



**2024 KOK REPORT
DATA COLLECTION IN THE CONTEXT
OF TRAFFICKING IN HUMAN BEINGS
AND EXPLOITATION IN GERMANY**

Data collection period: January to December 2023



German NGO Network against
Trafficking in Human Beings

TRAFFICKING IN HUMAN BEINGS AND EXPLOITATION IN GERMANY – BASIC CONCEPTS

In Germany, trafficking in human beings and exploitation are present in numerous forms and areas. Since 2016, trafficking in human beings, forced prostitution, forced labour, labour exploitation, exploitation under unlawful restraint and organ trafficking have been criminal offences under Section 232 et seq. of the German Criminal Code. However, the German Criminal Code defines the term ‘trafficking in human beings’ merely as the recruitment, transportation and accommodation of a person for the purpose of exploiting them (Section 232 of the German Criminal Code). Exploitation and its various forms are defined in the following paragraphs.

The offences of forced labour and labour exploitation also include exploitation involving criminal activities and begging. The latter involves individuals being persuaded or forced to go out and beg and then to hand over all or most of the money they receive. In the case of forced criminal activities, individuals are persuaded to carry out criminal offences such as theft, debit card fraud or selling drugs. The financial gains from the offences are kept by the perpetrators. The most well-known form of trafficking in human beings and exploitation among the general public is sexual exploitation, which has been a criminal offence since 1973. This has also been the case for labour exploitation since 2005. These are the two forms of exploitation of which we have the most knowledge.

Specialised counselling centres advise individuals affected by various forms of human trafficking and exploitation. However, due to the circumstances in which they were founded (mostly in the 1980s on the back of a women’s rights and feminist platform), many of them focus on women. Some limit their services to women affected by sexual exploitation due to their funding situation and their mandate, but many also offer counselling to women who are subject to labour exploitation. Specialised counselling centres that are members of KOK also counsel those affected by other forms of exploitation, as well as, in some cases, men and trans people.

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OVERVIEW

With this new report, the German NGO Network against Trafficking in Human Beings – KOK aims to provide a comprehensive insight into the work of specialised counselling centres supporting trafficked persons, thereby contributing to presenting trafficking in human beings in Germany through a human-rights lens. Thanks to the commitment demonstrated by KOK's member organisations, this report supplements in a very important way the Federal Situation Report published every year by the German Federal Criminal Police Office.

Unlike police statistics, KOK's focus is not presenting the efforts made to combat crime from a purely penal point of view. Instead, KOK endeavours to understand how trafficked persons can enforce their rights and what support they receive from specialised counselling centres.

In particular, this analysis of the data provided by KOK's member organisations using a jointly developed software offers crucial insight into the situation of trafficked persons as regards their social and legal residence status, thereby also highlighting evidence-based gaps in policy.

KOK published its first data report in 2020, a year that also marked the launch of the data tool used by KOK to collect information about cases. The 2020 report describes in detail the participatory, civil society based and human rights focused approach and is highly recommended to first-time readers and anyone interested in learning more about how our data collection method was set up.¹

This report, on the other hand, covers the period from 1 January to 31 December 2023.

1 Defining the Gap: Data Collection on Trafficking in Human Beings and Exploitation in Germany – The Civil Society Approach of the KOK. <https://www.kok-gegen-menschenhandel.de/en/news/news/kok-news/new-kok-report-on-data-collection-and-data-protection-released>

Data Collection in the Context of Trafficking in Human Beings and Exploitation in Germany in 2023 at a Glance

- 19** participating specialised counselling centres
- 702** cases entered into the data tool in total
- 597** cases released for data analysis
- 230** newly created cases
- 129** cases closed
- 87 %** of supported individuals were women.
- 33 %** of clients came from Nigeria; overall, the largest group of clients was from West Africa (48 %).
- 34 %** of clients were aged between 22 and 29, 32 % between 30 and 39.
- 81 %** of cases were categorised as trafficking in human beings, 71 % as forced prostitution and 15 % as labour exploitation by the specialised counselling centres.

INTRODUCTION

The KOK specialised counselling centres participating in data collection registered a total of 702 cases in 2023. As compared to the previous year, there were 173 fewer cases in the data tool and 597 in total were released for data analysis. Whereas the number of newly created cases remained stable (230 cases in 2023; 236 in 2022), the number of closed cases nearly doubled (129 in 2023; 69 in 2022).

Many of these counselling centres, especially those focusing on the field of sexual exploitation, report that it continues to be difficult to reach out to individuals who may be concerned. During the COVID-19 pandemic, clubs and brothels were shut down, leading to adult services increasingly being offered in private homes, holiday accommodations and hotels as well as other places that tend to be more out of reach for specialised counselling centres and law enforcement agencies. This trend is ongoing despite the pandemic ending. Many of the places used for prostitution that were accessible for counselling centres' outreach work remain shut.

In 2023, the national rapporteur set up within the German Institute for Human Rights published its first results, among which its first report on the availability of data regarding trafficking in human beings in Germany. The report identifies the aspects covered by the Council of Europe Convention on Action against Trafficking in Human Beings and by the EU Anti-Trafficking Directive for which data from national and regional public authorities ('administrative data') is available. It also lists additional data provided by non-governmental organisations, which is seen as particularly valuable as it covers areas for which there is no official data.

The national rapporteur's first periodic report will be released in the autumn of 2024. One of the rapporteur's key tasks is to collate data from various sources in order to gain an insight into trafficking in human beings in Germany.

A cooperation agreement concluded in 2024 between the German Institute for Human Rights and KOK sets forth how the two organisations intend to collaborate. On a specific date every year, KOK shall provide the national rapporteur with a dataset with a predefined scope from its own data collection activities. Before the agreement could be signed, the purpose of the data collection and processing specified in the cooperation agreements between participating member organisations and KOK had to be changed. This was necessary to supply the right data for the periodic reports while complying with data collection privacy requirements on the part of specialised counselling centres and ensuring their data sovereignty.

All stakeholders combating trafficking in human beings and protecting affected individuals wish to learn more about the actual extent and nature of trafficking in human beings and exploitation in Germany and it is also in everyone's interest to do so. From a civil society perspective, however, the primary objective is to collect human rights-based data that provides an insight into the enforcement of the rights of those affected by trafficking and exploitation.

This is where KOK's data tool and annual reports come into play.

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THE RESULTS FROM THE KOK DATA TOOL FOR 2023

Some general preliminary remarks on the underlying data are needed to better understand the findings of the data analysis performed for the year 2023 using the KOK data tool. In the period from 01/01/2023 to 31/12/2023, 702 cases were entered in the database by the 19 specialised counselling centres, 597 of which were released for data analysis. Only data for which clients have given their consent can be used for data analysis and reporting.

When examining the results, it is important to remember that the findings presented in this report only represent a portion of the clients of specialised counselling centres and of the services they provide in cases of trafficking in human beings and exploitation. It is entirely possible for one person's basic information to be duplicated in the database as it is in theory possible for multiple 'cases' to be entered for a single person (e.g. if they seek help from a specialised counselling centre with regard to a different issue). That said, this is not believed to occur frequently at the current time. Moreover, not all specialised counselling centres have yet begun using the data collection tool.

Clients are always entitled to refrain from answering certain questions. This means that not all fields will be filled in to the same extent. In some cases, employees of the specialised counselling centres themselves may decide not to complete certain fields if the question is not relevant to a particular client of their services or if some pieces of information are not available. For the most part, all 597 cases were included in the basic population for data analysis when calculating percentages. According to the information provided by the data tool, 230 new cases were created in 2023 and all other cases were processed for the first time in the previous year(s). This demonstrates that many clients rely on the support of the specialised counselling centres over a longer period. There can be multiple reasons for this, such as the long duration of investigations and criminal proceedings,

residence and asylum proceedings² or simply the individual needs of clients being counselled. Obtaining clients' trust often takes a long time, and because some cases are so challenging and complex, it is sometimes difficult to end the consulting process. A lot more cases were closed in 2023 (129 cases) than in the previous year (69 cases). This could be explained by a technical change in procedure since the previous year: all cases are now set to 'inactive' at the end of the year, and specialised counselling centres can specify at the beginning of the following year if they are still handling the case or if it can be closed. All cases that have been set to inactive or closed for over 18 months are deleted from the database. This technical and organisational procedure is aimed at helping counselling centres with their digital record-keeping.

