

Reply by the German Länder on the questionnaire for evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings - third evaluation round (ENGLISH VERSION)

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| | 1. Right to information (Articles 12 and 15) |
| | 1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist. |
| Baden-Württemberg | Providing the relevant information is the responsibility of the police. There are no information materials specifically for this state. See the victim information sheet issued by the Federal Ministry of Justice (BMJ), which is available in all languages. This is handed out to the victims by the police in a language they can understand after they become aware of a suspected case of THB. |
| Bavaria | <p>Informing victims of THB about their rights (incl. compensation) takes place before the conclusion of the examination of witnesses, if not before. Appropriate forms are available for this purpose in a variety of languages. The information is also adapted verbally to the mental maturity of the person concerned. As an example, this instruction sheet on the rights is attached in German and English (Anlagen Bayern)¹.</p> <p>The officer carrying out the questioning usually provides the information verbally and in writing, generally with the assistance of an interpreter. Wherever possible, victims of THB are provided with information supplied by specialised counselling centres (JADWIGA, SOLWODI). This is available to all officers for download on the homepage of the Bavarian State Criminal Police Office (BLKA), Department 533. As an example, a flyer is enclosed which was issued by the counselling centre JADWIGA, including contact details. The state-supported specialised counselling centres Jadwiga Ökumenische gGmbH and Solwodi Bayern e.V. also work with lawyers in some cases and arrange legal help for the victims.</p> <p>When it comes to dealing with children who have become victims of THB/exploitation, case workers can find a wealth of information on the homepage of the BLKA's Human Trafficking Unit. There is no specific information for handing out to child victims, however.</p> |
| Berlin | <p>If the Berlin authorities come into contact with trafficked persons, they inform them of the possibility of comprehensive counselling at specialised counselling centres. The Berlin Cooperation Agreement between the police and the institutions Ban Ying, ONA and IN VIA states the following, for example:</p> <p>“When the investigating authorities contact a potential victim for the very first time, the person must be informed of the possibilities of receiving support from an independent counselling centre. The women concerned are to be handed a sheet with information about the possibilities of contacting counselling centres, if possible in their respective mother tongue. In this connection, it should be pointed out that the</p> |

¹ Please note that it is not possible to translate the attachments. Therefore they are designated in their original denomination.

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| | <p>counselling centres are non-governmental, perform differing functions and are bound to secrecy.”</p> <p>The Berlin Immigration Office (LEA) also advises presumed trafficked persons on their rights and obligations under residence law, if necessary also providing information on the asylum procedure. In addition, the Berlin Immigration Office (LEA) hands out an information sheet to persons concerned which contains information on obtaining a residence permit in accordance with Section 25 (4a) or (4b) of the Residence Act (AufenthG), as well as information on the fact that any outstanding claims against the employer can be asserted in court. The information sheet also lists specialised counselling centres which those concerned can consult free of charge and anonymously. It is available in German, Bosnian, Serbian and Macedonian (see annex “LEA Hinweisblatt für Betroffene in Anlage Berlin”). Furthermore, the following counselling services are available at the Berlin Immigration Office (LEA), which can of course also act as a point of contact for victims of THB:</p> <ul style="list-style-type: none"> – the Berlin Immigration Office the counselling service, which provides advice on all questions concerning residence (also in English), – the clearing centre and migration counselling provided by the welfare associations, – free legal counselling available in various languages, and – the counselling service provided by the International Organization for Migration (IOM). <p>Further information on the above-mentioned counselling options is available online at: https://www.berlin.de/einwanderung/service/beratung/</p> <p>The Berlin State Office for Refugee Affairs (LAF) also cooperates with the specialised counselling centres and refers trafficked persons accordingly (cf. also <i>Leitfaden zur Identifizierung besonderer Schutzbedarfe</i> – guidelines for the identification of special protection needs, https://www.berlin.de/lb/intmig/_assets/veroeffentlichungen/gefluechtete/leitfaden_schutzbeduerftige_gefluechtete.pdf).</p> |
| Brandenburg | <p>Reference is made here to Section 42 of the Federal Government’s written reply to GRETA’s recommendations from the second round of reports. The information services provided by the public care authorities of the <i>Länder</i> are also mentioned here: https://www.coe.int/en/web/anti-human-trafficking/germany_</p> <p>Children and adolescents are to be involved in all decisions of public youth welfare services affecting them in accordance with Section 8 of Book VIII of the Social Code (SGB) and are to be made aware of their rights in administrative proceedings and in proceedings before the family court and the administrative court in an appropriate manner. Participation and consultation is to take place in a form that is understandable, comprehensible and perceptible to children and young people and is to be appropriate to their stage of development. According to Section 8a of Book VIII of the Social Code (SGB), youth welfare offices are also mandated to assess the risk of endangerment as soon as they have serious grounds for assuming that a child’s well-being is at risk, and to offer appropriate help if necessary. This means that as soon as the youth welfare offices become aware of any indication of a possible danger, contact is made with the legal guardians, the child or the adolescent, insofar as this does not put the protection of the child or adolescent at risk. Child protection procedures require good cooperation at the interface with all actors involved (e.g. courts, police, public prosecutors, healthcare authorities, schools, daycare centres), as was stipulated in concrete terms</p> |

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| | <p>with the entry into force of the Act to Strengthen Children and Youth (KJSG) on 10 June 2021 with regard to cooperation and the authority to transfer data accordingly.</p> <p>At the initial reception centre for asylum seekers in the state of Brandenburg, the persons concerned are instructed about their rights and options with regard to self-protection. The relevant information is handed out at the time of admission and initial registration and is proactively requested by means of a self-assessment questionnaire. Further counselling is then provided by the staff of the psychosocial services.</p> |
| Bremen | <p>According to Section 406i of the Code of Criminal Procedure (StPO), victims must be informed of their prerogatives as early as possible; the information must be provided in writing on a regular basis and as far as possible in a language they can understand. In Bremen when possible, victims of criminal offences are informed of their rights when the facts of the case/the report are taken on site, providing the situation allows for this to happen, and providing the victim is receptive, able to follow the explanations of the police officer and is not suffering excessively from what has happened. Victims are always handed the <i>Opfermerkblatt – Kurzform</i> (“Victim Information Sheet – Short Version”) (Anlage Bremen). This information sheet contains fields for the case number and a QR code as well as initial information for victims of crime. The QR code then takes the victim directly to the Bremen police website (in this case: <i>Rat und Hilfe > Opferschutz</i>, https://www.polizei.bremen.de/rat-und-hilfe/opferschutz-2237): here it is possible to access the long version of the victim information sheet. If the victim does not have access to the internet or explicitly requests the six-page version, it must be handed out to them. In addition to the information sheet for victims of crime, reference is made to the “Guide to the Bremen Victim Assistance System” (https://www.polizei.bremen.de/rat-und-hilfe/opferschutz/wegweiser-bremer-opferhilfesystem-9478). This lists all of Bremen’s support organisations (for both victims and perpetrators). Furthermore, it is possible to hand out the so-called <i>Opferfibel – Informationen für Betroffene von Straftaten rund um das Strafverfahren</i> (“Victims’ Guide – information for victims of criminal offences about criminal proceedings”) issued by the Federal Ministry of Justice (BMJ). If the police officers who intervened first did not provide the appropriate instructions or information to the victims, this can be done afterwards by the investigating unit. Another information brochure is issued by the Federal/<i>Länder</i> police crime prevention programme ProPK (<i>So hilft die Polizei Kriminalitätsoffer – “How the police helps victims of crime”</i> – available as a brochure or also on the website www.polizei-beratung.de). With regard to materials for child victims, targeted referrals are made to aid organisations (e.g. Verein für Innere Mission in Bremen, emergency call services). There are (psychologically) trained professionals working for these organisations who are specialised in working with children. Victims of THB are generally informed of their rights by the Bremen police in a language they understand (if necessary through language mediators) during the initial questioning of witnesses. They are handed the multi-page victim information sheet and the additional information in paper form. Furthermore, they are informed of the availability of the non-governmental organisation BBMeZ (counselling centre for victims of THB and forced prostitution).</p> |
| Hamburg | <p>The specialised unit of the Hamburg police responsible for dealing with THB and forced prostitution (LKA 65) regularly informs victims of such acts about their rights in a language they can understand. The Public Prosecutor’s Office informs the victims according to No. 173 of the Statutory Guidelines for Criminal Cases and Administrative Fines (RiStBV). In all court proceedings, the presiding judges also have the possibility to refer to witness support or psychosocial support in legal proceedings; in individual cases, victim witnesses can be assigned a counsel ex officio.</p> |

According to legal obligations, the Hamburg police inform the victims of all criminal offences about the rights they are entitled to (protection rights in criminal proceedings, right to social compensation) as well as the specialised support facilities and counselling centres available in Hamburg. This information is provided at the first contact and/or in the further course of the investigation procedure. For this purpose, the police use the joint information sheet issued by the police and the Hamburg Public Prosecutor's Office (StA Hamburg), *Merkblatt über Rechte von Verletzten und Geschädigten in Strafverfahren* ("Information sheet on the rights of injured parties and victims in criminal proceedings", StP 500 including supplementary form). In addition, the brochure *Ihre wichtigsten Rechte als Opfer einer Straftat* ("Your main rights as the victim of a crime" – in German) provides information in easy, comprehensible language:

<https://www.polizei.hamburg/contentblob/15567338/82141ac788ec7b8dce08c73085057aab/data/rechte-fuer-opfer-einer-straftat-do.pdf> and the brochure *Opferhilfeeinrichtungen und Beratungsstellen* ("Victim aid organisations and counselling centres"): <https://www.polizei.hamburg/contentblob/16198452/51f8ddb30bec4512ef4ebc4895f7beaa/data/opferhilfeeinrichtungen-stamd-2022-do.pdf>

Optionally, reference can be made to the victim information sheet and especially for minors the brochure *Ich habe Rechte* ("I have rights", issued by the Federal Ministry of Justice and Consumer Protection – BMJ):

(https://www.bmj.de/SharedDocs/Publikationen/DE/Ich_habe_Rechte.html)

The above-mentioned information sheet StP 500 is available in the following languages; Spanish, Croatian, Arabic, English, Serbian, Latvian, Italian, Dutch, French, Bulgarian, Persian, Turkish, Portuguese, Hungarian, Greek, Polish, Russian, Czech, Albanian, Lithuanian, Vietnamese and Romanian (Anlagen Hamburg).

There is a cooperation agreement between the Hamburg police and KOOFRA e.V. (Coordination Office against Trafficking in Women) to protect trafficked persons. Information material issued by KOOFRA e.V. is available in various languages from the StateCriminal Police Office (LKA 65: <https://www.koofra.de/infos/>)

Trafficked persons are referred directly to KOOFRA e.V. if necessary. An individual notification is provided by employees of LKA 65 at the first contact, but certainly no later than before questioning is carried out by an interpreter in a language understandable to the persons concerned. Trafficked persons are entitled to psychosocial support in legal proceedings; they are also informed about this at the police station. A specialist in providing psychosocial support in legal proceedings can attend a police-questioning of a victim. Furthermore, the (presumed) victims of THB are informed about their rights directly during the initial counselling at the specialised counselling centre KOOFRA; counselling takes place in the mother tongue of the trafficked persons. Counselling takes place immediately after the trafficked person has been identified, i.e. before they decide whether or not they wish to testify to the police.

Victims of unofficial adoptions are supported free of charge in the search for their origins, in establishing contact with the family of origin and, if necessary, in other matters, or else they are referred to the appropriate specialised agencies. The offer of support is referred to in German on the website <https://www.hamburg.de/gza/> .

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| Hesse | <p>On the initiative of the Hessian Ministry of Justice, victim support associations have been established in Hanau, Kassel, Gießen, Wiesbaden, Frankfurt am Main, Fulda and Darmstadt. In Limburg-Weilburg, it was possible to establish cooperation with existing associations. As such, Hesse has a state-wide network of eight victim counselling centres through which victims and witnesses of all kinds of crimes, as well as witnesses, relatives and confidants of the injured parties can obtain counselling free of charge provided by specially trained social workers. Victim support services receive annual funding through the justice budget to support, guide and inform both victims and witnesses of all kinds of criminal offences and their relatives and confidants so as to help them cope with the consequences suffered as a result of a criminal offence. If necessary, victim support services also refer victims to specialised counselling services (e.g. for sexualised or racist violence). Anyone can take advantage of the counselling service, regardless of their age, gender or nationality. In cases where the persons concerned do not speak German, interpreters can be called in. The offer of counselling is confidential and free of charge. It is not linked to the filing of criminal charges. Counselling can cover the following areas:</p> <ul style="list-style-type: none"> • Psychological first aid • Trauma counselling • Information on criminal charges, private accessory prosecution, private prosecution and the conduct of criminal proceedings • Personal escort to the court and to the police station • Provision of information on financial assistance options • Assistance with applications (victim compensation, protection against violence) • Assistance in contacting lawyers, psychotherapists, youth welfare offices, women’s shelters, etc. <p>In addition to victim counselling, witness support in the form of supervised witness rooms has also been included in the range of services offered by victim support associations. In order to do justice to the difficult situation of witnesses in court, Hesse responded to these problems as early as 1987 by creating a special facility in courts for witnesses and court visitors. In this way, Hesse was a pioneer in the establishment of witness support centres within the justice system. This service does not require an application and is available to all victims and witnesses free of charge.</p> <p>In order to provide witness support during proceedings, the expert counsellors at the Hessian victim assistance centres and those providing specialised witness support at the Frankfurt am Main and Limburg an der Lahn Regional Courts use the witness rooms, which are available in all nine Hessian Regional Court districts. The rooms provide a retreat for the victim to mentally adjust to the trial situation. They also serve to shorten any waiting times and avoid any possible encounters with the offender or their relatives in the court corridors. Furthermore, the witness rooms are furnished in a child-friendly manner, also facilitating care of young children. Those seeking advice are informed about the course of the criminal proceedings and about their rights and obligations as a witness through the witness support service. Fears and anxieties in connection with the court appearance can be addressed and dealt with. Questions about the outcome of proceedings are also answered after a trial. This includes informing witnesses about support, participation and protection options available for victim protection and assisting them in submitting applications. Those seeking advice also receive information in connection with these services, especially relating to organisational issues such as travel, financial compensation, childcare and the rescheduling of appointments.</p> |
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| <p>Mecklenburg-Western Pomerania</p> | <p>Presumed victims and victims of THB are systematically informed about their rights in the implementation of Section 406i of the Code of Criminal Procedure (StPO) by the competent units of the state police. During initial contact with the police, the information sheet issued by the Federal Ministry of Justice (BMJ) for crime victims (see https://www.bmj.de/SharedDocs/Publikationen/DE/Opfermerkblatt.pdf?__blob=publicationFile&v=21) is handed out in a language that the (presumed) victim can understand (there are currently 30 non-German language versions available, as well as German versions in easy-to-understand language), and this is documented in the file. Public prosecutors' offices also hand out this information sheet. In addition, those concerned are referred to local victim support and assistance facilities, cf. https://www.polizei.mvnet.de/static/POL/Dateien/PDF/IM/20190926_Übersicht_Fachberatungsstellen_Stand_September_2019_Internet.pdf, ODABS – online database for the victims of crime: start and help, hilfe-info.de Homepage.</p> <p>In connection with THB, these are ZORA (specialist counselling centre for the victims of THB on sexual exploitation and forced marriage) and CORRECT! (counselling centre for foreign workers in Mecklenburg-Western Pomerania and for combating THB and labour exploitation). In situations where victims are questioned, the Victims' Guide (<i>Opferfibel</i>) issued by the Federal Ministry of Justice (BMJ) is used in particular, cf. https://www.bmj.de/SharedDocs/Publikationen/DE/Opferfibel.pdf?__blob=publicationFile&v=21, (also available in English) as is the information material on psychosocial support in legal proceedings, cf. https://www.bmj.de/SharedDocs/Publikationen/DE/Psychosoziale_Prozessbegleitung.pdf?__blob=publicationFile&v=9. The information material on psychosocial support in legal proceedings is also available in seven other language versions. Currently, the Federal Ministry of Justice (BMJ) provides information for children with the publication <i>Du bist nicht allein – Deine Begleitung im Strafverfahren</i> ("You are not alone – your support during criminal proceedings", cf. https://www.bmj.de/SharedDocs/Publikationen/DE/BMJ_Kinderbuch_Strafverfahren.pdf?__blob=publicationFile&v=5. Furthermore, the information offered by the Federal/<i>Länder</i> police crime prevention programme ProPK is also used, cf. https://www.polizei-beratung.de, under the keywords victims' rights and THB. The same applies to information on the services provided by local trauma outpatient clinics in Mecklenburg-Western Pomerania. In this area, there are also special offers for children, cf. https://www.lagus.mv-regierung.de/Soziales/Soziales_Entschaedigungsrecht/Traumaambulanz/. The eight publications attached as Anlagen Mecklenburg-Western Pomerania are also used by the state police. General information for victims of crime is also available on the homepage of the state police, cf. https://www.polizei.mvnet.de/Prävention/Opferberatung/.</p> |
| <p>Lower Saxony</p> | <p>The law enforcement authorities in Lower Saxony inform and instruct suspected victims of THB immediately after a report has been filed or a criminal offence has become known in accordance with the legal requirements of the Code of Criminal Procedure (StPO). An explanation is provided of the conduct of possible criminal proceedings and the rights under the Act on Compensation for Victims (OEG). Interpreters are called in if necessary. In the course of further processing by the specialised police unit, information material issued by the Federal Criminal Police Office (BKA) on the topic of THB is used in preliminary talks and questioning. These can be requested via the Federal Criminal Police Office (BKA) (Department SO 41). The law enforcement authorities in Lower Saxony do not have special information material for child victims of THB. In addition, the services offered by the specialised counselling centres relating to THB are explained and contacts are arranged if</p> |

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| | <p>necessary.</p> <p>At the arrival centres and the locations of the State Reception Authority of Lower Saxony (LAB NI), the standardised initial interview has proven effective in identifying vulnerable groups, since talks are systematically offered, referral counselling is provided to specialised counselling centres such as Kobra e.V. and SOLWODI e.V., information material issued by specialised counselling centres can be handed out and contacts can be established.</p> <p>Once victims of THB have been identified, the above-mentioned specialised counselling centres are immediately called in to provide further counselling and support.</p> <p>In addition, the following aspects relevant to the area of responsibility of the Lower Saxony Ministry for Social Affairs, Health and Equality (MS NI) have to be taken into account:</p> <ol style="list-style-type: none"> 1. Possibilities of identifying victims of THB as part of independent asylum procedure counselling and thereafter targeted counselling of these individuals in the context of the asylum procedure, as well as close cooperation with LAB NI social services (violence protection concept). In order to achieve this, qualifications are being strengthened in the following areas among counsellors within the Lower Saxony Cooperative Migration Work (KMN) network: gender perspective, intersectionality, protection against violence, counselling of victims of THB. 2. Possibilities of identifying victims of THB in the context of migration counselling and cooperation with the specialised agencies in the context of THB (e.g.: women’s shelters, Kobra e.V., counselling centres for victims of THB and violence, other social services, police, judiciary, etc.). Also in this context, skills are taught through the KMN. These include: <ul style="list-style-type: none"> • Information dissemination • Digital training and seminars • Conferences 3. Targeted intensification of cooperation and strengthening of skills in the advisory institutions in several areas of responsibility (right of residence, migration and participation, equality, justice, health). Cooperation takes place through the KMN, for example. MS NI is responsible for leading the network. |
| North Rhine-Westphalia | <p>Mädchenhaus Bielefeld (girls’ shelter) has produced various information materials on the rights of girls and young women who are threatened by or suffer violence, also in different languages. These are available here: https://www.maedchenhaus-bielefeld.de/maedchen.html</p> <p>Insofar as victims of THB for sexual exploitation receive counselling and support at the eight specialised counselling centres for female victims of THB for sexual exploitation funded by the state, they are informed at these centres about the rights to which they are entitled. Information</p> |

materials are multilingual. The counselling centres work with interpreters. The Equal Opportunities Department of the Government of North Rhine-Westphalia provides information and materials for female victims of sexual exploitation at: <https://www.mkjfgfi.nrw/menue/gleichstellung/exitnrw/nordrhein-westfalen-gegen-zwangsprostitution>. A funding programme for women's support infrastructure was launched in spring 2022 called need-help.nrw which is specifically aimed at the target group of women affected or threatened by gender-based, sexualised violence who have fled Ukraine. In addition, the appropriately named publicity campaign "need-help.nrw" has drawn attention to dangers in connection with displacement, violence against women and THB. need-help.nrw refers to the victim protection platform operated by the state of NRW.

All these offerings are multilingual.

On the NRW victim protection platform (operated by the NRW state government), victims of THB can find information and contact points for counselling services. This information is available in German, English, French, Turkish, Ukrainian, Russian and Arabic. Link: <https://www.opferschutzportal.nrw/themen-von-z/menschenhandel>

In cases of THB, victims are questioned by the police as witnesses with the help of an interpreter if they do not speak German. In the course of this questioning, the persons concerned are informed about their rights as injured parties. As standard, they are handed the information sheet for victims of crime, which is available in 29 languages. Attached as Anlagen Nordrhein-Westfalen are the following information materials for victims of crime: a) "220722_273-FB-So-hilft-die-Polizei-Kriminalitaetsopfern_DEU_ENG-ARA", b) "220722_314-FB-So-hilft-die-Polizei-Kriminalitaetsopfern_DEU_UKR_RUS" and c) "220722_Merkblatt_fuer_Opfer_einer_Straftat_deutsch". A high priority for the North Rhine-Westphalia police is also combating and providing protection from sexualised violence and from the exploitation of children and adolescents, including prevention of "child sex tourism" and the so-called "lover boy method". Employees of the organisational units for crime prevention and victim protection of the district police authorities (KPB) contribute their criminological expertise in the field of THB and sexual exploitation of minors, not least by offering professional development courses for educational staff such as teachers and information events for parents. In this connection, they provide information on identifying cases of sexualised violence and exploitation of children and adolescents as well as on "child sex tourism" and the "lover boy method", for example.

The Federal Government/*Länder* police crime prevention programme ProPK provides information for interested citizens and professionals about the types of THB and perpetrators' strategies, such as the "lover boy" method and "child sex tourism". In addition, it offers victims advice on what they can do if they have been trafficked, informs them about the rights and remedies to which foreign trafficked persons are entitled, and provides information about the possibilities of psychosocial support in legal proceedings and the Act on Compensation for Victims (OEG).

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| | <p>The information article <i>Loverboys: Aus Liebe zu ihm gehst Du auf den Strich</i> is provided on the ProPK website for children and young people, www.polizeifürdich.de, along with target group-oriented information, tips and counselling offers on the subject.</p> <p>Victim protection and victim assistance are integral to police work. The police of North Rhine-Westphalia focus their victim protection measures on the needs of victims and mitigate the consequences of crimes through professional action. In all organisational units involving victim contact, care is taken to ensure that expert help can be arranged. Police victim protection always starts at the first contact with the victim; it is individual and dependent on the offence. The circular <i>Polizeilicher Opferschutz</i> (“Police Victim Protection”) of 1 April 2019 explains the term “victim” and defines the work done in terms of police victim protection by the victim protection officers of the 47 district police authorities in North Rhine-Westphalia. Police victim protection includes providing victims with targeted information about the conduct of preliminary proceedings, information about relevant victims’ rights in the different phases of the proceedings and victim compensation. After determining whether further support and assistance are necessary, victims are referred to victim assistance and support services according to their needs.</p> |
| Rhineland-Palatinate | <p>Victims of THB, like victims of other offences, are given the <i>Merkblatt für Opfer einer Straftat</i> (“Information sheet for victims of a crime”) after filing a report; this informs them about their rights in the investigation procedure and possibilities of compensation (e.g. through the Act on Compensation for Victims – OEG). The so-called victim information sheet is available in Rhineland-Palatinate in 32 different languages as well as a translation in Braille. It is available online. Special contact persons for victims of THB and forced prostitution are also to be found on the website maintained by the Rhineland-Palatinate Ministry of Justice.</p> |
| Saarland | <p>Victims and presumed victims of THB are informed at a very early stage about their rights and legal options in criminal proceedings in fulfilment of the relevant legal obligation under Section 406i of the Code of Criminal Procedure (StPO). This information is handed out in written form and, if necessary, also in a translated version by the police during initial contact, in the case of THB by the specialist police unit LPP 224. The Public Prosecutor’s Office does not have the relevant materials; these would have to be requested from the police.</p> <p>The relevant materials contain information about how victims</p> <ul style="list-style-type: none"> – can report a criminal offence or file a criminal complaint in accordance with Section 158 of the Criminal Code (StGB); – may, under the conditions of Sections 395 and 396 of the Code of Criminal Procedure (StPO) or Section 80 (3) of the Juvenile Courts Act (JGG), join the public action brought with the private accessory prosecution and thereby <ol style="list-style-type: none"> a) under Section 397a of the Code of Criminal Procedure (StPO) apply for the appointment of legal counsel or for legal aid to be granted for their assistance, b) assert a claim to interpretation and translation in criminal proceedings in accordance with Section 397 (3) of the Code of Criminal Procedure (StPO) and Sections 185 and 187 of the Courts Constitution Act (GVG); 3. They may assert a pecuniary claim arising from the offence in criminal proceedings in accordance with Sections 403 to 406c of the Code of Criminal Procedure (StPO) and Section 81 Juvenile Courts Act (JGG); |

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| | <p>4. Insofar as they are heard as witnesses by the Public Prosecutor's Office or the court, they may assert a claim for compensation in accordance with the Judicial Remuneration and Compensation Act (JVEG);</p> <p>5. They can obtain reparation by way of victim-offender mediation in accordance with Section 155a of the Code of Criminal Procedure (StPO).</p> |
| Schleswig-Holstein | <p>The Advice Centre for Labour Mobility supports people from other EU countries, especially from Eastern Europe, who work in Schleswig-Holstein, with a focus on labour law issues. People seeking advice receive free information in different languages about regular working conditions and minimum standards (e.g. minimum wages, occupational health and safety regulations, working and break times, social security), as well as about their rights and how to exercise them. The focus of the project is on acute problem-solving counselling. There is no legal representation. If this is necessary in a counselling case, the counselling centre refers the individual accordingly.</p> <p>The counselling centre Contra supports and counsels trafficked and forced prostitutes (https://www.contra-sh.de/).</p> |
| Thuringia | <p>All victims of crime are informed of their rights under the Code of Criminal Procedure (StPO) during the criminal proceedings. In the case of foreign victims, a certified interpreter is involved. The victim receives a leaflet on the rights of injured persons and victims in criminal proceedings which is available from the Thuringian Police in 22 languages as well as in easily comprehensible German.</p> |

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| | <p>1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?</p> |
| Baden-Württemberg | <p>The case-related requirements for involving interpreters/translators result in particular from Sections 185 et seqq. Courts Constitution Act (GVG), Section 397 (3) of the Code of Criminal Procedure (StPO). Sections 114b and 406i of the Code of Criminal Procedure (StPO) contain the relevant obligations to provide information. We do not have any concrete findings regarding the prevailing judicial or prosecutorial practice in this context. In preliminary proceedings, an interpreter is appointed by the police and deployed when questioning witnesses.</p> |
| Bavaria | <p>One of the key underlying principles of criminal proceedings in Germany is that victims are instructed in a language and manner that they are able to understand (adapted to their age and mental maturity). This is independent of the type of offence.</p> |
| Brandenburg | <p>At the administrative level, all persons who intend to work as prostitutes in the state of Brandenburg must have a counselling interview at the responsible health office as well as at the district/independent municipal authority. A check is carried out whether the person is a victim of THB and they are informed of their rights and responsibilities. The state government provides additional compensation for the use of interpreters to the districts and independent municipal authorities for these counselling sessions.</p> <p>In addition, interpreting services are provided as a social benefit in connection with treatment in trauma outpatient clinics if sufficient communication between the therapist and the applicant is otherwise not possible.</p> |

