



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

**Recommendation CP/Rec(2019)06
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Germany**

*adopted at the 25th meeting of the Committee of the Parties
on 18 October 2019*

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(2015)2 of 15 June 2015 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 15 June 2017;

Having examined the second report concerning the implementation of the Convention by Germany adopted by GRETA at its 34th meeting (18-22 March 2019), as well as the comments of the German Government received on 15 May 2019;

1. Welcomes the progress made by Germany since the first round of evaluation in the following areas:

- the further development of the legislative framework relevant to action against trafficking in human beings (THB), including amendments to the Criminal Code concerning the offence of trafficking in human beings and related offences, amendments to the Residence Act concerning the issuing of residence permits to victims of trafficking, and the introduction of new provisions of the Code of Criminal Procedure improving the protection provided to victims, including access to free psychosocial support during court proceedings;
- the legislative changes facilitating confiscations and the use of the confiscated items for the compensation of victims of crime, including victims of trafficking;
- the efforts to provide training on human trafficking to relevant professionals and to expand the categories of staff targeted, following a multi-agency approach;

- the increased attention to action against human trafficking for the purpose of labour exploitation, including the establishment of a federal working group focusing on this issue and the Service Centre against Labour Exploitation, Forced Labour and Human Trafficking;
- the developments of the Federal Co-operation Guidance on Protecting and Supporting Child Victims of Trafficking and Exploitation;
- the efforts made in the area of international co-operation, including in the investigation of cases of transnational trafficking in human beings, funding projects in countries of origin of victims of trafficking, and promoting multilateral co-operation in combating human trafficking.

2. Recommends that the German authorities take measures to address the following issues for immediate action identified in GRETA's report:

- develop a comprehensive national action plan or strategy against THB which addresses all forms of exploitation;
- set up and maintain a comprehensive and coherent statistical system on THB by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking provide information for the national data collection;
- intensify their efforts to prevent THB for the purpose of labour exploitation, in particular by:
 - training relevant officials, including police officers, inspectors of the Financial Monitoring Unit to Combat Illicit Employment (FKS), prosecutors and judges, on THB for labour exploitation and the rights of victims;
 - strengthening the monitoring of recruitment and temporary work agencies;
 - raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;
 - ensuring that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking;
 - working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business;
- ensure that unaccompanied and separated children benefit from effective care arrangements, including appropriate accommodation, access to education and health care, with a view to preventing human trafficking;
- take further steps to ensure that victims of THB are identified as such in a proactive and timely manner, and in particular to:
 - strengthen multi-agency involvement in victim identification for all forms of exploitation, by giving a formal role in the identification process to frontline actors and enabling identification independently of the initiation of criminal investigations, by setting up and further developing co-operation agreements and structures in all Länder, by including all relevant professionals in these mechanisms, and by providing guidance and training on the implementation of the pertinent procedures to all these professionals;

- increase their efforts to proactively identify victims of trafficking for the purpose of labour exploitation, by expanding FKS's mandate to cover the detection of victims of THB and their referral to assistance, including in domestic households, and by reinforcing the capacity and training of officials of the FKS and other relevant agencies, providing them with clear instruction on the detection and referral of cases of THB, and involving trade unions and NGOs;
- pay increased attention to the proactive detection of victims of trafficking among asylum seekers, by providing training and clear instructions to staff of the Federal Office for Migration and Refugees (BAMF) and staff of asylum reception centres on how to proceed when detecting indicators of THB;
- provide specialised counselling centres involved in the identification of victims of trafficking amongst asylum seekers with sufficient resources to enable them to fulfil this task;
- provide adequate assistance, including safe accommodation, adapted to the specific needs of male victims of THB;
- improve the identification of, and assistance to, child victims of trafficking, in particular by:
 - effectively implementing as a matter of priority the Federal Co-operation Guidance on Protecting and Supporting Child Victims of Trafficking and Exploitation, at all levels of government; to this end, federal, Länder and local authorities should deploy the necessary financial and staff resources;
 - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, including by paying particular attention to unaccompanied and separated foreign children;
 - providing training to stakeholders (including police officers, NGOs, child welfare services, social workers, teachers and health-care professionals), as well as guidance on the identification of child victims of THB for different purposes, including the exploitation of begging and criminal activities, drawing on the indicators provided in the Federal Co-operation Guidance on Protecting and Supporting Child Victims of Trafficking and Exploitation;
 - providing adequate support and services which are adapted to the needs of child victims of trafficking, including by ensuring that there is a sufficient number of accommodation places;
 - ensuring the timely appointment of guardians for unaccompanied and separated child victims, in line with General Comment No. 6 (2005) of the Committee on the Rights of the Child;
- ensure, in compliance with Article 13 of the Convention, that all possible foreign victims of trafficking are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period. Staff performing identification, and in particular staff who may come into contact with victims of trafficking for the purpose of labour exploitation and the recently criminalised forms of exploitation (forced begging, forced criminality), should be issued with clear instructions stressing the need to offer the recovery and reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation and offering it to victims before formal statements are made to investigators. The data collection on THB should include the number of recovery and reflection periods granted;
- take further steps to facilitate and guarantee access to compensation to victims of THB, and in particular to:
 - review the criminal and civil procedures regarding compensation for victims of trafficking with a view to improving their effectiveness;

- enable victims of trafficking to exercise their right to compensation, by informing them, in a language they can understand, of the right to compensation and the procedures to be followed, and building the capacity of legal practitioners to support victims to claim compensation;
- include victim compensation in training programmes for law enforcement officials, prosecutors and judges;
- ensure that all victims of trafficking, including children, have effective access to State compensation, regardless of their nationality or residence status, type of exploitation and without needing to have sustained a physical violence.

3. Requests the Government of Germany to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **18 October 2020**.

4. Recommends that the Government of Germany take measures to implement the further conclusions of GRETA's second evaluation report.

5. Invites the Government of Germany to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.