The KOK data tool contributes to expanding the existing knowledge base regarding exploitation and trafficking in human beings in Germany, even if it cannot claim to be representative of all trafficked persons. Whereas the annual Federal Situation Report published by the German Federal Criminal Police Office only discusses cases for which investigations have been launched and concluded, the KOK data tool covers a broader spectrum of cases. It can therefore provide some insight into those cases that would ordinarily slip under the radar.³ Among those who call upon the services of specialised counselling centres, there are individuals whose case has not (yet) been the subject of completed criminal investigations or has not (yet) been subject to investigations at all. Specialised counselling centres also support many clients who do not (want to) enter into contact with law enforcement authorities. Moreover, the data tool has made it possible for the very first time to map out the needs of those affected by trafficking in human beings and exploitation whilst also highlighting the broad range of support services provided by specialised counselling centres. KOK's data reports follow a human rights-based approach, as the intention is for the information provided by the specialised counselling centres to reveal the extent to which their clients affected by trafficking in human beings and exploitation are actually able to exercise their rights and access the protection and support available to them in Germany. Data collection can also help identify the needs with which clients seek out the support of specialised counselling centres, thereby helping understand if the regulations, rights

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- 2** In 2023, it took an average of 6.8 months for the authorities to reach a decision in asylum proceedings. In some Federal Office for Migration and Refugees branches, the processing time could be as much as twice as long. In 2023, the duration of asylum court proceedings was 18.5 months on average (see Bundestag Journal 20/12124).
 - 3** By way of comparison, the German Federal Criminal Police Office's 2023 Situation Report declares that there were 299 proceedings regarding sexual exploitation and 36 cases of labour exploitation.

and victim support services in place are able to fulfil them and are comprehensive enough.

2.1 Information about the clients

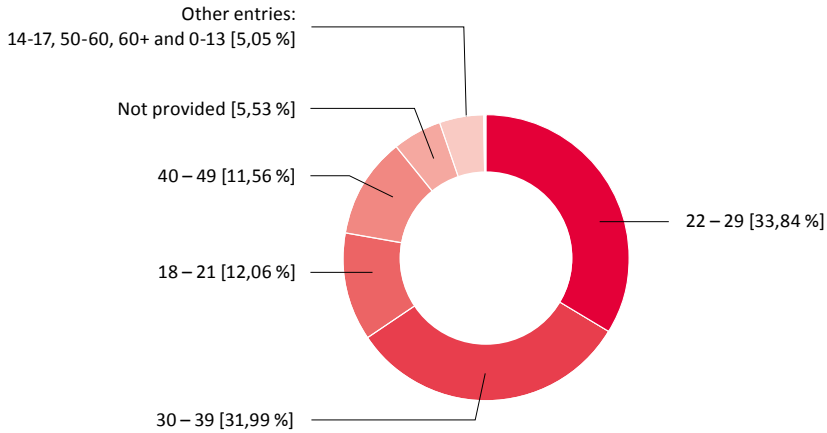
Persons affected by trafficking in human beings and exploitation can have very different journeys and experiences. Various factors such as economic or personal hardship in their home country, crises and conflict as well as structural discrimination often prompt migrants to seek work abroad. Why people may be trafficked or exploited can also vary: while some are made false promises about their job and income prospects, others know too little about their rights and the labour market and residence situation in Germany. Some individuals may end up in a relationship of dependency due to their desperate situation, a bind compounded by their lack of social networks and poor command of German. Many perpetrators also resort to various ploys to put pressure on their targets and make sure they do not escape the exploitative situation they are in.

To comply with data protection rules and the right of individuals to decide what happens to their data, KOK only collects minimal information on the personal background of the individual seeking counselling. The initial results regarding the age, gender, nationality and parental status of trafficked persons are presented below.

Most individuals affected by trafficking in human beings and exploitation supported by specialised counselling centres in 2023 were women and girls (87 %). As compared with the previous year, the proportion of men increased from 9 to 11 %.

As previously, clients mostly fell into the age categories 22–29 (34 %) and 30–39 (32 %). 14 % of clients were minors at the time the offence was committed.

Age



Source: KOK data tool

Many clients of the participating counselling centres came from West African countries (48 %). As in the previous year, the largest group of clients in 2023 was from Nigeria (33 %), the second largest being those from Romania and German nationals, with 8 % each. This does not tally at all with the findings of the 2023 Federal Situation Report issued by the German Federal Criminal Police Office, according to which 30 % of victims of sexual exploitation had a German passport. However, the Situation Report does point out that German citizens affected by trafficking in human beings and exploitation tend to be better informed of their rights and have more trust in law enforcement authorities, meaning that they may more seldom reach out to specialised counselling centres.

Regarding the place or country in which exploitation began, in many of the cases handled by the counselling centres, the location was not (in) Germany (see p. 11), in which case investigations are usually not carried out, even if the affected individuals are willing to testify. These are cases that do not fall under the scope of the Situation Report of the German Federal Criminal Police Office. When exploitation did take place in Germany, whether individuals from third countries or other EU countries agree to testify or not during investigations and what course proceedings take may depend on a number of factors. A KOK study on the rights of victims⁴ dur-

4 The Rights of Trafficked Persons during Criminal Proceedings – A Study of the Implementation of EU Anti-trafficking Directive 2011/36 in Germany, KOK, 2023

ing investigations suggests that investigations are increasingly being terminated because the difficult circumstances of many trafficked persons are not taken into account, alongside other reasons. It found for example that the ‘non-punishment principle’, according to which trafficked persons should not be penalised for criminal offences they committed (or had to commit) when they were trapped in an exploitative situation, is not always applied. Because they fear consequences for their residence status or are afraid of being pursued themselves, some trafficked persons may decide not to reach out to the police or authorities.

Infobox: Nigeria and trafficking in human beings

According to a 2021 report by the European Asylum Support Office (EASO), Nigeria was one of the most represented countries of origin when it comes to trafficking in human beings in the European Union from non-EU countries from 2017 to 2020.

Nigeria is a country of origin, transit and destination for trafficking in human beings. According to the most recent US Department of State Trafficking in Persons (TIP) Report, trafficking in human beings within the country is still very prevalent.⁵ Persons mainly from rural areas are recruited and exploited into prostitution or in other industries. Nigerian authorities have also registered cases of cross-border trafficking in human beings with countries in Africa, Europe, Asia and the Near East, for example.

The main causes explaining the high risk of trafficking in human beings in Nigeria include the extreme poverty seen in the country (Nigeria is no. 163 out of 191 in the UN’s Human Development Index), mass unemployment and conflict. For example, ISWAP (Islamic State’s West Africa Province), an offshoot of ISIS, has established a rigid regime in the North-East, while in the North-West, the high level of violence is maintained by dozens of gangs, and in Central Nigeria ethnic conflicts are rife and spreading towards the South. Organised crime remains very prevalent in the country and secret societies are also stoking violence.⁶

5 2023 Trafficking in Persons Report: Nigeria, <https://www.state.gov/reports/2024-trafficking-in-persons-report/nigeria/> from 25/06/2024

6 <https://www.bpb.de/themen/kriege-konflikte/dossier-kriege-konflikte/176466/nigeria/> (only available in German)

In August 2019, Human Rights Watch published a report on trafficking in women and girls in Nigeria.⁷ Nearly all female Nigerians interviewed for the report explained that they intended to leave the country to provide for themselves and their families and that going abroad seemed to them to be the only option to flee poverty.

The media have been reporting since at least 2019 that criminal rings and groups in Nigeria have links with Italy and Germany and on their involvement in trafficking in Nigerian women and girls into sexual exploitation in Europe. This account tallies with the findings of the American TIP Report, according to which highly organised criminal groups recruit Nigerian women and girls with the aim to exploit them into prostitution in a number of countries across Europe. They also promise people jobs abroad, only to exploit them as domestic workers in the Near East and the Gulf States.

These criminal rings and groups are mainly secret societies and student cults or fraternities, of which there are more than 50 in Nigeria. A 2019 study coordinated by ECPAT France, for example, described in detail how religious groups, 'ladies' groups' and cultist groups are also involved in trafficking in human beings.⁸ Women called 'madams' often play a key role in such groups, overseeing the whole process from recruitment right through to exploitation.