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| | At the initial reception centre for asylum seekers in the federal state of Brandenburg, self-disclosure forms are already available in various common national languages. In addition, a video interpreter is used at the initial reception. Subsequent consultations are accompanied by live interpreters as required. |
| Bremen | On the part of the police, the respective language mediator for communication between witnesses/victims and the police is involved regularly and whenever necessary. |
| Hamburg | <p>If counselling in a language other than German is not possible without the help of an interpreter, a court-appointed interpreter is called in at the expense of the central adoption office (GZA).</p> <p>Likewise, the Hamburg police is able to draw on an extensive list of interpreters in the course of its activities: these can be called upon whenever necessary.</p> <p>In criminal investigation proceedings, all questioning of persons who do not speak the language (witnesses/accused persons) is carried out with the help of interpreters. Fulfilment of the obligation to provide translations and interpreters in court proceedings is the responsibility of the court and to that extent is subject to judicial independence.</p> |
| Mecklenburg-Western Pomerania | The use of fee-based, professional translators and interpreters in police investigation proceedings is carried out in close coordination with the Public Prosecutor's Office responsible in each case. When questioning witnesses, the police, the Public Prosecutor's Office or the court will call in an interpreter if necessary. Insofar as the private accessory prosecutor is to be notified of the indictment, it is translated as necessary, cf. Section 187 (4) Courts Constitution Act (GVG). Furthermore, pursuant to Section 397 (3) of the Code of Criminal Procedure (StPO), the private accessory prosecutor may obtain translations of the written documents required to exercise their rights under criminal procedure. Pursuant to Section 187 (4) Courts Constitution Act (GVG), the private accessory prosecutor is also entitled to the free appointment of an interpreter or translator for discussions with their representative in preparation for the main hearing and procedural steps. |
| Lower Saxony | Language mediators are available as part of the initial reception of refugees at the State Reception Authority of Lower Saxony (LAB NI). |
| North Rhine-Westphalia | At every stage of administrative and judicial proceedings (as well as police investigation proceedings), a check is carried as to what extent communication with the respective witnesses or accused persons/affected persons is possible without translation. In case of doubt, interpreters are always called in. The availability of reliable interpreters who are also available at short notice is recorded centrally in a file. The costs for this are borne by the respective authority involved. |
| Rhineland-Palatinate | See 1.1 |
| Saxony-Anhalt | The Ministry of Labour, Social Affairs, Health and Equality provides separate funding for interpreting services in connection with projects under the violence protection system for affected women, including for VERA, the specialised counselling service against trafficking in women, forced marriage and violence in the name of "honour". The main tasks of VERA include psychosocial counselling and support for the female victims until their trial, support in dealing with the authorities and preparation for the return to the home country. In addition, |

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| | <p>female victims of THB are to be given qualified support for the duration of their stay in Germany – regardless of their willingness to testify. In this respect, VERA also performs the task pursuant to Section 59 (7) 4 of the Residence Act (AufenthG) of informing female victims of THB who contact the specialist counselling centre about the regulations, programmes and measures that apply to them.</p> <p>VERA is to be involved at the earliest possible stage. Providing there are no tactical reasons or confidentiality requirements to the contrary and there is agreement with the Public Prosecutor’s Office, the VERA counselling unit can be called in for the initial interview or after the police intervention.</p> |
| Saarland | <p>If a victim as a private accessory prosecutor does not speak German, they are to receive a translation of written documents on request in accordance with Section 187 (2) of the Courts Constitution Act (GVG) insofar as this is necessary for the exercise of their rights in criminal proceedings.</p> <p>If a victim of THB or a victim in general needs an interpreter, an interpreter is called in during criminal proceedings pursuant to Section 185 Courts Constitution Act (GVG). During the preliminary proceedings, the police and the Public Prosecutor’s Office call in interpreters to question victims who do not speak the language. The costs incurred are initially borne by the state treasury. As procedural costs, these charges may later be imposed on the convicted person in the event of a conviction.</p> |
| Schleswig-Holstein | The concrete procedure depends on the existing (federal) legal requirements in this respect. If necessary, translations and/or interpreters are commissioned by the Public Prosecutor’s Office and/or the court. There are no specific regulations for the state. |
| Thuringia | In the case of injured parties/victims of criminal offences who do not speak German, interpreters are used for interview or questioning. |

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| | 2. Legal assistance and free legal aid (Article 15) |
| | 2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children? |
| Baden-Württemberg | The case-related requirements for the involvement of a representative of a private accessory prosecutor or legal counsel result in particular from Sections 397a, 406f, 406h of the Code of Criminal Procedure (StPO). As soon as the police become aware of the suspicion of THB, victims are usually advised to contact a victim representative after an initial interview with the victim’s witness, when the scope of the crime has been revealed. The victim representative represents the rights of the victims in the court proceedings. Minors are placed under official supervision. Lawyers are appointed by the youth welfare offices if necessary. |
| Hamburg | Information sheet StP 500 issued by the Hamburg police and the brochure <i>Ihre wichtigsten Rechte als Opfer einer Straftat</i> (“Your principal rights as a victim of a crime”) listed under 1.1 contain information on the topic of legal assistance. As part of the individual notification, the State Criminal Police Office Department LKA 65 also informs the persons concerned about the possibility of legal assistance. Victims of THB |

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| | for the purpose of sexual exploitation are often supported by KOOFRA e.V. in matters of legal assistance. For this reasons, LKA 65 offers to establish contact between those affected and KOOFRA e.V.in all cases. |
| North Rhine-Westphalia | In accordance with Section 406i of the Code of Criminal Procedure (StPO), suspected victims of THB in North Rhine-Westphalia are informed at an early stage of the preliminary proceedings – for example when a report is filed and/or a witness is questioned – that they can apply for the appointment of a witness counsel under Section 397a of the Code of Criminal Procedure (StPO). As a rule, the latter is appointed as soon as an application has been submitted to this effect, i.e. during the preliminary proceedings. |
| Rhineland-Palatinate | See 1.1. Subject to certain conditions, victims of THB may also have a legal right to psychosocial support in legal proceedings (Section 406g (3) in conjunction with Section 397a (1) and (5) of the Code of Criminal Procedure (StPO). On the homepage of the Ministry of Justice, for example, an application template is provided for this purpose. It was developed by the working group <i>FOKUS: Opferschutz</i> and implemented by the Ministry of Justice and the Ministry of the Interior and Sport. |

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| | 2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation? |
| | Please refer to report by the Federal Government. |

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| | 2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions. |
| Bremen | Free legal aid is not granted by the Bremen police. Every victim of a criminal offence can apply for free legal aid at Bremen District Court. No distinction is made here between different types of offence. |
| Rhineland-Palatinate | See 2.1. In Rhineland-Palatinate, the State Office for Social Affairs, Youth and Welfare (LSJV) is responsible for deciding on claims under the Act on Compensation for Victims (OEG). In the area of responsibility of the Ministry of Justice, however, there is also the victim protection foundation <i>Rheinland-Pfalz für Opferschutz</i> which can provide financial benefits to victims of crime in cases of hardship. |
| Saarland | Joint answer to questions 2.1 to 2.3 For the area of civil law and civil law proceedings, legal aid under Section 114 of the Code of Civil Procedure (ZPO) is the only instrument available to obtain free access to the courts under certain conditions. On request, the court examines whether the trafficking victim’s requested claim has sufficient prospects of success. In addition, the court examines the financial situation of the trafficking victim. Legal aid may be granted free of charge in individual cases, depending on the financial situation. |

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| | <p>In order to secure legal assistance in advance of asserting any claims in court, a counselling aid certificate can be requested. The granting of counselling assistance enables people on low incomes to access legal counselling outside of court proceedings.</p> <p>If the requirements are met, the competent (local) district court issues a certificate of eligibility with which it is possible to contact a lawyer of one's choice. The application may be submitted verbally or in writing. It is also possible to go directly to a lawyer with the request to apply to the court for a certificate of entitlement.</p> <p>If the matter concerns foreign law, however, legal aid is only available if the facts of the case have a connection with Germany.</p> <p>For cross-border legal aid within the EU, domestic German provisions apply accordingly. This is determined by Section 1076 of the Code of Civil Procedure (ZPO): “Unless otherwise provided for hereinbelow, sections 114 to 127a shall apply to assistance with court costs in cross-border disputes within the European Union pursuant to Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (OJEC number L 26 page 41, Official Journal L 32 page 15).”</p> <p>Only if a deviating provision is set out under Section 1077 Code of Civil Procedure (ZPO) does this not apply.</p> <p>Legal ordinances within the meaning of Section 1077 (1) of the Code of Civil Procedure (ZPO) do not exist in Saarland.</p> |
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| | <p>2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?</p> |
| Hamburg | <p>The counselling centre KOOFRA e.V. has a cooperation agreement with lawyers who specialise in representing victims of THB. Due to the particular seriousness of the offence, trafficked persons are entitled as private accessory prosecutors to the assistance of a lawyer pursuant to Section 397a (1) of the Code of Criminal Procedure (StPO). This legal representation is financed by the state treasury. In addition, there are many different lawyers in Hamburg who specialise in victim protection. This includes representing victims of THB before the courts. As a rule, these are lawyers who are specially accredited for criminal law.</p> |
| North Rhine-Westphalia | <p>There are numerous lawyers in North Rhine-Westphalia who are specialised in representing victims in criminal proceedings as specialist lawyers for criminal law, including some who specifically represent victims of THB. If the specialised counselling centres involved in the proceedings do not have the necessary contacts, lawyers experienced in this field are named as possible contact persons for the victims by the specialised police units. When the court selects the counsel, the wishes of the alleged victim are then primarily taken into account. If no person is nominated by the victim or the specialised counselling centre, the courts ensure that a person experienced in criminal matters and compensation law is appointed as counsel.</p> |

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| Rhineland-Palatinate | Insofar as Rhineland-Palatinate is called upon to provide appropriate professional development courses for state judges and public prosecutors, conferences on international THB and the smuggling of migrants are regularly offered for this purpose. |
| Saarland | In Germany, lawyers are usually specialised in certain areas of law (e.g. criminal law). The area of THB belongs to the legal field of criminal law. It is not possible to provide information on the number of lawyers who regularly represent victims of THB as so-called private accessory prosecutors in criminal proceedings. |

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

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| | 3. Compensation from the perpetrators (Article 15) |
| | 3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect? |
| Berlin | Practice shows that claims for compensation are also regularly asserted by victims of THB in the context of adhesion proceedings in criminal proceedings if they are advised by a lawyer. The prosecution authorities advise them of their right to legal assistance and also the possibility of claiming compensation (if necessary using an interpreter). The Public Prosecutor's Office is obliged to inform the affected persons (injured persons) of the possibilities of compensation when the instructions accompanying the bill of indictment are issued, if not before, and this is carried out in practice. However, only NGOs take care of contacting specific representatives. In particular, it is not the task of the neutral Public Prosecutor's Office to enforce victims' claims for compensation. It would be helpful here to prepare a translation of the instruction sheet at least in the most common languages; these could be sent in each case so that a translation does not have to be arranged in each individual case. |
| Rhineland-Palatinate | Concrete cases in which victims of THB were awarded compensation in the course of preliminary or criminal proceedings are not known here. |

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| | 3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation? |
| Rhineland-Palatinate | In Rhineland-Palatinate, the State Office for Social Affairs, Youth and Welfare (LSJV) is responsible for deciding on claims under the Act on Compensation for Victims (OEG). In the area of responsibility of the Ministry of Justice, however, there is also the victim protection foundation <i>Rheinland-Pfalz für Opferschutz</i> which can provide financial benefits to victims of crime in cases of hardship |
| Schleswig-Holstein | Neutral specialist agencies are sometimes commissioned to carry out victim-offender mediation and work out a material solution together with the injured party and the accused/prosecuted party. In all other respects, the Public Prosecutor's Office and the court determine the amount at their own discretion. There are no state-specific regulations regarding the adhesion procedure. The deciding factor is the specific individual case, taking into account the relevant (federal) legal provisions. Both material and immaterial aspects may be taken into account on both sides. |

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| | 3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation? |
| Rhineland-Palatinate | See 3.1 |
| Schleswig-Holstein | If a victim-offender mediation is carried out by a specialised agency, the agency checks whether agreed payments are actually made; otherwise this is done by the Public Prosecutor's Office or the court. In the event of non-payment, the proceedings are continued. The enforcement of a title from an adhesion proceeding takes place within the framework of existing (federal) legal possibilities and is again a question of the specific individual case. In this respect, too, there are no special regulations pertaining to this state. |

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| | 3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies? |
| Bavaria | By way of promoting voluntary return, trafficked persons or forced prostitutes belong to the extended support group according to No. 1.1.2 (c) of the REAG/GARP Guidelines. In this way, the return counselling centres in Bavaria can support victims of THB as other beneficiaries under the REAG/GARP programme. Victims generally have legal recourse in protection of their rights. |
| Rhineland-Palatinate | See 3.1 |
| Saarland | Victims of THB can sue for their rights in the local courts providing the conditions are met. It is not possible to give a detailed description of the relevant measures for each specific case due to the large number of possible case constellations. However, claims can usually be brought either before the labour courts (if the requirements are met) or the district courts. |

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| | If this has not already happened in the adhesion proceedings before the criminal court, victims of THB can therefore claim damages for pain and suffering and lost earnings in civil proceedings. |
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| | 3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established? |
| Hamburg | In certain cases, the (criminal) courts refer to the procedural support services (e.g. psychosocial support in legal proceedings, witness support, assistance for injured persons (if necessary also appointment ex officio) at an early stage. In Hamburg in particular, it is possible to obtain advice (if necessary free of charge) through the Public Legal Advice service (ÖRA). This option is also open to victims of THB. |
| North Rhine-Westphalia | Victims can claim damages or compensation for pain and suffering against the accused already during the criminal proceedings under the so-called adhesion procedure ("2 in 1"). The penalty and compensation payments are then decided in a single procedure. Such a decision presupposes that there has been a main criminal court hearing and a verdict. If the perpetrator was not yet 18 years old when the offence was committed, this principle is ruled out. Another option for the victim of a crime is to bring an action before a civil court to claim damages and/or compensation for pain and suffering. These options are offered to the victim during the police investigation procedure by the staff of the competent criminal investigation department. A court decides on the determination of the amount of unpaid wages and other compensation in each individual case. |
| Rhineland-Palatinate | See 3.1 |

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| | 3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies? |
| Baden-Württemberg | <p>At the state level, there are currently no dedicated advanced training courses offered on access to justice and effective remedies for victims of trafficking.</p> <p>The Ministry of Justice Baden-Württemberg regularly advertises advanced training courses organised by third parties at European level (European Judicial Training Network – EJTN, Academy of European Law – ERA and the EU agency for training and professional development in the field of law enforcement CEPOL); those interested are to contact the Ministry of Justice Baden-Württemberg for registration purposes. The training events planned and organised by CEPOL, ERA and EJTN take place across Europe, mostly (also) in English, and cover various aspects of combating and prosecuting THB and assisting victims of trafficking.</p> |

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| | <p>The conference “Countering Impunity by Enhancing Investigations into and the Prosecution of THB” offered on 24/25 March 2022 in Trier and on 1/2 December 2022 in Vienna addressed victims’ rights and compensation in the context of investigations and prosecutions of THB, among other topics. Impunity, victimless prosecution strategies and better protection of victims during the investigation and court phases as well as financial investigations and victim compensation are key topics here.</p> |
| Bavaria | <p>All police officers in Bavaria are expected to be able to deal professionally with victims of violent experiences and inform them of the appropriate support services.</p> <p>Various information materials and tips on regional and nationwide counselling and support services, victim protection facilities (women’s shelters, women’s emergency hotline, crime victim support agency WEISSER RING) as well as information on the Act on Compensation for Victims (OEG) are also posted on the Bavarian state police Intrapol and are available to all employees. This also includes the information sheet issued by the Bavarian police which is to be handed out to victims of crime. The information sheet, which is available in several languages, provides an overview of existing victims’ rights, including information on how to apply for state benefits under the Act on Compensation for Victims (OEG). Familiarity with these offerings and the information sheet is included in the initial training and professional development of the Bavarian police.</p> |
| Brandenburg | <p>The Migration and Good Work Unit (BEMA) run by the educational association Arbeit und Leben Berlin-Brandenburg DGB/VHS e.V., is a project funded by the state. This unit conducts numerous training sessions with counselling institutions in migration social work and various authorities on labour law issues.</p> <p>The sponsor IN VIA e.V. also provides occasional training in the area of forced prostitution and on the subject of victims of THB for the purpose of sexual exploitation.</p> <p>In 2021, the educational association Arbeit und Leben Berlin-Brandenburg DGB/VHS e.V. signed an agreement with the Moldovan Ministry of Labour on the protection of seasonal workers. The basis was the agreement between Germany and Moldova on the recruitment of seasonal workers into agriculture for the year 2022. The Moldovan Ministry of Labour previously asked the executing agency to provide assistance in informing and protecting Moldovan workers. Arbeit und Leben Berlin-Brandenburg DGB/ VHS e.V. trained advisors in the Moldovan labour administration who were to recruit and find placements for the seasonal workers about the legal provisions under labour law in Germany, as well as how seasonal workers can protect themselves from labour exploitation and forced labour and what support structures exist in this country. The unit conducts workshops in various regions of Brandenburg with the authorities and NGOs involved in identifying victims of labour exploitation. Practical examples are used to outline processes and discuss responsibilities. This type of workshop aims to build trust between the different stakeholders and establish cooperation structures.</p> <p><u>Training:</u> In the bachelor’s degree programme “Police Custody/Police Service”, the topic of THB is dealt with in the module “Special</p> |

Phenomena/European Human Rights Protection”. In addition, students have the opportunity to learn more about different types of cross-border crime such as THB and narcotics, as well as smuggling of migrants, in the compulsory elective module “Cross-Border Crime”. The master’s degree programme addresses this topic, too.

The programme also teaches authorisation standards for combating cross-border crime in connection with offences in the field of THB and smuggling of migrants, and trainees are sensitised to the offence types in question. In the subject of intervention law, victim protection is a focal point when dealing with the topic of questioning. The concept of victim protection provides the basis. However, compensation for victims of THB in particular can only be discussed superficially due to the complexity of the subject.

Professional development:

As part of their professional development, the Federal Criminal Police Office (BKA) seminars “Human Trafficking for the Purpose of Labour Exploitation” and “Human Trafficking for the Purpose of Sexual Exploitation” are available to all Brandenburg police officers whose main activity is the handling of criminal offences in this area. Both seminars cover current situation reports, legal foundations and current court rulings on combating THB, basics of the law on foreign nationals, forms and possibilities of international cooperation and insights from the field of victim protection organisations, as well as intercultural communication and skills.

The professional development courses offered at the State Police Academy (HPol) on the topics of victim protection, victim claims, victim compensation and victim support associations as well as psychosocial support in legal proceedings and questioning cover the entire spectrum relating to potential victims.

Seminars:

In addition, seminars on victim protection are regularly offered at HPol, regardless of the type of victim. In January 2020, for example, a two-day seminar was held on victim protection. This seminar covered such aspects as the minimum standards of Directive 2012/29/EU (e.g. consideration of special protection needs, entitlement to interpretation and translation, support from victim support services, victim compensation). It was aimed at police officers who are entrusted with the implementation of victim protection in the state of Brandenburg. Other seminars deal with topics such as the Victims’ Rights Reform Act (OpferRRG – the special need for protection for trafficked persons, for example) and the audiovisual questioning of witnesses/injured persons (also in the case of cross-questioning by a judge).

As THB usually takes place transnationally, this topic is part of various transnational training courses (especially through EJTN-CEPOL and ERA). Furthermore, in view of the broad international programme, there have been no specific state-level meetings on the topic of THB and, in particular, the compensation of victims of THB in recent years. In criminal proceedings, possible instruments for compensating victims of all criminal offences are asset recovery and adhesion proceedings. The Joint Examination Office (GJPA) of Berlin and Brandenburg offers the annual training courses “Asset Recovery 1” and “Asset Recovery 2” on the topic of asset recovery, while the

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| | German Judicial Academy (DRA) has offered the annual seminar “Sentencing, victim protection and adhesion” on the topic of adhesion proceedings since 2014. |
| Bremen | For law enforcement officers in the state of Bremen, the training courses offered by the Federal Criminal Police Office (BKA) are used for training in the field of THB. In addition, there are occasional symposiums that deal with the phenomenon of THB and are attended by members of the specialised service unit. |
| Hamburg | <p>The topic of victim compensation is regularly the subject of professional development courses on criminal compensation proceedings and was dealt with in this context, among other things, at the 2022 conference organised by the German Judicial Academy (DRA) entitled “Law on Criminal Asset Recovery”. Victim compensation is also discussed as a subject of social compensation law at the Social Court on a case-by-case basis at regular panel discussions on specific legal topics.</p> <p>At the Hamburg police, the Police Victim Protection Unit provides lectures for various basic training and professional development. In this connection, information is provided in particular on victims’ rights, the concerns of victims in need of special protection, support options for victims and victim compensation options. Furthermore, the phenomenon of organised crime (OC) is dealt with in Career Section II at the Police Academy together with other OC phenomena.</p> |
| Hesse | Providing information on legal issues related to claiming damages and the possibility of legal remedies is the task of legal advisory professions, not of judges and public prosecutors. Both judges and prosecutors are sensitised to recognise the concerns of victims and – within the respective procedural provisions – to deal with these delicately and reasonably. |
| Mecklenburg-Western Pomerania | The German Judicial Academy (DRA) regularly offers professional development courses for public prosecutors and judges dealing with victim protection and adhesion. |
| North Rhine-Westphalia | <p>For many years, training courses on the topics of asset recovery and financial investigation have been an integral part of the professional development programme of the North Rhine-Westphalia Judicial Academy. The target group of these seminars consists of judges, public prosecutors, district attorneys and judicial officers. The substantive legal principles of asset forfeiture are taught and information is provided on current case law in this area. In this context, the cross-border confiscation of assets is also addressed. Victim compensation is also dealt with. In addition, various seminars are offered in cooperation with the police on the topic of financial investigation. In addition, the implementation of an adhesion procedure is regularly the subject of a training course. Legal and practical aspects of victim protection are also dealt with here. In addition, participation is enabled in relevant professional development courses offered by the German Judicial Academy (DRA) – a training institution jointly supported by the Federal Government and the <i>Länder</i> – as well as European training providers such as the EJTN and the ERA.</p> <p>As part of their further criminological training, criminal investigators in the state of North Rhine-Westphalia are given the opportunity of professional development specialised in THB in addition to the general basic seminar “Sexual Violence Offences I”. Once a year, the</p> |

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| | seminar “Human Trafficking – Adaptation” is held for ten days with a capacity of 20 participants, as well as a large-scale seminar “Human Trafficking – Innovations” for two days with 82 participants. The possibilities for victims to receive compensation or to assert other legal remedies are essentially legal issues that are primarily facilitated or supported by legal counsellors or specialised counselling centres. |
| Rhineland-Palatinate | See 3.1. Insofar as Rhineland-Palatinate is called upon to provide appropriate professional development courses for state judges and public prosecutors, conferences on international THB and the smuggling of migrants are regularly offered for this purpose. |

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| | 4. State compensation (Article 15) |
| | 4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders? |
| | Please refer to report by the Federal Government. |

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| | 4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim? |
| | Please refer to report by the Federal Government. |

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

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| | 4.4 Are victims seeking State compensation liable for lawyers’ costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits? |
| North Rhine-Westphalia | It is possible to apply for benefits under the Act on Compensation for Victims (OEG) without the assistance of a lawyer; the authorities of the <i>Länder</i> responsible for implementation have a general duty to provide information and advice and also provide advice in the run-up to the submission of an application. The administrative procedure is free of charge for the persons concerned. |

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| | <p>Pension benefits under the Act on Compensation for Victims (OEG) are tax-free in Germany and may not be offset against other social benefits. However, certain benefits dependent on income and assets – e.g. to secure a person’s livelihood – are offset against other state social benefits.</p> <p>Recipients of benefits under the Act on Compensation for Victims (OEG) generally receive benefits from a single source for the recognised consequences of injury.</p> |
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| | <h2>5. Sanctions and measures (Article 23)</h2> |
| | <p>5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?</p> |
| Hamburg | <p>The powers to conduct financial investigations in criminal proceedings are derived from the Code of Criminal Procedure (StPO), while the possibilities for confiscation derive from the Criminal Code (StGB). According to the agency responsible, the measures mentioned in the question can be taken by them in their entirety; the legal bases (Sections 111b ff. StPO in conjunction with Sections 73 StGB) fulfil their purpose in this respect.</p> |
| Mecklenburg-Western Pomerania | <p>The seizure of objects to secure confiscation and the confiscation of assets of equivalent value are decisively regulated in Sections 111b et seq. of the Code of Criminal Procedure (StPO). Searches are permissible for the purpose of implementation, for example. In principle, yes.</p> |
| Lower Saxony | <p>Found and existing assets are subjected to a mandatory plausibility check with regard to their origin. The financial investigations integrated in the proceedings are an indispensable measure for gaining an insight into the actual financial circumstances, especially in the run-up to adopting the relevant safeguard measures. The screening of assets and the identification of possible anomalies, e.g. in transaction behaviour, form the basis for locating incriminated assets and seizing them in subsequent proceedings.</p> <p>In accordance with the principle of “follow the money”, possible conversions of what was originally earned or investment gains achieved are also examined. This is because the scope of application, which has been broadened by the amendment of the law, also regularly includes the provisional safeguarding of indirectly obtained pecuniary advantages. This not only includes surrogates but essentially all pecuniary advantages for which the offence cannot be disregarded according to the “conditio-sine-qua-non” formula without the pecuniary advantage ceasing to apply.</p> |

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| North Rhine-Westphalia | The basis of authorisation for a provisional safeguarding of assets and the later judicial confiscation result from Sections 111b, c et seq. of the Code of Criminal Procedure (StPO) in conjunction with Sections 73, 74 et seq. of the Criminal Code (StGB) or other criminal provisions that refer to the aforementioned legal provisions. All in all, the legal framework is well suited to successfully implementing asset protection measures for offenders. In order to properly enforce these criminal provisions in the context of financial investigations, financial investigator positions have been assigned to all district police authorities and the NRW State Criminal Police Office (LKA NRW). In particular, the identification, tracing and seizure of incriminated assets is ensured by means of so-called procedurally integrated financial investigations. |
| Rhineland-Palatinate | No contribution. Cases which fall under the criminal phenomenon of THB are very rare based on the criminal prosecution statistics of Rhineland-Palatinate. |
| Saarland | The law on criminal asset forfeiture was completely revised based on the Act on the Reform of Criminal Asset Forfeiture (VermAbschrÄndG) of 13 April 2017. The core of the reform project is a fundamental reorganisation of victim compensation. In this way, the criminal proceedings were freed of time-consuming civil law issues and the confiscation of assets was considerably simplified and facilitated. |
| Thuringia | The deprivation of the pecuniary advantages obtained through a criminal offence is possible according to the rules of property confiscation. For recent years, the police crime statistics of the Thuringian police show a low single-digit number of cases in the field of THB. Although unrecorded cases can be assumed, there are no indications of a glaring discrepancy with reported cases. Due to the very low number of cases, the Thuringian police do not have any generalisable data on asset recovery for trafficking offences. |

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| | 5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used. |
| Baden-Württemberg | The criminal prosecution statistics of the Ministry of Justice and Migration of Baden-Württemberg can (only) be used to determine in how many cases (extended) confiscation of proceeds of crime has occurred in connection with (legally binding) convictions for THB (Section 232 of the Criminal Code – StGB) throughout the state. It does not provide any information on the use of the confiscated assets. No court recovery orders have been made in the last five years (2017 to 2021). We do not have any data concerning the seizure of assets in the course of investigations by public prosecutors. |
| Berlin | Due to the provisions of asset recovery, Sections 73 ff. of the Criminal Code (StGB), injured parties no longer have to assert their claims against perpetrators under civil law and obtain an enforcement order. If assets from a crime are still available, they are confiscated and transferred back to the injured parties after the judgement has become final. If the originally acquired property can no longer be confiscated due to its nature or for other reasons, the value of the acquired property is confiscated. Provisions of the confiscation of equivalent value are of great importance in practice, especially for victim compensation, since in many cases what was originally obtained can no longer be found. However, even determining whether the perpetrators have any assets at all is difficult. This is |

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| | because the increasing internationalisation of crime and the ease with which assets can be moved across borders today make it possible for perpetrators to move their assets away or to disguise their origin. |
| Brandenburg | In the few judicial proceedings relating to THB that have been conducted here, no seizures of perpetrators' assets are recalled; there are no separate statistical records in this respect. |
| North Rhine-Westphalia | The public prosecutors' offices in North Rhine-Westphalia report individual asset recovery measures in the period under review as follows: insofar as confiscation measures were taken, the value of the proceeds of the crime was confiscated which the alleged aggrieved parties had previously paid to the accused as income from prostitution. The amounts to be confiscated totalled more than EUR 24,225.00 in one case (not yet final), EUR 20,775.00 in another case concerning one defendant and EUR 1,500.00 concerning a co-defendant. It was also possible to enforce these amounts. Since the aggrieved parties have not yet come forward regarding compensation despite being aware of this, the money remains in the state treasury for the time being. In another case, the confiscation of an amount of EUR 105,500 was ordered (legally binding). However, the enforcement measures apparently came to nothing, especially since the convicted person was sentenced to a prison term of nine years and six months and is said to have subsequently been placed in preventive detention, so no attachable income could be expected in the foreseeable future due to the lack of traced assets. |
| Rhineland-Palatinate | No contribution. Cases which fall under the criminal phenomenon of THB are very rare based on the criminal prosecution statistics of Rhineland-Palatinate. |
| Saarland | see 5.1 In a case that was pending here, vehicles of high value (Porsche, BMW, Lamborghini) in the possession of the perpetrator with a value of approx. EUR 125,000 were disposed of and the proceeds were paid out to a sexually exploited victim. |

