitution, or crimes of exploitation. Investigation procedures are in the low two-digit range. The German authorities continue to closely observe developments in the situation both within Germany and in an international context. All reported suspicious cases are under investigations and monitoring.

The phenomenon continues to be prioritised in national and international cooperation. Measures taken will have a long-term impact on the fight against trafficking in human beings. Germany is closely involved in this exchange at EMPACT level.

Human trafficking to the detriment of Ukrainian nationals is being treated with high sensitivity in the projects PAYDAY and THB LIBERI. The topic is on the agenda of various workshops organised for the police and NGOs. In addition, the BKA participated together with 20 national police units in the Virtual Europol Hackathon to highlight the digital landscape of trafficking in human beings. During the hackathon, well-known websites and sex buyer forums were monitored regarding suspicious advertisements (offers for jobs and sexual services as well as forum entries) directed to or created by Ukrainians. In addition, new platforms were found and preliminary investigations were started. In September 2022, the BKA participated in another European Hackathon and the EMPACT Action Days for labour exploitation.

The EMPACT Action Days Child Trafficking 2022 carried out measures in Germany to monitor the development and potential impact of the Ukrainian refugee crisis on the phenomenon of trafficking in human beings. However, the controls did not reveal any evidence of trafficking.

The BMAS is very aware of the fact that refugees are particularly at risk of becoming victims of trafficking. One of the key aspects in preventing THB for the purpose of labour exploitation is, apart from easy and quick access to the regulated labour market, prevention by information and education for refugees on their rights on the labour market and raising awareness of the risk of exploitation. As a reaction to the displacement triggered by the Russian invasion of Ukraine, the BMAS held an exchange meeting with the representatives of the *Länder* responsible for the first contact and reception of refugees. The purpose of the meeting was the exchange of information and potential measures to react to the crisis as well as to allow the representatives to network with each other, the BMAS and especially the BMAS-funded Service Centre and its experts.

Vietnam

Law enforcement agencies, the media and specialised counselling centres have increasingly become aware of trafficked persons (or potentially trafficked persons) from Vietnam in recent years. On the one hand due to the coronavirus pandemic, massive losses in terms of employment and income have exacerbated poverty and inequality, disproportionately hurting those with no adequate social protection coverage, and the options for legal migration have decreased, while on the other hand greater migration pressure persists not only in Vietnam but in many other countries, too.

In this context, it is challenging that based on previous experience of prosecution authorities and counselling centres, Vietnamese victims are very difficult to identify. Prosecution authorities also report that trafficked persons from Vietnam are hardly ever willing to testify against the perpetrators.

This problem frequently affects minors, too. Even if identified and taken into care by the youth welfare offices or the youth services as potential victims of exploitation and human trafficking, they regularly "disappear" from the shelters and are no longer reachable for further counselling and care.

However, initial efforts are already underway. For example, the BKA is currently conducting a project on the dimension and prevalent forms of trafficking in Vietnamese in Germany.

In a joint workshop of specialised counselling centres and the BKA in 2021, it was also discussed why access to this group of victims is so difficult and how better cooperation can be achieved in order to reach and assist them.

West African countries

In many specialised counselling centres, the largest group of clients still comes from West African countries, mainly Nigeria. Some counselling centres recently report an increase in cases with victims from Guinea and Cameroon.

In connection with trafficked persons from Nigeria, a major problem continues to be that they are returned to other EU countries (predominantly Italy) under the Dublin Regulation, even if the exploitation originally took place there. If the scene of the crime is not in Germany, cross-border investigations are often not carried out. As a result, trafficked persons cannot make use of the protection rights for victims of human trafficking in Germany but have to go through the asylum procedure.

Regarding trafficking from Guinea, the counselling centres report specific problems in the countries of origin such as the high prevalence of female genital mutilation/circumcision (FGM_C) and the widespread occurrence of forced marriages, child marriage and early marriage. As a result, there are even more

compelling reasons specific to women for fleeing and push factors that make those affected particularly vulnerable.

Safe countries as countries of origin

The situation of those affected who come from countries classified by the Federal Government as safe countries of origin, such as Albania, is also problematic. The victims often do not testify because they are too afraid of the perpetrators and of the consequences for themselves and their families. However, they are not entitled to a residence permit for trafficked persons. Due to the classification as a safe country of origin, they also have no possibility of acquiring protection claims through the asylum procedure.

COVID-19 pandemic

The year 2020 was characterised to a particular extent by the COVID-19 pandemic, which also influenced the capabilities of law enforcement in the field of human trafficking and exploitation. Despite these challenges, a significantly higher number of investigations were completed in this field of crime, which underlines the importance of these phenomena within the prioritisation process of the police. However, reports from the specialised counselling centres suggest that due to the contact restrictions, a lot of activity in this field became hidden. Official crime figures were also impaired by the COVID-19 pandemic.

As prostitution establishments were closed for a relatively long period of time during the years 2021 and 2022 due to the COVID-19 pandemic, the official number of offences in this area continues to decrease, although it is not clear, whether or not this was based on a shift to hidden crime figures. Having developed under the specific conditions of the COVID-19 pandemic, it remains to be seen whether this trend will continue.

Forced Prostitution

Human trafficking for sexual exploitation, including exploitation of prostitutes and pimping, has essentially been characterised for years by forced prostitution of primarily (Eastern) European victims who worked as prostitutes in bars, brothels and apartments.

The increasing trend to arrange sexual services through the internet and social media poses major challenges to law enforcement authorities in various cases when it comes to the identification of perpetrators and victims.