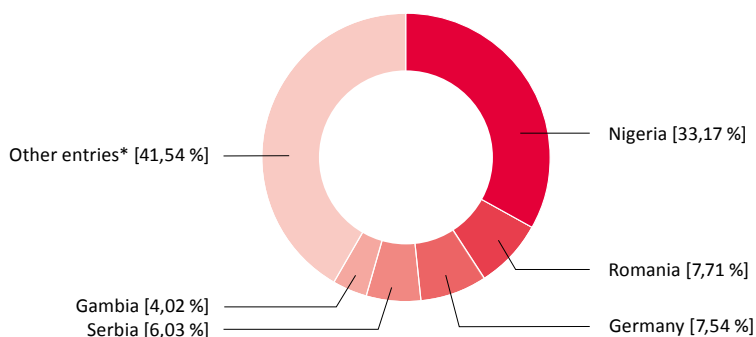
Women can be recruited into sexual exploitation in different ways. In some cases, recruitment is done by madams and those who help them. In others, contact is initiated by friends or relatives of the future targets, who are promised legal livelihoods in Europe. In other cases again, the women actually know they will be working in prostitution in Europe, but without being told about the conditions they will be working in. Trafficking in human beings is based on a debt bondage system whereby the trafficked persons are asked for an extortionate amount of money for their trip to Europe, a debt they are expected to pay off at a later stage through forced prostitution. Juju ceremonies play a key role in this respect. Trafficked individuals are subjected to a ritual during which they have to take an oath, e.g. swear that they will pay off their debts, tell nobody about their situation, honour the agreements and suchlike. For years, the main route to Europe taken by trafficked Nigerians has led through Libya and then usually on to Italy. In many cases, trafficked individuals already experience extreme violence and exploitation in Libya. This ordeal is described in a Doctors Without

7 Human Rights Watch, 'You pray for death' – Trafficking of Women and Girls in Nigeria, <https://www.hrw.org/report/2019/08/27/you-pray-death/trafficking-women-and-girls-nigeria>

8 Plessard, C./Lavaud-Legendre, B. (2019): Religious, Social and Criminal Groups in Trafficking of Nigerian Girls and Women. The case of shrines, "Ladies' clubs" and "cultist groups"

Borders report published in February 2024.⁹ Libyan coastguards, with the support of the EU, regularly pick up refugees out at sea and take them back to detention centres in Libya, to which Doctors with Borders teams had access from 2016 to 2023. The organisation documented the inhumane conditions that were rife there and the accounts by detainees of violence, trafficking in human beings, sexual abuse, and torture. When trafficked persons do reach Europe, their travel documents, cash and mobile phones are usually confiscated, which only compounds their predicament.

Nationality



* Cameroon, Sierra Leone, Guinea, Uganda, Bulgaria, Benin, Albania, Brazil, Ukraine, Hungary, Democratic Republic of Congo, Turkey, Ethiopia, Not provided, Ghana, China, Iraq, Colombia, Venezuela, Somalia, Togo, Slovakia, Czech Republic, Georgia, Syria, Thailand, Vietnam, Kenya, Iran, Tanzania, Philippines, Poland, Libya, Russian Federation, Brunei Darussalam, Afghanistan, Tunisia, Burundi, United Kingdom, Zambia, Yemen, Indonesia, Peru, North Macedonia, Burkina Faso, Palestine, Congo, India, Ivory Coast, Switzerland and Senegal

Source: KOK data tool

9 Death, Despair and Destitution: The Human Costs of the EU's Migration Policies, <https://www.msf.org/death-despair-and-destitution-human-costs-eu-migration-policies>

2.2 Most common forms of exploitation

Trafficking in human beings and exploitation are present in numerous forms and are found in various industries in Germany, including prostitution, domestic work, care, agriculture, the hospitality and cleaning industries. These phenomena are characterised by the use of force, deception or threat with the aim to exploit a person or group of persons financially and/or sexually. Forced prostitution, forced labour, labour exploitation, forced begging, exploitation of criminal activities, and illegal removal of organs are all criminal offences. In the past years, exploitation in its various forms has evolved, one of the trends being that trafficking in human beings increasingly takes place online.

The [EU directive on preventing and combating trafficking in human beings and protecting its victims](#) has been revised and its new version entered into force in July 2024. The revised directive now also includes forced marriage, the exploitation of surrogacy, and illegal adoption. EU Member States have two years to implement these changes. The directive update and its possible impact on the implementation in Germany are the subject of the 2024 issue of the KOK information service on 'The EU-Anti-Trafficking Directive reform – positive approaches and missed opportunities' (only available in German).

The data tool offers specialised counselling centre staff the option to enter the specific areas in which the exploitation of clients occurred, with multiple answers possible. Exploitation in the field of sexual services undeclared under the German Protection of Sex Workers Act remained the most commonly listed (68%), with a 7% increase on the previous year. Sexual services in accordance with the German Protection of Sex Workers Act was entered in 7% of cases. General services and domestic work made up 6% of cases.

Case study: Ms K.

Ms K. lived with her parents in a city in Moldova. After finishing her vocational training, she could not find a job in her home town. As her financial situation became more and more precarious, a friend of hers offered her a job in a pub in Poland. Upon her arrival, she was told that the position had already been filled but that there were job opportunities to be had in Germany. Ms K. agreed. Upon her arrival in Germany, she was handed over to two Moldovan men who confiscated her passport and told her that she had to pay off the money they had invested in her by working as a prostitute. She refused and was threatened.

One day, the brothel in which she worked was raided. Because Ms K. did not have any documents, she was taken away. A few hours later, she recounted her story and was questioned by the police several times.

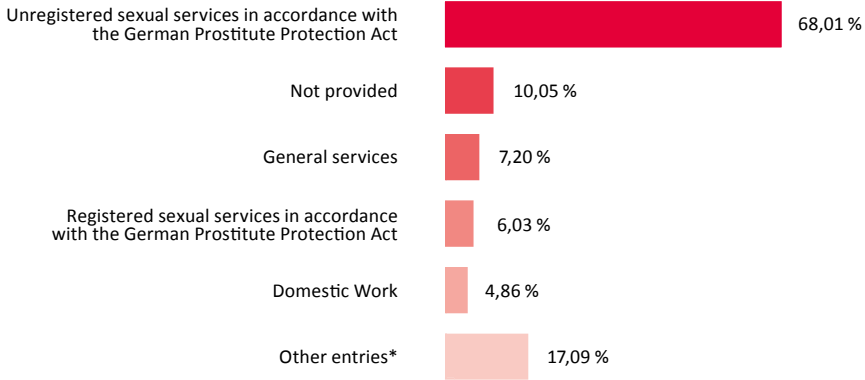
Ms K. was taken to a women's shelter by a staff member of the local counselling centre.

The police investigations are still ongoing.

Ms K. goes to German lessons every day and her weekly therapy sessions are helping her work through her ordeal.

Counselling centre Nadeschda

Areas in which exploitation occurred



* Other entries: miscellaneous/other, other unskilled workers in production, cleaning, criminal activities, catering, begging, au pair, care work, agriculture, transport/logistics, not applicable, construction

Source: KOK data tool

Multiple answers possible.

Many individuals affected by trafficking in human beings and exploitation and supported by the specialised counselling centres were recruited in their home country (64 %). In 10 % of cases, recruitment (also) took place in Germany. 13 % reported that they were (also) recruited in a transit country.

Germany was identified as the place of exploitation in 43 % of cases. As in previous years, the countries outside Germany frequently listed were Italy (19 %), Libya (11 %), and France (5 %). Additional or other places were identified in 27 % of cases.

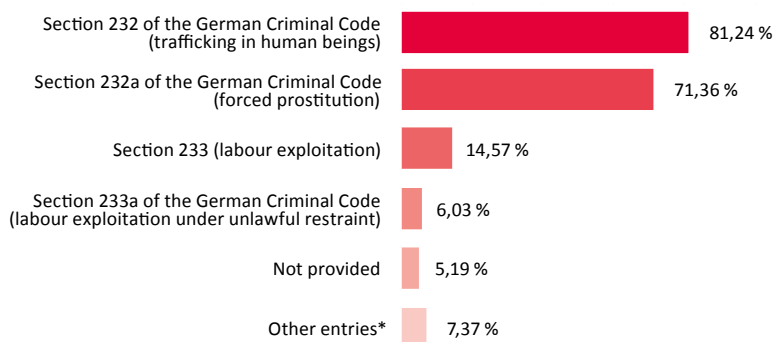
Case study: Mary, 37, Philippines

Mary had just had a baby and was urgently looking for a job. A relative found her a job as a nurse working for a family in Dubai. Having no other prospects, she decided to accept the offer. Her relative got all the paperwork and the trip organised. Once she arrived in Dubai, she was not allowed to leave the house and had to hand over her passport. She had no days off and had to take care of the disabled family's daughter every two hours, even at night. She fed on the leftovers of lunch and dinner and received no real meals. She accompanied the family on a trip to Germany. There she was only allowed to leave the house for walks with the family's daughter. As soon as she saw a window of opportunity, she seized her chance and tried to flee, but was seen by her boss and other employees. Mary was chased and attacked by her boss. The police were called thanks to the help of a neighbour. She received support and advice from JADWIGA and filed a complaint against the family and her boss. In her capacity as a victim and witness during the investigations, Mary was issued a residence permit under Section 25 para. 4a of the German Residence Act (Aufenthaltsgesetz) and was provided accommodation by JADWIGA. She is now working as a waitress in a hotel and goes to German lessons. She is trying to get her diplomas recognised so that she can work as a trained nurse. Her aim is to bring her children to Germany.

