

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**



**Recommendation CP/Rec(2024)03
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Germany**

*adopted at the 34th meeting of the Committee of the Parties
on 21 June 2024*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Germany on 19 December 2012;

Recalling Committee of the Parties' Recommendation CP/Rec(2019)06 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Germany and the report of the German authorities on measures taken to comply with this recommendation, submitted on 16 October 2020;

Having examined the third report concerning the implementation of the Convention by Germany, adopted by GRETA at its 50th meeting (18-22 March 2024), as well as the comments of the German Government received on 6 May 2024;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Germany;

Welcoming the measures taken and progress achieved by the German authorities in implementing the Convention, and in particular:

- the further development of the legislative framework relevant to combating human trafficking, including by adopting the Act on Corporate Due Diligence in Supply Chains and expanding the criminalisation of the use of sexual services to include users of services who fail to recognise the trafficking victim's situation due to recklessness;
- the appointment of the German Institute of Human Rights as the National Reporting Mechanism on human trafficking;
- the introduction in the German Social Code of a new mechanism for state compensation which applies to victims of human trafficking;
- the steps taken to combat trafficking for the purpose of labour exploitation, including the expansion of the mandate of the Unit for Financial Control of Undeclared Work (FKS) to take action against human trafficking and forced labour;
- the efforts made in developing international co-operation in the fight against trafficking in human beings.

A. Recommends that the Government of Germany take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. make efforts to guarantee effective access to compensation for victims of human trafficking, in line with Article 15 (4) of the Convention, including by:
 - enabling all victims of trafficking, irrespective of their residence status, to effectively exercise their right to compensation primarily in the criminal proceedings, or in civil and labour law proceedings;
 - making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB (paragraph 80);
2. take further steps to ensure consistent application of the principle of non-punishment of victims of human trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so. Consideration should be given to amending section 154c(2) of the CPC and issuing of guidance to prosecutors and other relevant professionals on how to apply the non-punishment provision to victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so (paragraph 110);
3. ensure that direct confrontation of victims and defendants in human trafficking cases is avoided, to the extent possible, making use of audio-visual equipment and other appropriate methods (paragraph 119);
4. develop a comprehensive national action plan or strategy against trafficking in human beings which addresses all forms of exploitation (paragraph 27).
5. set up and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims (paragraph 153);
6. make further efforts to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:
 - setting up and further developing co-operation agreements in all Länder which cover all forms of human trafficking and follow a multi-agency approach to victim identification;

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

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- ensuring that, in practice, the identification of victims of trafficking, is not linked to the prospects of the investigation and prosecution;
 - paying increased attention to the identification of victims of trafficking among asylum seekers and migrants, including by recruiting a sufficient number of staff, interpreters and cultural mediators, and providing them with training on human trafficking. In this respect, reference is made to GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection;
 - providing specialised counselling centres involved in the identification of victims of trafficking amongst asylum seekers with sufficient resources to enable them to fulfil this task;
 - review the application of the Dublin Procedure to presumed victims of human trafficking and conduct risk assessments in order to prevent victims being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked (paragraph 191);
7. provide adequate assistance, including safe accommodation, adapted to the specific needs of victims, including male and transgender victims of human trafficking (paragraph 202);
 8. take further measures to improve the identification of, and assistance to, child victims of trafficking, and in particular:
 - ensure that relevant stakeholders (police, public prosecutors, immigration officials, social workers, childcare services, health-care professionals and teachers) take a proactive approach and increase their outreach work to identify child victims of trafficking, paying increased attention to online trafficking and forms of human trafficking other than for sexual exploitation;
 - ensure that child victims of human trafficking, including unaccompanied and separated children, are provided with accommodation which creates a safe and enabling environment for children, paired with enough adequately trained staff, and have access to health care and education;
 - continue to take actions to reduce the risk of unaccompanied and separated children going missing (paragraph 211);
 9. ensure, in compliance with the obligations under Article 13 of the Convention, that all possible foreign victims of trafficking, including those falling under the Dublin Regulations, are offered a recovery and reflection period and are able to fully benefit from all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 217).
- B. Recommends that the German authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.
- C. Requests the German Government to report to the Committee of the Parties on the measures taken to comply with this recommendation by **21 June 2026**.
- D. Invites the German Government to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.