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| | 5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process? |
| Berlin | Victim compensation can also take place within the framework of a victim-offender mediation. This enables an out-of-court settlement of the conflict to be arrived at between the offender and the victim and an agreement on reparations. This can lead to a mitigation of the sentence according to Sections 46a, 49 of the Criminal Code (StGB). |
| Hesse | The assistance offered under victim protection includes the nationwide network of mediation centres for victim-offender mediation in general criminal law. In victim-offender mediation, the victim's interest in proper compensation for the damage they have suffered is to be adequately taken into account and satisfied; however, the offender's very personal responsibility for the damage they have caused is also to be made particularly clear. This is to be achieved based on a binding agreement between victim and offender arrived |

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| | at with the help of a mediator. Moreover, this can spare the victim a civil lawsuit and a hearing as a witness. In this respect, victim-offender mediation is an important building block in victim assistance. |
| Rhineland-Palatinate | No contribution. Cases which fall under the criminal phenomenon of THB are very rare based on the criminal prosecution statistics of Rhineland-Palatinate. |

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| | 5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay? |
| Baden-Württemberg | In the official analysis tables of the State Statistical Office on the results of the criminal cases/administrative fines statistics under the Order on the Collection of Statistical Data for Criminal Cases and Administrative Fines (StP/OWi-Statistik), no individual figures are available to the criminal courts for specific areas. For this reason, no information can be given on the duration of court proceedings in cases of THB under Section 232 of the Criminal Code (StGB). In addition, we would like to point out that the preliminary proceedings of the public prosecutors' offices and the criminal proceedings at the criminal courts concerning THB are recorded in a total of three (collective) categories, depending on the individual elements of the offence of Section 232 of the Criminal Code (StGB). Although individual figures are available in the official tables of the State Statistical Office at least for the results of the public prosecutor statistics (Order on the Collection of Statistical Data by Public Prosecutor and District Attorney Offices – StA-Statistik) for the specific areas, no information on the duration of proceedings can be given for the prosecution investigation proceedings of THB either, since investigation proceedings under Section 232 of the Criminal Code (StGB) are recorded for three categories each together with a large number of other investigation proceedings. |
| Brandenburg | The average duration of court proceedings is not recorded separately for individual criminal offences, so no data to this effect can be provided for cases of THB. Up until now, no special safeguards have been necessary to prevent a delay in proceedings or systems to expedite the prosecution of such cases, beyond the general regulations on expedited processing of proceedings, for example in juvenile proceedings or detention cases. |
| Hamburg | There are no statistics on the duration of court proceedings in trafficking cases at the state level. |
| Hesse | There is no data available. Court proceedings relating to the area of THB are not recorded separately as specified in the question. |
| Mecklenburg-Western Pomerania | Statistical data on the duration of court proceedings are not available. Proceedings are given priority if the accused is in pre-trial detention. There are no special regulations to accelerate proceedings for THB. |
| Rhineland-Palatinate | No contribution. Cases which fall under the criminal phenomenon of THB are very rare based on the criminal prosecution statistics of Rhineland-Palatinate. |

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| Saarland | No information can be provided on the question of the average duration of court proceedings in trafficking cases, as this depends on numerous individual factors. However, proceedings for THB are very often custody cases, i.e. proceedings in which the perpetrators are held in pre-trial detention. This is because in cases of THB, the reason for detention is very often the danger of collusion. Custody cases are to be dealt with expeditiously pursuant to Sections 121 et seq. of the Code of Criminal Procedure (StPO). |
| Schleswig-Holstein | The average “duration of court proceedings in THB cases” cannot be determined due to the lack of statistics. The question of expedited treatment of relevant proceedings depends on the individual case. It is required, for example, in custody cases or pursuant to no. 221 Statutory Guidelines for Criminal Cases and Administrative Fines (RiStBV) in proceedings with child victims. In appropriate cases, a video interview pursuant to Section 58a of the Code of Criminal Procedure (StPO) is conducted by the judge for the early preservation of child witness statements, which can be presented as a substitute for cross-questioning in the main trial for offences such as THB pursuant to Section 255a (2) of the Code of Criminal Procedure (StPO). There are no “safeguards” specific to this state to avoid unreasonable delays on the part of the courts. |

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| | 5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive? |
| | Please refer to report by the Federal Government. |

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| | 6. Ex parte and ex officio applications (Article 27) |
| | 6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings? |
| Bavaria | The state-funded specialised counselling centres <i>Jadwiga Ökumenische gGmbH</i> and <i>Solwodi Bayern e.V.</i> provide support through various forms of assistance for witnesses in criminal proceedings. |
| Brandenburg | In the state of Brandenburg, the associations <i>Opferhilfe Land Brandenburg e. V.</i> and <i>WEISSER RING e. V., Landesbüro Brandenburg</i> , offer witness support as independent organisations – which is not only limited to cases of THB. The addresses of the independent agencies and further information for those affected can be found in the <i>Victims’ Guide (Opferfibel)</i> published by the Federal Ministry of Justice (BMJ) which can be accessed via the website of the Brandenburg Ministry of Justice at https://mdj.brandenburg.de/mdj/en/justiz/opferschutz-und-opferhilfe/ . Witness support includes psychological and social counselling for victims, including the provision of information on the conduct of criminal proceedings as well as financial assistance in asserting claims. The victim support organisation <i>Opferhilfe Land Brandenburg e. V.</i> also runs a trauma outpatient |

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| | <p>clinic in Potsdam for the acute and short-term therapy of traumatised victims of violence. The Berlin-Brandenburg institute of social therapy STIBB e. V. in Kleinmachnow works in the field of child and youth victim protection. These independent organisations can also provide psychosocial support in legal proceedings pursuant to Section 406g of the Code of Criminal Procedure (StPO).</p> |
| Hamburg | <p>In Hamburg, all persons who have to testify in court as witnesses have the right to contact the Witness Support Unit of Hamburg Regional Court. The staff of the Witness Support Unit provide support and counselling with regard to the upcoming court hearing. They explain procedures, answer questions, clarify uncertainties and fears with regard to the upcoming testimony and, if requested, accompany witnesses to the courtroom on the day of the hearing, where they are subsequently present during the testimony. They can also request witness protection measures from the competent court in the run-up to a main hearing. Staff members of other victim support organisations may also be present as persons of trust at a court hearing of the injured person, cf. Section 406 f (2) Code of Criminal Procedure (StPO). Victims of THB can also avail themselves of the assistance of psychosocial support during legal proceedings, which is provided if the legal requirements of Section 406g of the Code of Criminal Procedure (StPO) are met without any costs being incurred to the victim. NGOs are not entitled to legally represent victims of THB in criminal proceedings.</p> <p>A victim of trafficking can appear as a private accessory prosecutor in the criminal proceedings. This means that they are entitled to legal representation. Private accessory prosecutors have the right to question witnesses and the accused as well as the right to inspect the files, the right to apply for evidence and the right to appeal. As a specialised counselling centre, KOOFRA refers victims to specialised lawyers and supports them by providing language mediation and psychosocial support in legal proceedings, for example, as well as taking care of the application for psychosocial support in legal proceedings in court. For the duration of the proceedings, the persons concerned are entitled to a residence title pursuant to Section 25 (4a) of the Residence Act (AufenthG) and to benefits pursuant to Book II of the Social Code (SGB).</p> |
| Rhineland-Palatinate | See previous remarks. |
| Schleswig-Holstein | <p>The position of a victim of THB and the possibilities of support for them during the criminal proceedings result from the relevant (federal) legal regulations. As far as psychosocial support in legal proceedings is concerned, the relevant minimum standards are based on the provisions on psychosocial support in legal proceedings as set out in the Code of Criminal Procedure (StPO) and in the Act on Psychosocial Support in Legal Proceedings (PsychPbG). Only employees of NGOs are trained to provide psychosocial support in legal proceedings according to the established standards.</p> |

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| | <p>6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?</p> |
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| Brandenburg | There is no known complaint or ombudsman centre for young people and their families in the specific context of trafficking and exploitation of children. For the general and overarching area of child and youth welfare, the introduction of the Act to Strengthen Children and Youth (KJSG), in conjunction with Section 9a of Book VIII of the Social Code (SGB), which aims to ensure that young people and their families can consult an ombudsperson's office for counselling as well as for mediation and resolution of conflicts in connection with all matters of child and youth welfare according to Section 2 of Book VIII of the Social Code (SGB) and their fulfilment by public and independent youth welfare. This applies, for example, to procedures for taking children into care under Sections 42 and Section 42a of Book VIII of the Social Code (SGB) as well as the involvement of the youth welfare office in family court proceedings. In the state of Brandenburg, the counselling and ombudsman office BOJE e.V. performs some of these tasks. In addition, the establishment of a central ombudsperson's office for children and young people in the area of educational assistance is planned for 2022. |
| Hamburg | The Hamburg Police Complaints Office was put into service in the reorganisation on 1 March 2021 in order to create a low-threshold point of contact for complainants and their criticism of the actions of the police. This includes a neutral venue where personal contact with the Complaints Office can be established without having to visit a police station. In addition to police officers, external, sociologically trained staff are also employed here who have special qualifications in conducting conversations with and taking care of people in exceptional situations. In addition, the Complaints Office has a digital, anonymous whistleblowing system that can be used by complainants. The Complaints Office follows an interdisciplinary approach in which complainants are proactively informed about extended options in defending their interests. This includes cooperation with institutions of the social welfare authorities or victim protection institutions (e.g. Weißer Ring). If the police discontinue the investigation, the lawyers of the victims usually file a complaint with the Public Prosecutor's Office. |
| Mecklenburg-Western Pomerania | Injured persons have the right to lodge an appeal pursuant to Section 172 (2) of the Code of Criminal Procedure (StPO) against the discontinuation of preliminary proceedings pursuant to Section 170 (2) of the Code of Criminal Procedure (StPO) and, if necessary, to apply for a court decision. Furthermore, they can lodge a disciplinary complaint or consult other institutions (victim protection commissioner, ombudsperson, etc.). |

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| | 6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention? |
| Baden-Württemberg | There is nothing to report with regard to people in an "irregular migration situation and/or detention": there are no specific reporting or complaint mechanisms for detained victims of THB in the prison code in this state. Victims of THB who have themselves committed a criminal offence have the right to consult a lawyer and take legal action. |
| Bavaria | Pursuant to Section 59 (7) 4 of the Residence Act (AufenthG), the foreign nationals authorities are required to inform trafficked persons of applicable legal regulations, programmes and measures for victims of THB. Victims of crime generally have the right to counselling and support provided by specialised counselling centres. Counselling is always |

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| | free of charge, anonymous and independent of authorities or other state institutions, so victims who are in Germany illegally can also make use of these services. Persons who are in prison can contact the respective social services in the correctional facilities. Victims generally have legal recourse to protect their rights. |
| Hamburg | There is a right of appeal pursuant to Section 91 of the Hamburg Prison Act (HmbStVollzG) and the general possibilities of legal protection are available. There are no specific complaints mechanisms for victims of THB that differ from this. Furthermore, reference is made to the answer to 6.2. |
| Mecklenburg-Western Pomerania | These victims have the same rights as all other victims of crime. The counselling centre CORRECT! provides counselling for all those seeking advice on the subject of THB for the purpose of labour exploitation, regardless of the migration situation. |
| Saxony | Pursuant to Sections 58 and 63 of the Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG), it is possible to lodge an appeal against the decision to extend detention pending deportation within one month. Furthermore, an application can be made to have the detention pending deportation lifted. |
| Schleswig-Holstein | <p>Victims of THB can primarily consult the (local) foreign nationals and immigration authority responsible for them for advice on residence law. In the case of an existing unauthorised stay, however, the disclosure of this legal situation is required.</p> <p>For any necessary medical treatment, there are three medical centres in Kiel, Lübeck and Neumünster for people without residence status who are seeking help. For further details, see: https://www.schleswig-holstein.de/DE/fachinhalte/G/gesundheitsland/gesundheitsland_Ehrenamt_KrankUndOhnePapiere.html</p> <p>In addition, there are various specialised counselling centres that offer counselling and support for victims of THB in different areas. This page provides some examples: https://www.bka.de/DE/IhreSicherheit/RichtigesVerhalten/VerdachtDesMenschenhandels/verdachtDesMenschenhandels_node.html.</p> <p>In Schleswig-Holstein, Contra is the specialised agency against trafficking in women in Schleswig-Holstein: it specialises in supporting women affected by trafficking (Frauenwerk der Nordkirche: Contra (frauenwerk-nordkirche.de)).</p> <p>From the point of view of the police, it should be pointed out with regard to the case constellation “irregular migration situation” that the police (and also the other agencies involved in criminal prosecution) follow up on tips that give rise to suspicion of THB irrespective of the residence status of a whistleblower or informant; moreover, they are legally obliged to do so according to Sections 152 (2), 163 (1) of the Code of Criminal Procedure (StPO). In principle, all reporting options are available here: online, in writing or in person. In practice, it can be assumed that these possibilities are very limited for persons who are hiding due to a lack of residence permit and/or due to the fact that they are under the continuous influence of a smuggler, pimp or similar.</p> |

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| | 6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third |
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| | parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB. |
| Baden-Württemberg | In Baden-Württemberg, no case is known in which civil servants, diplomats or consular staff were involved in THB offences. |
| Bavaria | <p>Cases as described in this question – especially including the involvement of public officials – are not known here.</p> <p>According to the Victim Protection Act (OpferSchG), victims of THB can also obtain benefits from the state if the perpetrator is not present or incapable.</p> |
| Brandenburg | <p>The following apply in principle to the cases described in the question:</p> <ul style="list-style-type: none"> – claims for damages under Section 839 of the Civil Code (BGB) in conjunction with Article 34 of the Basic Law (GG) – public liability, – claims for damages under the State Liability Act (StHG), which continues to apply in Brandenburg as state law, and – claims for compensation under Sections 38 to 42 of the Public Order Authorities Act (OBG) based on an unlawful measure taken by a public order authority and, by analogous application by virtue of reference in Section 70 of the Brandenburg Police Act (BbgPolG), based on an unlawful police measure (comparable claims exist in all <i>Länder</i>). <p>In contrast to the public liability claim, which in essence requires a culpable breach of an official duty directed towards a third party, the claim based on the State Liability Act (StHG) does not require culpability, only the unlawful infliction of damage.</p> <p>The claim for compensation under Public Order Authorities Act (OBG, in conjunction with BbgPolG), to which every addressee of an unlawful regulatory or police measure is entitled, is likewise not based on culpability. The link to the concept of “measure” means that any simple unlawful omission and failure to act – the regulatory authority or the police fail to prevent damage even though there was a duty to intervene – does not trigger any claims based on the regulatory authority and police liability statutes because, in the opinion of the Federal Court of Justice (BMJ), this does not constitute an intervention, even if there is a legal duty to intervene. In all other respects, compensation is only granted for pecuniary loss (Section 39 (1) 1 Public Order Authorities Act – OBG). Insofar as the measure requiring compensation constitutes a breach of official duty, further claims for compensation remain unaffected (Section 39 (5) Public Order Authorities Act – OBG).</p> <p>On the other hand, breaches of official duty within the meaning of Section 839 (1) of the Civil Code (BGB) can be committed not only by positive action but also by omission in breach of duty. If, in the case of a public liability claim (and a claim under the State Liability Act (StHG), the breach of official duty lies in an omission according to the established case law of the Federal Supreme Court (BGH), the causal connection between the breach of duty and the damage can, in principle, only be affirmed if the occurrence of the damage would have been avoided with a probability bordering on certainty if the person had acted</p> |

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| | <p>dutifully.</p> <p>Cases of the kind described in the question are not known here.</p> |
| Bremen | <p>There have been no cases dealt with by the police of the state of Bremen in which state officials or persons acting on behalf of or on the instructions of the state were held responsible for involvement in THB and/or failure to prevent it or to protect victims of trafficking by third parties. Similarly, there have been no prosecutions of diplomatic and consular personnel for alleged involvement in trafficking.</p> |
| Hamburg | <p>No such cases have come to the attention of the Public Prosecutor's Office.</p> <p>Victims can assert claims against the state if the legal requirements are met for public liability pursuant to 839 of the Civil Code (BGB) in conjunction with Article 34 of the Basic Law (GG). Whether the legal requirements (including culpable violation of a public duty) for assertion exist in the case constellations is subject to individual assessment. In the case of direct involvement or failure to provide assistance, if there is a relevant suspicion of a crime, the initiation of criminal investigations against those involved on the part of the state would also have to be examined. Beyond that, cases as described in the question are not known to the Hamburg police. If it becomes aware of criminal offences, the Complaints Office forwards these to the competent investigative unit.</p> |
| Mecklenburg-Western Pomerania | <p>In terms of criminal law, prosecution of the official as a perpetrator would have to be considered, possibly for obstruction of justice in office. Cases of this nature are not known here.</p> |
| North Rhine-Westphalia | <p>The NRW State Criminal Police Office (LKA NRW) is not aware of any cases in which diplomatic or consular staff have been investigated.</p> |

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| | <p>6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?</p> |
| Baden-Württemberg | <p>The prosecutorial capacity to effectively prosecute trafficking cases is sufficient.</p> |
| Brandenburg | <p>Public prosecutors entrusted with relevant proceedings regularly attend the relevant professional development courses. In addition, proceedings of this nature are generally handled by specialised departments at the Public Prosecutor's Offices in the state of Brandenburg: depending on the specific case, this would be the respective department for handling offences in violation of sexual self-determination or the department for serious types of crime. Special cases are handled by the specialised department for combating organised crime at the Public Prosecutor's Office in Frankfurt (Oder), which is responsible for the whole of Brandenburg.</p> |
| Bremen | <p>Regular coordination with other institutions such as the police, healthcare authorities, industrial inspectorate, women's shelters and counselling centres takes place through the discussion platform "Round Table on Human Trafficking". In addition,</p> |

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| | there is a regular bilateral exchange with BBMeZ (counselling centre for victims of THB and forced prostitution). Professional development courses in the field of THB are also offered by the German Judicial Academy (DRA). |
| Hamburg | Preliminary proceedings on charges of THB are handled by a specialised department of the Hamburg Public Prosecutor’s Office (Department 65 – Department for Organised Crime with special responsibility for “Red Light” crime). This sufficiently ensures effective prosecution in this area. In addition, the department heads are regularly offered professional development courses on this topic. |
| Hesse | In Hesse, a further 30 new posts have been created since 2020 for the entire prosecution service, some of which are dedicated to a specific purpose and some of which are not. As a result of this increase in personnel and the resulting general increase in their capacity, the Hessian public prosecutors’ offices are de facto in a position to adequately prosecute cases related to THB, too. Vacancies in the prosecutorial area are also to be filled as soon as possible. Meanwhile, the concrete deployment of the staff assigned to a public prosecutor’s office for specific tasks is the responsibility of the management of the respective authority on site as part of the allocation of responsibilities. |
| Mecklenburg-Western Pomerania | Human trafficking cases are regularly dealt with in special departments. |
| North Rhine-Westphalia | The Justice Academy of North Rhine-Westphalia regularly offers the seminar “Criminal Law – Sexual Offences and Forced Prostitution”. The issue of THB is also addressed here. In addition, NRW will be organising a seminar on this topic in 2023 at the German Judicial Academy (DRA) – a training institution jointly funded by the Federal Government and the <i>Länder</i> – which will be open to EJTJN participants and thus enable a Europe-wide dialogue among experts. Seminars on the efficient and sensitive questioning of (victim) witnesses are also an integral part of the professional development programmes. |
| Saarland | Human trafficking offences are dealt with at the Saarbrücken Public Prosecutor’s Office in a special department, the Organised Crime Department. The proceedings here are handled by specialised and appropriately trained public prosecutors. |
| Schleswig-Holstein | The number of proceedings at the public prosecutor’s offices is regularly surveyed so that significant changes can be identified promptly and any necessary adjustments can be made. With regard to proceedings for THB, such measures have not been necessary recently. |

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| | 7. Non punishment provision (Article 26) |
| | 7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation. |
| Baden-Württemberg | The statutory emergency provisions of the Criminal Code (Sections 34, 35 StGB) as well as the provisions of the Code of Criminal Procedure (Sections 153 et seq. StPO) that follow the principle of opportunity make it possible to deal appropriately |

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| | with the forced participation of victims of THB in criminal offences. For example, proceedings for violations of the Residence Act (AufenthG), document offences, social security fraud and tax evasion are usually dropped due to the low level of culpability of the trafficked persons. The situation is different in cases where victims freely side with the perpetrators and participate in their trafficking acts. |
| Hamburg | Pursuant to Section 154c (2) of the Code of Criminal Procedure (StPO), the Public Prosecutor’s Office may refrain from prosecuting victims of THB for offences that have become known through a report filed by the victim. The Hamburg Public Prosecutor’s Office’s Department 65, which is responsible for prosecuting such offences, also makes regular use of this. |
| Hesse | Hesse has suggested an amendment to No. 102 Statutory Guidelines for Criminal Cases and Administrative Fines (RiStBV) in order to generally allow for a discontinuation of criminal proceedings against victims of THB in accordance with Section 154c of the Code of Criminal Procedure (StPO). The proposal is to be discussed with the <i>Länder</i> in the next round of consultations. |
| North Rhine-Westphalia | In practice, the provision of Section 154c of the Code of Criminal Procedure (StPO) is used with restraint in North Rhine-Westphalia. The reasons for this are the complicated handling (cf. no. 102 (2) Statutory Guidelines for Criminal Cases and Administrative Fines – RiStBV) and the restriction of the victim witnesses’ rights to refuse information in the proceedings pursuant to Section 55 of the Code of Criminal Procedure (StPO) associated with the binding assurance. According to reports from the field, typical “accompanying offences” committed by trafficked persons are instead regularly discontinued under Section 153 of the Code of Criminal Procedure (StPO) due to low culpability. |

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| | 7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation? |
| Bavaria | In principle, this group of people can also make use of counselling opportunities and claim compensation. |
| Hamburg | Criminal proceedings are always initiated by State Criminal Police Office (LKA) Department 6 when an unlawful act is detected. In this respect, this unlawful act may in individual cases have an effect to the detriment of a person accused in other proceedings and lead to further criminal proceedings. In the experience of the LKA 6, the person concerned will then nevertheless have access to legal remedies for injured parties in these proceedings – irrespective of their potential status as an accused in other proceedings. |
| North Rhine-Westphalia | If violations of national laws are identified by trafficked persons (for example, violations of the Residence Act (AufenthG) or of labour or tax regulations), the victims still have the right to victim protection and victim assistance, access to rights in criminal proceedings and the right to state compensation (for example, through the North Rhine-Westphalia Act on Compensation for Victims (OEG NRW) or through Weisser Ring e. V. – the association for the support of victims of crime and for the prevention of crimes). |
| Saarland | Yes, this access is unrestricted. |

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| Schleswig-Holstein | Injured parties or applicants who violate national laws do not receive compensation for health damages under the Act on Compensation for Victims (OEG) unless they prove that the injury is not related to this (Section 2 OEG). |
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| | 8. Protection of victims and witnesses (Articles 28 and 30) |
| | 8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures? |
| Baden-Württemberg | <p>Various measures are available to protect victims of trafficking who are prepared to testify. The best protection is the inclusion of the victim in a police witness protection programme. Under the Witness Protection Harmonisation Act (ZSHG), admission to such a programme takes place in close coordination between the Public Prosecutor’s Office and the police. However, acceptance into a witness protection programme involves personal restrictions for the victim and entails a considerable amount of work for the competent agency, so this type of witness protection tends to be the exception. It is simpler and still effective to waive notification of the victim’s address in the indictment and in the main hearing or to summon the victim via the police (Sections 68 (3) to (5), 200 (1) Code of Criminal Procedure – StPO). In the main hearing, the audiovisual questioning of the offender can be ordered in order to ensure the protection of the victim (Section 247a Code of Criminal Procedure – StPO). In addition, the victim can be given the name of a police contact person for help in emergency situations.</p> <p>If victims of THB are also witnesses in criminal proceedings, the protective provisions provided for in the Code of Criminal Procedure (StPO) and the Courts Constitution Act (GVG) apply.</p> <p>The assessment of the need for protection always results from an evaluation of the risk situation by the competent department in whose area the person at risk has their main residence. As a rule, this department is also responsible for implementing the protective measures. Deviating from this, other competences may arise if the requirements of the Witness Protection Harmonisation Act (ZSHG) are met or if it is a so-called case of operational victim protection, in which measures similar to witness protection are applied by the department responsible for witness protection and operational victim protection.</p> |
| Bavaria | <p>Regardless of the underlying offence, German criminal procedure law provides for various options that are enshrined in law to protect victims.</p> <p>Which of these measures is taken is assessed on a case-by-case basis, taking into account the risk situation.</p> <p>In some cases, specialised counselling centres also have so-called shelter apartments or decentralised accommodation facilities for victim witnesses where temporary accommodation can be provided, e.g. the state-supported specialised counselling centre Solwodi Bayern e.V..</p> |

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| Brandenburg | <p>If knowledge of possible retaliatory actions or intimidation becomes known in the course of court proceedings, the competent police station (police department at the location of the court, place of residence of the person concerned) is responsible for assessing the risk situation of the person concerned. As a result of the assessment of the risk situation, the necessary protective measures are then to be arranged by the competent authority.</p> <p>If witness protection or operational victim protection measures are implemented for victims of THB, they are provided with protected accommodation. They are always out of the reach of the person posing the threat. This applies to the period before, during and after testifying in court. Protected escort to court is provided or a request is submitted for audiovisual questioning by the Witness/Operational Victim Protection Unit or by a commissioned witness counsellor. The assessment of protection needs is carried out by the investigating department. The latter either implements low-threshold protection measures themselves or applies for witness protection or operational victim protection measures to be assessed. The Witness Protection/Operational Victim Protection Unit decides on the type and scope of protective measures after examining the facts of the threat and the personal circumstances of the victim (suitability and willingness). Measures of witness protection or operational victim protection are implemented exclusively by the Witness Protection/Operational Victim Protection Unit.</p> |
| Hamburg | <p>The assessment of the need for protection of trafficked persons is always carried out by the investigating unit of the Hamburg State Criminal Police Office (LKA). In individual cases, LKA Department 6 carries out a risk analysis for the victims in cooperation with LKA 22 (Operational Victim Protection) and, if necessary, also with the involvement of NGOs. If general measures to provide protection from danger are not deemed sufficient in an individual case, these persons at risk can – if they agree to this happening – be placed in the custody of the specialised service for witness protection/operational victim protection (LKA 22). From there, all further necessary measures are coordinated in order to effectively prevent any impact on the affected persons before, during and after a court case and in general to enable the persons in question to live their lives safely. The continuation of the measures is regularly reviewed and adjusted based on findings/an update of the situation by the investigating department.</p> |
| Mecklenburg-Western Pomerania | <p>Risk prevention is the task of the police. They are responsible for assessing the need for protection and implementing concrete protective measures. In 2011, the Mecklenburg-Western Pomerania State Police, the public prosecutors' offices and ZORA – the specialised counselling centre for victims of forced prostitution and THB – signed a cooperation agreement on the protection of victim-witnesses of THB. Numerous protective measures are listed as examples. For the area of the state police, point 4.1 states, among other things:</p> <p>“The competent police authority shall take the necessary measures for the prevention of danger and for prosecution at the moment of apprehension. If facts give rise to the suspicion that someone might be a victim of THB, the person is informed about the possibility of support by an independent counselling centre. The other agencies are informed promptly of the apprehension of the person”.</p> <p>The coordination of operational victim protection in THB proceedings is the responsibility of the State Criminal Police Office (LKA). “(...) The coordination of operational victim protection includes</p> |

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| | <ul style="list-style-type: none"> • an assessment of whether the case at hand involves a victim of THB for the purpose of sexual exploitation or for the purpose of labour exploitation, • an assessment of the concrete endangerment situation of a victim, • the immediate involvement of the foreign nationals authority with regard to measures under aliens law and of the specialised counselling centre to stabilise the trafficked person, and • an assessment of whether there is a need for regulation/support from other authorities and institutions in the individual case, which is then arranged in consultation with the specialised counselling centre if necessary.” <p>Uniform federal regulations on operations are set out for the police sector in the Police Service Regulation PDV 129 – VS-NfD.</p> <p>In cases of under-age victim witnesses, the competent youth welfare office is also systematically informed and involved.</p> |
| Lower Saxony | <p>The handling of cases of THB is initially the responsibility of the local police stations, which can independently carry out low-threshold protection measures. If a need is determined for further protective measures, the police authorities contact the State Criminal Police Office (LKA) Lower Saxony. Here, a prompt discussion and assessment is carried based on the valid regulations/guidelines and, if necessary, the implementation of further measures is planned.</p> <p>At the arrival centres and the locations of the State Reception Authority of Lower Saxony (LAB NI), adults are advised in detail by the social services of the facilities in an initial interview after arrival and registration and are asked about relevant background information. If a disorder involving trauma follow-on effects is suspected in this or one of the follow-up interviews, the PROTECT questionnaire is filled out and a psychological diagnosis or treatment is initiated. If the testimonies of the trafficked persons or these diagnostic tests reveal indications of or regarding victims of THB, contact is immediately established with the specialised counselling centres Kobra e.V. and/or SOLWODI e.V. If specially protected accommodation (women’s shelter) is required within the facility, this is used. In individual cases, the specialised counselling centre for THB, in consultation with LAB NI, advocates accommodation in a shelter outside LAB NI. Rapid allocation to a communal facility or interim accommodation in a shelter is ensured.</p> |
| North Rhine-Westphalia | <p>In North Rhine-Westphalia, a network of options is available for witness care that takes into account local circumstances and actual on-site needs. The shielding of witnesses in the run-up to a hearing is ensured in consultation with the court depending on the specific structural conditions that apply on site. Where available, separate witness rooms are used for these purposes. Alternatively, however, other premises, for example meeting rooms, are made available in the interest of the victims. In future, it will be possible to take the concerns of victim protection into account to an even greater extent when planning new buildings and extensions. According to the new model room requirement plan, which forms the basis of all new construction projects in the judicial sector, a lounge for victim witnesses must always be provided when planning court buildings to be designed for ordinary jurisdiction. In regional court districts, witnesses and victims of crime also have access to specially trained judicial staff. If there is a risk of danger to the witness, they may be accompanied by a constable or if necessary by police officers. All</p> |