2023 Report, JADWIGA counselling centre in Munich

Staff at the specialised counselling centres are also able to enter the criminal offences related to a particular case into the KOK data tool. In each case, they may list multiple offences. According to the specialised counselling centres, 81 % of cases met the criteria for being classed as human trafficking (Section 232 of the German Criminal Code). In many cases, forced prostitution was also entered under the offences (71 %). Labour exploitation was identified by counselling centres in 15 % of cases and exploitation under unlawful restraint in 6 % of cases. In 480 cases (80 %), counselling centre staff reported that there were several offences involved. These figures have not seen any noteworthy changes as compared to the previous year.

Classification of offences by counselling centres



* Other entries: Not provided, Section 232b of the German Criminal Code (forced labour) and not applicable

Source: KOK data tool

Multiple answers possible.

A combined analysis of the offences and the nationality of the trafficked persons shows that clients from Nigeria, Guinea and Gambia in particular were affected by trafficking in human beings (Section 232 of the German Criminal Code). Besides these three nationalities, the most frequently reported nationalities of individuals affected by forced prostitution (Section 232a) also include German passport holders. As regards the offence of labour exploitation, which was reported in 87 cases, clients from Serbia and Romania were particularly prominently listed (70 %).

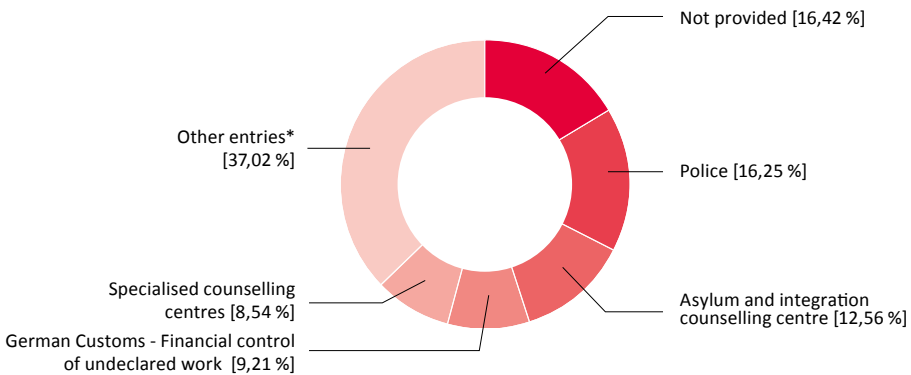
2.3 Access to specialised counselling centres

The situation in which persons trafficked or exploited find themselves makes it more difficult for them to access help and assistance. Very often, they are not familiar with German support structures and are not allowed to leave the perpetrators' sides. In many cases, they are also traumatised. In addition to this, trafficked persons often do not have any financial resources and are afraid of being prosecuted. They therefore face major barriers to access any stakeholders and support structures such as specialised counselling centres for persons affected by trafficking in human beings and exploitation.

How the initial contact with the client was established is another piece of information counselling centre staff can enter into the KOK data tool. It appears that in 16 % of cases, the initial contact between the client and the specialised counselling centre was established by the police – an increase

of 4 percentage points compared to the previous year. In 9 % of cases, it was customs officers. Some clients also sought counselling themselves (5 %), but less so than the previous year (10 %). 13 % of clients were referred by asylum and integration counselling services/a refugee shelter and 15 % by another (specialised) counselling centre. In 6 % of cases, contact was made after the client was informed about the specialised counselling centres by their community. In total, other stakeholders, including doctors, women's shelters, the Federal Office for Migration and Refugees or other key players, were named in 19 % of cases.

Initial contact made via



* Other entries: Community, self identified, specialised counselling centre for trafficked persons, other, other multipliers, unknown, Federal Office for Migrations and Refugees, initiatives and institutions, other authorities, doctors and other medical professionals, women's shelter, asylum- and integration counselling, streetwork, Federal Police, authorities under the German Prostitute Protection Act, client, not applicable, 'Violence against Women' support hotline

Source: KOK data tool

In addition to the initial contact, counselling centre staff can also enter how the clients reaching out to the centre found out about the support and assistance services they offer. The findings for 2023 show that for 23 % of clients, initial information came from the police or customs. 10 % were informed of the services by asylum and integration counselling services or through a refugee shelter. Others were provided information by another counselling centre (12 %) or their community (6 %).

Case study: The collaboration between specialised counselling centres and customs officers

The Main Customs Office in Heilbronn contacted specialised counselling centres Mitternachtsmission Heilbronn and FIZ mid-November 2022 asking for help. They had a suspected case of organised illegal labour and trafficking in human beings. The investigations targeted seven defendants, who were accused of smuggling foreign nationals by a perpetrator acting professionally or as a member of a gang, trafficking in human beings, labour exploitation as well as withholding and misappropriating wages. Searches were carried out in 16 locations by the Financial Control of Undeclared Work Department with the help of 400 professionals from the customs authorities, the police as well as a number of immigration authorities, health and safety authorities, and specialised counselling centres.

Initial findings revealed that the staff involved worked well over the legally permitted limit on a daily basis. Their wage was below minimum wage and paid out irregularly, when they were paid at all. No sick pay was provided when they were ill. The foreign employees came both from third countries and from the EU. Because they did not speak the language, they were unable to inform the German authorities of their desperate situation. In addition to the customs investigations, the working and living conditions of the foreign employees were also scrutinised, which is why representatives from the Labour Inspectorate and the specialised counselling centres were asked to come in.

Over the first few days after the raid, Mitternachtsmission Heilbronn and FIZ informed the affected individuals of their rights as victims of trafficking in human beings for the purpose of labour exploitation and of their options under labour law. Some of them had no financial resources, so the counselling centres provided them with food for a period ranging from several days to several weeks. Once they had all been questioned by law enforcement authorities, the specialised counselling centres organised their trip back to their homeland and also provided most of the funding for their travel. Most of the trafficked persons wanted to go back to their families for Christmas. The specialised counselling centres arranged for similar organisations in their home countries to support and assist them upon their arrival.

The specialised counselling centres in Germany continued to advise and support them right until 2023. Substantial evidence was secured during the raid and three arrest warrants were executed against the main suspects. Asset forfeiture measures could also be carried out, netting a six-figure sum in euros. The counselling centres are

still in touch with many of the over 90 men and women they assisted. Their labour claims are still ongoing.

Case study provided by FIZ

2.4 Services provided by the specialised counselling centres and ability of their users to assert their rights and access services

Those affected by human trafficking and exploitation are entitled to advice and support. However, if they are to enforce their rights, they have to be aware of them. Specialised counselling centres offer the necessary advice and assistance in this respect. Their services are free, anonymous and they are independent from authorities or other public bodies. Clients can access these services whether or not they are willing to press charges against the perpetrators.

KOK brings together over 50 specialised counselling centres for trafficked persons, both directly in the form of member organisations and via its offices. Some focus exclusively on this target group, while others provide counselling to female migrants and German women who are generally victims of violence and offer counselling for trafficked persons as an additional service. All of these centres are NGOs working either independently or under the auspices of charitable organisations. The specialised counselling centres vary in terms of their size and resources; some have up to ten members of staff, whereas others can only employ one or two (sometimes only part-time) due to a lack of funding among other things.

The specialised counselling centres offer a plethora of services ranging from outreach work, crisis intervention and initial counselling to longer-term psychosocial counselling and support, support during asylum proceedings, as well as support during criminal proceedings, support in returning home, or help building a new life in Germany. Awareness-raising, political campaigning and networking, and collaboration with a variety of stakeholders such as prosecuting authorities and social service providers are essential components of their work. KOK's specialised counselling centres have all undertaken to observe shared guidelines and quality standards in their work.