The year 2019 has shown that part of the red-light scene has been enhancing its efforts to comply with regulations since the introduction of the Prostitutes Protection Act (ProstSchG) in order not to jeopardise the business carried on and the related opportunities to generate revenues. Besides, for the first time, more cases were recorded where prostitutes were exploited more frequently in apartments than in bars or brothels. This indicates that prostitution is increasingly shifting to areas which are more difficult to control.

At the international level, the fact that priority is given to the suppression of human trafficking within the scope of the EMPACT cooperation as part of the EU Policy Cycle takes into account that human trafficking and related exploitation offences are serious violations of human dignity and the freedom of self-determination. The fight against this whole field of crime requires a multidisciplinary procedure and internationally coordinated action.

Labour Exploitation

In the field of labour exploitation, the responsibilities of the FKS, newly introduced in 2019, are likely to have a positive effect on the field of labour exploitation. Its new control and investigative responsibilities also involve obligations and possibilities to share information, which promise to lead to more intensified cooperation between the FKS and the police authorities in the future.

There was a significant increase in investigations in the area of labour exploitation, including forced labour and trafficking for this purpose, concluded during the year 2020, many of which were initiated several years previously. The number of concluded investigations increased again for the year 2021. In 2020, the construction sector was identified as the most common area of exploitation, whereas in 2021 the investigations concluded were predominantly carried out in the care sector.

Other Forms of Exploitation

As long as no exploitation is involved, "organised begging" is not a criminal offense in Germany. "Exploitation through begging" has only constituted a separate criminal offense since the revision of the criminal law provisions on human trafficking in the fall of 2016. It occurs when persons are forced to beg and hand over their earnings. From a criminal law perspective, exploitation through begging is similar to labour exploitation.

Minors and the Internet

The fight against exploitation of minors continues to be of great significance, even though the number of related investigations declined in the year under review. Children and juveniles are especially vulnerable. Often, perpetrators take advantage of the naivety, lack of life experience, level of education and low level of development of this group of young victims to deceive them by cunning and lure them into exploitative situations. For this reason, potential minor and juvenile victims must be protected from exploitation by taking special suppressive and preventive measures on an inter-agency level.

In order to identify potential victims of THB, the BKA used the THB LIBERI project to test and provide licenses for an innovative tool for automatic research on adult services websites. The tool helps investigators significantly in identifying (young) victims of THB and linking suspicious sex offers to an organised crime group (OCG). By doing this, it was possible to provide more than 60 police units in Austria and Germany with access and also support other European countries. Using this tool, it is also possible to counter the dynamic shift of prostitution into the digital sphere. Please also see answer to Question 12 "Improve the identification of, and assistance to, child victims of trafficking, including by paying particular attention to unaccompanied and separated foreign children".

The sharp increase in minors as victims of exploitation and in sexual abuse offences to the detriment of children and juveniles is striking. Sexual acts involving minors were increasingly initiated via online platforms. The contact restrictions resulting from the COVID-19 pandemic may have contributed to this increase as both potential victims and offenders stayed at home more frequently. There were only limited possibilities to detect offences via standard structures and the use of counselling and help services was clearly limited as well.

As a new trend, mainly minors were found to offer sexual acts at so-called "pocket money meetings" after having previously posted corresponding ads on the internet. Even if they apparently act voluntarily and haven't been forced to do so by third parties, this is legally classified as sexual abuse of juveniles, since the customers accepting these offers are usually of age.

The data provided by the BKA shows a significant increase in identified male victims of child trafficking. In 2020, 40,6% of the child victims of commercial sexual exploitation were male (102 male victims). The risks and specific vulnerabilities of minors from Ukraine are currently being evaluated.

The National Council against Sexual Violence against Children and Adolescents (established in 2019 by the BMFSFJ and the Independent Commissioner for Issues of Child Sexual Abuse) completed its first phase in June 2021 and published a common understanding on which key steps needed to combat child sexual abuse and exploitation are highlighted. The National Council already held a meeting in 2022 and has set out an agenda for the current legislative period in which the focus on combating child trafficking is set for the years 2022 and 2023. KOK is a member of the National Council and of the specific working group against child trafficking.

In Germany, too, the counselling centres observe the international trend that trafficking in human beings is increasingly taking place with the help of technology.

Perpetrators are adjusting their business models to the 'new normal' created by the pandemic, especially through the abuse of modern communication technologies. Both the recruitment and the exploitation itself as well as the pressure of the perpetrators are increasingly taking place digitally. This means that there are cases of human trafficking in which the trafficked persons have not even seen the perpetrators and the exploiters in person. This can of course have a massive impact on the identification of trafficked persons and also on prosecution. These developments also present the specialised counselling centres with new challenges in their counselling work: identifying those affected will become even more difficult, new and innovative methods have to be found for outreach work, prevention and counselling.

In recent years, organised ritual abuse and its consequences have increasingly become the focus of actors who deal with the issues of sexual exploitation, abuse of children and young people and with trafficking in human beings. Some of the specialised counselling centres for trafficked persons organised in the KOK have also handled cases of this specific form of violence. Although fairly limited in number, they have proved particularly challenging in practice for counselling centres.