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| | <p>services are free of charge. This is not a standardised approach, however, but one that is adapted to each individual case.</p> <p>The NRW police distinguish between personal and property protection measures, so-called operational victim protection and measures under the Witness Protection Harmonisation Act (ZSHG) – so-called witness protection measures. The requirements and the procedures involved in police measures are closely regulated in separate internal police service regulations. The implementation of protection measures can usually be considered for victims of trafficking. If these personal and property protection measures are not sufficient, the person at risk may be admitted to Operational Victim Protection (OpOS). If the victims are also important witnesses in the criminal proceedings, the implementation of witness protection measures under the Witness Protection Harmonisation Act (ZSHG) can be considered. These measures are subject to strict conditions and can only be considered if the relevant conditions are met. According to Section 2 Witness Protection Harmonisation Act (ZSHG), specialised witness protection departments are responsible for the implementation of these measures. The need for protection is examined and assessed by the police in the form of a threat assessment. Under the Witness Protection Harmonisation Act (ZSHG), this is to be carried out in consultation with the Public Prosecutor’s Office. The assessment and implementation of protective measures is the responsibility of the district police authority in which the crime scene is located. Only if the requirements of Operational Victim Protection (OpOS) are confirmed in the course of processing does the competent district police authority involve the departments responsible for operational victim protection. In cases of Operational Victim Protection, consensual cooperation of all parties involved in the NRW police is required.</p> <p>Independently of the measures taken by the police, some specialised counselling centres provide assistance in securing residence. Victims (both women and men) can be accommodated in sheltered accommodation.</p> |
| Saarland | <p>Before and after court proceedings, it is possible to protect witnesses by enrolling them in a witness protection programme. The decision to admit a victim to a witness protection programme is made by a specialised police department in consultation with the Public Prosecutor’s Office. The police are responsible for implementation. The police also ensure the secure transport of the victim witness to the courthouse and then back to the secured place of protection.</p> |
| Saxony | <p>The departments identify and arrange the necessary protective measures, e.g. at case conferences with the involvement of the Saxony State Criminal Police Office (LKA) and other authorities concerned. Protection measures include measures of (operational) witness protection and victim assistance. During court hearings, it is possible to have these secured by the police. Further measures and the accommodation of victims are usually carried out by NGOs.</p> |
| Thuringia | <p>Due to the very low number of cases (see 5.1 above), the Thuringian police do not have any general information to provide in response to the question.</p> |

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| | <p>8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?</p> |
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| Baden-Württemberg | Victims receive information about the proceedings, in particular also about the possible imprisonment of the perpetrators, via the counsel for the private accessory prosecution, who must be appointed at their request (Section 397a of the Code of Criminal Procedure – StPO). However, it must be borne in mind that information about the proceedings can influence the evidential value of a victim’s testimony. |
| Bavaria | During the preparation of the hearing of the witnesses, victims are explicitly asked whether they want to be informed about the outcome of the proceedings etc. (tick boxes on the questioning sheet), cf. Section 406d (1) and (2) Code of Criminal Procedure (StPO). |
| Hamburg | According to Section 406h (3) in conjunction with Sections 397a, 395 (1) no. 4 of the Code of Criminal Procedure (StPO), the victim of THB is assigned a lawyer as counsel who can request access to the files at any stage of the proceedings. If an offender is released, the police are regularly notified if a danger to the victim cannot be ruled out. In addition, according to Section 12 (5) 2 of the Hamburg Penal Code (HmbStVollzG), the interests of the victims must be taken into account when deciding on the granting and structuring of the easing of measures. On request, the victim must be informed under certain conditions, e.g. whether measures involving deprivation of liberty have been ordered or terminated against the accused or the convicted person, or whether the accused or convicted person has been granted a relaxation of enforcement or leave for the first time, whether the accused or convicted person has evaded a measure involving deprivation of liberty by escaping, what measures, if any, have been taken to protect the injured party because of this, and whether the convicted person is again to be granted relaxation of enforcement or leave. The victim must be informed of their rights to information and the right to file a request. In addition, the persons concerned are notified on a case-by-case basis if there are serious changes to the criminal proceedings that have a direct impact on the safety, life, limb or freedom of the persons concerned. |
| Hesse | See question 1.1 |
| North Rhine-Westphalia | According to the circular <i>Polizeilicher Opferschutz</i> (“Police Victim Protection”) mentioned above (question 1.1), trafficked persons receive, among other things, information on the status of proceedings. These may also include information on the arrest or release of the perpetrators. Information on the status of the proceedings is passed on to the affected persons or victims, if necessary in coordination with the competent public prosecutor’s office. |
| Saarland | According to Section 406d of the Code of Criminal Procedure (StPO), the victim has a right to information about the progress of the proceedings. Pursuant to Section 406g (2) of the Code of Criminal Procedure (StPO), they may request that they be informed of the offender’s release. The victim is informed of these rights by the police at an early stage during initial contact. |
| Thuringia | Due to the very low number of cases (see 5.1 above), the Thuringian police do not have any general information to provide in response to the question. |

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| | 8.3 How do you ensure respect for the victims’ right to safety, privacy and confidentiality during court proceedings? |
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| Baden-Württemberg | See point 8.1. |
| Bavaria | See question 8.1; arrangements/choices are made at the discretion of the judge presiding over the hearing. |
| Berlin | The protection of victims, in particular the secrecy of victims' addresses, is constantly assessed by law enforcement agencies and the judiciary and is expressed in particular in Section 68 (3) of the Code of Criminal Procedure (StPO). If there is a concrete danger to the witness, the addresses of the witnesses are not mentioned in the file; instead, a special file is opened with the police, who can then summon the witness. |
| Hamburg | Within the framework of the investigation procedure, the police take the measures that are necessary and possible in the respective individual case with regard to the perpetrator and victim in order to protect the rights of the persons concerned (who are subject to special protection) to security, privacy and confidentiality. For example, the victims are interviewed by a person of the same sex and/or in the presence of a trusted individual, any meeting with suspects is avoided, the requirements of address data protection are taken into account, individual needs are discussed with KOOFRA e.V. and the Public Prosecutor's Office, and the victims are supported by means of operative victim protection if necessary. Otherwise, see answers to questions 1.1 and 8.1. |
| Mecklenburg-Western Pomerania | The information provided for question 8.1 applies accordingly. |
| Saarland | See 8.1 |

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| | 8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons? |
| Baden-Württemberg | <p>The concrete number of cases in which witness protection measures were carried out under the Witness Protection Harmonisation Act (ZSHG) is subject to secrecy, as this would allow conclusions to be drawn about the persons to be protected. The requirements for witness protection measures are derived from Section 1 ZSHG. If the requirements are not met, a victim of THB cannot be protected in accordance with ZSHG. Protective measures are then governed by general legal provisions on the prevention of danger.</p> <p>Admission of victims willing to testify to a witness protection programme is the exception. However, this is regularly organised in connection with larger-scale proceedings concerning organised THB and forced prostitution. Admission to a witness protection programme is not granted or is reversed if the victim is not (or no longer) willing to cooperate with the police witness protection service or if the victim proves to be unreliable in the course of the programme and thereby jeopardises the functioning of the police witness protection service as a whole, for example by disclosing secret apartments or police working methods.</p> |
| Bavaria | The number of witness protection measures carried out is not statistically recorded. |
| Brandenburg | No witness protection measures for victims and witnesses of THB have been implemented in the last 10 years by the Witness Protection/Operational Victim Protection Unit. Witness protection measures can only be implemented for victims of THB if they fulfil the criteria for witness protection, cf. Section 1 (1) Witness Protection Harmonisation Act (ZSHG). If they do not meet these |

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| | criteria but are nevertheless at risk of serious physical violence or homicide, regardless of their participation in the criminal proceedings, measures similar to witness protection can be implemented under operational victim protection. |
| Hamburg | Witness protection measures are assessed and coordinated by the police department of the Hamburg Criminal Police Office (LKA) responsible for this in cases of endangered witnesses even during the investigation proceedings. This is taken care of in addition to the investigations pertaining to the case. However, the number of cases in which witness protection measures were taken is not recorded statistically by the Hamburg Public Prosecutor's Office. An offence-related statistical recording of witness care cases is only carried out at the Regional Court. Since 2021, there have been five cases of the witness support service being used: all of the persons concerned were female (one person under the age of 18, no child), in four cases psychosocial support in legal proceedings was applied for and provided. |
| Mecklenburg-Western Pomerania | Statistical data on this are not available. |
| Lower Saxony | The Lower Saxony State Criminal Police Office (LKA) worked on/took over a case in the recent past. No other cases are known here. |
| North Rhine-Westphalia | Cases numbers relating to witness protection cases in NRW are not published. Witness protection measures are determined according to the Witness Protection Harmonisation Act (ZSHG). If the requirements under Section 1 of the Act are met, witness protection measures may also be ordered in cases of THB. This is rarely the case, however, because frequently the nature and scope of the witness statements are not sufficient for the initiation of witness protection measures, as the victims usually have little knowledge of the necessary background and structures of the organisations and their members. In this respect, it was already stated as a precautionary measure in the draft of the Witness Protection Harmonisation Act (ZSHG) that care and protection programmes for special groups of persons (e.g. foreign victims of THB) who do not meet the requirements remain unaffected by this law. |
| Rhineland-Palatinate | No contribution. |
| Saarland | Statistics on this are not kept. It is therefore not possible to make a statement. |
| Thuringia | Due to the very low number of cases (see 5.1 above), the Thuringian police do not have any general information to provide in response to the question. |

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| | 8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs? |
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| Baden-Württemberg | No empirical figures are available here. |
| Bavaria | <p>Close cooperation has long been developed among the specialised agencies in the fight against THB and exploitation. The manner of cooperation is determined individually in each case. In the case of scheduled property inspections, specialised counselling centres are involved at an early stage if necessary so that care can quickly be provided for identified victims as required. In addition, these NGOs/specialised counselling centres may organise sheltered accommodation in advance. Direct participation in controls by specialised counselling centres is usually not practised because victims of THB in such situations cannot distinguish between civilian police officers and members of a specialised counselling centre. The aim of all those involved is usually to involve NGOs at an early stage.</p> <p>The specialised counselling centres for victims of THB Jadwiga and Solwodi are funded by the Bavarian State Ministry for Family Affairs, Labour and Social Affairs (StMAS, in 2021 with funding of approximately EUR 500,000).</p> |
| Brandenburg | In a case conducted a few years ago at a Brandenburg public prosecutor's office, female victims were accommodated in the shelters of an association, for example. |
| Bremen | The Bremen police work closely with the BBMeZ (counselling centre for victims of THB and forced prostitution). The initial contact with the trafficked person often takes place there first, while the police are subsequently involved in a swift, direct manner. The funds for the BBMeZ counselling centre in Bremen amount to EUR 157,000 per year. |
| Hamburg | <p>Department 65 of the Hamburg State Criminal Police Office (LKA) and various NGOs, especially KOOFRA e.V., collaborate closely even during the investigation process to improve the situation of the victims. The Hamburg Public Prosecutor's Office and LKA 65 regularly participate in working meetings with other authorities and NGOs (Round Table on Human Trafficking for the Purpose of Forced Prostitution and Round Table on Human Trafficking for the Purpose of Forced Labour) at the Hamburg social welfare authorities (Victim Protection Unit) in order to further advance rights-based support for victims: A cooperation agreement between the Hamburg police and KOOFRA e.V. has existed since 1999 and was revised in 2018. This collaboration takes place with the key involvement of the Hamburg Public Prosecutor's Office. Underlying basic understanding: trafficked persons enjoy special rights. Persons affected by THB, forced labour and forced prostitution can make an essential contribution to effective prosecution as witnesses. For foreign nationals, this requires a right of residence in Germany at least for the entire duration of the proceedings. In connection with offences in the areas of THB, forced labour and forced prostitution, witnesses who are prepared to testify are usually expected to be at risk. Protective measures must be ensured accordingly. The stability of witnesses can be considerably improved by psychosocial support and assistance provided by specialised counselling centres.</p> <p>In the event that the witness returns to their country of origin, the return must be prepared in optimum fashion so as to prevent re-victimisation. The involvement of KOOFRA e.V. is helpful to establish a sustainable relationship of trust with those</p> |

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| | <p>affected/potential witnesses. KOOFRA e.V. is to be involved as soon as possible by the law enforcement agencies in contacts with potential trafficked persons, even if there is only some indication of THB.</p> <p>Similarly, sound cooperation between KOOFRA e.V. and the police is indispensable so that victims who have turned to KOOFRA e.V. can be quickly referred to the appropriate investigative units and police contacts if they wish to file criminal charges. If the possibilities of the NGOs involved are not sufficient to ensure the best possible care/support of the victims, the police consider appropriate measures to ensure the protection of the victims on their part.</p> <p>The specialised counselling centre KOOFRA e.V. has received adequate financial support from the Hamburg social welfare authorities for years.</p> |
| Mecklenburg-Western Pomerania | <p>Specialised counselling centres such as ZORA and CORRECT! are funded by the respective ministries responsible. Under the cooperation agreement mentioned under 8.1, it is “the common goal of the cooperation partners to strengthen and protect victim witnesses in their willingness to testify.”</p> <p>To this end, the often traumatised and intimidated victims must be stabilised and enabled to actively participate as witnesses in criminal proceedings. The cooperation partners work to achieve the protection and restoration of the physical and mental integrity of those affected, their safe accommodation and the securing of their livelihood and residence status through trusting and cooperative collaboration in order to create the framework conditions for this to happen. This is done in consideration of the respective primary responsibilities of the agencies concerned.</p> |
| Lower Saxony | <p>Only limited information can be given on the resources of the NGOs, as they act independently and autonomously. They maintain accommodation facilities as well as networks among facilities of their own organisation and those of other organisations. Furthermore, they are endowed with financial resources in the form of donations and payments from the judiciary. There is a regular exchange of information. If cases are reported to the police by NGOs (irrespective of the offence of THB), cooperative collaboration takes place. Persons in need of protection of a general nature are also accommodated on their own temporarily after assessment by the NGOs, especially in the initial period after cases have become known.</p> |
| North Rhine-Westphalia | <p>The cooperation of the public prosecutor’s offices with the specialised counselling centres takes place according to practical needs on the ground: well-established forums in North Rhine-Westphalia include “round tables” at three locations involving the municipal authorities, the police headquarters and a counselling agency, participation in a working group of a women’s network, and regular dialogue between the responsible department head of the Public Prosecutor’s Office and the specialised counselling centres working in the district.</p> |
| Saxony | <p>The specialised police units work closely with the NGOs. Extensive cooperation agreements have been concluded for this purpose.</p> |
| Saxony-Anhalt | <p>VERA (the specialised counselling service against trafficking in women, forced marriage and violence in the name of “honour”) has existed for more than 20 years and is funded by the Ministry of Labour, Social Affairs, Health and Equality with state funds in the amount of EUR 281,500 for the VERA centre plus EUR 174,800 for the women’s shelter. The Ministry of the Interior and Sport, in</p> |

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| | <p>agreement with the Ministry of Justice and Consumer Protection and the Ministry of Labour, Social Affairs, Health and Equality, has revised a joint circular entitled <i>Maßnahmen gegen Menschenhandel und Zwangsprostitution</i> (“Measures against Trafficking in Human Beings and Forced Prostitution”, as of 20 August 2021) and sent it to the regional administration office and the police authorities for their consideration. The provisions set out in this govern the cooperation of the authorities involved (including the police and foreign nationals authorities) and the measures to be taken by the latter as well as the cooperation with VERA, the specialised counselling service against trafficking in women, forced marriage and violence in the name of “honour”.</p> |
| Saarland | <p>The testimony of victims is often the only evidence and therefore of particular importance for the success of investigations against THB offences.</p> <p>For this reason, the state government convened a round table on combating trafficking in women with the aim of achieving better coordination between governmental and non-governmental agencies dealing with trafficked women, discussing the extent and forms of THB in Saarland and achieving improvements in the prosecution of perpetrators and protection for victims.</p> <p>A cooperation agreement was concluded on the cooperation of the Regional Police Directorate with the specialised counselling centre Aldona e.V. for migrant women for the protection of victim witnesses: cooperation of the police authorities concerned with the specialised counselling centre was structured on this basis, taking into account the various tasks involved. The cooperation agreement stipulates, for example, that the protection of victims is to be the focus of close cooperation between the police and the counselling centre and that victims of THB are to be given professional support so that they are able to testify against the perpetrators.</p> <p>In addition, an emergency fund was set up which is intended to enable female victim witnesses to obtain professional qualifications so that they can build up their own livelihood in their country of origin after giving evidence, with the aim of breaking the vicious circle of prostitution and forced prostitution.</p> <p>The specialised police department LPP 224 establishes contact between victim witnesses and the specialised counselling centre Aldona e.V.. Victim witnesses are cared for and safely accommodated by the specialised counselling centre Aldona e.V.. A requirement for this, according to the cooperation agreement concluded, is that the competent department head of the Public Prosecutor’s Office declares that the witness is an important victim witness who has been the victim of THB.</p> |
| Schleswig-Holstein | <p>Psychosocial support in legal proceedings is an important victim protection measure that is carried out by private providers in Schleswig-Holstein. Many of these measures are funded by the Schleswig-Holstein Ministry of Justice and Health. The NGOs’ work also involve cooperation with the police, public prosecutors’ offices and courts in order to inform the actors there about the work they do and the services they provide.</p> |
| Thuringia | <p>The Thuringian police cooperate with non-governmental organisations in general (i.e. not specifically in the field of THB). In questions of victim protection, special reference is made to the organisation Weisser Ring e. V. Injured parties/victims of crime receive appropriate information from the police.</p> |

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| | <p>8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?</p> |
| Baden-Württemberg | <p>Reference is made to the possibilities provided for under Section 58a of the Code of Criminal Procedure (StPO) to make an audiovisual recording of a cross-questioning session (by a judge). In the case of questioning child victims of THB, there are no special features in terms of type and scope compared to comparable questioning of other child witnesses who are injured parties in a criminal offence. The questioning police officers and judges have the opportunity to undergo appropriate professional development. No special training is provided.</p> <p>The police stations in Baden-Württemberg are equipped with specially fitted rooms for interviewing children. In addition, officers are called in who are specially trained to interview children.</p> |
| Bavaria | <p>Children who are victims of a crime are subject to special protection in the further proceedings. The type of underlying offence is usually not relevant here.</p> <p>Questioning of child victims of serious crimes such as THB and exploitation are conducted by specially trained officers in separate rooms. In addition, video documentation is to be used to reduce the number of hearings to an absolute minimum so that multiple hearings can be avoided.</p> |
| Berlin | <p>If the victims are children or juveniles, the provisions under Section 19 of the Statutory Guidelines for Criminal Cases and Administrative Fines (RiStBV) are binding. Here it is precisely specified under which conditions children and adolescents are to be questioned. In addition, Section 52 (2) of the Code of Criminal Procedure (StPO) must be taken into account when questioning minors.</p> |
| Brandenburg | <p>In the state of Brandenburg, there is the possibility of holding a judicial hearing in child-friendly rooms at fourteen locations, in particular so that audiovisual questioning can be carried out in accordance with Section 58a of the Code of Criminal Procedure (StPO) so as to avoid questioning of victims if necessary. Such questioning is always conducted by experienced juvenile judges. The legal requirements of child protection in criminal proceedings are complied with. There are no specific cases in which child victims of THB had to be questioned.</p> |
| Hamburg | <p>With the aim of further expanding child protection in Hamburg and offering children in stressful situations a safe environment and all the help they need, a so-called Childhood House has been opened in Hamburg in cooperation with the World Childhood Foundation. This is a child-friendly, multidisciplinary, non-overnight drop-in centre for children who have been or may potentially be victims or witnesses of any form of violence, sexual offences or physical or psychological neglect. Childhood House Hamburg offers ideal spatial possibilities for well-coordinated and child-friendly care for affected children. In addition to paediatric and forensic medical examinations of children, it is also possible to conduct police, prosecutorial, criminal and family court questioning</p> |

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| | <p>sessions, hearings and interviews here, which, providing the legal requirements are met, can be audiovisually documented and/or broadcast on criminal justice premises.</p> <p>Specialised training courses are available to all persons involved in the examination of child witnesses in the context of criminal proceedings. In addition, the practical guide on the application of child-friendly criteria for criminal proceedings developed by the National Council against Sexual Violence Committed against Children and Adolescents in November 2021 has been made available to all investigating and prosecuting authorities. The spatial and technical resources for conducting audiovisually documented hearings in preliminary proceedings – which replace the hearing of child witnesses in the main proceedings if the legal requirements are met (Sections 58a, 255a Code of Criminal Procedure – StPO) – are available both at the above-mentioned Childhood House Hamburg and in the criminal justice building centrally located in Hamburg. Due to a concentration of jurisdiction, a very limited number of juvenile court judges with pedagogical experience at Central Hamburg District Court are responsible for the questioning of children as witnesses in pre-trial proceedings; due to this concentration of jurisdiction, these judges have a high degree of experience and empathy. The summonses for the judicial examination of witnesses in pre-trial proceedings contain information on the support measures outlined under question 6.1.</p> <p>Furthermore, police dealings with under-age injured parties and witnesses are specifically regulated by the relevant provisions; in this context, reference is made to the relevant Police Service Regulation (PDV 350 VS-NfD) – No. 140.090000 ff. The measures taken to protect minors may – depending on the requirements of the individual case – include the following: consideration of the special need for protection by addressing children appropriately and taking special needs into account, use of child-friendly interview rooms, use of audiovisual recording technology to avoid multiple interviews, provision of information on the assignment of psychosocial support in legal proceedings, interdisciplinary networking and, if necessary, consultation with the prosecution regarding the ordering of a supplementary guardianship. Department 6 of the State Criminal Police Office (LKA) has its own video questioning room; employees of LKA 6 (in this case LKA 65) attend training programmes and courses in order to be able to conduct child-friendly hearings.</p> |
| Hesse | <p>Rooms or play areas suitable for children/young people and play corners in which interviews can take place are available at the Higher Regional Court, at the Regional Courts of Darmstadt, Frankfurt am Main, Fulda, Hanau, Limburg an der Lahn, Marburg, Wiesbaden and at the District Courts of Alsfeld, Bad Hersfeld, Bad Homburg, Bensheim, Biedenkopf, Büdingen, Darmstadt, Dieburg, Frankfurt, Friedberg, Gelnhausen, Hanau, Kassel, Kirchhain, Königstein, Korbach, Lampertheim, Langen, Limburg an der Lahn, Marburg, Melsungen, Michelstadt, Rüdeshheim, Rüsselsheim, Seligenstadt, Wiesbaden. Using mobile technology, video questioning can be carried out in rooms specially equipped for children and young people.</p> |
| Mecklenburg-Western Pomerania | <p>Section 19 of the Statutory Guidelines for Criminal Cases and Administrative Fines (RiStBV) is to be observed when questioning children. As particularly vulnerable witnesses, children can be protected from multiple questioning, especially in the main hearing, by means of audiovisual recordings pursuant to Section 58a of the Code of Criminal Procedure (StPO). Otherwise, the explanations provided under question 8.1 also apply accordingly. There are no interview rooms within the meaning of Art. 15(3)(b) of Directive</p> |

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| | <p>2011/36/EU at the public prosecutors' offices. However, the criminal investigation departments do have such rooms. The questioning of child victim-witnesses of THB takes place in special, invitingly furnished questioning rooms by trained personnel in the Criminal Investigation Departments (KPI) or at the State Criminal Police Office (LKA). Providing the requirements set out in Section 58a (1) of the Code of Criminal Procedure (StPO) are met, the questioning of child victims of THB should be and is recorded by the state police in video and audio, and also extensively and in detail in writing. Reference is made to the regulations set out in the <i>Leitfaden für die polizeiliche Bearbeitung von Straftaten gegen die sexuelle Selbstbestimmung</i> ("Guidelines for the police handling of offences against sexual self-determination").</p> <p>In 2022, a Childhood House was opened in Schwerin, cf. https://www.schwerin.de/mein-schwerin/leben/kinder-jugend-familie/Kinder-Jugendliche-Familie/beraten-unterstuetzen/Childhood-Haus/. This could also be used in the future for child victims of THB.</p> |
| Lower Saxony | <p>Cases of this kind have not been dealt with by the Lower Saxony State Criminal Police Office (LKA) to date. Should such a constellation occur, the necessary procedures will be followed. Interviews can be conducted in suitable surroundings outside police stations for this purpose. Talks/interviews for the preparation of victim protection measures do not have the character of a hearing and are to be separated from investigative work. Staff members are experienced in dealing with victims of all ages who need protection. A psychologist available at the Lower Saxony State Criminal Police Office (LKA) is called in to assist with many of the interviews to be conducted.</p> |
| North Rhine-Westphalia | <p>The NRW State Office for Central Police Services (LZPD NRW) and the NRW State Criminal Police Office (LKA NRW) created the conditions for the state-wide introduction of audiovisual questioning in the 47 district police authorities of North Rhine-Westphalia in 2020 in implementation of Art. 24 of Directive 2012/24/EU and Section 58a of the Code of Criminal Procedure (StPO) in conjunction with Sections 255a and 241a of the Code of Criminal Procedure (StPO), thereby taking into account Art. 24 (1) (a) of the EU Directive in particular. ("in criminal investigations, all interviews with the child victim may be audiovisually recorded and such recorded interviews may be used as evidence in criminal proceedings.") All district police authorities are therefore equipped with technology to conduct audiovisual interviews and can use this regardless of the location.</p> <p>In cases of THB involving child victims, the police hearing is conducted by investigators from a specialised police unit.</p> <p>A child-friendly interview situation is essential here. Such a situation is primarily determined by the behaviour of those conducting the interview and is usually created by explaining to the child in an age-appropriate manner the rights and rules that are relevant for the interview situation.</p> <p>In order to be able to interview children in a child-friendly environment, the specialised police departments have rooms at their disposal that enable interviews to be conducted in a child-friendly atmosphere. The interviews can be audiovisually recorded and therefore played back later, e.g. in the context of a court hearing. This therefore avoids the necessity of carrying out multiple</p> |

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| | <p>interviews.</p> <p>The State Office for Training, Professional Development and Personnel Matters of the Police of North Rhine-Westphalia (LAFP NRW) provides annual professional development courses on the topic of “Interviewing children and juveniles as victims/witnesses in sexual offences/child abuse”, so investigators at the specialised police departments are trained accordingly in interviewing children.</p> |
| Saarland | <p>Child victim witnesses are questioned in the preliminary proceedings by specially trained police officers from the specialised departments of the Regional Police Headquarters.</p> <p>In connection with the main hearing, child victim witnesses enjoy special protection under the Code of Criminal Procedure (StPO), so witnesses under 18 years of age are questioned solely by the presiding judge pursuant to Section 241a of the Code of Criminal Procedure (StPO). There is the possibility of conducting a video interview and the possibility of exclusion of the public in order to provide special protection for under-age witnesses. Child-friendly rooms are provided at the courts where children can stay during waiting times.</p> |
| Saxony | <p>If the victims are children, the proceedings are processed quickly due to the requirement for swift handling. Video interview rooms are available at the departments for questioning children, some of which are fitted in a child-friendly manner. In addition, there is the possibility of using an identity parade room or taking the child to the Childhood House in Leipzig. Interviews are carried out by specially trained police officers. The children can have a trusted person with them or receive psychosocial support in legal proceedings free of charge.</p> |
| Schleswig-Holstein | <p>In Schleswig-Holstein, judicial video questioning of under-age witnesses has been carried out since 2016 in accordance with Section 58a of the Code of Criminal Procedure (StPO). The local Higher Regional Court regularly offers professional development courses on questioning child witnesses for the responsible investigating judges and public prosecutors; these deal with both the legal and the psychological aspects of the process.</p> <p>Since 1 January 2022, judicial video examinations of victim witnesses have been concentrated at the district courts at the seat of the respective public prosecutor’s office in order to be able to ensure high-quality technical resources as well as professional skills on the part of the examining judges.</p> <p>Where judicial questioning of victim witnesses is carried out depends on the local circumstances at the four courts at which jurisdiction is concentrated. Three out of four courts have created a separate room.</p> <p>A so-called Childhood House was opened at the Regional Court of Flensburg at the beginning of this year. In appropriate cases, the questioning of under-age witnesses can be carried out here by the police and by the competent and specialised investigating judge. Forensic and medical examinations of under-age witnesses in connection with criminal proceedings as required in this district are also usually carried out at the Childhood House. Finally, a counselling service and psychosocial support in legal proceedings are also located there. The rooms are designed to meet the needs of children and are designed in a welcoming style.</p> |