Case study: Ms. F.

‘I looked in the mirror for once, I’m usually too ashamed’ (a client)

Behind this statement lies the story of Ms F., who left her violent husband in West Africa with the aim of supporting her mother and her daughter financially as a single parent. Both died in a terrorist attack while she was looking for work in a distant city.

She still feels guilty for not being with them on that day.

She sought help from a social organisation and ironically, it is there that she was lured to Europe and into forced prostitution by a seemingly trustworthy man who made her an offer that turned out to be a lie.

Ms F. is one of the 15 clients who received psychological assistance in 2023 to be able to regain trust and re-evaluate her prospects in a safe environment.

The therapy sessions aim to reduce distressing symptoms (e.g. nightmares, panic attacks, the feeling of helplessness, loss of trust, shame) and to find ways for her to regain her autonomy.

Alongside therapy, she was also referred to a number of doctors, lawyers, job centre staff and cooperation partners who wrote a total of seven psychological assessments for the clients’ cases.

Counselling centre Nadeschda

Although not all specialised counselling centres are participating in data collection, the results of the analysis clearly show just how broad a spectrum of support and assistance services they offer to trafficked persons. The following table presents the services for the period from 2021 to 2023 in order to make visible any changes. As in the previous years, psychosocial counselling and support as well as dissemination of information played a major role in 2023. In many cases, specialised counselling centres also provided crisis intervention (55 %) and support during asylum proceedings (50 %).

Regarding the support during asylum proceedings, we have more information: in 48 % of these cases the specialised counselling centres helped clients prepare their hearing, and in 34 % of cases they (also) offered support with their hearing before one of the Federal Office for Migration and Refugees’ special representatives for victims of human trafficking. In 15 % of these cases, a member of staff (also) accompanied the client to the hearing. Six of the clients only had a written consultation.

Providing support with respect to official formalities (47 %) and applying for subsistence benefits (43 %) continued to be part of the work done by counselling centres in many cases, even if the corresponding share has decreased as compared to the previous two years. However, clients were referred more frequently than in the previous two years to other counselling centres (57 %), who offered them specific support or took over the support.

Slightly over half of clients stated that they had children (51 %). In the majority of these cases, the children were also in Germany (67 %). In 27 % of cases, clients stated that they had no children, and in 21 % of cases no information was provided on this subject. The specialised counselling centres also provide support in this respect. Cases where the children are not in Germany, in particular, can increase the counselling workload, e.g. when the centre has to organise a family reunion or if it is feared that the children in the home country could be at risk (due to threats from perpetrators, for instance) or if they are already at risk.

In 138 cases (23 %), the particular needs of pregnant women or children were said to have been a relevant aspect of the counselling provided.

As compared to other services, fewer cases involving the client being accompanied during criminal proceedings were reported. This share is only slightly higher than help asserting other rights (see Section 2.5.3 for more details).

Table 1: Services provided by the specialised counselling centres
(multiple answers possible)

	2023		2022		2021	
	Number	Percentage	Number	Percentage	Number	Percentage
Psychosocial counselling and assistance	534	89 %	636	87 %	546	89 %
Information	516	86 %	619	84 %	530	87 %
Referrals to other counselling centres	342	57 %	347	47 %	262	43 %
Crisis intervention	327	55 %	413	56 %	331	54 %
Support during asylum proceedings	300	50 %	374	51 %	366	60 %
Other official formalities (passport, certificates, etc.)	280	47 %	389	53 %	320	52 %
Application for subsistence benefits	259	43 %	379	52 %	289	47 %
Residence proceedings	204	34 %	317	43 %	296	48 %
Support during pregnancy and with children	138	23 %	165	23 %	159	26 %
Support during criminal proceedings	112	19 %	136	19 %	72	12 %
Help asserting other rights (under the German Crime Victims Compensation Act, statutory accident insurance, wage claim, family reunion, etc.)	98	16 %	126	17 %	80	13 %
Psychosocial support during court cases	33	6 %	51	7 %	48	8 %
N (cases for which information is available):	597	100 %	733	100 %	612	100 %

2.4.1 Access to protection

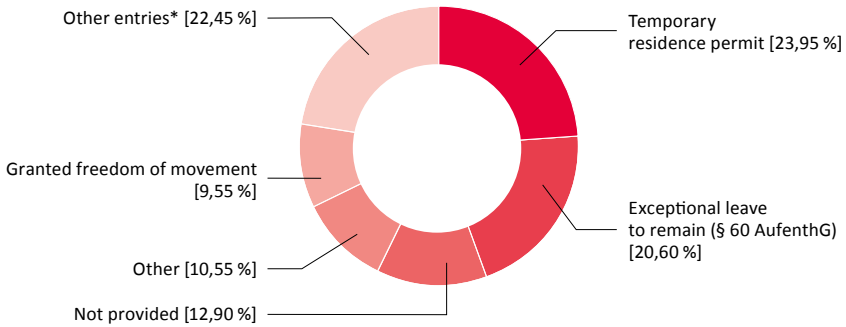
Persons affected by human trafficking and exploitation have experienced serious human rights violations. Due to the criminal offences committed against them they have certain rights, including the right to adequate accommodation, medical and therapeutic care or to be assisted by a legal

counsel in criminal proceedings. However, many of these rights and benefits are contingent upon their residence status.

Persons affected by trafficking in human beings, forced labour, forced prostitution and labour exploitation who decide to cooperate with law enforcement authorities can, under certain conditions, be granted a residence permit in accordance with Section 25 para. 4a or 4b of the German Residence Act. The permit is initially issued for a period of one year and can be extended after the conclusion of criminal proceedings. The right to residence can also be secured via asylum proceedings. The possible routes are applying for a residence permit under Section 25 para. 2 of the German Residence Act in conjunction with Section 3 para. 1 or Section 4 para. 1 of the German Asylum Act or for a prohibition of deportation under Section 60 para. 5 or para. 7 of the Residence Act.

An examination of the cases entered into the KOK data tool reveals that clients' residence status is often precarious. 24 % of clients had a residence permit, while holders of an exceptional leave to remain (21 %) made up another larger group. In addition, 11 % had been granted a residence permit on humanitarian grounds (Section 25 of the Residence Act), while Section 25 para. 4a was the legal basis for only 22 of these clients, according to the KOK data tool. Consequently, the residence status of many of their service users was either not yet definitive or uncertain. 42 % had been in Germany for less than a year, 18 % for 1 to 3 years and 29 % had been living in Germany for over three years.

Residence status



* Other entries: German citizenship, Section 25, para. 3 of the German Residence Act, Section 25, para. 4a of the German Residence Act (trafficking in human beings), Section 25, para. 2 of the German Residence Act, Securing residence through employment, Training, Gainful employment or family reasons, Section 4 of the German Asylum Act Subsidiary protection, not applicable, Section 24 of the German Residence Act (Granting of residence for temporary protection), residence permit for another EU country, Section 25, para. 5 of the German Residence Act, Section 3, para 1 of the Asylum Act Protection of refugees, Section 25, para. 4b of the German Residence Act (German Act to Combat Undeclared and Illegal Employment or wage claims)

Trafficked persons who have managed to escape their predicament require time and support in order to recover. EU Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings stipulates that third-country nationals residing illegally in a country must be granted a reflection and stabilisation period, during which they cannot be forced to leave the country. In Germany, this reflection and stabilisation period is guaranteed by way of a suspension of deportation as provided for in Section 59, para. 7 of the German Residence Act (*Aufenthaltsgesetz*), and lasts at least three months. In many federal states, in order for a reflection and stabilisation period to be granted it must be signed off by the police or the public prosecution and there must be a suspicion of trafficking in human beings.

In the data tool, 243 cases provide data on whether a reflection period was applied for. It appears that this was done in only 53 of these cases (22 %) – a significant shift as compared to the previous year (there was an application in 60 % of documented cases). A reflection period was granted to only 38 clients in 2023 vs. 135 the year before.

According to reports from on the ground, it has become increasingly difficult over the past few years to obtain a reflection period. The way in which this is handled varies vastly across regions. This proves challenging, especially when individuals were subjected to exploitation outside Germany or do not want to contact the police. Whether this explains why there is a stark decline in the number of documented cases in the data tool where a reflection period was applied for cannot be determined on the basis of the available data.