- **the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);**

The Prostitute Protection Act (ProstSchG), which entered into force on 1 July 2017 and aims to strengthen the sexual self-determination rights of prostitutes, creates the legal conditions to ensure favourable working conditions, prevent harmful forms of prostitution and combat crimes such as human trafficking, violence, exploitation of prostitutes and pimping. Previous government reports outlined the purpose and content of the law. ProstSchG provides that the BMFSFJ will evaluate the effects of the Act on a scientific basis five years after its entry into force (starting in 2022), taking into account the experience of its practical application. An evaluation report must be submitted to Parliament by 2025. The Europe-wide contract-awarding procedure to find a scientific expert for providing a scientific basis – especially the collection of data on the effects of the laws – was announced and started in August 2021. In June 2022, as a result of this contract-awarding procedure and – as prescribed under Section 38 ProstSchG – in agreement with the Parliament, the Criminological Research Institute of Lower Saxony was appointed to provide the scientific expertise. The evaluation commenced on 01 July 2022.

In the area of forced prostitution, Germany has created a criminal offence in Section 232a (6) StGB, according to which "customers" of sexual services make themselves liable to prosecution if they take advantage of a victim's predicament for the performance of sexual acts. Such offences are punishable by a prison sentence of between three months and five years. This rule has recently been amended by a Law for the Amendment of the German Criminal Code (*Gesetz zur effektiveren Bekämpfung von Nachstellungen und besseren Erfassung des Cyberstalkings sowie Verbesserung des strafrechtlichen Schutzes gegen Zwangsprostitution* of 10 August 2021, Federal Law Gazette I, p. 3513), which came into force on 1 October 2021, so that "customers" are also held liable if they have failed to recognise the victim's situation due to recklessness (*Leichtfertigkeit*). The sentence is imprisonment up to three years or a fine. The amendment aims to achieve better protection of victims of trafficking for the purpose of sexual exploitation and forced prostitution.

From October 2019 to April 2021, KOK carried out a project examining the newly introduced criminal offences relating to trafficking in human beings and their tangible impact on criminal proceedings. The study analyses the implementation of Directive 2011/36/EU in 2016 in Germany. The project encompassed the observation a court case on human trafficking and a series of accompanying interviews with various actors (judiciary, law enforcement and civil society).

- **the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);**

The Federal Government has continued its work in coordinating approaches to combating human trafficking, including in the framework of the various working groups established for this purpose. The composition of and the work performed by the Joint Federal Government-*Länder* Working Groups on Human Trafficking (including the Federal-*Länder* Working Group on Combating Human Trafficking, the Federal Working Group on Human Trafficking for the Purpose of Labour Exploitation, and the Federal Working Group for the Protection of Children and Young People against Sexual Violence and Exploitation) were outlined in detail in the previous reports. The working groups have continued their work during this reporting period, facilitating exchange, cooperation and coordination between the various Ministries involved in combating human trafficking as well as the *Länder* and civil society actors engaged in this process. Nevertheless, given the federal structure in Germany, cooperation between the authorities and civil society and the establishment of cooperation structures varies between the *Länder* and also between municipalities. Some *Länder* have indeed tightened cooperation based on the cooperation concept "Protection and Assistance in Trafficking in and Exploitation of Children" published by the BMFSFJ.

In Germany, action against human trafficking – specially to protect and support its victims – continues to be taken in close cooperation with the specialised counselling centres (NGOs) and with the KOK, and would not be possible without the work done by these agencies. Civil society proves invaluable with regard to linking up the expertise from the different actors and sectors of the field, given that new actors like the FKS entered the field, and cooperation with authorities and institutions has expanded into the field of refugees and asylum, e.g. shelters for refugees. The BMFSFJ therefore continues to provide funding for the work of the KOK.

Furthermore, as mentioned in the introduction of this report, the coalition agreement between the Social Democratic Party (SPD), Bündnis 90/Die Grünen (the Greens) and the Free Democratic Party (FDP) for the legislative period 2021-2025 announces the implementation of a national reporting mechanism, coordination at the national level and a national action plan.

With regard to forced labour and trafficking for the purpose of labour exploitation, the Service Centre provides comprehensive information about the existing structures in currently 11 *Länder*, including information on the responsible department in the state ministries, prosecution authorities and NGOs are responsible for the topic of forced labour. Furthermore, the *Länder* overview includes information about cooperation and coordination structures such as round tables, cooperation agreements or other bodies of cooperation. (<https://www.servicestelle-gegen-zwangsarbeit.de/bundesland-uebersicht/>)

- **the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);**

The coalition agreement between the Social Democratic Party (SPD), Bündnis 90/Die Grünen (the Greens) and the Free Democratic Party (FDP) for the legislative period 2021-2025 foresees the drafting of a national action plan (i.e. strategy). The Federal Ministries agree that a national strategy should address all forms of trafficking, including trafficking for the purpose of sexual exploitation, trafficking for the purpose of labour exploitation, exploitation of criminal activities, forced begging, the removal of organs and trafficking in children. The Federal Ministries are currently planning further steps in drafting the strategy and will work in close cooperation with the *Länder* and civil society.

➤ **recent case law concerning THB for different forms of exploitation.**

For recent case law concerning THB for different forms of exploitation, the KOK case law database provides an overview: <https://www.kok-gegen-menschenhandel.de/en/database-of-case-law/database> (available in English and German)

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

➤ **harmonise the institutional framework and co-ordination structures for action against THB at federal and Länder level, in particular the referral processes for victims of human trafficking (NRMs);**

As outlined above, the coalition agreement between the Social Democratic Party (SPD), Bündnis 90/Die Grünen (the Greens) and the Free Democratic Party (FDP) for the legislative period 2021- 2025 provides for coordination of measures against human trafficking at the federal level. The Federal Government is currently planning further steps in implementing this initiative. In the meantime, Federal Ministries, the *Länder* and civil society remain in close contact through the various working groups (Federal-*Länder* Working Group on THB, Federal-*Länder* Working Group on THB against Labour Exploitation, National Council against Sexual Violence Committed against Children and Adolescents).