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| Thuringia | From the point of view of the Thuringian police, it can be added that, as far as possible, specially trained personnel and specially equipped interview rooms suitable for children are used for questioning children. |
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| | 9. Specialised authorities and co-ordinating bodies (Article 29) |
| | 9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB? |
| Baden-Württemberg | <p>Neither the judiciary nor the police are specially staffed or equipped to combat THB. The fight against THB is carried out by the law enforcement authorities as part of the general fight against crime. Appropriations for law enforcement agencies specialised in combating and investigating THB are not listed separately in the state budget. The police in Baden-Württemberg have expert criminal police officers who are qualified based on high-quality training and professional development measures provided on the subject of THB.</p> <p>Another specialised unit is the Joint Investigation Group on Smuggling (GES) at the State Criminal Police Office (LKA) in Stuttgart, which is made up of both federal and state police officers. In addition to smuggling cases, this investigation group also deals with THB offences. There is also productive networking between the Federal Office for Migration and Refugees (BAMF) and the State Criminal Police Office (LKA) of Baden-Württemberg. On the part of the authorities, the indications that an individual is a victim of THB as obtained in the course of the asylum procedure pursuant to Section 8 (3) of the Asylum Act (AsylG) are regularly relayed to the Baden-Württemberg State Criminal Police Office (LKA) for further investigative purposes.</p> <p>A smooth national and international exchange of information between police stations also helps the Baden-Württemberg police to identify victims of THB, such as investigative cooperation through so-called regular Joint Investigation Teams (JITs) with foreign agencies. Specialised counselling centres for victims of THB are also available in Baden-Württemberg. The counselling work carried out by these institutions explicitly includes combating THB, especially trafficking in women and children, which is enhanced through public relations work. A guide created by Baden-Württemberg for cooperation between the authorities and specialised counselling centres to improve victim protection and prosecution in cases of THB and labour exploitation is a supportive instrument used for this purpose</p> |
| Bavaria | It should be noted that in answering this question, the Bavarian State Ministry of the Interior, Sports and Integration is only able to refer to the staffing levels of the Bavarian police forces. A separate survey of individual work areas or groups of employees as described in the question would be too time-consuming and would tie up too many personnel resources in the subordinate area so it is currently disproportionate to the request for information. Alternatively, we are therefore able to answer the question as follows: |

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| | <p>The handling of offences and investigations in the area of THB falls under the responsibility of the Bavarian police, in particular:</p> <ul style="list-style-type: none"> • that of the Bavarian State Criminal Police Office (BLKA) (Art. 7 Police Organisation Act – POG) and • in the case of ten police headquarters, that of two criminal investigation departments, seven criminal investigation departments with central duties and 30 criminal investigation departments/stations (departments according to Annex 1 [Bavarian Police Departments] of the Ordinance on the Implementation of the Police Organisation Act (DVPOG)). <p>In total, 40 departments are involved in the preventive and repressive handling of cases in the field of THB. It should also be noted here that the responsibilities for certain tasks (such as combating THB) are fundamentally within the organisational sovereignty of the police organisations.</p> <p>As is customary in the Bavarian police, the staff employed by the above-mentioned 40 units is flexibly deployed in the respective area of responsibility of the organisational unit for preventive and repressive investigations/activities to combat offences in the field of THB, but is also deployed for other tasks, depending on the actual workload.</p> <p>In 2021, an average of around 4,170 officers were employed by the departments which are also responsible for handling/investigating THB.</p> <p>Furthermore, investigative or special commissions are also set up in cases that require special handling due to the circumstances of the individual case or their complexity (e.g. a large number of participants, a large number of injured parties or a special modus operandi). As a rule, employees or specialists from other areas are called in to support the investigative measures.</p> <p>Finally, we would like to note that in principle all police enforcement officers are also able to take immediate measures in connection with the relevant offence within the scope of their legal powers, thereby contributing to combating THB overall.</p> |
| Brandenburg | <p>There is no specialised unit for combating and investigating THB in the Brandenburg police. However, specialised handling takes place in the case of overlaps with other fields of crime (e.g. organised crime or structural crime).</p> <p>The staffing and funding of the public prosecutor’s offices is based on the annual budget adopted by the budget legislature for the area of public prosecutor’s offices as a whole. There is no separate budget for combating and investigating THB. According to the current calculation of staffing requirements for 2022 (operational figures 2021), the public prosecutor’s offices are resourced in line with the requirements for the prosecutorial service.</p> |

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| Bremen | <p>The police forces in Bremen and Bremerhaven have 5.5 FTE at their disposal for combating THB: one A10 post, 3.5 A11 posts and one A12 post. This results in a personnel budget of EUR 321,431 per year. The workplace costs amount to EUR 53,350 per year. The total budget is therefore EUR 374,781 per year.</p> |
| Hamburg | <p>In Department 65 of the Hamburg Public Prosecutor's Office, cases of THB for the purpose of sexual exploitation are dealt with by all department heads (currently five with one vacancy).</p> <p>The Hamburg police does not have separate budget data for this type of offence. The department responsible has 20 employees. The standard resources are available as are normally provided for an investigative department.</p> |
| Hesse | <p>In 2022 the budget for the entire public prosecution sector in Hesse amounts to approximately EUR 154.1 million euros. In addition, the current 2022 budget contains a total of 1,480 posts across all career paths for the public prosecutors' offices and district attorneys' offices, of which 469.5 are permanent posts for public prosecutors.</p> <p>Once the necessary requirements have been determined, including additional budgetary and staffing needs, the departments responsible for managing the budget submit the relevant applications for budgetary funds and posts as part of the budget preparation procedure; these are forwarded by the budget unit of the Ministry of Justice to the Ministry of Finance, which is responsible for preparing the budget. Finally, the Hessian parliament decides by law on the provision of budgetary funds and posts. The funds and posts are allocated to the Public Prosecutor's Office within the process of budget implementation; the latter makes the sub-allocation to the public prosecution offices and the district attorney's office.</p> <p>The budget and personnel made available in this way serve to fulfil all tasks in connection with criminal prosecution and execution of sentences at the Hessian public prosecutor's offices and the district attorney's office. The actual distribution of tasks and the use of resources are the responsibility of the management of the respective authorities.</p> |
| Mecklenburg-Western Pomerania | <p>No survey has yet been carried out regarding the personnel and resources, including technical resources, available to the law enforcement agencies specialised in combating and investigating THB in the area of the state police (investigation, evaluation, (operational) victim protection, asset recovery, prevention).</p> |
| Lower Saxony | <p>In Lower Saxony, the offence of THB (depending on the specific type) is dealt with by special police departments with trained personnel. The number of employees varies and depends on various factors. Investigations are supported by means of the appropriate technical resources. The budget is based on the respective guidelines of the individual police authorities.</p> |
| North Rhine-Westphalia | <p>In North Rhine-Westphalia, cases of THB for sexual exploitation are handled by the majority of public prosecutors' offices in the departments for organised crime and in some cases – mostly within these departments – by experienced special investigators. Meanwhile, the majority of cases involving THB for the purpose of labour exploitation are handled by the crime units specialising in economic crime. In February 2021, a large public prosecutor's office appointed a central contact person for THB who is available to the criminal investigation department for questions independent of the proceedings and related to the phenomenon, especially</p> |

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| | <p>legal questions, in the interests of effectively combating this specific criminal phenomenon.</p> <p>It is not possible to state the amount of budgetary resources allocated to combating THB. As of 13 September 2021, 231 case officers were distributed among all 47 district police authorities (KPB) of the NRW police force, also being entrusted with the task of combating THB. Insofar as organised crime is concerned, 17 authorities in North Rhine-Westphalia are affiliated with departments that exclusively handle organised crime cases for the state of North Rhine-Westphalia. A total of 537 case handlers work in these departments.</p> <p>The technical resources available to combat THB include the following:</p> <p>Mobile fingerprint comparison devices Persons active in the red-light milieu often use aliases or stage names. Mobile devices (“Fast ID” procedure) have been available to the district police authorities since 2018. When on-site checks are carried out, the identification of persons can be further improved by more intensive use of mobile fingerprint comparison devices.</p> <p>Document checking devices The use of an electronic document verifier by trained control officers can facilitate the detection of fake IDs by identifying trafficked persons who use forged or falsified documents.</p> <p>Web crawler developed as part of the THB LIBERI project In connection with the THB LIBERI project run by the Federal Criminal Police Office (BKA), a software tool/web crawler has been developed which is used by 21 district police authorities in NRW to identify prostitution sites and potential trafficking victims. See also “Audiovisual questioning” in the answer to question 8.6.</p> |
| Saarland | Financial investigations are carried out in cases of THB. These are no different from financial investigations in other criminal cases. |
| Saxony | It is not possible to specify a budget or the human and technical resources available to the law enforcement agencies for the field of combating and investigating THB specifically. |
| Schleswig-Holstein | Combating THB forms part of the prosecution of organised crime at the public prosecutor’s offices in Schleswig-Holstein, which means that the resources available in this area can be used. It is not possible to quantify these in concrete terms, however. |

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| | <p>9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units cooperate with in relation to THB cases?</p> |
| Baden-Württemberg | <p>In Germany, the financial investigation units form part of the criminal investigation authority and do not specialise in specific areas of crime. On request, they support investigations being carried out by the investigating department and shed light on the financial circumstances of the perpetrator groups in order to determine all assets obtained through the crime and collect these assets, including legal assets.</p> <p>Specialised police financial investigators are regularly used in the prosecution of organised THB. For example, they investigate the financial circumstances of the perpetrators by means of bank enquiries or land register searches. Also, in exceptional cases, tax secrecy can be breached and information obtained from tax offices in the course of these investigations, cf. Section 30, (4) no. 5 (a) of the Fiscal Code (AO). There are no specific findings on the use and functioning of the Financial Intelligence Unit (FIU) Germany and the German Asset Recovery Offices (Department 35 “Asset Recovery” of the Federal Criminal Police Office (BKA) and the Federal Office of Justice (BfJ) in connection with cases of THB.</p> |
| Bavaria | <p>If possible, criminal procedural measures such as asset recovery are taken in addition to criminal investigations. In international cases, this may be done by means of judicial assistance. Depending on the facts of the case, other authorities (customs, tax authorities, ...) may be involved so that the respective agencies are able to examine the facts of the case according to their powers. In the case of identified cash transfers, cooperation with financial service providers takes place – usually after the submission of the relevant public prosecutor’s orders – in order to be able to trace the path of the money.</p> <p>In the area of sexual exploitation, for example, the Human Trafficking Unit of the Bavarian State Criminal Police Office (BLKA) specifically evaluates and compiles advertisements on the internet in order to be able to draw conclusions about the amount of damage, etc. so that this can be taken into account when determining any possible asset recovery.</p> |
| Brandenburg | <p>The Brandenburg State Criminal Police Office (LKA) has a specialised department for asset recovery. This is used at the request of the investigating departments or the Public Prosecutor’s Office. There are no request channels dedicated specifically to THB.</p> |
| Bremen | <p>In the Bremen police, the central financial investigations unit is responsible and can also be used for financial investigations in connection with cases of THB. No special investigation techniques are used in financial investigations in this area; rather, such proceedings are handled in the same way as other financial investigation proceedings relating to organised crime such as narcotics trafficking or the like. The aim of financial investigations is, among other things, to clarify the financial circumstances of the parties involved and determine the flow of funds. If special contacts with organisations that advocate for victims of THB are necessary for this purpose, these can be established through the relevant specialised department. There is no cooperation with external agencies specialising in the field of THB.</p> |

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| Hamburg | <p>Department 53 (Financial Investigations and Asset Recovery) of the Hamburg Public Prosecutor’s Office supports the investigating department in tracing assets and if necessary provisionally securing them. In this respect, the relevant “investigation techniques” do not differ from the measures used in other proceedings. Moreover, these depend on the respective individual case and are subject to concrete individual assessment in each case. The heads of Department 53 cannot recall any proceedings being carried out for allegations of THB.</p> <p>Within Department 6 of the Hamburg State Criminal Police Office (LKA) “Organised Crime and Narcotics Crime”, LKA 66 GFG (Joint Financial Investigation Group) supports LKA 65 responsible for THB both by conducting financial investigations integrated in the proceedings and also by planning and implementing measures for asset recovery. Involvement takes place as early as possible on the initiative of LKA 65. LKA 66 GFG tracks down existing, moved and concealed assets and cooperates with the authorities, departments, institutions and organisations concerned and supports these depending on the individual case, such as the Federal Criminal Police Office (BKA), Europol, FIU, BaFin (Federal Financial Supervisory Authority), financial service providers, registry courts, goods traders, supervisory authorities.</p> |
| Mecklenburg-Western Pomerania | <p>In the public prosecutor’s offices, individual public prosecutors are particularly specialised in financial investigations. They also become active in cases of THB. The investigation techniques do not differ from financial investigations in other proceedings. As a rule, cooperation takes place with the other law enforcement authorities in the usual way (police, tax investigation, customs) and, if necessary also with the foreign nationals authorities.</p> |
| Lower Saxony | <p>If there are indications in preliminary proceedings that a person involved in the offence or a third party beneficiary has obtained something through or for the offence, it must be examined whether measures for the provisional safeguarding of the original proceeds or compensation for the value can be applied. The conduct of financial investigations is not necessarily linked to an offence, but can rather take place across different offences. This can also apply specifically to the offence of THB, as the actions of the accused in this offence are specifically aimed at achieving an economic betterment. In these cases, the investigating department commissions the respective financial investigation department in charge.</p> <p>A schematic presentation of the investigation measures and techniques is not possible due to the variety of individual asset investigation procedures and the inherent differences between them.</p> <p>In principle in the area of financial investigations, however in addition to the standard measures such as obtaining information by means of police query portals or criminal procedural measures such as searches, special investigations are also regularly carried out. In this connection, there is often professional dialogue with commercial agencies such as banks or with other law enforcement agencies such as the tax investigation department and the customs administration, as well as the FIU.</p> |
| North Rhine-Westphalia | <p>Answer to sub-question 1:</p> <p>The positions for financial investigators, are an integral part of the staff at all district authorities of the NRW police. The district police authorities are to ensure that all investigating officers apply the forfeiture and confiscation provisions as part of integrated financial investigations, making use of safeguarding options under police law and criminal procedure. For the most part, financial investigators perform this task on their own. The main task is to provide investigative support in individual or large-scale</p> |

proceedings, including preliminary proceedings on suspicion of THB. The financial investigators deployed in all district police authorities and at the NRW State Criminal Police Office (LKA NRW) have received comprehensive centralised professional development. Essentially, a distinction is drawn between financial investigations that are integrated in proceedings and those that are independent of proceedings. Financial investigations integrated in proceedings are carried out in connection with criminal proceedings for asset recovery as well as for procedural support. In this connection, financial investigations serve the following purposes in particular:

1. Investigation of suspicious financial transactions, asset transfers and financial relationships
2. Investigation of all material circumstances relevant to the making and enforcement of confiscation orders, precautionary measures or tax rulings, including the ownership or possession of property of any kind.
3. Gaining knowledge of links between persons or groups, and the functioning of financial relationships and criminal relationships in the field of organised crime.
4. Suggestion and implementation of confiscation and security measures for asset recovery.
5. Detection and identification of financial transfer systems and crypto assets.
6. Preparation of victim compensation.

Financial investigations that are independent of proceedings serve to investigate suspicious facts that arise from financial transactions, for example, without there already being sufficient factual indications of a criminal offence having been committed. In order to combat money laundering, investigations are carried out in particular on suspicion of money laundering according to the Money Laundering Act (GwG) and criminal proceedings on suspicion of money laundering are processed. If specific offences or types of offence become apparent, financial investigations that are independent of proceedings are continued as integrated financial investigations.

Answer to sub-question 2:

In both cases, the following investigation techniques are used for tracing and tracking assets:

- Account retrieval procedures
- Account evaluations
- Evaluation of company databases
- Evaluation of commercial registers
- Evaluation of land registers
- OSINT searches

The following investigation techniques are used in the area of asset recovery:

- Determining the amount of the proceeds of crime
- Determining the number of debtors
- Applying for the relevant court orders to secure assets (also abroad)
- Searches and seizures

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| | <p>– Implementation of requests for mutual legal assistance</p> <p>Answer to sub-question 3: In doing so, the departments cooperate with the NRW tax authorities, the Financial Monitoring of Undeclared Work Unit (FKS) operated by the Customs Administration and the Financial Intelligence Unit of the Customs Administration and the municipal supervisory authorities.</p> |
| Saxony | The Saxony State Criminal Police Office (LKA) and its departments have specialised units for asset recovery which are deployed in proceedings for THB. On request, the investigating departments may also be assisted in asset recovery measures. Due to the low number of cases, cooperation with public and private agencies always takes place on a case-by-case basis. |
| Schleswig-Holstein | Insofar as financial investigations are to be carried out and measures of asset recovery are to be undertaken, the specialised forces of the Schleswig-Holstein public prosecutor's offices act within the framework of the (federal) legal provisions. Special cooperation structures do not exist in the field of combating THB. However, as far as necessary and legally possible, cooperation with other agencies also takes place in this area. |
| Thuringia | The Thuringian police has an organisational unit that specialises in financial investigations; this can also be used in cases of THB. However, due to the very low number of cases (see 5.1 above), it is not possible to make any generalised statements here. |

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| | 10. International Cooperation (Article 32) |
| | 10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred? |
| Bavaria | The exercise of civil claims, such as the payment of withheld wages, is not within the remit of the police. Injured parties are usually supported by specialised counselling centres/NGOs and trade unions. |
| Brandenburg | The Brandenburg police participate in international police peacekeeping missions under EU or UN mandates and are seconded to the federal police for this purpose. In this respect, it is not possible for each federal state to answer the questions here. |
| Hamburg | KOOFRA contacts NGOs abroad if victims wish and need this, and they also arrange telephone/digital counselling and inform victims that they can also report crimes from other countries here. |
| Hesse | Victims of THB are directly served with the relevant documents to claim confiscated sums of money if they are resident in a Member State of the EU or of the Convention Implementing the Schengen Agreement. Compensation is usually possible because the wages are subject to confiscation under Section 73 of the Criminal Code (StGB). |

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| | 10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice. |
| Baden-Württemberg | The number of such cooperations with other <i>Länder</i> is not recorded in Baden-Württemberg in a way that can be statistically analysed. However, it is known that several JITs have been formed in the past, e.g. with Romania. For the area of financial investigations, there are nationwide statistics on the provisional seizures made by all police departments throughout Germany. This is prepared by the Federal Criminal Police Office (BKA). |
| Bavaria | Financial investigations: <ul style="list-style-type: none"> • In 2020, it was only possible to carry out financial investigations in eight out of 46 cases. Here, cooperation with foreign countries took place in five cases (4 x Romania, 1 x Netherlands). • In 2021, financial investigations with foreign countries were carried out in four out of 44 cases. Cooperation here took place with Austria (twice) and with Bulgaria and Romania (once each). <p>Joint investigations/international cooperation: The number of joint investigation teams is not recorded separately in statistics (partly because of the lack of a clear definition).</p> <p>In 2020, 17 of the 46 cases involved international cooperation with one or more countries initiated by Bavaria (8 x Romania, 4 x Hungary; 2 x Bulgaria and Switzerland each; 1 x Italy, Netherlands, Austria each).</p> <p>In 2021, Bavarian police departments initiated international cooperation with one or more countries in eleven of the 44 cases (6 x Romania; 5 x Hungary; 2 x Austria; 1 x each Bulgaria and Switzerland).</p> <p>During the same period, the Human Trafficking Unit supported about 120 foreign investigations by answering requests for information.</p> <p>In the current year 2022, the Bavarian State Criminal Police Office (BLKA), Department 533, also processed approx. 135 requests for information from abroad in support of investigations being pursued by foreign authorities.</p> |
| Brandenburg | There is no statistical recording of these cases, so no information can be provided specific to the state as described in the question. |
| Bremen | To date, there has been no cooperation between the Bremen Public Prosecutor's Office and other countries through financial investigations or joint investigation teams in the period since 1 January 2018. |
| Hamburg | In the last five years, there have been no such cases in Department 65 of the Public Prosecutor's Office. Also, since the last evaluation round of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), the Hamburg police have not dealt with any cases as described in the question. |

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| Hesse | Details of joint investigation teams are not known due to the lack of statistics in this regard. For the questioning of witnesses or other investigation measures, recourse is made to the European Investigation Order if necessary; this has also proven effective in combating such forms of crime. In particular, the exchange of information via the Federal Criminal Police Office (BKA) and Europol has proven to be very sound and effective in the past. |
| Lower Saxony | There has been no known cooperation with other countries in the investigation and prosecution of trafficking cases through financial investigations. |
| North Rhine-Westphalia | Mutual legal assistance procedures only came to light in isolated cases during the reporting period, including the implementation of telephone surveillance measures (with Romania). These are said to have all been settled. Joint investigation teams with staff from other countries to combat THB offences are not known. In 2018, in the course of investigations pursued by an investigative commission of the district police authority of Duisburg against Nigerian human traffickers, enforceable <i>in rem</i> arrests were transferred by the judicial authorities of the Duisburg Public Prosecutor's Office to the judicial authorities in Nigeria, which agreed to enforce them. The documents were translated into English beforehand. There has been no feedback on their enforcement to date. |
| Saarland | In the past, a Joint Investigation Team (JIT Palmera) was established with Spain in connection with THB. The aim of the Joint Investigation Team (JIT Palmera) was to dismantle a group consisting of Romanian nationals who were exploiting young Romanian women in Spain and Germany. By conducting joint cross-border investigations, Saarland and Spanish investigators were able to arrest 16 members of an international THB ring in Valencia, Spain, in October 2019. The starting point was the abduction of a 22-year-old prostitute in front of the discotheque Kufa in Saarbrücken. The abducted Romanian woman had been taken to Valencia in Spain, where she continued to be forced into prostitution. It was possible to free 17 abducted girls in the course of the raid in Spain. |
| Schleswig-Holstein | There is no statistical recording of relevant cases. It was not possible to interview the department heads of the public prosecutor's offices and courts who are entrusted with mutual legal assistance cases in the time available. |
| Thuringia | In the time available it was not possible to involve the State Criminal Police Office (LKA). In view of the very low number of cases, however, figures would not be revealing. |

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| | 10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome? |
| Baden-Württemberg | Statistics on requests concerning THB are not kept here. |
| Bavaria | See question 10.2. |

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| | The number of requests for mutual legal assistance or the number of European Investigation Orders issued is not collected separately for statistical purposes. |
| Brandenburg | <p>Based on the research options available, it was possible to determine that eight requests for mutual police assistance were made abroad in the period from 2018 to 2022. The results of the investigations are not known.</p> <p>There is no separate statistical recording of requests for mutual legal assistance or European Investigation Orders in cases of THB. According to a survey carried out by the public prosecutors' offices, approximately two to five requests for mutual legal assistance or European Investigation Orders are known to have been submitted to a public prosecutor's office per year in cases of THB. As far as can be remembered, these exclusively concerned Poland, because the smuggling routes of the offences established here regularly run through the territory of the Republic of Poland and, as a rule, these are cases where parallel preliminary proceedings are being conducted in Poland, so it is primarily a matter of exchanging information. In this respect, it should be noted that the accusation of THB does sometimes come up as an initial suspicion, but as a rule this suspicion cannot be substantiated sufficiently. To be specific, charges are usually based on the accusation of smuggling in foreign nationals under Section 96 of the Residence Act (AufenthG).</p> <p>Another public prosecutor's office is currently conducting proceedings for THB for the purpose of labour exploitation in which, based on a European Investigation Order, the Hungarian authorities have been requested to question victims of the crime who have since returned. The response to the request is still pending.</p> |
| Bremen | In the aforementioned period, the Bremen Public Prosecutor's Office submitted requests for mutual legal assistance or European Investigation Orders in at least nine preliminary proceedings. The majority of the requests were fully implemented by the requested bodies. |
| Hamburg | Neither in Department 65, nor in Department 1 of the Public Prosecutor's Office (International Mutual Legal Assistance Division) is it statistically recorded whether a request for mutual legal assistance or a European Investigation Order was the subject of proceedings on suspicion of THB. The same applies to the Hamburg police. |
| Mecklenburg-Western Pomerania | <p>One mutual legal assistance request, five European Investigation Orders:</p> <p>a request for mutual legal assistance to Italy sought to hand over the proceedings and have the Italian authorities take over prosecution. The public prosecutor's office at the Naples regional court took over the proceedings. In another case, five European Investigation Orders were transmitted to Poland. Three were for the purpose of obtaining information on persons residing in Poland: these were answered promptly and satisfactorily. Two investigation orders were not implemented in time. One of these orders was to freeze the assets of the main accused party in an account held in a Polish bank. The order was not implemented until six months after it was sent, by which time the incriminated funds had already been withdrawn by the perpetrators.</p> |
| Saarland | No such statistics are kept. Numerous European Investigation Orders have been issued in THB cases in the past. |

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| Saxony | The attached table (Annex 1) shows the quantitative breakdown of so-called police mutual legal assistance, i.e. police information exchange via INPOL or SIRENE, on the subject of THB since the second evaluation round (for the period 2017 to 2021 as well as for the first half of 2022). It should be noted that the figures for the first half of 2022 are only of limited use. |
| Schleswig-Holstein | There is no statistical recording of relevant measures. It was not possible to interview the department heads of the public prosecutor's offices and courts who are entrusted with mutual legal assistance cases in the time available. |
| Thuringia | In the time available it was not possible to involve the State Criminal Police Office (LKA). In view of the very low number of cases, however, figures would not be revealing. |

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| | 10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers? |
| Baden-Württemberg | In the case of international groups of offences, parallel proceedings and JITs are used to ensure transnational prosecution and to protect the victims. |
| Bavaria | a) Close exchange of information b) Simultaneous investigations in the participating states c) Close cooperation (if necessary with operational meetings at Europol or comparable meetings) |
| Berlin | Department 42 of the Berlin State Criminal Police Office (LKA) is a project partner in the ISF project THB LIBERI 2018-2025 initiated by the Federal Criminal Police Office (BKA): this aims to combat THB and exploitation to the detriment of children, young people and adolescents in Germany and Europe with the participation of various German police departments and the Federal Criminal Police Office (BKA) Vienna. Originally scheduled to last three years, the project was recently was extended with a funding commitment up until the end of 2025. The following priority areas were established: 1. Exploitation of minors and adolescents in connection with the internet – “THB 2.0” 2. Exploitation by family clans 3. This project involves an extensive sharing of experience and close cooperation with representatives of the judiciary, i.e. judges/public prosecutors (of the Berlin Public Prosecutor's Office), representatives of various NGOs, a number of other organisations that deal with the issue of THB and specialists who are in charge of individual issues. In addition to the Federal Criminal Police Office (BKA) and the Berlin State Criminal Police Office (LKA), six other police units from Germany and the Vienna Federal Criminal Police Office (BKA) are also involved in this project. |
| Brandenburg | Given the low volume of cases, there is no experience of international cooperation here in protecting the rights of victims of trafficking, including children, and of prosecuting suspected traffickers. For further information, see 10.1. |