If persons affected by trafficking in human beings and exploitation are to recover, they need adequate and secure accommodation. Their accommodation must comply with certain security requirements to protect them from perpetrators. Depending on the situation, they may also need guidance and help finding their feet. It is worth noting at this stage that the existing system of accommodation for trafficked persons is severely lacking and is not harmonised at the national level. For women, there are essentially two options: accommodation in a women's refuge or in a secure accommodation provided by the specialised counselling centres (e.g. a safehouse). However, due to the limited number of places in women's refuges and the relatively small stock of safehouses, this often presents a challenge. In some cases, no accommodation is organised, for example because no funding or places are available, or because the affected individuals have already found accommodation. There is no accommodation system for men who are subject to trafficking in human beings, and as such solutions must be sought on a case-by-case basis. As for minors, child and youth welfare services are responsible for providing housing. However, the options they provide and the accommodation they offer are often not suitable for the special needs of children and young people who have been through trafficking in human beings. In 81 %

of cases, specialised counselling centre staff listed that accommodation was organised by their centre.

2.4.2 Access to benefits

Once the exploitative situation is over, individuals affected by trafficking in human beings are often unable to provide for themselves. Another issue is that many clients have a precarious residence status. This often means that access to job opportunities and an independent income is fraught with obstacles. It was reported that 36 % of clients were not in employment when asked. 15 % had completed a language course. 5 % were in salaried employment. No information on the employment situation is available in 126 cases. In only 47 cases was it reported that clients were earning their own income from employment.

During the reflection and stabilisation period or the asylum proceedings, third-country nationals are entitled to benefits under the German Asylum-Seekers Benefits Act (*Asylbewerberleistungsgesetz*). Holders of a residence permit under Section 25 para. 4a or para. 4b of the Residence Act and EU citizens are eligible for benefits in accordance with the German Social Code, Part II (SGB II) or Part XII (SGB XII). However, experience in practice shows that accessing benefits often proves challenging for one group in particular, namely trafficked EU citizens, e.g. due to lengthy processing times (2 to 3 months) during which they have no means of subsistence. The KOK data tool reveals that specialised counselling centres helped their clients apply for subsistence benefits in 259 cases (43 %). A quarter of clients (377 cases) received subsistence benefits. In 69 % of these cases, clients received benefits under the Asylum-Seekers Benefits Act, whilst 27 % received unemployment benefits under the Unemployment Benefits II scheme (*Arbeitslosengeld II*).

As well as access to subsistence benefits, help getting into training and further education or finding a job plays a key role in helping these individuals regain their autonomy. The specialised counselling centres helped clients get into training and further education and/or accompanied them in 93 cases (16 %). In 63 cases (11 %), clients were given assistance and/or accompanied on their journey to finding employment. There are no major changes in this respect as compared to the previous years.

Table 2: Referral and support provided by specialised counselling centres

	2023		2022		2021	
	Number	Percentage	Number	Percentage	Number	Percentage
Legal counsel	384	64 %	441	60 %	375	61 %
Medical treatment	338	57 %	426	58 %	402	67 %
German lessons	188	31 %	261	36 %	248	41 %
Training and further education	93	16 %	118	16 %	103	17 %
Work	63	11 %	66	9 %	56	9 %
Literacy	47	8 %	69	9 %	68	11 %
N (cases for which information is available)	597	100 %	733	100 %	612	100 %

As noted previously, many of the clients were not German nationals and 42 % had been in Germany for less than a year when they were asked. It is therefore likely that many of them spoke little or no German. On the path to regaining autonomy, literacy and language courses can thus be an essential gateway to becoming an active member of society. Specialised counselling centres helped clients find and get onto the relevant courses, and sometimes accompanied them during those courses in 39 % of cases, which shows how crucial this is.

The health implications of trafficking in human beings and exploitation are huge. Those affected have often been subjected to years of grave threats, isolation and deprivation of liberty as well as physical, psychological and sexual violence. This can have a severe impact on physical and mental health; many clients are diagnosed with serious mental after-effects such as (complex) PTSD, serious stress-related symptoms or adjustment disorders as well as affective disorders (in many cases depression). Drug use is also quite prevalent. This is why quality healthcare and psychotherapy are highly needed by individuals affected by trafficking in human beings and exploitation. Specialised counselling centres provide help and support through psychosocial counselling and facilitating access to healthcare, among other things. The KOK data tool indicates that clients received help to get medical care and/or were accompanied to appointments in 338 cases (57 %) (see Table 2).

Regarding legal counsel, specialised counselling centres referred their clients and/or accompanied them to appointments in 384 cases (64 %). This

underlines the key role of specialised counselling centres in helping their clients to understand and exercise their rights.

2.4.3 Support during criminal proceedings

Trafficking in human beings and exploitation are defined as criminal offences in Division 18 of the Special Part of the German Criminal Code ('Offences against personal liberty'). Criminal law makes it a punishable offence to recruit persons to subsequently exploit them and subject them to forced prostitution and forced labour and other exploitative acts. Investigations and criminal proceedings can be, in many respects, a source of stress, uncertainty and worry for people who have been trafficked or exploited. Some of the many fears they may have are linked to their lack of knowledge of their rights and how the proceedings will unfold, the possibility of incriminating themselves, of putting their families at risk or of meeting with the perpetrators.

The German Federal Criminal Police Office's Federal Situation Report on trafficking in human beings and Exploitation reported that in 2023, 299 proceedings were completed regarding sexual exploitation, 36 regarding labour exploitation and 186 regarding exploitation of minors. However, the KOK data tool does not yet collect data on offences related to commercial sexual abuse of minors outside the scope of trafficking in human beings and exploitation that is included in the Federal Police's report as the tool's classification is based on the offences as defined by the German Criminal Code.

Investigations aim to cast light upon facts pertinent under criminal law, thereby establishing if there are sufficient grounds for suspicion to justify bringing charges. In 245 of the 597 cases entered into the KOK database, the specialised counselling centres reported that investigations had been launched – an increase from 35 to 41 % as compared to the previous year.

In 114 cases (47 %), the investigations entered into the KOK data tool were instigated by a complaint on the part of the client. In 115 cases (47 %), investigations were launched ex officio. The most frequent grounds entered into the data tool for investigations were trafficking in human beings (180 cases) and/or forced prostitution (139 cases). The information provided suggests that investigations were instigated on grounds of both criminal offences in many of the cases entered. Investigations on grounds of labour exploitation were listed in 65 cases. All other criminal offences played a rather minor role.

Using the KOK data tool, it is also possible to examine whether the investigation grounds matched the counselling centre staff's assessment. Counselling centre staff reported that trafficking in human beings was involved in 485 cases. However, investigations on these grounds were only carried out in 172 of them (35 %). Among the cases classified as cases of trafficking in human beings by the specialised counselling centres, 121 were (also)

investigated on grounds of forced prostitution. In 426 cases, counselling centre staff believed that the criminal offence committed was forced prostitution. In only 138 (32 %) of these cases did they enter that investigations on these grounds had been carried out.

If a trafficked person decides to make a statement and is consequently expected to testify during criminal proceedings, they are able to rely on support from specialised counselling centres. According to the KOK data tool, clients gave a statement during investigations in 202 cases in 2023.

Since 2017, it has been possible for particularly vulnerable witnesses or persons subjected to particular offences to request professional assistance and counsel during the entire criminal proceedings in accordance with Section 406g of the German Penal Procedure Code (Strafprozessordnung). This is known as 'psychosocial support during court cases' under the German Act on Psychosocial Support During Criminal Proceedings (*Gesetz über die psychosoziale Prozessbegleitung im Strafverfahren*). In any other case, the decision on whether to grant psychosocial support falls within the discretion of the court.