The National Council was set up by the Federal Government in December 2019; it brings together the federal, *Länder* and local governments as well as partners in civil society to act together to combat sexual violence against children and young people. A working group established by the National Council specifically deals with the exploitation of minors.

The BKA is a member of the Federal-*Länder* working groups on human trafficking, labour exploitation and the National Council in relation to the exploitation of minors, which currently take on the above-mentioned tasks.

➤ **finalise the setting up of an independent national rapporteur;**

On 1 November 2022, an independent monitoring mechanism on human trafficking covering all forms of exploitation was introduced at the German Institute for Human Rights (DIMR). The reporting mechanism will support and enhance measures and reporting on all levels of government and civil society through structured and regular collection of data and its own reporting on trafficking in persons. The introduction of the monitoring mechanism is the result of a two-year phase of conceptual planning by the DIMR which included close consultation with all actors at the national and *Länder* level and also civil society organisations, who hold valuable data on human trafficking. This planning phase was the result of a general consensus between the federal ministries including the Foreign Office (AA), BMAS, BMF, BMFSFJ, BMI and Federal Ministry of Justice (BMJ) that a national reporting mechanism on trafficking in human beings (i.e. a National Rapporteur within the meaning of Article 29 (4) of the Council of Europe Convention against THB) should be created. The BMFSFJ contracted the DIMR to produce a concrete plan for two separate national reporting mechanisms that address gender specific violence as well as trafficking in persons, and thereby add to the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), the Council of Europe Convention on Action against Trafficking in Human Beings, and the EU Anti-Trafficking Directive (EU/2011/36). The BMFSFJ will provide funding for the monitoring mechanism for four years. It is important to note that this reporting mechanism is intended to be independent, i.e. it will not replace or take up any coordination or reporting responsibilities on behalf of the Federal Government or make any other changes to structures or responsibilities within the Federal Government. However, we are certain that a reporting mechanism will support and enhance measures and reporting at all levels of government and civil society through structured and regular collection of data and its own reporting on trafficking in persons.

This reporting period has seen major improvements in data collection and availability, in particular with regards to data held by civil society organisations:

In October 2021, the KOK published its second report on data collection in the context of trafficking in human beings and exploitation in Germany. The report contains a first evaluation of the KOK data tool with over 700 cases of human trafficking and exploitation that have been registered at specialised counselling centres. While the data compiled in the annual situation report on trafficking and exploitation published by the BKA focuses on cases of human trafficking that have entailed a criminal investigation, the data compiled in the report published by the KOK focus on those cases that have been registered at specialised counselling centres – including those where no criminal investigation was conducted. When compared, the two reports show clear discrepancies – for example with regard to the main countries of origin of the trafficking persons – which implies that specialised counselling centres are in touch with and have knowledge of cases that are not directly visible to the authorities. This underlines the important role of the data available to civil society organisations in drawing a clear picture of the phenomenon of human trafficking and the impact of measures aimed at combating human trafficking in Germany. The KOK report is available online in English: <https://www.kok-gegen-menschenhandel.de/en/news/kok-news/new-kok-report-on-human-trafficking-and-exploitation-in-germany-bundles-data-from-specialised-counselling-centres-for-the-first-time>.

On 14-15 October 2021, the KOK invited experts to discuss the important role of data in combating human trafficking at a two-day conference entitled "Defining the gap – data policy and human trafficking". Documentation of the conference is available online: <https://www.kok-gegen-menschenhandel.de/kok-informiert/kok-veranstaltungen/fachtagung-menschenhandel-und-datenpolitik-2021>.

➤ **strengthen the prevention of trafficking for the purpose of labour exploitation, in particular in at-risk sectors, public procurement and supply chains;**

The BMAS-funded Service Centre regularly carries out analyses of specific sectors. These analyses shed light on potential structural problems that enable exploitative structures and provide specific recommendations on prevention and combating THB for the purpose of labour exploitation and other exploitative structures. The last analysis covered the meat processing and logistics sector, a new analysis of the care sector and agriculture has been published in January 2023.

Regular exchange between the counselling services as well as with the FKS allows effective identification of specific risk sectors as a basis for targeted measures of combating and prevention of trafficking. The framework agreement between the BMF, the BMAS and the DGB concluded in 2021 further intensifies cooperation and exchange between the FKS and the Service Centre as well as counselling centres for foreign employees "Fair Mobility" and "Fair Integration".

Furthermore, the BMAS is planning to elaborate further on the idea of a mapping of regions of origin and potential target sectors for potential victims of trafficking entering Germany from Bulgaria in the framework of the current cooperation of the two countries. A further report on this can be provided in the future.

With regard to supply chains please refer to 11.4.

The BKA conducts an annual one-week professional development course on the topic of human trafficking for the purpose of exploitation through employment, forced labour and labour exploitation. Here, the police forces of the *Länder*, the Federal Government and the FKS have the opportunity to receive further training.

In addition, an annual conference is organised for case workers, at which current developments, best practices from investigations are presented, as well as the work of specialised counselling centres or other network partners.