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| Bremen | <p>The bilateral cooperation between authorities from several countries to establish/form a JIT is considered particularly helpful and promising in combating THB offences. In many cases, it was possible to obtain the information necessary for effective criminal prosecution, particularly as a result of international requests for mutual legal assistance or European Investigation Orders. By means of such requests for mutual legal assistance, it was possible to question accused persons and witnesses who were not (or no longer) in German territory. At the same time, the rights of the victims of THB were protected, as they were able to talk about their experiences in a familiar environment.</p> <p>For the purpose of prosecution, the instrument of the European Arrest Warrant has also proven effective, as has the possibility of handing over prosecution to other EU Member States.</p> <p>The possibility of other EU Member States taking over enforcement guarantees this is handled effectively.</p> |
| Hamburg | <p>The implementation of possible European Investigation Orders and requests for legal assistance promises success in particular if it is possible to make use of the existing links maintained by Department 65 of the State Criminal Police Office (LKA) (via Europol/Federal Criminal Police Office (BKA)) with the law enforcement authorities of other countries.</p> <p>Cooperation of LKA 65 with Europol and Eurojust (European Union Agency for Criminal Justice Cooperation) has established the framework conditions for fast and efficient cross-border law enforcement. Furthermore, LKA 6 participates in the training and professional development of members of law enforcement agencies of other nations with the aim of combating THB for the purpose of sexual exploitation in those nations.</p> |
| Mecklenburg-Western Pomerania | <p>Very few proceedings for THB have been conducted here. In connection with these, requests for mutual assistance and European Investigation Orders have generally proved helpful.</p> |
| Lower Saxony | <p>In the fight against THB, as with all other organised crimes, all existing forms of international cooperation have proven effective. In particular, the possibility of directly exchanging information with EU Member States and other operational partners via the SIENA messaging system has been a significant advantage. In this connection, it is also worth mentioning that the EUROPOL analysis project PHOENIX, which is responsible here, can also be integrated at the same time.</p> <p>The possibilities of a search in the SIS for the purpose of arrest, establishment of whereabouts and covert control also play a prominent role in terms of the relevant information-gathering and prosecution. In connection with judicial cooperation, the European Investigation Order is now also an instrument for swift, targeted and therefore effective cooperation. This also applies to the possibility of handling criminal cases in a joint investigation team (JIT).</p> |
| North Rhine-Westphalia | <p>Requests for mutual legal assistance are made on an ad hoc basis. European Investigation Orders are increasingly used for mutual legal assistance between states of the European Union. Within the EU, operational and strategic information is constantly exchanged between the authorities of the Member States. The NRW State Criminal Police Office (LKA NRW) also has a liaison officer with the Netherlands who quickly establishes working contacts in the other country. The EPICC (Euregio Police Information & Cooperation Centre) is staffed by officers from the Netherlands, Belgium and the NRW State Criminal Police Office (LKA NRW). Here, information is quickly exchanged across countries, also in connection with combating THB.</p> |

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| | At the federal level, the liaison officers of the Federal Criminal Police Office (BKA) are also available for international exchange of information and international networking. They are on duty in many countries around the world to establish appropriate contacts and exchange information, also in combating THB offences. |
| Saarland | The formation of a Joint Investigation Team (JIT) has proven effective. |
| Schleswig-Holstein | There is no statistical recording of relevant measures. It was not possible to interview the department heads of the public prosecutor's offices and courts who are entrusted with mutual legal assistance cases in the time available. |

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| | 10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings? |
| Baden-Württemberg | In cases of parallel proceedings, the contact persons in the respective country are used to ensure the protection and support of the victims after their return. |
| Bavaria | <p>The return of victims of THB to their home countries is usually not carried out by the police but by specialised counselling centres/NGOs. Due to the networking between these organisations, such persons can usually be accommodated in shelters etc. In addition, where necessary, the person can continue to be cared for in the home country.</p> <p>The state-funded specialised counselling services Jadwiga Ökumenische gGmbH and Solwodi Bayern e.V. offer victims specialised assistance in returning and reintegrating them in their home countries, in cooperation with organisations in many countries.</p> <p>When victims of THB return to their home countries, local law enforcement authorities are informed if there are known to be dangerous situations so that, with the consent of the person concerned, measures can be taken by the state to ensure personal protection.</p> |
| Brandenburg | No information is available on this point. |
| Bremen | The specialised counselling centre MoBA (for mobile workers) maintains contacts with the foreign representations of Poland, Romania and Bulgaria (e.g. at the level of social attachés). The Consulate General of the Republic of Poland in Hamburg and the Honorary Consulates of Romania and Bulgaria are also members of the Advisory Board of the Counselling Centre. |
| Hamburg | <p>If the persons concerned wish to return to their home country after the criminal proceedings, the KOOFRA counselling centre contacts the counselling centre in the home country and organises the return together with them. In the case of persons from third countries, the return is organised with the help of the IOM return programme REAG/GARP: https://www.returningfromgermany.de/de/programmes/reag-garp/.</p> <p>There are no known return programmes that are specifically offered to trafficked persons.</p> |

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| | Persons affected by THB for the purpose of sexual exploitation are also usually referred to NGOs based in their respective countries of origin upon their return, and/or the official witness protection services in those countries are informed about the respective facts and involved. Whether or not this procedure is possible in individual cases depends on the respective home country and the structures in place there. |
| North Rhine-Westphalia | At an early stage of the investigation, the police establish contact with an NGO that uses its own resources to protect the victims. The German police is not able to take any measures in the country of origin itself. Depending on the individual case, appropriate police protection measures in the country of origin are requested. Further support measures can be applied by the foreign nationals authority in connection with the return of foreign nationals to their country of origin. |
| Schleswig-Holstein | The state of Schleswig-Holstein supports voluntary returnees with reintegration in their country of origin by means of various structural and financial measures as well as participating in nationwide projects to support voluntary return and reintegration: – <i>Förderrichtlinie S-H über die Gewährung von Zuwendungen zur Förderung der freiwilligen Rückkehr</i> (“Funding guideline S-H on the granting of subsidies to support voluntary return”) is intended for cases in which those who wish to depart voluntarily do not have sufficient financial means. – REAG/GARP – IntegPlan – URA (Return Project in the Republic of Kosovo) – Bridge Component Albania – ZIRF Counselling |

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| | 10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country’s jurisdiction? |
| Baden-Württemberg | In such cases, the exchange of information between police departments, if necessary with the involvement of the liaison officer of the Federal Criminal Police Office (BKA), is used to ensure that victim protection is provided as quickly as possible. |
| Bavaria | Cooperation in combating THB takes place regardless of the mode of exploitation at hand. If the perpetrator is in Germany, they are subject to the local law on criminal proceedings and criminal procedure and are consistently prosecuted. This also involves international cooperation (see questions above). |
| Brandenburg | The Central Foreign Nationals Authority of Brandenburg (ZABH) reports any suspicion to the Public Prosecutor’s Office. The police have no further information on this matter. |
| Hamburg | Department 65 of the Public Prosecutor’s Office has not been aware of any cases falling under this type of offence in the last five years. |

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| | Likewise the Hamburg police (Department 6 of the State Criminal Police Office – LKA) is not aware of any online streaming services of this kind. In principle, measures can be coordinated and carried out at the international level within the framework of mutual legal assistance. |
| Mecklenburg-Western Pomerania | Reference is made to the ongoing initiatives being run by ECPAT and IJM, cf. press release on “Sexual exploitation of children via livestream” – Ecpat Deutschland e.V., in which state agencies (including the police) are also systematically involved. https://ecpat.de/wp-content/uploads/2022/05/PM-ECPAT_IJM-StopStreamingExploitation.pdf |
| Lower Saxony | No more specific measures as described in the question are known in connection with the generally available channels of international mutual legal assistance. |
| North Rhine-Westphalia | Criminal proceedings are initiated against the perpetrator in accordance with Section 163 of the Code of Criminal Procedure (StPO), in which the evidence is collected and documented in a way that can be used in law. The results can be transmitted by the German judicial authorities to the offender’s country of residence through mutual legal assistance, with the request to take over and continue to pursue the criminal proceedings. |
| Thuringia | Through international police cooperation, foreign agencies are informed by the Federal Criminal Police Office (BKA) so that they can take the necessary measures. |

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| | 11. Cross-Cutting Questions |
| | 11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation? |
| Baden-Württemberg | After they become aware of a suspected case of THB, the police give the victims of THB the victim information sheet issued by the Federal Ministry of Justice (BMJ) in a language they can understand (it is available in numerous languages). They also have access to legal counsel. |
| Bavaria | Victims of THB and exploitation from a third country are entitled to the so-called reflection and stabilisation period pursuant to Section 59 (7) Residence Act (AufenthG) and the possibility of being granted a residence title pursuant to Section 25 (4a) Residence Act. In this way, they are to be protected from hasty deportation so that they have the opportunity – especially in cooperation with NGOs/specialised counselling centres – to be informed about their rights and to be able to make use of these according to their own decision. In addition, there is the possibility of a waiver of prosecution pursuant to Section 154c of the Code of Criminal Procedure (StPO). Criminal police officers in the field of THB are informed about these possibilities in professional development by means of regular newsletters issued by the Human Trafficking Unit and published on the homepage of Department 533. |

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| Bremen | Victims of THB are informed of their rights by the investigators of the specialised service. In addition, a victim protection information sheet is handed out and contact is made with victim protection organisations. The counselling centre for victims of human trafficking and forced prostitution is involved in every case and ensures that the victim is provided with legal assistance. As a rule, the specialised unit for procedure-integrated asset recovery is consulted. If court proceedings involve asset recovery, the victims are usually compensated as a matter of priority |
| Hamburg | Department 65 of the State Criminal Police Office (LKA) takes all the necessary and legally permissible steps in this regard as part of the investigation procedure – regardless of the nationality or immigration status of the persons concerned. Trafficked persons receive the information described in answer 1.1 and are referred to KOOFRA e.V. regardless of their residence status. . |
| Mecklenburg-Western Pomerania | The same legal rules to appeals apply as otherwise. In every case of suspicion, the State Criminal Police Office (LKA) immediately involves the competent foreign nationals’ authority with regard to measures under aliens law and also the specialised counselling centre with a view to stabilising the persons concerned. |
| Rhineland-Palatinate | See previous remarks |

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| | 11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive? |
| Baden-Württemberg | In the respective procedures, action is taken individually, adapted to the individual case, in order to deal with victims of THB as considerately as possible. Gender specifics are also taken into account. |
| Bavaria | There is close cooperation between the police, specialised counselling centres/NGOs and other authorities so that all the victim’s concerns – including gender-specific aspects – can be taken into consideration. |
| Brandenburg | In the administrative handling of social compensation, a female or male contact person can be appointed within the authority if desired. The relevant wishes are also taken into account in the selection of experts. |
| Bremen | The following applies to criminal proceedings within the jurisdiction of the police: in all interviews and/or questioning of trafficked persons by the Bremen police, if the gender of the person is unclear, the person is asked how they would like to be addressed or otherwise treated. |
| Hamburg | The Department of Justice and Consumer Protection does not offer its own training courses on the topic of THB but enables judges and public prosecutors to attend the relevant courses organised by the German Judicial Academy (DRA) and the European Judicial Training Network. The DRA’s conferences on international THB have recently included training on how to handle questioning as well as the impact of psychological background and past experience on victims’ ability to testify. As part of action taken under the Acceptance of Gender and Sexual Diversity Action Plan, a state course is currently being organised for professional development/awareness-raising for judges at the administrative court regarding the questioning of queer refugees in asylum proceedings on persecution due to sexual identity/orientation. |

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| | The gender-sensitive approach adopted by the Hamburg police in dealing with victims is essentially characterised by gender-sensitive personal address/reporting, the carrying out of questioning/interviews and other procedural acts (if possible) by a person of the same gender and referral to specialised support facilities and support services. Criminal proceedings are conducted at Department 6 of the State Criminal Police Office (LKA) regardless of the gender, nationality, religion or ethnicity of the persons concerned. Care is always taken to fulfil the wishes and needs of those concerned within the bounds of possibility. |
| Mecklenburg-Western Pomerania | At the public prosecutor's offices, such cases are handled by special investigators who proceed in a sensitive manner as required. The ZORA counselling centre also takes gender-specific aspects into account in its work. The counselling centre CORRECT! works together with the State Centre for Equality and Compatibility (LZGV) in Mecklenburg-Western Pomerania. In addition, reference is made to the implementation of the Third State Action Plan to Combat Domestic and Sexualised Violence, cf. Women and men in crisis situations, as well as the State Action Plan for Equality and Acceptance of Sexual and Gender Diversity in Mecklenburg-Western Pomerania (<i>LAP Vielfalt</i>), cf. <i>Gleichstellung sexueller und geschlechtlicher Vielfalt</i> ("Equality of Sexual and Gender Diversity") – Mecklenburg-Western Pomerania government portal: https://www.regierung-mv.de/Landesregierung/sm/Familie/Familie/Gleichstellung-und-Akzeptanz/ |
| North Rhine-Westphalia | The NRW police force employs both female and male officers. All investigative actions can and are carried out in a gender-sensitive manner. Section 39 (3) of the Police Act of North Rhine-Westphalia (PolG NRW) stipulates that, in principle, persons may only be searched by persons of the same sex or by doctors. |

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| | 11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views? |
| Bavaria | Hearings etc. are conducted in a child-friendly manner. If necessary, a so-called supplementary guardian is appointed by the youth welfare office for unaccompanied children, who takes into account the interests of the child – if necessary also to the detriment of criminal investigations. |
| Brandenburg | Children and adolescents are to be involved in all decisions of public youth welfare services affecting them in accordance with Section 8 of Book VIII of the Social Code (SGB) and are to be made aware of their rights in administrative proceedings and in proceedings before the family court and the administrative court in an appropriate manner. Participation and consultation is to take place in a form that is understandable, comprehensible and perceptible to children and young people and is to be appropriate to their stage of development. Insofar as the youth welfare offices are involved in the proceedings and requested to cooperate in accordance with Section 50 of Book VIII of the Social Code (SGB), the specialists of the youth welfare offices involve the children and adolescents according to their stage of development and inform them, listen to the children's or adolescents' explanations of the facts of the case and advise them if necessary. This takes place on site in particular by means of home visits or on the premises of the youth welfare office. |

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| | <p>Apart from the questioning of children by experienced juvenile judges as described, the establishment of special questioning rooms and the possibility of audiovisual questioning of children according to Section 58a of the Code of Criminal Procedure (StPO), no special steps referred to in the question have been taken in this area.</p> <p>For further information, see 1.1.</p> |
| Bremen | <p>In the course of implementing the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), an inter-agency round table was set up in the state of Bremen which serves, among other things, to identify structures of THB to the disadvantage of children and to develop measures to improve the protection of children and young people.</p> |
| Hamburg | <p>The issue of “child-friendly justice” is the subject of professional development, with numerous courses being organised by the state of Hamburg, especially in connection with the family court. In this respect, the following are particularly noteworthy: An interdisciplinary case workshop on the issues of child welfare risks and sexualised violence is held every six months as a cooperative event by the Authority for Justice and Consumer Protection (BJV) and the Social Pedagogical Training Centre (SPFZ), at which family court judges discuss complex and conflict-ridden cases together with representatives of the General Social Service (ASD) of the district offices and youth welfare law officers from the district legal offices. The aim is to get to know other professional guidelines, working methods and attitudes and identify the requirements for cooperation. On this basis, it is possible to elaborate methods of cooperation that actually protect children. In 2023, there will be two interdisciplinary expert symposia on the topic “Aspects of Bonding in Family Court Proceedings”. At the regularly held workshop “Family Law Child Hearings” organised by the Authority for Justice and Consumer Protection (BJV), knowledge and assistance are imparted that play an important role in a child hearing, taking into account the different stages of child development. In the first part of the training course offered by the Higher Administrative Court entitled “Child Hearing in the Absence of Parents”, the question is first addressed as to what the quality characteristics of “living communities” are for a child in the sense of establishing a socio-psychological bond, how bonds and relationships are formed and what promotes or hinders them, how the quality of bonds and relationships can be recorded and assessed in the context of the proceedings and what the separation of the parents, the maintenance of the relationship and any break in contact in connection with the parent-child relationship can mean for the child’s development, depending on their age. In addition, culturally specific aspects of the father-child relationship are also addressed. The second part deals with the child hearing, the child’s status from the point of view of developmental psychology, the will of the child and its significance as a factor, and any limiting factors in the child’s ability to develop a will of its own, as well as the framework conditions and practical implementation of the child hearing. The advanced training course “Expert Opinions in Family Law” focuses on test procedures in expert opinions in the area of law, a scholarly approach, interaction observations and rating. In the module series on family law with interdisciplinary links, there is a module entitled “Youth Welfare Measures” under the direction of the department head of Youth Welfare South. In another module, a family court judge and a head of the Child and Youth Welfare Association South-West give joint talks on the topics of “The Youth Welfare Office in Family Court Proceedings” and “Overview of Youth Welfare Measures</p> |

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| | <p>under Book VIII of the Social Code”. Otherwise, please see the answers to questions 6.1 and 8.6. In particular, it can be assumed that the existence of the child-friendly, multidisciplinary Childhood House Hamburg will increase the willingness to report cases of THB or other violence against children. This is where the best possible care and preservation of evidence takes place.</p> <p>Regarding the legal information obligations pertaining to the Hamburg police, please refer to answer 1.1. Staff members of Department 65 of the State Criminal Police Office (LKA) also attend seminars and courses in which they are trained to deal with children.</p> |
| Hesse | See questions 1. 1 and 8.6 |
| Mecklenburg-Western Pomerania | Children usually have access to court through their legal representatives or through supplementary guardians. Any instructions, e.g. at hearings, are given in a child-friendly manner. If the child is a victim of a criminal offence, persons of trust are also admitted to the questioning, Section 406f Code of Criminal Procedure (StPO). Otherwise, see answers to questions 1.1 and 8.6 |
| North Rhine-Westphalia | <p>In the course of the preliminary investigation, those concerned are informed of their rights in the criminal proceedings by the police. Victim protection and victim assistance are integral to police work. The police of North Rhine-Westphalia focus their victim protection measures on the needs of victims and mitigate the consequences of crimes through professional action. In all organisational units involving victim contact, care is taken to ensure that expert help can be arranged.</p> <p>Police victim protection always starts at the first contact with the victim; it is individual and dependent on the offence. The circular <i>Polizeilicher Opferschutz</i> (“Police Victim Protection”) of 1 April 2019 explains the term “victim” and defines the work done in terms of police victim protection by the victim protection officers of district police authority 47 in North Rhine-Westphalia.</p> <p>Police victim protection includes providing victims with targeted information about the conduct of preliminary proceedings, information about relevant victims’ rights in the different phases of the proceedings and victim compensation. After determining whether further support and assistance are necessary, victims are referred to victim assistance and support services according to their needs.</p> <p>Victims of THB have rights available to them in criminal proceedings through regulations set out in the Code of Criminal Procedure (StPO). For example, the victim can already apply for the appointment of a lawyer as counsel during the preliminary proceedings (Section 397a of the Code of Criminal Procedure – StPO. The competent court then decides on the appointment of a legal counsel.</p> <p>Non-governmental organisations (counselling and assistance centres) also advise those affected about their rights in criminal proceedings, for example on the possibility of consulting a legal advisor. Victims can also seek legal assistance on their own. Legal counsel should be involved as early as possible in the proceedings.</p> |

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| | <p>Children are entitled to the same rights. In particular, Section 397a (1) No. 5 of the Code of Criminal Procedure (StPO) regulates the appointment of legal counsel for minors or victims of THB, among other things, pursuant to Section 232 of the Criminal Code (StGB).</p> <p>It is then up to the legal guardians to decide whether to call in a legal advisor. If the legal guardians are themselves perpetrators, the Public Prosecutor's Office calls in a supplementary guardian during the preliminary proceedings who makes decisions for the child and represents their rights. At the same time, the police involve the youth welfare office responsible.</p> <p>The communication of these rights and options in a child-sensitive form is ensured by means of targeted training and professional development of the officers deployed.</p> |
| Schleswig-Holstein | <p>With regard to criminal proceedings, the establishment of the Childhood House (see comments on 8.6 b) has created a contact point that makes it easier for children and their legal representatives to receive counselling with regard to the various needs arising from the conduct of criminal proceedings. Generally speaking, therefore, contacting the different professionals at different places is no longer necessary.</p> <p>In Schleswig-Holstein, the psychosocial support service for legal proceedings issues two brochures (for kindergarten and school-age children) that explain the court procedure in child-friendly language with illustrations.</p> <p>Beyond that, there are no features specific to this state.</p> |

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| | <p>11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?</p> |
| Brandenburg | <p>With the introduction of the Supply Chain Sourcing Obligations Act (LkSG), legislators in Germany will for the first time make companies responsible for the social and environmental conditions that apply in their supply chains from 2023 onwards.</p> <p>The Supply Chain Act (LkSG) comes into force on 1 January 2023 and is an important step in promoting fair standards in the context of corporate value creation and in counteracting the violation of human rights and especially workers' rights, as well as environmental destruction.</p> <p>A rigorous supply chain law can make a key contribution to promoting decent work for all and a sustainable approach to the environment.</p> |
| Hamburg | <p>With effect from 19 January 2021, the Hamburg Main Customs Office, Financial Monitoring of Undeclared Work Unit (FKS), has taken over priority case processing for almost all constellations of labour market offences for which Department 531 of the State Criminal Police Office (LKA) (Specialised Investigation Unit for Counterfeiting and Labour Market Offences) was previously responsible. This also includes cases of THB in connection with labour exploitation. The Hamburg Main Customs Office is regularly</p> |

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| | represented as a new network partner on the Round Table on Trafficking in Human Beings for the Purpose of Forced Labour/Heavy Labour Exploitation. |
| Mecklenburg-Western Pomerania | Due to the short response deadline it is not possible to provide a response for the justice sector. The state police also try to raise awareness in order to be able to recognise THB or victims of THB by means of the information material attached with the answer to question 1.1. |

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| | 11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued. |
| Baden-Württemberg | <p>There have been no findings of corruption or related misconduct by public officials in trafficking cases here. The measures to prevent corruption cover all areas; specific measures to prevent corruption in connection with THB are not provided for. There have been no known proven cases of corruption in connection with this type of offence.</p> <p>In Baden-Württemberg, there have been no pending proceedings involving corruption-related misconduct by civil servants in cases of THB. In this respect, it is not possible to make any statements on proven cases or on sanctions.</p> |
| Bavaria | <p>The fight against corruption is a central task of policymakers and society. The Bavarian State Government’s anti-corruption guideline contains a large number of measures that constitute an efficient fight against corruption in state institutions. In addition, all employees receive instruction and training in this regard.</p> <p>Cases as described in the question are not known here, nor are they recorded separately.</p> |
| Brandenburg | <p>Proceedings concerning corruption or related misconduct by public officials in connection with THB cases have not been conducted by Brandenburg law enforcement agencies to date.</p> <p>In principle, it can be stated that special organisational structures for corruption crime have been created in the judiciary and the police, anti-corruption officers are available at all authorities, an internet whistleblowing system for corruption offences has been set up with the possibility of communicating anonymously, and public service employees receive advanced training on corruption prevention, which also includes “identifying corruption”.</p> |
| Bremen | There is an independent (criminal) judiciary that can act without political influence. The Public Prosecutor’s Office and the police are legally obliged to conduct investigations against all persons, including public officials if necessary, in the event of suspected criminal offences – also in the area of corruption. All senatorial authorities have anti-corruption officers who provide training in |

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| | <p>the area of anti-corruption and investigate facts. There have been no known or proven cases of corruption or related misconduct by public officials in cases of THB or sanctions imposed in the state of Bremen.</p> |
| Hamburg | <p>Annual training on corruption prevention is provided in Department 65 of the Hamburg State Criminal Police Office (LKA) in order to sensitise employees in this regard. Furthermore, special disciplinary supervision applies to the employees of LKA 65.</p> <p>The Internal Investigations Department (DIE) of the Hamburg police is a criminal investigation unit that reports to the State Council of the Ministry of the Interior and Sport in Hamburg. The Internal Investigations Department (DIE) is only responsible for criminal charges, not for complaints. The competence of the Internal Investigations Department (DIE) includes the handling of official and corruption offences or in the case of police and fire brigade employees. The Internal Investigations Department (DIE) investigates all criminal charges as part of its regular responsibilities and beyond, providing the offence is particularly serious or a particular publicity impact is to be expected or is likely to damage the public reputation of the police or fire brigade.</p> <p>The Internal Investigations Department (DIE) did not conduct any proceedings in connection with the offence of THB in the period of the last five years.</p> |
| Mecklenburg-Western Pomerania | <p>Cases of corruption or related misconduct by public officials in trafficking cases are not known here. The general anti-corruption measures in Mecklenburg-Western Pomerania do not specifically address the context of THB. Reference is made to the published Federal Situation Reports on Corruption issued by the Federal Criminal Police Office (BKA), see Federal Criminal Police Office (BKA) – <i>Bundeslagebilder Korruption</i>.</p> |
| Lower Saxony | <p>No cases of corruption or related misconduct by public officials in trafficking cases have come to light.</p> |
| North Rhine-Westphalia | <p>The public prosecutors' offices in North Rhine-Westphalia have not reported any corruption proceedings in connection with THB.</p> <p>At a very early stage in the investigation of THB, the NRW police establish contact between the victim and an aid organisation, which in the further course ensures legal counselling and arrives at its own assessment of the situation. Criminal charges, also for corruption, can be filed with the police (also online), the Public Prosecutor's Office or the court at any time. In accordance with Section 68b of the Code of Criminal Procedure (StPO), a lawyer is generally to be admitted as witness counsel for each witness in criminal proceedings; this person is legally competent to represent their clients in THB cases. Their presence is to be permitted during questioning as matter of principle. In 2004, the NRW State Criminal Police Office (LKA NRW) set up Department 15 to combat corruption.</p> <p>On 20 August 2014, the Minister of the Interior of the State of North Rhine-Westphalia issued a decree on combating corruption in public administration which defines detailed indicators for activities at risk of corruption and requires decisive action to be taken against any form of corruption, even below the threshold of criminal liability, in the context of attentive professional and managerial supervision.</p> <p>Furthermore, the Ministry of the Interior of the State of North Rhine-Westphalia published the brochure <i>Korruptionsprävention</i> ("Corruption Prevention") in February 2021 to sensitise all employees with regard to possible acts of corruption and to make them</p> |

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| | <p>more resilient. All identified acts of corruption, including those related to THB, are consistently investigated and punished. No cases are known here involving corruption or misconduct by public officials in connection with combating THB offences.</p> |
| Rhineland-Palatinate | <p>According to the Rhineland-Palatinate State Criminal Police Office (LKA), no cases of corruption in connection with THB have been registered in Rhineland-Palatinate to date. In Rhineland-Palatinate, the state government actively combats corruption in the state administration. General prevention measures are taken for this purpose:</p> <p>For example, the administrative regulation on the “Prevention of Corruption in Public Administration” of 22 January 2019 contains definitions and information on risk management and also describes the procedure to be followed if a suspicion of corruption arises.</p> <p>In addition, posts that are particularly susceptible to corruption are defined in Rhineland-Palatinate: these primarily concern the management of budgetary funds, such as those that involve awarding public contracts, granting subsidies and allowances, issuing permits, and carrying out control and supervisory activities. In the area of government grants, a sponsorship agreement must be concluded with the grantor in order to disclose scope and earmarking.</p> <p>Established measures such as staff rotation, adherence to the multiple observer principle and increased awareness among employees are used to prevent corruption.</p> <p>The state government in Rhineland-Palatinate has also appointed an ombudsperson who acts as a contact for employees and business partners of the state administration and can receive confidential information about corrupt activities. In addition, the Rhineland-Palatinate State Criminal Police Office (LKA) has set up a whistleblower line to receive information on cases of corruption.</p> <p>Independently of this, the police of Rhineland-Palatinate set a focus on combating corruption in 2006 and set up separate organisational units within the State Criminal Police Office (LKA) and the regional police headquarters to combat economic crimes.</p> |
| Saxony-Anhalt | <p>The currently available Federal Situation Report <i>Menschenhandel und Ausbeutung</i> (“Trafficking in Human Beings and Exploitation”) published by the Federal Criminal Police Office (BKA) shows 291 investigations of THB for sexual exploitation nationwide for the year 2020. In Saxony-Anhalt, only one investigation of THB for sexual exploitation was registered by the police in 2020. There were no known cases of THB in Saxony-Anhalt in connection with a suspicion of corruption in 2020.</p> |
| Schleswig-Holstein | <p>In order to vigorously prosecute corruption, a special department has been set up at the Kiel Public Prosecutor’s Office, which, with the expertise available there, is responsible for all proceedings of structural corruption throughout the entire federal state. It was not possible to gather information on relevant individual cases in the time available.</p> |
| Thuringia | <p>No relevant cases are known.</p> |

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| | 12. Please provide information on new developments in your country since GRETA's second evaluation report concerning: |
| | emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking); |
| Baden-Württemberg | Since the coronavirus pandemic, strong tendencies to switch from the classic brothel scene to advertisements on web portals have been observed in Baden-Württemberg. As a result, prostitution is increasingly offered out of private apartments. |
| Bavaria | <p>a) Continued increased shift to the internet; victims are briefly offered on relevant sites and are usually advertised in a new town or city after a few days</p> <p>b) Exploitation at official prostitution sites is decreasing in importance</p> <p>c) Continued lack of data exchange in accordance with the Prostitution Protection Act (ProstSchG) between district administrative authorities and the police (persons who are already known to the police as victims receive a registration certificate in this way and are therefore legitimised by state administrative act to carry out (forced) prostitution)</p> |
| Berlin | <p>a) Trafficking in human beings for the purpose of sexual exploitation</p> <p>Trafficking in human beings for the purpose of sexual exploitation mainly concerns women and minors (both girls and boys), primarily from Romania, Bulgaria, Hungary and Germany.</p> <p>At inspections of brothel-like businesses/apartments and also on construction sites, Vietnamese nationals have been identified in the past who were suspected of THB or exploitation. The unwillingness of these identified persons to testify and cooperate with the investigating authorities complicates the presentation of evidence and ultimately the filing of charges. Furthermore, in a large number of cases, the victims are not available for ongoing investigative proceedings, since they evade further investigative proceedings after disclosure of the proceedings or after a check has been carried out.</p> <p>The increasing relocation of the practice of prostitution to private apartments and hotels, not least forced by the pandemic restrictions, confronts law enforcement agencies with ever new challenges. In particular, the shift away from permitted brothel establishments to rented apartments and hotel rooms, with frequent changes in both personnel and venues, makes police monitoring much more difficult. In addition, in Berlin, the preventive powers of the police to intervene in places where prostitution is practised have been restricted since 2 April 2021 by the amendment of the Berlin Act on the Prevention of Danger (ASOG) (for further explanation see Part II. 12, second bullet point).</p> <p>In Berlin, one focus in relation to under-age victims continues to be mostly Romanian boys who are guided into male prostitution from out of their family communities and exploited in this way.</p> |