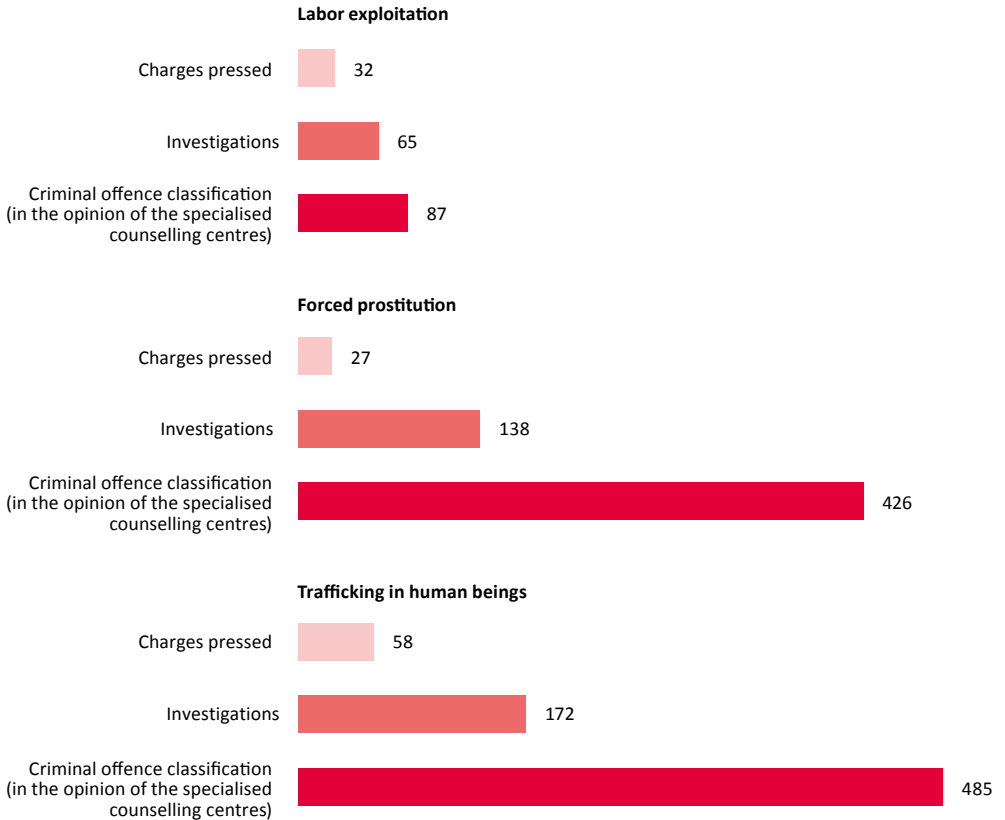
Some of the specialised counselling centres have staff members who are certified to provide psychosocial support during court cases and who take responsibility for this particular task. In most, however, this is not the case, meaning that they either have to bring in external professionals who will provide psychosocial support, something which is not available in every federal state, or the trafficked persons do not receive any psychosocial support during their court case within the meaning of the aforementioned law and instead receive support from the specialised counselling centre staff. As those affected by trafficking in human beings and exploitation are eligible to bring an accessory prosecution when testifying as a witness, they are also entitled to have a lawyer to represent them with respect to this accessory prosecution.

The KOK data tool has only 33 entries for cases where psychosocial support during court cases as provided for by the German Act on Psychosocial Support During Criminal Proceedings was performed. In 8 of these 33 cases, the clients had (already) testified as a witness in criminal proceedings. Clients were allowed to join the proceeding as a private accessory prosecutor in 61 of the 245 investigations (25 %) entered into the KOK data tool for the year 2023.

For 70 cases in the data tool (29 %), it was reported that charges were brought after the investigations ended, sometimes on the grounds of several criminal offences, which explains why the total number of criminal offences entered exceeds the total number of charges listed in the data tool.

In 28 cases, the investigations were discontinued due to failure to identify the perpetrator and in 7 cases due to there being insufficient grounds for suspicion. Charges were pressed most frequently on grounds of offences against personal freedom (forced prostitution, trafficking in human beings, unlawful restraint).

Criminal offence classification (in the opinion of the specialised counselling centres), investigations and indictment



Source: KOK data tool

In 60 cases, it was reported in the KOK data tool that clients testified as witnesses. Persons affected by trafficking in human beings and exploitation are often unfamiliar with German criminal law and are themselves at risk of having to face criminal proceedings, for example because they are residing in Germany illegally or because they are in breach of residence restrictions, the German Narcotics Act or tax regulations. This is why it is paramount that they are informed of their rights and obligations during investigations and criminal proceedings. The specialised counselling centres provided support during criminal proceedings in 112 cases, thereby helping their clients to exercise their rights. In 32 of these 112 cases, the clients had already testified as a witness in criminal proceedings.

2.4.4 Access to compensation

Persons affected by trafficking in human beings and exploitation are often physically and mentally damaged by the violence they were subjected to. Furthermore, their wages for the activities they used to perform have often been withheld in full or in part.

Victims of violence or exploitative working conditions may be entitled to compensation, which can take the form of damages, compensation for pain and suffering or payment of withheld wages. Claims for compensation for pain and suffering or for damages are often dealt with as part of civil proceedings, although it is also possible to have entitlement established in criminal proceedings. In cases where their health has been impaired as a consequence of the offence, they used to be able to make a claim for compensation from the State under the Crime Victims Compensation Act. However, the new Social Compensation Legislation (German Social Code, Part XIV) entered into force on 1 January 2024, thus replacing the Crime Victims Compensation Act. Those affected by trafficking in human beings and exploitation are also eligible to claim compensation for the injuries they have suffered under statutory accident insurance or by filing a claim for compensation for unpaid wages or damages during civil or consolidated civil and criminal proceedings.

Wage compensation was only claimed in 12 cases and victim compensation in only 4, according to the data entered into the tool.

These low numbers corroborate the claim made in other reports that it is very difficult in practice to enforce claims filed by trafficked persons. In addition to various bureaucratic hurdles to overcome (e.g. the question of who is liable to pay lawyers' fees or uncertain, short-term residence permits), those affected often have insufficient knowledge about the different compensation options available, for example through statutory accident insurance or during a consolidated civil and criminal procedure. Another issue is that even if a consolidated civil and criminal/penal procedure is successful, there is no guarantee that the trafficked person will actually receive the money from the perpetrator. The latter often have no above-board assets.

As for the German Crime Victims Compensation Act, this law was often difficult to apply in cases of trafficking in human beings, for example because it did not recognise psychological violence as giving rise to a right to compensation and because the proceedings were lengthy and could take years to reach a conclusion. The new Social Compensation Legislation (German Social Code, Part XIV) replaced the Crime Victims Compensation Act from 1 January 2024. It includes a number of new provisions to make it easier for persons trafficked or exploited to make a claim and obtain benefits under this piece of legislation. Psychological abuse will now also be recognised as giving rise to a claim and all offences against sexual self-determina-

tion will be classed as ‘violence’ under the Social Compensation Legislation. The new legislation also eases the burden of proof as regards the offence and the causality link. It remains to be seen whether these changes will lead to an increase in claims.

3

CONCLUSIONS AND RECOMMENDATIONS

The extensive services provided by specialised counselling centres for trafficked persons continued to be greatly needed in 2023. Clients and cooperation partners made use of their offering. As the available data shows, psychosocial counselling and support as well as dissemination of information played a major role in 2023. The counselling centres’ professional approach and compliance with the quality standards agreed on within KOK were certainly an essential contributing factor. Trafficked persons need this comprehensive support to find their way through the complex and often labyrinthine process of enforcing their rights despite their challenging situation. The dataset (implicitly) points to the resources needed to make this possible. Specialised counselling centres that are members of KOK do indeed report that their work is often challenging due to a decrease in funding and a lack of personnel. Some have not been able to adequately meet requests to counsel and accompany clients in the past year. One had to suspend its services for a while due to a lack of personnel and a tense security situation. Others were unable to take on new clients temporarily, but could rely on the KOK network to call upon other counselling centres’ capacities. Specialised counselling centres urgently need adequate and reliable funding, as is evidenced by the data presented in this report.

Another task that continued to be very time-consuming for specialised counselling centres in 2023 was helping clients sort out their residence situation and supporting them through asylum proceedings. As the data shows, a relatively high proportion of clients come from third countries, meaning that their right of residence is precarious.

It remains to be seen to what extent the changes and tightening of asylum and migration policies decided as part of the reform of the Common European Asylum System will impact the situation of trafficked refugees and the work of specialised counselling centres. Case workers fear that the reform will make it even harder to identify (potential) cases of trafficking in human beings among asylum seekers – a task that is already challenging.

These findings derived from on the ground emphasise the need to move away from political statements of intent and towards tangible action in combating trafficking in human beings and protecting those affected. Two key policies play an essential role in this respect: the right of residence for

trafficked persons regardless of their willingness to testify in cases of trafficking in human beings (agreed upon as part of the coalition agreement) and the draft Act on Assistance in Situations of Violence (*Gewalthilfegesetz*), which aims to provide for reliable funding for support for victims and protection against violence across the country.