Within the framework of the temporary BKA project "PAYDAY" in the area of combating human trafficking and exploitation to the detriment of Vietnamese nationals, there is very close cooperation between the BKA, the GZD and the BPOL. The operationally oriented project aims to

- link national and international agencies focussing on investigations,
- evaluate investigations as far as possible,
- raise awareness through training and workshops for investigating agencies, and
- provide strategic intelligence, reports and case-law.

The project regularly involves the US-Vietnamese NGO Pacific Links Foundation on the issue of human trafficking and labour exploitation to the detriment of Vietnamese nationals for training and awareness-raising.

The project is funded by the ISF of the European Commission for the years 2022 and 2023.

- **provide adequate assistance, including safe accommodation, adapted to the specific needs of male victims of trafficking;**

Special violence counselling centres provide support for men affected by violence, including human trafficking.

Some of these institutions also provide places of residence whose addresses are anonymous. Affected men and – if necessary – their children are accommodated there for a while. In this cases, safe accommodation can be ensured. Of course, counselling is essential. Such conversations also help to shape an individual's future after their time in the men's refuges.

In addition, there are further offerings for men in difficult situations as well as other measures:

Specialist counselling, consulting, sensitisation, coaching, case documentation through the nationwide Federal Consulting and Coordinating Centre on Protection from Violence against Men for existing facilities, *Länder*, municipalities, individual players and potential organisers of protection facilities (run by: LAG Jungen– und Männerarbeit Sachsen e. V.)

Promotion of further training of men to become disseminators of counselling for boys and men (run by: SKM Bundesverband e. V.)

Continuation and further development of the counselling map; creation of a skills profile for male counselling and/or definition of professional standards for gender-reflective work with, and counselling for, men (run by: Federal Forum Men); creation of guidelines and/ or recommendations for the development of services in the *Länder* and municipalities; work with boys and men in cooperation with the *Länder* (run by: Federal Forum Men)

Since 2019 a process around safe accommodation for minor victims led to the publication of the recommendations by the German Association for Public and Private Welfare: https://www.deutscher-verein.de/de/uploads/empfehlungen-stellungnahmen/2020/dv-14-20_menschenhandel.pdf

Currently the National Council against Sexual Violence Committed against Children and Adolescents is taking this process further and aims to design a pilot project to ensure safe accommodation for affected minors.

- **improve the identification of, and assistance to, child victims of trafficking, including by paying particular attention to unaccompanied and separated foreign children;**

Measures – THB LIBERI

The THB LIBERI project is co-funded by the ISF of the European Union. It is led by the BKA and involves police departments of seven German *Länder* as well as the Austrian Federal Criminal Police Office.

Liberi is Latin for “children”. The goal of THB LIBERI is to fight trafficking and exploitation of the very vulnerable group of children and young people (up to the age of 21) through a multidisciplinary innovative approach, combining knowledge from different sectors in order to raise awareness of the characteristics of child trafficking and promote a common approach to preventing and combating it. To achieve this goal, the THB LIBERI project is very operational and aims at reaching out to those affected and endangered by THB crimes and at tackling the wide criminal structures behind it. The project covers three main topics:

1. Exploitation of children and young persons through the internet

The internet offers a world of opportunity and challenges, not only to children, but also to traffickers. This topic covers the recruitment of young victims through the Internet, how they are advertised and used to lure clients through escort websites. It also covers the role of the Darknet in relation to the sexual exploitation of children, the needs and opportunities coming to light during investigative procedures, and how best to tap into online prevention to keep children and young people safe as this vulnerable group is very active and present on the internet. The project establishes innovative methods for internet investigations for the daily work of police units and corresponding preventive campaigns.

2. Exploitation of children and young persons by family structures

Many children are trafficked by members of their families or communities. Besides trafficking for sexual exploitation purposes, the project covers exploitation through forced begging and committing criminal offences. For the latter in particular, prevention methods were developed to raise awareness for the isolated victims. Very recently, a new prevention campaign was set up in Berlin to prevent male adolescents from ethnical minorities from becoming involved in illegal prostitution and sexual abuse.

3. Strengthening child and young persons’ testimonies

One of the main challenges in investigating human trafficking offenses is the collection of testimonial evidence from victims. In many countries, an investigative procedure is dependent on the victims' willingness to come forward and/or testify and a trafficking victim's statement is a necessary proof of evidence. The project aims to enhance the skills and capabilities of relevant professionals (investigators, prosecutors, the judiciary) to deal with child trafficking cases, using a multi-disciplinary approach. At the same time, efforts are being made to put the victim and its needs in the centre of investigations to establish a safe environment.

THB LIBERI pursues a range of different concerted actions including networking, capacity-building, prevention measures, training courses, development, testing and promotion of technical solutions and strategies resulting in the identification of victims, investigations and the arrest and sentencing of perpetrators.

Action Days on Child Trafficking

The BKA coordinates the so-called EMPACT Joint Action Days on “Child Trafficking” for Germany each year.

The measures taken by the German authorities in the context of Action Days on “Child Trafficking” have significantly increased in recent years, which is why the number of investigations initiated and the number of identified victims has also been significantly higher than in recent years.

National Cooperation Concept

The BMFSFJ funds an ECPAT-project to implement the federal cooperation concept "Protection and help in cases of trafficking in and exploitation of children". The concept is a set of recommendations for the development of cooperation mechanisms against exploitation and trafficking of children at the level of the *Länder*. It provides in-depth information on how to support and protect children comprehensively. In order to implement the recommendations, ECPAT conducts interdisciplinary workshops for staff of the youth welfare service, police, judicial system, counselling centres, the Federal Office for Migration and Refugees (BAMF) and others.