The internet plays an increasingly important role in the recruitment process and as an advertising platform for prostitution (social media, messenger services and internet forums).

b) Trafficking in human beings for the purpose of labour exploitation

Trafficking in human beings for the purpose of labour exploitation has mainly been found in the construction industry in Berlin. The victims were generally male and came mainly from Eastern Europe.

c) Trafficking in human beings for the purpose of exploitation in the committing of criminal offences

In a preliminary investigation conducted in Berlin in 2018 for THB for the purpose of exploitation in the committing of criminal offences, it became known that young men and/or juveniles had been recruited in Belarus to jointly commit shoplifting in Berlin, sometimes in alternating groups. The actual “thieves” were young, childish-looking adolescents who acted as so-called “thieving boys”. A next higher level of Belarusian men (the “instructors”) guided them in committing shoplifting, forcing them to do so in some cases and, in case of failure, punishing them with the use of force, as well as imposing further sanctions and exploiting them financially. Usually, two “instructors” and two “thieves” acted together for a period of 6-12 weeks, after which they usually returned to Belarus. In January 2019, three of the main perpetrators were sentenced, but due to the unwillingness of the victims to testify, they were only sentenced for aggravated gang theft or receiving stolen goods, and not for THB. The perpetrators received prison sentences of between 3 years and 3 months and 3 years and 9 months.

d) Trafficking in human beings for the purpose of exploitation through begging

Since the introduction of this new offence, only very few investigations have been conducted in Berlin relating to this type of crime. Proactive efforts to shed light on unreported cases have so far been unsuccessful. Preventive surveys of begging persons found in the city of Berlin have not yet enabled reliable conclusions to be drawn. However, it was possible to establish that in the case of under-age victims, they are mostly sent out to beg by family communities. One major challenge here is that there is no awareness of victim status among those concerned, i.e. they do not see themselves as victims.

e) Human trafficking and exploitation in the context of the displacement from Ukraine

People who have fled from Ukraine are to be mentioned as a new (abstract) vulnerable group for THB, sexual exploitation and labour exploitation. After there were indications of dubious accommodation offers very early on after the arrival of the first refugees in Berlin, the police took preventive measures at the places of arrival (<https://www.berlin.de/sen/inneres/presse/pressemitteilungen/2022/pressemitteilung.1184733.php>). In the Procedural Instructions for Residence in Berlin (VAB), the employees of the State Office for Immigration (LEA) are urged to be more vigilant – especially in the case of

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| | <p>minors travelling alone. In the event of suspicion or indications that the minor could be a victim of THB or abuse, the Senate Department for Education, Youth and Family Affairs must be expressly informed (cf. page 272 of the VAB, Section A.24.; https://www.berlin.de/einwanderung/service/downloads/artikel.875097.php).</p> <p>In addition, the refugees and helpers are informed and sensitised based on relevant information (see for example https://www.berlin.de/ukraine/ankommen/; this includes information on labour rights as well as contact points and counselling services for women (victims of violence) and the flyer produced by Berlin counselling centres, see https://www.kok-gegen-menschenhandel.de/fileadmin/user_upload/medien/Flucht_und_Menschenhandel/Flyer_Frauen_Info_Ukraine_bunt_Deutsch.pdf). In view of the particular vulnerability of refugees from Ukraine, Berlin has expanded the information and counselling services offered by the Berlin Advisory Center for Migration and Decent Work (BEMA). Refugees from Ukraine are to be informed and advised about their labour rights in Germany as early as possible: in person through outreach counselling, e.g. in shared accommodation, through online events, and also in cooperation with social service providers (such as the Job Centre and the district office), as well as by means of the dissemination of counselling services via social media networks.</p> <p>The Berlin Senate is currently working on an Action Plan for Ukraine which will also deal with the protection of privately housed women from sexual assault and exploitation.</p> |
| Brandenburg | <p>Despite the ban on prostitution due to the pandemic, prostitution continued. Many women worked in very precarious conditions that did not allow for protection. Prostitutes became isolated, thereby resulting in an increase in hazardous situations. It was difficult for counselling centres to access people in prostitution at that time.</p> <p>In connection with advancing digitalisation, crime scenes and contact initiation are increasingly shifting to the internet.</p> <p>Furthermore, the trend of moving prostitution into apartments has continued.</p> <p>The victims of sexual exploitation known by the authorities in the state of Brandenburg continue to be almost exclusively female.</p> |
| Bremen | <p>Due to the coronavirus pandemic and the interim closure of prostitution sites that this entailed, the practice of prostitution (and therefore also forms of forced prostitution) increasingly shifted to regular rented apartments and residential areas.</p> <p>Otherwise, the “lover boy method” – along with promises of well-paid jobs in German territory and the use of “voodoo spells” – are still widespread methods to create dependencies and predicaments for the victims. In connection with displacement from Ukraine, it has become known in isolated cases for organised structures to deliberately recruit people (e.g. Ukrainian refugees in Poland) for supposedly well-paid work in Germany. On arrival at the place of residence and work, however, the promised employment relationships turn out to be exploitative, undeclared employment. Labour law regulations (e.g. minimum wage, leave, continued payment of wages in case of illness) are disregarded, occupational health and safety regulations (especially the duration of daily working hours) are not observed. Moreover, people are forced into precarious housing conditions (overcrowded dwellings) for which exorbitant rents are charged. Challenges and resistance are met with threats of violence. It is also reported that coercion has been exerted to apply for social benefits, which are then ultimately siphoned off by the groups.</p> |

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| | <p>It is also problematic that not only adults fall under the influence of these groups but also minors fleeing with them.</p> <p>In March 2022, the 2nd Symposium on Labour Exploitation was held, focusing on “Poverty risks to mobile EU workers in the state of Bremen”. It was organised by the Bremen and Bremerhaven Counselling Centre for Mobile Workers and Victims of Labour Exploitation (MoBA). At this event, representatives of civil society, academia and policymakers discussed issues such as the current problematic situation of EU citizens who are particularly vulnerable to exploitative employment relationships. A short report on the conference is available at the following link: https://www.aulbremen.de/beratung-und-integration/moba/Kurzbericht_fachtagung_Moba_aul_2022.pdf</p> <p>The University of Bremen (Institute for Work and Economy) is conducting the research project “Severe Labour Exploitation in the State of Bremen”. The project is attempting to analyse the unreported area of severe labour exploitation in an explorative way. For this purpose, a mainly qualitative research design is planned with a focus on Bremen. The project will mainly be concerned with conducting interviews with experts and with persons who are or have been victims of forms of severe labour exploitation. In addition, accompanying data analyses are planned based on the labour market statistics issued by the Federal Employment Agency.</p> |
| Hamburg | <p>The following developments have been observed in Hamburg since the last reporting period:</p> <ul style="list-style-type: none"> ▪ Shift of prostitution services to the internet – a phenomenon not only caused by the pandemic. This shift was already apparent beforehand. If anything, the pandemic has accelerated the development. ▪ Shift in services towards residential prostitution, hotel/escort: this is now in first place ahead of bars and brothels. The potential victims are getting younger and younger. ▪ Many small and also larger brothels have had to close because of the financial situation resulting from the pandemic. In Hamburg, for example, one brothel operator has converted the premises of his brothel into vacation apartments that are offered via AirBnB. ▪ There is ongoing demand on the part of clients however, though contact initiation is shifting to the internet: the digital space has the advantage of anonymity for pimps and is therefore the channel of choice for recruiting prostitutes as well as forced prostitutes. Strong pressure is exerted on the potential forced prostitutes to move them into forced prostitution, e.g. by means of digital threats to publish indecent videos. ▪ Perpetrators have it easy with vulnerable groups, young women, minors. ▪ There are about 2,500 prostitutes in Hamburg, of which about 1,800 operate in the residential sector; there is a high number of unreported cases. <p>THESE DEVELOPMENTS HAVE THE FOLLOWING CONSEQUENCES IN TERMS OF THE INVESTIGATIONS CARRIED OUT BY THE POLICE:</p> <ul style="list-style-type: none"> ▪ The internet has multiple roles: forms of leverage, financial service providers and the flow of money on the internet are very difficult to track. It is important to track and trace the offender’s digital footprint, including reading the victim witness’s mobile |

phone. This is where an accumulation of extensive data/chats is to be found. Analysis requires significant capacity on the part of the police and Public Prosecutor's Office.

- Advertisements are freely accessible on the internet, but not addresses.
- The Hamburg police is participating in the ongoing European project (2019) THB Liberi, which is being run under the auspices of the Federal Criminal Police Office (BKA). The aim of this three-year project is to sustainably combat the exploitation of children, young people and adolescents. In order to achieve this, the information situation in this specific field of crime is to be improved, for example, and cooperation between police authorities at the national and international level is to be strengthened. See: https://www.bka.de/DE/Presse/Listenseite_Pressemitteilungen/2019/Presse2019/190927_BundeslagebildMenschenhandel.html

FUTURE CHALLENGES FACING PREVENTION:

- For the preventive work done by the police, it tends to be difficult to approach the prostitutes, especially in cases of forced prostitution: it is usually not the prostitutes themselves who place and manage the advertisements but their pimps.
- On the question of prevention: how can trafficking operatives be caught if the police do not know where they are; existing prevention concepts need to be rethought.
- "Lover boy" method – potential victims are getting younger and younger; prevention aimed at school in lessons is no longer sufficient, prevention concepts in the area of social media are necessary; example: Federal Criminal Police Office (BKA) prevention video: <https://youtu.be/P75SwvN5TWU>

REFUGEES FROM UKRAINE:

There have been initial reports of cases of exploitation and THB in Hamburg with regard to refugees from Ukraine. Refugees are a vulnerable group of people in a precarious living situation. The majority of refugee women and children from Ukraine who arrive in Germany are at risk of becoming victims of THB – especially for sexual exploitation and severe labour exploitation. This assessment is confirmed by initial figures issued by the German security authorities.

In this exceptional situation, educational materials with warnings were quickly launched in Hamburg, too. These were distributed at nodal arrival points (Hamburg Central Station, central arrival centres and also local accommodation, etc.). In addition, KOOFRA e.V. staff were on site when needed, and networking was intensified.

Scheme for the prevention of forced prostitution:

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| | <p>In order to prevent forced prostitution and specifically the “lover boy” method, a project called FairLove is in progress which involves counselling of minors and educating them about the “lover boy” method. The project also advises relatives and professionals in schools and youth welfare: https://www.sperrgebiet-hamburg.de/fairlove.html</p> <p>See also answer to no. 11.1.</p> |
| Mecklenburg-Western Pomerania | <p>As a general rule, it can be assumed that the high number of refugees from Ukraine in Mecklenburg-Western Pomerania increases the likelihood of cases of THB for labour exploitation.</p> |
| Lower Saxony | <p>According to the situation reports on THB and exploitation of the last few years, the number of preliminary investigations conducted in Lower Saxony in the area of THB has remained at a low level. The advance of digitalisation in social life is also evident in the offence of THB, e.g. in the field of victim recruitment. The authorities in Lower Saxony are facing up to the challenge of digital methods and the resulting increasing complexity of this criminal phenomenon, which usually involves a distribution of criminal activities. At the police level, preventive approaches were further expanded across agencies and general educational work was carried out. For example, at the beginning of 2021, the social media team of the Lower Saxony State Criminal Police Office (LKA) conducted a campaign via various digital channels on the topic of “lover boys” and subsequently compiled extensive information material on this topic. Fears that THB offences in connection with the Ukraine war were on the rise have not been confirmed in Lower Saxony to date (no victims reported).</p> <p>Foreign victims of THB are still mainly people from economically weak countries of origin who have hardly any prospects for the future. In view of low education levels, a lack of professional qualifications and ethnic exclusion in the home country, these people are easy victims for traffickers and exploiters. Very few forms of exploitation in the practice of begging, the committing of punishable acts or the unlawful removal of organs have been reported in Lower Saxony since the existence of the offences, if any.</p> <p>In Lower Saxony, the cooperation decree “Cooperation for the Protection of Victims of Trafficking in Human Beings and Forced Prostitution Aimed at Sexual Exploitation” (https://www.ms.niedersachsen.de/download/50436/Erlass_vom_16.07.2020.pdf), which has existed since 2003, was revised in 2020. In connection with this, the network meeting “Fighting Child Trafficking” held by the state capital authorities and the Hanover Region, which has been held since 2015, has now been transformed into a dialogue platform for the qualified further development of cooperation and collaboration on individual cases as well as the establishment of the issue of child trafficking in the organisational structures of the authorities.</p> <p>The Criminological Research Institute of Lower Saxony (KfN) carried out an external evaluation of the new provisions in Sections 232 to 233a of the Criminal Code (StGB) in October 2020 with a start date of 1 November 2020. According to the report, the reform has led to a complex of norms that is confusing and difficult to handle in practice.</p> |

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| | <p>The evaluation report dated 24 September 2021 is available online at https://kfn.de/wpcontent/uploads/Forschungsberichte/Bericht_Evaluierung_Strafvor-schriften_Bekaempfung_Menschenhandel.pdf. On the initiative of Bavaria and Lower Saxony, the Conference of Ministers of Justice addressed this issue at its spring meeting 2022 in Hohenschwangau under agenda item II.13, calling on the Federal Government “to develop and implement practical proposals for a holistic reform with the participation of the <i>Länder</i>”.</p> |
| North Rhine-Westphalia | <p>The majority of courts and public prosecutors’ offices in North Rhine-Westphalia have not been able to identify any new trends or manifestations of the crime of THB since 2018, but they would like to point out the dependence of judicial findings on police control density and the shift of this criminal phenomenon into the field of unreported activity as a result of measures to contain the COVID-19 pandemic. One public prosecutor’s office notes that there is a new group of victims: young Roma women are said to have appeared as victims exploited in the performance of punishable acts. In one case, for example, a 16-year-old girl is said to have been sold by her parents to another Roma family at a culturally unusual bride price, where she is said to have been forced to contribute to the family income by committing home burglaries. She is said not to have received any benefits from the offences herself, with the exception of board and lodging. In case of refusal or non-compliance, it is said that she had been threatened with acts against her younger siblings and her children and physically abused herself.</p> <p>The trend of seeking contact between potential clients and prostitutes on the internet and arranging meetings in this way started before the COVID-19 pandemic and involves a shift of prostitution to apartments or hotel rooms. However, the closures of brothels and bars have increased this trend further. The locations of prostitution sites are hardly ever published on the internet: initially only contact details are provided along with a vague regional reference. The date and location are not given later until contact has been made. This makes it possible to quickly change apartments or hotel rooms for the practice of prostitution, enabling victims of trafficking to be hidden more easily from controls.</p> |
| Rhineland-Palatinate | <p>In Rhineland-Palatinate, THB for the purpose of sexual exploitation is the main form of THB. The number of cases has been in the low double-digit, sometimes single-digit range for years. Due to the pandemic, there has been an increase in the number of offences committed in connection with home and hotel visits; meanwhile, the number of offences committed at prostitution establishments has decreased.</p> <p>In the field of THB for the purpose of labour exploitation, the exploitation of Vietnamese nationals in so-called “nail salons” has increasingly come into focus in recent years.</p> |
| Thuringia | <p>Due to the very low volume of cases, no trends can be identified. What is more, no relevant information is available to date in connection with Ukrainian refugees, especially women and children travelling alone.</p> |

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| <p>the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);</p> |
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| Bavaria | <p>A critical examination has been carried out in the analysis of the actual crime situation. Implementation is not at the discretion of the Bavarian State Criminal Police Office (BLKA).</p> <p>The Human Trafficking Unit participates in internal and inter-agency training and professional development (with the Customs Administration, Federal Police (BPOL), Regional Administrative Office (KVR), Federal Office for Migration and Refugees (BAMF), ...): this ensures that as many actors as possible are involved in this field and can be informed about the topic in order to be able to identify victims more easily based on indicators, for example, and be able to help them in a more targeted manner, ensuring they are aware of the rights they are entitled to.</p> <p>Since 1 January 2021, victims of violence have been entitled to be treated in trauma outpatient clinics. Persons who have suffered an assault are eligible for this, as are their close relatives, surviving dependants and related persons. There are currently 20 trauma outpatient clinics for adults and 13 trauma outpatient clinics for children and adolescents in Bavaria.</p> <p>Unfortunately, figures for applications and how many people use or have used the trauma outpatient clinics – as well as the type of underlying violent crime – cannot be analysed. No more precise data can be provided on this.</p> |
| Berlin | <p>Amendment of the Act on General Security and Order (ASOG)</p> <p>Up until the amendment of the Berlin Police Act (ASOG) on 2 April 2021, regular preventive inspections of prostitution sites and locations were carried out where persons engaged in prostitution could be encountered: this was done by employees of Department 42 of the State Criminal Police Office (LKA) as well as by appropriately trained employees of the local police force. The people working in prostitution were asked about their current situation and were informed about the help schemes offered by non-governmental organisations by means of flyers in different languages as well as by the police.</p> <p>As things stand now, preventive controls can only be carried out on a legal basis according to Sections 21 and 36 ASOG if the facts justify the assumption that victims of THB can possibly be expected at the location in question. From the point of view of the police and the Public Prosecutor’s Office, this restriction of the police’s power of intervention and control makes it more difficult to carry out regular preventive controls and therefore also to shed light on unreported areas, identify new phenomena and compile situation reports.</p> <p>These purely preventive goals cannot be pursued solely based on the powers of inspecting such establishments under trade law, since controls under trade law have a different objective and always consider operators and prostitutes as addressees of measures subject to fines under the Code of Administrative Offences (OWiG).</p> <p>Residence regulations</p> <p>On the question of the recovery and reflection period (Article 13) and the granting of a residence title (Article 14), Berlin already issued a number of recommendations in connection with the second evaluation round.</p> |

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| | <p>The respective procedure is regulated in the publicly accessible Procedural Instructions for Residence in Berlin (VAB) issued by the State Office for Immigration (LEA) under A.25.4a, A.25.4b, A.59.7 and 60a.2.2.2. These are available for download on the internet at the following link: https://www.berlin.de/einwanderung/service/downloads/artikel.875097.php.</p> <p>Cooperation among the widely ramified administrative structures in the state of Berlin has proven effective with regard to the granting of the reflection period for a small to medium number of affected persons. In order to be well prepared for cases involving larger numbers of trafficked persons, a recommendation for action for the cooperation of authorities entitled “Combating Labour Exploitation and Human Trafficking” is currently being developed in the state of Berlin under the auspices of the Senate Administration for Integration, Labour and Social Affairs with the participation of other actors. It is in the process of being finalised.</p> <p>In addition, the Hardship Commission Ordinance (HFKomV; including the associated amending ordinances) can be mentioned as a further regulation, since individual cases of victims of THB and exploitation have been or will be brought before the Hardship Commission in order to subsequently request the Senate Department for the Interior, Digitalisation and Sport to grant a residence permit in accordance with Section 23a of the Residence Act (AufenthG; granting of residence in cases of hardship). This is an act of clemency, however: the verdicts passed by the supreme state authority are not justiciable. However, the Hardship Commission has proven to be a helpful instrument in cases where criminal proceedings have not taken place, e.g. in the case of domestic workers in diplomatic households.</p> <p>The ordinance and amending ordinances are available on the internet at the following link: https://www.berlin.de/sen/inneres/buerger-und-staat/aufenthaltsrecht/haertefallkommission/rechtsgrundlagen/artikel.1111028.php</p> |
| Brandenburg | <p>When the stabilisation period – the reflection and recovery period – is granted, trafficked persons may become entitled to benefits under Book II or XII of the Social Code (SGB).</p> <p>The Migration and Good Work Agency (BEMA) advises both trafficked persons and Job Centre staff on this issue.</p> |
| Hamburg | <p>Prohibition of unaccompanied inter-country adoption (Section 2b Adoption Mediation Act – AdVermiG) in conjunction with the recognition of an unaccompanied inter-country adoption is only permissible if required for the best interests of the child (Section 4 Adoption Effectiveness Act – AdWirkG); both valid from 1 April 2021. Otherwise see answers in Section I.</p> |
| Lower Saxony | <p>Beyond the concrete measures already mentioned in the answer to question 12, there are no other known measures to harmonise the institutional framework at federal and <i>Länder</i> level. It was not possible to survey the entire area due to the short deadline, as already explained.</p> |
| Rhineland-Palatinate | <p>In Rhineland-Palatinate, the responsibility for enforcing the Act on the Protection of Persons Engaged in Prostitution (ProstSchG), which was introduced in 2017, lies with the independent cities and districts. Control measures in the prostitution trade are</p> |

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| | <p>initiated and carried out by the competent local authorities, sometimes with the involvement of law enforcement agencies as well as representatives of other public authorities (e.g. the tax investigation department). In addition, the regional police headquarters carry out their own case-related control measures.</p> <p>Due to the assignment of tasks in the area of labour exploitation to the Financial Monitoring of Undeclared Work Unit (FKS) in 2019, cooperation between the Rhineland-Palatinate State Criminal Police Office (LKA) and the local FKS has been intensified in this area.</p> |
| Saxony | Providing a victim is relevant as a witness in criminal proceedings, is willing to testify and has severed all ties with the accused, it is possible to issue a residence permit under Section 25 (4a) of the Residence Act (AufenthG). |
| Saxony-Anhalt | Human trafficking and forced prostitution are particularly inhumane forms of crime that interfere massively with the victims' right to self-determination and cause incalculable physical and psychological damage to the victims. In view of this, combating THB and supporting victims must be given high priority. Combating THB therefore requires a multidisciplinary approach. For this reason, the Ministry of the Interior and Sport, in agreement with the Ministry of Justice and Consumer Protection and the Ministry of Labour, Social Affairs, Health and Equality, has revised a joint circular entitled <i>Maßnahmen gegen Menschenhandel und Zwangsprostitution</i> ("Measures against Trafficking in Human Beings and Forced Prostitution", as of 20 August 2021) and sent it out to the regional administration office and the police authorities for their consideration. The provisions it contains govern the cooperation between the authorities involved (including the police and foreign nationals authorities) and the measures to be taken by the latter, as well as cooperation with VERA – the specialised counselling service against trafficking in women and forced marriage. |

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| | the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships); |
| Baden-Württemberg | In addition to the funding of specialised counselling centres for THB for the purpose of labour exploitation by the Ministry of Economics, Labour and Housing in Baden-Württemberg as mentioned in the last survey, the Ministry of Social Affairs, Health and Integration Baden-Württemberg currently funds three specialised counselling centres in the field of THB for the purpose of sexual exploitation. It was possible to increase core funding for these once again in 2022. |
| Bavaria | A special department (consisting of a senior public prosecutor and five public prosecutors) for combating THB was formed at Munich Public Prosecutor's Office I on 1 October 2020. It is responsible for proceedings relating to prohibited prostitution, exploitation of prostitutes, pimping, forced prostitution and THB (in the "red-light milieu"). The focus is on Nigeria and Eastern Europe. This special department regularly shares its experience with the law enforcement agencies of other countries as well as relevant specialised counselling centres. In addition, all Bavarian public prosecutor's offices located near the border have |

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| | <p>special departments for combating organised crime (“Traunstein Model”), which also prosecute THB with a link to organised crime if necessary.</p> |
| Berlin | <p>Political and institutional framework</p> <p>The political framework for combating THB is set down in particular by the coalition agreement and the government policy guidelines for the legislative period 2021-2026. Projects that have already been initiated include the introduction of a Round Table against Labour Exploitation and the reactivation of the Expert Commission on THB. The guidelines can be found at the following link: https://www.berlin.de/rbmskzl/regierende-buergermeisterin/senat/richtlinien-der-politik/. In future therefore, the institutional framework will be formed by the Round Table against Labour Exploitation, the Expert Commission on THB and other existing bodies such as the Working Group on the Implementation of the Federal Cooperation Concept “Protection and help in cases of trafficking in and exploitation of children”.</p> <p>The latter interdisciplinary working group began its work in June 2021 under the leadership of the Senate Administration for Education, Youth and Family. It involves various Senate administrations, district and youth welfare offices, the Berlin Public Prosecutor’s Office, family courts, the Berlin police (represented by Department 42 of the State Criminal Police Office – LKA) and various specialised counselling centres.</p> <p>The goals of the working group are to be achieved by December 2023:</p> <ul style="list-style-type: none"> • Conclusion of a cooperation agreement “Human trafficking to the detriment of minors” • Cooperation between district youth welfare offices • Strengthening of the protection of trafficked persons • Development of a training concept for the professionals who work in the child and youth welfare services/independent agencies/guardianships and establishment of networking meetings with investigative and prosecuting authorities <p>An initial kick-off meeting on organisational issues regarding the reactivation of the interdisciplinary Commission on THB took place between the Senate Department for Women and Gender Equality and the Senate Department for Labour in July 2022. The next step involving the inclusion of further Senate administrations is planned for September 2022. At the non-governmental level, there are also networking bodies such as the Working Group on Trafficking in Women.</p> <p>Cooperation agreements</p> <p>In 2003, a cooperation agreement was concluded between the Berlin Police Headquarters and specialised counselling centres</p> |

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| | <p>for female trafficked persons, which in accordance with the legal situation at the time focused on THB for the purpose of sexual exploitation, but was expanded in 2008 to include the offence of THB for the purpose of labour exploitation (see also the submission of the state of Berlin in the first evaluation round). Through this close cooperation, trafficked women are informed and supported by the NGOs according to their needs and are therefore available to the prosecution authorities for further criminal and judicial proceedings.</p> <p>In order to do justice to the changes in the Criminal Code (StGB) as well as to the diversity of actors and not least the victims, a process of revising this agreement began in 2019. For the protection, support and stabilisation of victims in the area of labour exploitation, a similar cooperation agreement is currently being coordinated between Department 42 of the State Criminal Police Office (LKA), the Customs Administration (Financial Monitoring of Undeclared Work Unit – FKS) and several specialised counselling centres. Independently of the Berlin cooperation agreement (“major agreement” see below), there is a lively exchange and de facto cooperation on labour exploitation incidents at the working level between the police, the customs administration and specialised counselling centres.</p> <p>Furthermore, a cooperation agreement on “Trafficking in Human Beings to the Detriment of Minors” is being sought, see also the above description of the working group on the implementation of the federal cooperation concept “Protection and help in cases of trafficking in and exploitation of children” in Part II. 13, fifth bullet point.</p> |
| Brandenburg | <p>The “Round Table on Seasonal Work” was launched in 2020 by the Brandenburg Ministry of Agriculture, Environment and Climate Protection (MLUK) and the Ministry of Economic Affairs, Labour and Energy (MWAE). This involves the agricultural and horticultural associations as well as marketing institutions, the German Trade Union Confederation (DGB), the construction trade union IG BAU and the Berlin Advisory Center for Migration and Decent Work (BEMA). It has agreed on basic rules for advising seasonal workers on fair seasonal work.</p> <p>Jointly with Berlin, a working group has been established entitled “Combating Undeclared and Illegal Employment” with the thematic focus “Combating forced labour, THB and labour exploitation – legal possibilities, experience and obstacles in practice”. Various Berlin Senate administrations in Berlin and Brandenburg ministries are represented on the working group, as well as the Customs Administration’s Financial Monitoring of Undeclared Work Unit (FKS), regulatory authorities of the districts/independent towns and district offices, the regional directorate of the Federal Employment Agency, the German Pension Insurance (DRV), the tax investigation office of the financial authorities, the Chamber of Crafts/Trade Law Department, state offices for occupational health and safety, the State Criminal Police Office (LKA), etc. This enables a very helpful and practice-oriented sharing of experience between the various agencies involved.</p> <p>In the state of Brandenburg, there has also been a dialogue forum on prostitution since March 2021 with the participation of the departments of the state government, the municipalities and civil society actors. The dialogue forum serves as an</p> |

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| | accompanying body for the implementation of the Prostitution Protection Act (ProstSchg), also enabling dialogue and helping to identify needs and derive recommendations for action on this basis. |
| Hamburg | Hamburg supports the Coordination Office against Trafficking in Women (KOOFRA e.V.) with an annual grant. In addition, the two round tables on THB for the purpose of forced prostitution and for the purpose of forced labour continue to be held under the auspices of the social welfare authorities in Hamburg. In the last two years, these round tables have dealt intensively with the challenges described under “emerging trends of trafficking in human beings”. |
| Mecklenburg-Western Pomerania | The counselling centre CORRECT! has been expanded to include a Ukrainian-speaking counsellor. The state of Mecklenburg-Western Pomerania will initially finance the additional position up until 31 December 2022. |
| Rhineland-Palatinate | At the European level, Europol organises Europe-wide control days under the EMPACT cooperation (European Multidisciplinary Platform Against Criminal Threats) with the aim of combating organised criminal networks in priority crime areas, including THB; these are carried out at irregular intervals. The aim is to combat criminal groups and identify potential victims. Rhineland-Palatinate police authorities also regularly participate in these control days. |
| Thuringia | On behalf of the Standing Conference of the Ministers and Senators of the Interior of the <i>Länder</i> (IMK), a Federal- <i>Länder</i> working group is examining and further developing optimisation potential for cooperation at national and international level. |