The adoption of a national anti-trafficking action plan is a welcome step in the right direction. However, if the policies described in these documents are to be fully effective, additional resources and, most importantly, political will are going to be of paramount importance. Urgent action continues to be needed to improve the human rights situation of trafficked persons in Germany, as has been regularly underlined by KOK in their data reports. Worse still, practitioners fear that the situation for specialised counselling centres will continue to decline due to budget cuts.

The national rapporteur set up within the German Institute for Human Rights will be issuing its first periodic report on the period from 2020 to 2022 in autumn 2024. Its findings will no doubt confirm a number of insights found in the KOK data reports. It will also provide crucial additional information acquired by collating data from various data sources.

Politically, there are opportunities to be seized to meet the aforementioned need for action. In addition to an ambitious National Action Plan to be implemented with a high level of commitment by all stakeholders, the impending implementation of the amended EU directive on preventing and combating trafficking in human beings and protecting its victims opens up possibilities for improving the lives and legal situations of those affected.

The political status quo *must* change. It is now up to the German Federal Government to boldly tackle the urgent necessary improvements described and to put them into practice.

4

APPENDIX

Selected tables / Source: KOK data tool

Table 3: Age

	Number	Percentage
22–29	202	33,84
30–39	191	31,99
18–21	72	12,06
40–49	69	11,56
Not provided	33	5,53
Other entries: 50–60, 14–17 and 60+ und 0–13	30	5,03
All evaluable cases (597) are used as a reference.		

Table 4: Nationality

	Number	Percentage
Nigeria	198	33,17
Romania	46	7,71
Germany	45	7,54
Serbia	36	6,03
Gambia	24	4,02
Other entries: Cameroon, Sierra Leone, Guinea, Uganda, Bulgaria, Benin, Albania, Brazil, Ukraine, Hungary, Congo (DRC), Turkey, Ethiopia, not provided, Ghana, China, Iraq, Colombia, Venezuela, Somalia, Togo, Slovakia, Czech Republic, Georgia, Syria, Thailand, Vietnam, Kenya, Islamic Republic of Iran, Tanzania, Philippines, Poland, Libya, Russian Federation, Brunei Darussalam, Afghanistan, Tunisia, Burundi, United Kingdom, zambia, Yemen, Indonesia, Peru, North Macedonia, Burkina Faso, Palestine, Congo, India, Ivory Coast, Switzerland, Senegal	248	41,54
All evaluable cases (597) are used as a reference.		

Table 5: Areas in which exploitation occurred

	Number	Percentage
Unregistered sexual services in accordance with the German Prostitute Protection Act	406	68,01
Not provided	60	10,05
Registered sexual services in accordance with the German Prostitute Protection Act	43	7,20
General services	36	6,03
Domestic Work	29	4,86
Other entries: miscellaneous/other, other unskilled workers in production, cleaning, criminal activities, catering, begging, au pair, care work, agriculture, transport/logistics, not applicable, construction	102	17,09
All evaluable cases (597) are used as a reference. Multiple answers possible.		

Table 6: Criminal offence classification
(in the opinion of the specialised counselling centres)

	Number	Percentage
Section 232 of the German Criminal Code (trafficking in human beings)	485	81,24
Section 232a of the German Criminal Code (forced prostitution)	426	71,36
Section 233 (labour exploitation)	87	14,57
Section 233a of the German Criminal Code (labour exploitation under unlawful restraint)	32	6,03
Other forms of Exploitation	31	5,19
Other entries: not provided, Section 232b of the German Criminal Code (forced labour), not applicable	44	7,37
All evaluable cases (597) are used as a reference. Multiple answers possible.		

Table 7: Initial contact made via

	Number	Percentage
Not provided	98	16,42
Police	97	16,25
Asylum and integration counselling centre/ Accommodation for Refugees	75	12,56
German Customs - Financial control of undeclared work	55	9,21
Other Counselling Services	51	8,54
Other entries: Community, self identified, specialised counselling centre for trafficked persons, other, other multipliers, unknown, Federal Office for Migrations and Refugees, initiatives and institutions, other authorities, doctors and other medical professionals, women's shelter, asylum- and integration counselling, streetwork, Federal Police, authorities under the German Prostitute Protection Act, client, not applicable, 'Violence against Women' support hotline	221	37,02
All evaluable cases (597) are used as a reference.		

Table 8: Residence status

	Number	Percentage
Temporary residence permit	143	23,95
Exceptional leave to remain	123	20,60
Not provided	77	12,90
Other	63	10,55
Granted freedom of movement	57	9,55
Other entries: German citizenship, Section 25, para. 3 of the German Residence Act, Section 25, para. 4a of the German Residence Act (trafficking in human beings), Section 25, para. 2 of the German Residence Act, Securing residence through employment, Training, Gainful	134	22,45
All evaluable cases (597) are used as a reference.		

Table 9: Outcome of preliminary proceedings

	Number	Percentage
Not provided	124	50,61
Charges filed	70	28,57
Discontinued due to failure to identify perpetrator	28	11,43
Not applicable	11	4,49
Discontinued due to insufficient grounds to suspicion	7	2,86
Other entries: Discontinued due to insignificance, Discontinued due to other offences	5	2,04
Cases in which there was an investigation (245) are used as a reference.		

Table 10: Charges brought for: Offences against personal freedom

	Number	Percentage
Trafficking in human beings	58	82,86
Labour exploitation	32	45,71
Forced prostitution	27	38,57
Cases in which charges were brought (70) are used as a reference.		

PUBLICATION DETAILS

2024 KOK REPORT

DATA COLLECTION IN THE CONTEXT OF TRAFFICKING IN HUMAN BEINGS AND EXPLOITATION IN GERMANY

Data collection period: January to December 2023

Publisher:

German NGO Network against Trafficking in Human Beings – KOK
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and Policy Advice)

Editor: KOK e. V. German NGO Network against Trafficking in Human Beings

Graphic design and composition: Ricarda Löser

Cover image: istockphoto.com / Orbon Alija

Legally responsible for content: Sophia Wirsching

Translation and Editing: Fiona Sculler, Rosy Skilton

Printed by: dieUmweltDruckerei GmbH, Groß Oesingen

Number of copies: 75

Bank account details:

KOK e. V.

Evangelische Bank eG

IBAN: DE43 5206 0410 0003 9110 47

BIC: GENODEF1EK1

ISBN: 978-3-9825203-4-6

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KOK is funded by:



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

DATA PROTECTION LAW

The specialised counselling centres for trafficked persons are familiar with handling sensitive data in their work with trafficked persons, data which is collected both for their counselling work and for statistical purposes. Dealing with such sensitive data is risky. Increasing digitalisation (including with respect to the KOK data tool) poses major challenges as regards data security and data protection. KOK and the specialised counselling centres adhere to stringent legal data protection standards when collecting case data as well as in connection with the development and maintenance of the KOK data tool.

In all cases, the voluntary consent of the client is required before their data is entered into the tool by the specialised counselling centre, and a cooperation agreement must be concluded between the specialised counselling centres and the KOK office. This is also when data protection agreements are secured.

In order to live up to its own high standards in relation to data protection and data minimisation, KOK has an external service provider perform data protection an impact assessment on a regular basis, using a different provider every time. The assessments cover various aspects, including the data collection environment (the technical and organisational data protection measures in place to ensure data protection) provided by KOK, its IT contractor 3plusX and participating specialised counselling centres, which are randomly checked. The software used and the server are also regularly scrutinised. If any risks are identified, measures are put into place to fix them or at least minimise them. This means that risks are regularly reassessed and addressed in collaboration with counselling centres and the aforementioned stakeholders.

The data protection impact assessment is made available to all cooperating counselling centres.

The specialised counselling centres' numerous years of experience in handling sensitive personal data and the ongoing monitoring of data protection in relation to the KOK data tool guarantee that the highest possible standards are met and at the very least that the GDPR is complied with. Indeed, the data tool aims to go further than the prevailing European standards in some respects, thereby setting the benchmark in terms of data collection methods that are mindful of fundamental rights, thanks to the use of supporting tools like structured checklists for a secure working environment, a user manual for the data tool, and declarations of consent for data processing in numerous languages, including plain German.¹

1 The data protection measures and requirements applicable to data collection are set out in detail in KOK's first report published in 2020, *Defining the Gap: Data Collection on Trafficking in Human Beings and Exploitation in Germany – The Civil Society Approach of the KOK*. <https://www.kok-gegen-menschenhandel.de/en/news/news/kok-news/new-kok-report-on-data-collection-and-data-protection-released>

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