- **ensure that all victims of trafficking, in particular children, can fully benefit in practice from the entitlement to a renewable residence permit, without prejudice to the right to seek and enjoy asylum.**

Please refer to *Länder* Annex for information provided by the *Länder*.

Part III – Statistics on THB

14. Please provide the following statistics, per year starting with 2018, where available disaggregated as indicated below:

- **Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**
- **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**
- **Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

Under "assistance", the cases were evaluated in which the victims were cared for by a specialised counselling centre, trade union or youth welfare office.

The evaluation can be found in the attached Excel table "14. 3 THB-Victims...".

- **Number of child victims of THB who were appointed legal guardians.**
- **Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).**
- **Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).**

Victims with a residence title, permanent settlement permit or visa were taken into account. From a legal point of view, a tolerated residence is not a residence title or residence permit as defined in the question and was therefore not included.

It was not possible to draw a distinction according to the period of validity of the document entitling the holder to stay as this data is not supplied to the BKA.

The corresponding figures can be found in the Excel table "14. 6 THB-Victims...".

- **Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).**
- **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).**
- **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**
- **Number of victims of THB who received free legal aid.**
- **Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).**
- **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**

In the years 2018-2020, a total of 1,507 victims of human trafficking as defined in the question were counted in 1,041 investigation proceedings. In these years, the following figures are provided:

2018: 504 victims in 387 proceedings

- of which sexual exploitation: 430 victims in 356 proceedings
- of which labour exploitation: 63 victims in 21 proceedings
- of which exploitation for other purposes: 11 victims in 10 proceedings

2019: 493 victims in 314 proceedings

- of which sexual exploitation: 427 victims in 287 proceedings
- of which labour exploitation: 43 victims in 14 proceedings
- of which exploitation for other purposes: 23 victims in 13 proceedings

2020: 510 victims in 340 proceedings

- of which sexual exploitation: 406 victims in 291 proceedings
- of which labour exploitation: 73 victims in 22 proceedings
- of which exploitation for other purposes: 31 victims in 27 proceedings

2021: victims in 340 proceedings

- of which sexual exploitation: 417 victims in 291 proceedings
- of which labour exploitation: 147 victims in 28 proceedings
- of which exploitation for other purposes: 31 victims in 27 proceedings

- **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**

Addition is not possible, as offences are not shown individually.

- **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).**

For 2018, a total of 68 persons convicted of trafficking in human beings (Sections 232 to 233a StGB) were recorded in Germany. Of these, 46 were male and 22 were female.

For 2019, a total of 61 persons convicted of trafficking in human beings were recorded in Germany. Of these, 51 were male and 10 were female.

For 2020, a total of 85 persons convicted of trafficking in human beings were recorded in Germany. Of these, 67 were male and 17 were female.

For further details on the statistics, please refer to the following tables.

Persons adjudicated and persons convicted pursuant to Section 232 StGB (trafficking in human beings)										
Year	Persons adjudicated					Persons convicted				
	Total	Adults	Young adults	Juveniles		Total	Adults	Young adults (general criminal law)	Young adults (under juvenile criminal law)	Juveniles
2018	m	19	18	1	0	8	7	1	0	0
	f	13	11	1	1	9	7	1	0	1
	t	32	29	2	1	17	14	2	0	1
2019	m	20	19	1	0	11	10	0	1	0
	f	6	6	0	0	4	4	0	0	0
	t	26	25	1	0	15	14	0	1	0
2020	m	24	21	1	2	17	14	1	0	2
	f	5	5	0	0	3	3	0	0	0
	t	29	26	1	2	20	17	1	0	2

Persons adjudicated and persons convicted pursuant to Section 232a (1-5) StGB (forced prostitution)										
Year	Persons adjudicated					Persons convicted				
	Total	Adults	Young adults	Juveniles		Total	Adults	Young adults (general criminal law)	Young adults (under juvenile criminal law)	Juveniles
2018	m	43	41	2	0	35	34	0	1	0
	f	16	14	0	2	12	10	0	0	2

	t	59	55	2	2	47	44	0	1	2
2019	m	39	35	4	0	36	33	0	3	0
	f	10	9	1	0	6	6	0	0	0
	t	49	44	5	0	42	39	0	3	0
2020	m	56	46	10	0	43	35	0	8	0
	f	17	15	2	0	13	12	0	1	0
	t	73	61	12	0	56	47	0	9	0

Persons adjudicated and persons convicted pursuant to Section 232b (forced labour)										
Year	Persons adjudicated					Persons convicted				
	Total	Adults	Young adults	Juveniles		Total	Adults	Young adults (general criminal law)	Young adults (under juvenile criminal law)	Juveniles
2018	m	0	0	0	0	0	0	0	0	0
	f	0	0	0	0	0	0	0	0	0
	t	0	0	0	0	0	0	0	0	0
2019	m	0	0	0	0	0	0	0	0	0
	f	0	0	0	0	0	0	0	0	0
	t	0	0	0	0	0	0	0	0	0
2020	m	9	6	0	3	4	4	0	0	0
	f	5	3	2	0	1	0	0	1	0
	t	14	9	2	3	5	4	0	1	0

Persons adjudicated and persons convicted pursuant to Section 233 (exploitation of labour)										
Year	Persons adjudicated					Persons convicted				
	Total	Adults	Young adults	Juveniles		Total	Adults	Young adults (general criminal law)	Young adults (under juvenile criminal law)	Juveniles
2018	m	4	2	1	1	3	1	1	0	1
	f	1	0	1	0	1	0	0	1	0
	t	5	2	2	1	4	1	1	1	1
2019	m	6	5	1	0	4	3	0	1	0
	f	0	0	0	0	0	0	0	0	0
	t	6	5	1	0	4	3	0	1	0
2020	m	4	2	0	2	2	1	0	0	1
	f	0	0	0	0	0	0	0	0	0
	t	4	2	0	2	2	1	0	0	1

Persons adjudicated and persons convicted under Section 233a StGB (exploitation involving deprivation of liberty)										
Year	Persons adjudicated					Persons convicted				

	Total		Adults	Young adults	Juveniles	Total	Adults	Young adults (general criminal law)	Young adults (under juvenile criminal law)	Juveniles
2018	m	0	0	0	0	0	0	0	0	0
	f	0	0	0	0	0	0	0	0	0
	t	0	0	0	0	0	0	0	0	0
2019	m	0	0	0	0	0	0	0	0	0
	f	0	0	0	0	0	0	0	0	0
	t	0	0	0	0	0	0	0	0	0
2020	m	3	1	0	2	2	0	0	0	2
	f	0	0	0	0	0	0	0	0	0
	t	3	1	0	2	2	0	0	0	2

Source: Federal Statistical Office (ed.), criminal prosecution tables for 2018 to 2020

Adjudicated persons are defendants against whom penalty orders were issued and/or criminal proceedings were brought to a final and binding conclusion by way of judgment or discontinuation order in main proceedings. The number of persons adjudicated includes convictions, as well as persons in respect of whom another decision (e.g. discontinuation, acquittal) has been issued. In the adjudication of accused persons who, either by a single act constituting more than one violation (Section 52 StGB), or by the commission of multiple individual violations (Section 53 StGB), have violated several provisions of criminal law, only that offence is listed which is punishable under the law with the most severe sentence possible. Particularly in the case of aggregate sentences imposed for offences committed in a single act constituting more than one violation, the documented sentence may be longer than that provided for in the sentencing provisions for the statistically recorded most serious offence. In cases where multiple criminal offences are adjudicated in respect of the same person, the defendant is counted separately for each criminal proceeding.

Convicted persons are defendants in respect of whom a custodial sentence, short-term detention or a fine (including by a final penal order) has been imposed pursuant to general criminal law, or whose offence has been punished with a juvenile sentence, disciplinary measures or socio-educational measures pursuant to juvenile criminal law. Only persons of criminally responsible age at the time of the offence (i.e. 14 years of age or older) may be convicted.

For 2018, a total of 41 non-German nationals convicted of trafficking in human beings (Sections 232 to 233a StGB) were recorded in Germany. Of these, 29 were male and 12 were female.

For 2019, a total of 43 non-German nationals convicted of trafficking in human beings were recorded in Germany. Of these, 33 were male and 10 were female.

For 2020, a total of 54 non-German nationals convicted of trafficking in human beings were recorded in Germany. Of these, 41 were male and 13 were female.

For further details on the statistics, please refer to the following tables.

Foreign nationals convicted pursuant to Section 232 StGB (trafficking in human beings)									
Persons convicted	Year								
	2018			2019			2020		
	m	f	t	m	f	t	m	f	t

Total foreign nationals	4	6	10	7	4	11	13	3	16
Europe	4	5	9	6	4	10	11	2	13
EU 28 together	4	5	9	4	4	8	9	2	11
Belgium	0	0	0	0	0	0	0	0	0
Bulgaria	3	3	6	3	2	5	1	0	1
Netherlands	0	0	0	0	0	0	0	0	0
Poland	0	0	0	0	0	0	3	1	4
Hungary	0	0	0	0	0	0	2	1	3
Romania	0	1	1	0	0	0	3	0	3
Unspecified from EU 28	1	1	2	1	2	3	0	0	0
Albania	0	0	0	0	0	0	0	0	0
Bosnia and Herzegovina	0	0	0	0	0	0	0	0	0
Serbia	0	0	0	0	0	0	2	0	2
Turkey	0	0	0	1	0	1	0	0	0
Unspecified from Europe	0	0	0	1	0	1	0	0	0
Unspecified from Africa	0	1	1	0	0	0	1	1	2
Morocco	0	0	0	1	0	1	0	0	0
Unspecified from Asia	0	0	0	0	0	0	0	0	0
Afghanistan	0	0	0	0	0	0	0	0	0
Vietnam	0	0	0	0	0	0	0	0	0
Stateless	0	0	0	0	0	0	0	0	0
No information	0	0	0	0	0	0	1	0	1

Foreign nationals convicted pursuant to Section 232a StGB (forced prostitution)									
Persons convicted	Year								
	2018			2019			2020		
	m	f	t	m	f	t	m	f	t
Total foreign nationals	25	6	31	23	6	29	24	10	34
Europe	23	2	25	18	2	20	18	6	24
EU 28 together	15	2	17	15	2	17	12	6	18
Belgium	0	1	1	0	0	0	0	0	0
Bulgaria	7	0	7	5	0	5	6	2	8
France	0	0	0	0	0	0	3	0	3
Italy	0	0	0	0	0	0	0	0	0
Netherlands	0	0	0	1	0	1	0	0	0
Poland	0	0	0	0	0	0	0	0	0
Hungary	0	0	0	0	0	0	0	0	0
Romania	5	1	6	4	2	6	0	0	0
Unspecified from EU 28	3	0	3	5	0	5	0	0	0
Albania	2	0	2	0	0	0	0	0	0

Pakistan	0	0	0	0	0	0	0	0	0
Syria	0	0	0	0	0	0	0	0	0
Vietnam	0	0	0	0	0	0	0	0	0
Stateless	0	0	0	0	0	0	0	0	0
No information	0	0	0	0	0	0	0	0	0

Foreign nationals convicted pursuant to Section 233 StGB (exploitation of labour)									
Persons convicted	Year								
	2018			2019			2020		
	m	f	t	m	f	t	m	f	t
Total foreign nationals	0	0	0	3	0	3	1	0	1
Europe	0	0	0	2	0	2	0	0	0
EU 28 together	0	0	0	0	0	0	0	0	0
Belgium	0	0	0	0	0	0	0	0	0
Bulgaria	0	0	0	0	0	0	0	0	0
France	0	0	0	0	0	0	0	0	0
Italy	0	0	0	0	0	0	0	0	0
Netherlands	0	0	0	0	0	0	0	0	0
Poland	0	0	0	0	0	0	0	0	0
Hungary	0	0	0	0	0	0	0	0	0
Romania	0	0	0	0	0	0	0	0	0
Unspecified from EU 28	0	0	0	0	0	0	0	0	0
Albania	0	0	0	0	0	0	0	0	0
Bosnia and Herzegovina	0	0	0	1	0	1	0	0	0
Serbia	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	1	0	1	0	0	0
Unspecified from Europe	0	0	0	0	0	0	0	0	0
Unspecified from Africa	0	0	0	0	0	0	0	0	0
Morocco	0	0	0	0	0	0	0	0	0
Unspecified from Asia	0	0	0	0	0	0	0	0	0
Afghanistan	0	0	0	1	0	1	0	0	0
Pakistan	0	0	0	0	0	0	0	0	0
Syria	0	0	0	0	0	0	1	0	1
Vietnam	0	0	0	0	0	0	0	0	0
Stateless	0	0	0	0	0	0	0	0	0
No information	0	0	0	0	0	0	0	0	0

Foreign nationals convicted pursuant to Section 233a StGB (exploitation involving deprivation of liberty)									
Persons convicted	Year								
	2018			2019			2020		

	m	f	t	m	f	t	m	f	t
Total foreign nationals	0	0	0	0	0	0	1	0	1
Europe	0	0	0	0	0	0	0	0	0
EU 28 together	0	0	0	0	0	0	0	0	0
Belgium	0	0	0	0	0	0	0	0	0
Bulgaria	0	0	0	0	0	0	0	0	0
France	0	0	0	0	0	0	0	0	0
Italy	0	0	0	0	0	0	0	0	0
Netherlands	0	0	0	0	0	0	0	0	0
Poland	0	0	0	0	0	0	0	0	0
Hungary	0	0	0	0	0	0	0	0	0
Romania	0	0	0	0	0	0	0	0	0
Unspecified from EU 28	0	0	0	0	0	0	0	0	0
Albania	0	0	0	0	0	0	0	0	0
Bosnia and Herzegovina	0	0	0	0	0	0	0	0	0
Serbia	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	0	0	0	0	0	0
Unspecified from Europe	0	0	0	0	0	0	0	0	0
Unspecified from Africa	0	0	0	0	0	0	0	0	0
Morocco	0	0	0	0	0	0	1	0	1
Unspecified from Asia	0	0	0	0	0	0	0	0	0
Afghanistan	0	0	0	0	0	0	0	0	0
Pakistan	0	0	0	0	0	0	0	0	0
Syria	0	0	0	0	0	0	0	0	0
Vietnam	0	0	0	0	0	0	0	0	0
Stateless	0	0	0	0	0	0	0	0	0
No information	0	0	0	0	0	0	0	0	0

Source: Federal Statistical Office (ed.) criminal prosecution tables for 2018 to 2020

The following data were provided to Eurostat Trafficking in Human Beings, data collection 2021 (2019, 2020) and data collection 2019 (2018):

Reference year 2020:

Total: 166

Male: 140

Female: 26

Child (0-17): 7

Adult (18+): 159

German citizenship: 86

Foreign citizenship/unknown citizenship: 80

Sexual exploitation: 77

Forced labour including domestic servitude: 6

Forced begging/use for begging: 0
Other forms/unknown forms: 83

Reference year 2019:

Total: 159
Male: 135
Female: 24
Child (0-17): 1
Adult (18+): 158
German Citizenship: 93
Foreign Citizenship: 66
Sexual Exploitation: 65
Forced labour including domestic servitude: 3
Forced begging/use for begging: 1
Foreign citizenship/unknown citizenship: 90

Reference year 2018:

Total: 162
Male: 129
Female: 33
Child (0-17): 7
Adult (18+): 155
German citizenship: 93
Foreign citizenship/unknown citizenship: 69
Sexual exploitation: 80
Forced labour including domestic servitude: 3
Forced begging/use for begging: 0
Other forms/unknown forms: 79

- **Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.**

The Federal Statistical Office does not have any information on victims of THB. There is therefore no indication as to whether the victim was an adult or a child.

For convictions by form of exploitation see above. For types and duration of penalties and whether they were effectively enforced or suspended please refer to "Attachment to Part III, No. 14 Penalties"

- **Number of judgments in THB cases resulting in the confiscation of assets.**

In principle, conviction statistics do include certain information on the confiscation of assets; however, there is not enough information on this that relates to THB.

- **Number of convictions of legal entities for THB.**

Conviction statistics refer to German criminal law. Criminal law in Germany does not refer to legal entities.