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| | the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results); |
| Baden-Württemberg | <p>In Baden-Württemberg, there are two guides to cooperation between authorities and specialised counselling centres in cases of THB: <i>Gemeinsam gegen Menschenhandel und Arbeitsausbeutung</i>.</p> <p><i>Leitfaden für die Kooperation zwischen Behörden und Fachberatungsstellen in Baden-Württemberg</i> (“Together against THB and labour exploitation. Guidelines for cooperation between authorities and specialised counselling centres in Baden-Württemberg” issued by the Ministry of the Economy, Labour and Housing Baden-Württemberg in 2019: https://wm.baden-wuerttemberg.de/fileadmin/redaktion/m-wm/intern/Publikationen/Arbeit/2019_Leitfaden_Arbeitsausbeutung.pdf, and <i>Leitfaden für die Kooperation zwischen Behörden und Fachberatungsstellen in Baden-Württemberg zur Verbesserung des Schutzes von Opfern und der Strafverfolgung in Fällen von Menschenhandel zum Zwecke der sexuellen Ausbeutung (§ 232 StGB</i> (“Guidelines for cooperation between authorities and specialised counselling centres in Baden-Württemberg to improve the protection of victims and prosecution in cases of THB for the purpose of sexual exploitation (Section 232 Criminal Code)”, which was issued by the Ministry of Social Affairs, Health and Integration in 2016. This is currently being revised with regard to the regulations of the new Prostitution Protection Act (ProstSchG) and adapted to the new structures.</p> <p>A round table on combating THB is also being held under the leadership of the Baden-Württemberg Ministry of the Economy, Labour and Housing. The aim of the “Round Table on Trafficking in Human Beings for the Purpose of Labour Exploitation” is to</p> |

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| | achieve further improvements in cooperation, prevention and intervention together with the departments and institutions involved. |
| Bavaria | In October 2020, the Bavarian State Criminal Police Office (BLKA) recommended that the Bavarian State Ministry of the Interior, for Sport and Integration (StMI) revise the <i>Zusammenarbeitsvereinbarung [...] in Menschenhandelsfällen</i> (“Cooperation Agreement [...] in Human Trafficking Cases”), as it is not up to date regarding either the legal situation or the institutions involved. A decision is still pending. |
| Hamburg | See answers in Section I and on prevention and intervention in Section II. |
| Mecklenburg-Western Pomerania | The counselling centre CORRECT! has been expanded to include a Ukrainian-speaking counsellor. The state of Mecklenburg-Western Pomerania will initially finance the additional position up until 31 December 2022. |
| North Rhine-Westphalia | Introduction of the Prostitute Protection Act (ProstSchG) in 2017. Increased integrative controls by police and municipal authorities, see the annexes in Anlagen Nordrhein-Westfalen for more information: “220729_Anlage_Greta_3._Evaluierung_ergaenzender_Bericht.pdf” and “220520 LKA NRW Lagebild Menschenhandel und Ausbeutung 2020”. |
| Rhineland-Palatinate | <p>According to the cooperation concept “Protection and Assistance for Victims of Trafficking in Human Beings for the Purpose of Sexual Exploitation and Labour Exploitation”, there is close cooperation between the police and external counselling centres on THB (NGOs) as well as various local authorities such as foreign nationals authorities, regulatory authorities, health offices, youth welfare offices and the locally responsible social service providers.</p> <p>The federal cooperation concept “Protection and help in cases of trafficking in and exploitation of children” presented by the Federal Minister for Family Affairs in October 2018 contributes to better and closer cooperation between the police and other authorities. Since the amendment of the law on THB, especially at federal and EU level, the phenomenon has been given special consideration.</p> <p>In view of this, the Rhineland-Palatinate State Criminal Police Office (LKA), together with the NGO SOLWODI, initiated a “Multi-Professional Focus Workshop on Networking and Building Structures in the Area of Trafficking in and Exploitation of Children and Adolescents” back in December 2018, with the support of ECPAT Deutschland e. V. In order to consolidate these structures, law enforcement, local authorities and NGOs (victim protection organisations) are currently developing a network in Mainz and the surrounding area so as to be able to make an important contribution at interdisciplinary meetings.</p> <p>With a view to “optimising the protection and assistance of under-age victims of THB”, the Rhineland-Palatinate State Criminal Police Office (LKA) has sensitised police officers to the phenomena of begging, trafficking in children and exploitation in the committing of punishable acts with the help of action guidelines, also providing information on the new forms of exploitation and manifestations of THB by means of an information sheet.</p> |
| | recent case law concerning THB for different forms of exploitation. |

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| Bavaria | There has been significant complication, not least in the interpretation of the characteristic deception used in connection with so-called “lover boy” cases. This issue is already known at the judicial level and will therefore not be repeated here. |
| Berlin | Cf. II. 12, first bullet point, c) Trafficking in human beings for the purpose of exploitation in the committing of criminal offences |
| Mecklenburg-Western Pomerania | In this state, neither suspected cases nor actual cases of THB for the purpose of labour exploitation are known to experts in the field. No court proceedings have taken place relating to this phenomenon. |

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| | Please provide information on measures taken in your country in respect to the following recommendations made in GRETA’s second evaluation report: |
| | Ø harmonise the institutional framework and co-ordination structures for action against THB at federal and Länder level, in particular the referral processes for victims of human trafficking (NRMs); |
| Baden-Württemberg | <p>The police in Baden-Württemberg have expert officers in the field of THB due to high-quality training and professional development measures. As a result, initial suspicions can be gained through targeted regular control activities. Another group of specialists working in this areas is the Joint Investigation Group on Smuggling (GES) at the Baden-Württemberg State Criminal Police Office (LKA), consisting of federal and state police officers. In addition to smuggling cases, this investigation group also deals with THB offences.</p> <p>In addition, there is profitable networking between the Federal Office for Migration and Refugees (BAMF) and the Baden-Württemberg State Criminal Police Office (LKA). In the course of an asylum procedure, the authorities regularly forward indications about possible victims of THB to the Baden-Württemberg State Criminal Police Office (LKA) for further examination pursuant to Section 8 (3) of the Asylum Act (AsylG).</p> <p>Furthermore, there is a regular exchange of information between police departments at national and international level which also leads to the identification of trafficking victims. For example, investigative cooperation takes place with foreign agencies through Joint Investigation Teams (JITs). Specialised counselling centres for victims of THB are also available in Baden-Württemberg. The counselling work done by these institutions explicitly includes combating THB, especially trafficking in women and children; these efforts are particularly focused through public relations work. A guide has been created by Baden-Württemberg on cooperation between the authorities and specialised counselling centres to improve victim protection and prosecution in cases of human trafficking and labour exploitation.</p> |

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| Bavaria | In October 2020, the Bavarian State Criminal Police Office (BLKA) recommended that the Bavarian State Ministry of the Interior, for Sport and Integration (StMI) revise the <i>Zusammenarbeitsvereinbarung [...] in Menschenhandelsfällen</i> (“Cooperation Agreement [...] in Human Trafficking Cases”), as it is not up to date regarding either the legal situation or the institutions involved. A decision is still pending. |
| Hamburg | See comments under Section I. In addition, Hamburg has a stable and reliable network for combating THB under the auspices of the Social Welfare Department (Victim Protection Unit), which has once again proven in the context of refugees from Ukraine that it is capable of quickly and effectively developing and applying local prevention measures (multilingual educational and information materials) for this vulnerable group. See also contributions under: strengthen the prevention of trafficking for the purpose of labour exploitation, in particular in at-risk sectors, public procurement and supply chains and ensure that all victims of trafficking, in particular children, can fully benefit in practice from the entitlement to a renewable residence permit, without prejudice to the right to seek and enjoy asylum. |
| Mecklenburg-Western Pomerania | Coordination talks are held between the counselling centres CORRECT! and <i>Faire Integration</i> under the leadership of the specialised unit responsible for THB for the purpose of labour exploitation. |
| Lower Saxony | On the part of the police, no independent prevention measures are taken in this area. The Federal/ <i>Länder</i> police crime prevention programme ProPK provides victim information on the phenomenon of THB on its internet portal polizei-beratung.de under the following link: https://www.polizei-beratung.de/opferinformationen/menschenhandel/ . Among other things, advice is provided on how to behave as well as details of help and counselling centres. Among other things, the information offered by the German NGO Network against Trafficking in Human Beings (KOK) is referred to (https://www.kok-gegen-menschenhandel.de/startseite). |
| Saxony-Anhalt | The Standing Conference of the Ministers and Senators of the Interior of the <i>Länder</i> (IMK) adopted a resolution on improving the fight against THB and forced prostitution (agenda item 12) at its 215th session in Stuttgart on 1/3 December 2021. It states, among other things, that the measures already taken by the federal government are welcomed. Furthermore, it asks the existing Federal- <i>Länder</i> Working Group on Trafficking in Human Beings (BLAG) to review and further develop the potential for optimising the multidisciplinary fight against THB and forced prostitution. Saxony-Anhalt supports this project. The IMK has asked BLAG to submit a report to this effect at its autumn meeting in 2022. |
| Thuringia | The Federal- <i>Länder</i> Working Group on Trafficking in Human Beings (BLAG) and the relevant committee work serve to coordinate and harmonise the measures. |

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| | Ø finalise the setting up of an independent national rapporteur; |
| | Please refer to report by the Federal Government. |

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| | Ø strengthen the prevention of trafficking for the purpose of labour exploitation, in particular in at-risk sectors, public procurement and supply chains ; |
| Bavaria | <p>At the beginning of 2022, the Human Trafficking Unit of Department 533 of the Bavarian State Criminal Police Office (BLKA) was restructured.</p> <p>Since then, cooperation with other authorities (customs, federal police) and with specialised counselling centres has been significantly intensified.</p> <p>For the purpose of mutual networking, the Working Group on Trafficking in Human Beings has already initiated “round tables” between specialised police departments, customs and the State Criminal Police Office (LKA).</p> <p>Currently, the unit is conducting professional development training sessions at some customs departments to inform employees about the issue of labour exploitation and indicate ways in which cooperation and mutual support can be provided. In addition, possible improvements in the way facts are recorded (e.g. structuring of questioning sessions) are presented based on practical cases.</p> <p>A Bavaria-wide, inter-agency caseworker conference on the topic of “Labour Exploitation” is planned for 2023, initiated by the Human Trafficking Unit.</p> |
| Berlin | <p>Public procurement:</p> <p>According to the Berlin Tendering and Award Act (BerlAVG), public contracting authorities are obliged to carry out spot checks to ensure compliance with agreed contractual conditions such as minimum wages or ILO core labour standards. They are supported by the central Monitoring Group (<i>Kontrollgruppe</i>) of the state of Berlin.</p> <p>The Berlin Tendering and Award Act (BerlAVG) thus provides the contracting authorities with far-reaching instruments for monitoring and enforcement. However, it is at the discretion of the contracting authority as to whether controls are actually carried out and whether breaches of contract are sanctioned. There are no known cases of THB for the purpose of labour exploitation in the execution of contracts for the state of Berlin.</p> <p>Since 1 May 2020, BerlAVG regulates not just minimum contract wages but also compliance with collective agreements for the state of Berlin. The implementation of the obligation to comply with collective agreements in the state of Berlin still requires implementing provisions; these are currently being finalised between the departments responsible. Safeguarding minimum and collectively agreed wages to promote and support fair competition is recognised as being necessary by all stakeholders.</p> <p>Under BerlAVG, public contracting authorities are obliged to agree with contractors on contractual conditions for compliance with eco-social measures such as minimum wages or ILO core labour standards, as well as on monitoring and on sanctions in the event of breaches of contract. In addition, the contractor is contractually obliged to oblige its subcontractors and labour hire companies to comply with minimum wage requirements and subsequently also with collective wage agreements (so-called</p> |

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| | <p>subcontractor liability).</p> <p>The contracting authority or the central Monitoring Group of the state of Berlin is to check compliance with the agreed contractual conditions by requesting the necessary documents such as employment contracts and remuneration statements, or by inspecting the documents that are to be kept ready for the respective monitoring on site at the contractor’s or subcontractor’s business premises. The contractor or subcontractor is to cooperate with the inspection by ensuring availability of the complete and verifiable documentation that is required in order to check whether the agreed eco-social requirements have been met. If the Monitoring Group identifies a breach, it recommends that the contracting authorities examine the sanction options under BerlAVG. Since the contracting authorities and the contractors are contractual partners, the contracting authorities decide on the actual sanctioning. In addition, breaches of the agreed contractual terms and conditions by contractors, subcontractors or labour hire companies are reported to the Official Register of Contractors and Suppliers kept by the Senate Department for Urban Development, Building, and Housing in Berlin; also, the Federal Customs Administration’s Financial Monitoring of Undeclared Work Unit (FKS) is notified if there are indications of a breach of minimum working conditions pursuant to Section 128 (1) of the Act against Restraints of Competition (GWB).</p> <p>EMPACT Weeks: The specialised units of Department 42 of the State Criminal Police Office (LKA) regularly participate in controls as part of the EMPACT Weeks initiated by Europol. In 2021, for example, Action Days with the working title “Labour Exploitation” were held which involved checks being carried out at possible places of labour exploitation, including nail salons, flower shops and restaurants. No criminal proceedings for THB resulted from this.</p> |
| Hamburg | <p>In Hamburg, the following specialised counselling centres in particular cooperate with KOOFRA if they come across indications of forced labour and/or severe labour exploitation among those seeking advice in the course of their counselling under labour law/social security law:</p> <ul style="list-style-type: none"> • the Information Centre Labour Mobility (funded by the social welfare authorities): https://hamburg.arbeitundleben.de/arbeitnehmerfreizügigkeit. There has been a cooperation agreement between KOOFRA and the Information Centre since 2014. • The project <i>Faire Integration</i> is a counselling service for refugees and third-country nationals on all labour law issues. Counselling is provided to people who are already in work, training or an internship, as well as those looking for information about their working conditions on a preventive basis. Counselling is available in German, English, Arabic, Farsi, Russian, Ukrainian and Spanish. Interpreters can be provided for other languages on request. Link: https://hamburg.arbeitundleben.de/faire-integration. |

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| | <ul style="list-style-type: none"> The Hamburg Welcome Center (HWC), which is funded by the social welfare authorities, is the central service point for all questions on the issues of entry, residence and labour market integration for both skilled workers and companies: https://welcome.hamburg.de/hwc/ <p>Prevention for refugees from Ukraine in 2022:</p> <p>In June 2022, the social welfare authorities (Victim Protection Unit) held an information event in cooperation with BürgerStiftung Hamburg(https://buergerstiftung-hamburg.de/ehrenamt/) on the subject of prevention in connection with refugees from Ukraine. This was aimed at initiatives and volunteers who provide support and guidance for people from Ukraine who are in search of protection. The aim of the event was to inform and sensitise the target group about severe forms of exploitation. KOOFRA e.V. presented the indicators for identifying those potentially affected by exploitation through forced labour/heavy labour. The project <i>Faire Integration</i> provided information on all labour law issues in Germany. The project is currently offering more information events and counselling for refugees from Ukraine: https://hamburg.arbeitundleben.de/faire-integration</p> <p>Likewise, an event on the issue of forced prostitution took place as early as April 2022 in cooperation with the BürgerStiftung for the aforementioned target group in which KOOFRA e.V. and the project <i>Fair Love</i> presented their work and provided information on risk factors involved for those concerned in becoming victims of forced prostitution and sexual exploitation.</p> |
| Mecklenburg-Western Pomerania | The staff of the counselling centre CORRECT! has been expanded. |

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| | Ø provide adequate assistance, including safe accommodation, adapted to the specific needs of male victims of trafficking ; |
| Bavaria | <p>Housing male victims of trafficking continues to be a challenge. This also emerged at meetings between specialised counselling centres and the Bavarian State Criminal Police Office (BLKA), as these NGOs have only limited possibilities to accommodate such persons.</p> <p>It has not yet been possible to attempt to involve the church associations (as in Austria, for example), as the Bavarian State Ministry of the Interior (StMI) has not yet agreed to the update of the “Cooperation Agreement [...] in Human Trafficking Cases” of 2004.</p> |
| Berlin | Victims of labour exploitation are supported by counselling services – such as the Berlin Advisory Center for Migration and Decent Work (BEMA) – though the amount of counselling has increased greatly due to the increasing complexity of individual cases. The appropriate (separate) accommodation of male victims of labour exploitation and the lack of special care services |

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| | <p>continue to be problematic.</p> <p>In the state of Berlin, the State Office for Refugee Affairs (LAF) is responsible, among other things, for granting benefits under the Asylum Seekers' Benefits Act (AsylbLG) and for implementing measures to prevent homelessness with regard to victims of the offences mentioned in Section 25 (4a) and (4b) of the Residence Act (AufenthG) during the departure period under Section 59 (7) AufenthG until a residence permit is issued. In connection with this allocation of responsibilities, the LAF also organises accommodation for male victims of THB for the purpose of labour exploitation or for male victims of severe labour exploitation at the Berlin arrival centre in case of acute need. If the persons concerned decide to stay for a lengthier period of time, they are accommodated by the LAF at a reception centre with full board. If capacity is available, the LAF is in principle also able to accommodate a larger number of potential victims of labour exploitation, forced labour or related THB. An example of this was a major raid that was carried out in 2019. Due to the increased influx of war refugees from Ukraine, special admissions and a constantly high influx of asylum seekers from other countries, the state of Berlin, in particular the LAF, only has limited reception capacity for the ad-hoc accommodation of victims (as of July 2022).</p> <p>For emergency accommodation, BEMA has financial resources in the amount of EUR 40,000: insofar as BEMA provides accommodation and meals at its own expense for potential victims of labour exploitation and THB for the purpose of labour exploitation and forced labour until the facts of the case have been clarified or until the conclusion of official or judicial proceedings in the state of Berlin, BEMA can be reimbursed for the relevant costs in justified individual cases from the beginning of 2020 (until the end of the contract term on 31 December 2022). The Senate Department for Integration, Labour and Social Affairs can reimburse the corresponding costs in justified individual cases from the beginning of 2020 (until the end of the contract term on 31 December 2022) up to a maximum total of EUR 40,000 (gross) per calendar year on submission of itemised invoices, insofar as the group of persons in question cannot initially be accommodated and cared for by state agencies (so-called "emergency accommodation"). The so-called "emergency accommodation costs" are also financially secured for the coming contract period after 2022, so BEMA is able to offer "emergency accommodation" if necessary.</p> <p>The accommodation of male victims from EU/DEU is problematic. There is also a need for special (care) services for partly traumatised (male) victims of THB and exploitation. Care has to be taken to ensure that victims cannot be reached by the perpetrator groups. The LAF's accommodation options – which are also known to offender groups – are only suitable to a limited extent.</p> |
| Brandenburg | <p>According to the protection concept of the Central Foreign Nationals Authority (ZABH) of the state of Brandenburg, accommodation is generally provided according to individual needs in order to counteract re-traumatisation. In addition, the authority's own psychosocial service is available to those affected (including psychodiagnostics, emotional relief talks for stabilisation purposes, individual and family psychological counselling, referral to the relevant agencies). The psychosocial service notifies the Federal Office for Migration and Refugees (BAMF) accordingly. The social service of the accommodation provider</p> |

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| | <p>commissioned by the Central Foreign Nationals Authority (ZABH) is also informed if, for example, special assistance is needed with creating the file or other procedural steps.</p> <p>The person concerned also has the option to talk to the Violence Protection Officer of the Central Foreign Nationals Authority (ZABH). This also applies to the above-mentioned group of people.</p> |
| Hamburg | <p>The specialised counselling centre KOOFRA e.V. has the mandate to accommodate female victims at hotels or in the Hamburg women’s shelters. In exceptional cases, KOOFRA also supports male victims. KOOFRA has the possibility to accommodate male victims in a hotel for 15 nights. Refugees can be accommodated in Hamburg after consultation with the public housing agency Fördern und Wohnen (F&W): https://www.foerdernundwohnen.de/.</p> <p>Since 2021, refugee women, including those with children, who are acutely affected or threatened by forced prostitution/sexual exploitation or forced labour/extreme labour exploitation, have had the option of being accommodated in an anonymous shelter for women.</p> |
| Mecklenburg-Western Pomerania | <p>Preliminary considerations on such issues are being explored for the funding period from 2023 onwards.</p> |
| North Rhine-Westphalia | <p>Extensive improvement of the resources available to the victim support infrastructure in North Rhine-Westphalia: For the eight specialised counselling centres for female victims of THB for sexual exploitation funded by the state, state funding was continuously increased from 2017 to 2022 by a total of approximately EUR 700,000 to a total of approximately EUR 1,700,000 (personnel costs of EUR 669,278 (2017) increased by EUR 323,589 to EUR 992,867 (2022), accommodation costs increased since 2019 by approximately EUR 400,000 per year). Aid to bridge the corona-related impact on the work of the specialised counselling centres was disbursed in the total amount of EUR 84,000 in 2020 and 2021.</p> <p>For many years, funding has been provided in NRW for the provision of a total of five places at three youth welfare facilities in NRW as well as for the establishment of a further shelter facility in the Rhineland. The funding aims to enable the facilities to offer girls and young women who are threatened by or affected by forced marriage and/or violence an (anonymous) place of protection without delay – irrespective of whether the youth welfare offices responsible agree to pay the costs.</p> <p>In addition, support is provided for an inclusive anonymous shelter for girls with disabilities who are threatened by or suffer violence, namely Mädchenhaus Bielefeld (girls’ shelter).</p> |
| Saxony-Anhalt | <p>It was possible to partially close the previously existing infrastructural and financial gap in emergency care for male victims in the area of forced labour, labour exploitation and THB by means of an expansion of the specialist advisory centre BEMA (https://bema.arbeitundleben.org) that has been in place since June 2021. Within the first year, which initially saw the establishment of counselling concepts and networks, support has been provided in more than 50 cases to date. Most of them</p> |

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| | <p>are male and some female victims outside the field of forced prostitution. The following support structures are offered or envisaged:</p> <ol style="list-style-type: none"> 1. Support for those affected via project funds: BEMA funds to rent a room at a hotel or guest house for the affected persons and cooperation with the food banks in the local authorities for food and daily necessities. 2. Support through the network established by BEMA: food banks and station missions to cover food and emergency needs, the medical care network MediNetz, the charity organisations Diakonie and Caritas for other support options. 3. Assistance in support through state structures (Section 59 (7) Residence Act – AufenthG). <p>Networking efforts are strengthened by an advisory board that meets every six months.</p> |
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| | <p>Ø improve the identification of, and assistance to, child victims of trafficking, including by paying particular attention to unaccompanied and separated foreign children ;</p> |
| Baden-Württemberg | <p>In order to combat THB and therefore also identify and support victims, including children, Baden-Württemberg participates in Europe-wide control campaigns in connection with EMPACT projects, such as “Action Days against Child Trafficking” to combat THB and exploitation to the detriment of children, young people and adolescents in Germany and Europe.</p> <p>In addition, the authorities report suspicious circumstances to the police at an early stage – these are generally the contact points for unaccompanied and separated foreign children such as foreign nationals authorities, youth welfare offices and the Federal Office for Migration and Refugees (BAMF).</p> |
| Bavaria | <p>The issue of child exploitation is dealt with in various seminars offered by the professional development institute of the Bavarian police, presented in a way that is geared towards the target group.</p> <p>For example, caseworkers involved with sexual and abuse offences are trained on the issue of sexual exploitation as set out in Sections 232 ff. of the Criminal Code (StGB), as well as the issue of commercial sexual exploitation of minors outside the scope of THB.</p> <p>Caseworkers involved in the area of property crime or the area of child and juvenile crime are informed about the possibilities of coercion to “[...] “commit punishable offences [...]” in order to raise awareness that minors/young offenders can also be a victim of an exploitative situation.</p> |
| Berlin | <p>Within Department 42 of the State Criminal Police Office (LKA), LKA 424 has existed for a long time as a special unit exclusively responsible for combating THB for the purpose of sexual exploitation and forced prostitution to the detriment of minors.</p> <p>Networking and cooperation</p> <p>With the aim of early identification of under-age sexually exploited victims of THB and forced prostitution, LKA 424 networks and</p> |

cooperates closely with all relevant authorities and other institutions, including

Internally:

- Locally responsible police units dedicated to identified focal points (patrol service, prevention officers, unit teams)
- Immediate criminal investigation and LGBTI officers in the local departments
- LKA Präv (State Criminal Police Office Prevention Dept.) including the central LGBTI officers
- “Interface units”, such as LKA 13 responsible for sexual offences, and LKA 26 responsible for pickpocketing with a view to identifying victims of THB

Security authorities:

- Regular working meeting “Trafficking in Human Beings” with relevant departments of the LKA and the local departments as well as the Public Prosecutor’s Office, the Tax Investigation Department and the Main Customs Office in order to exchange information

Working group on the implementation of the federal cooperation concept “Protection and help in cases of trafficking in and exploitation of children”

- NGOs and crisis institutions
- District offices, youth welfare offices, child/youth emergency service, regulatory authorities
- International social service
- In planning: family courts
- Regular “round table” with the participation of LKA 424, two police units of LKA 13 dealing with minors and the NGO Subway/Hilfe für Jungs e.V.

There is a regular exchange of information in order to raise awareness among cooperation partners of the phenomenon and of any new forms that may occur. The conclusion of a cooperation agreement is being sought (see also II.12, 3rd bullet point).

Prevention

LKA 424 has developed a prevention concept to combat the sexual exploitation of under-age Romanian males who are led into male prostitution in Berlin from out of their family communities and exploited in this way. The aim of the concept – in addition to prevention – is to remove the opportunity structures involved in this phenomenon, among other things by informing the public as well as sensitising and training all the authorities and independent organisations involved. In July 2022, the Berlin police launched an information campaign with public posters at local focal points relevant to this phenomenon. The campaign was funded by the EU through the above-mentioned ISF project THB Liberi (see I. 10.4).

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| Brandenburg | Unaccompanied foreign minors receive accommodation, care and support in connection with youth welfare work: this is subject to high professional standards and adapted to the individual needs of the minor(s). In addition, a personal guardian is appointed for each unaccompanied foreign child or adolescent to independently represent their interests. The assistance plan procedure with the involvement of the guardian can be used as an effective instrument to identify special assistance needs and avert risks with a focus on the particular vulnerability of unaccompanied children and adolescents. The ongoing qualification and professional development of professionals working at the youth welfare offices is of great importance for ensuring child protection in child and youth welfare. The Child Protection Unit in Brandenburg continuously qualifies and advises the municipal youth welfare offices and their cooperation partners. It promotes cooperation and interdisciplinary networking at the municipal level, including expert advice to professionals on the prevention of trafficking and exploitation of children and young people. |
| Hamburg | Information on awareness-raising measures under the child protection programmes for professionals at day-care centres, schools, parental allowance offices and job centres, as well as at other offices where benefits can be requested for children. |
| Mecklenburg-Western Pomerania | The state of Mecklenburg-Western Pomerania and the youth welfare offices are aware of their duty to protect children in cases of risk to their well-being in accordance with Section 8a of Book VIII of the Social Code (SGB). According to this, they are obliged to protect all children and young people from dangers to their well-being, irrespective of nationality. The requirement for this is the existence of weighty indications. If unaccompanied minors are victims of THB, the youth welfare office must be involved: the latter is responsible for taking them into care and appointing a guardian. Minors who come to Germany unaccompanied from abroad are accommodated at clearing centres that specialise in their care. In the process of clarifying the personal background of the children and adolescents, the actors involved, under the leadership of the youth welfare office, determine the age, the developmental and educational level and the health of the children or adolescents. In addition, the state of Mecklenburg-Western Pomerania ensures that the youth welfare offices have access to the indicator list for identifying victims of THB kept by the State Criminal Police Office (LKA). |

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| | Ø ensure that all victims of trafficking, in particular children, can fully benefit in practice from the entitlement to a renewable residence permit, without prejudice to the right to seek and enjoy asylum . |
| Bavaria | Police caseworkers are informed about the rights of victims of THB, regardless of age. The rights (some of which are still unknown) of the reflection and stabilisation period pursuant to Section 59 (7) of the Residence Act (AufenthG) and the right to be granted a residence title pursuant to Section 55 (4a) of the Residence Act (AufenthG) are regularly addressed at lectures, as is, for example, the possibility of exemption from punishment under Section 154c of the Code of Criminal Procedure (StPO). |
| Brandenburg | At the initial reception centre for asylum seekers, all persons accommodated there have the right to participate in independent asylum procedure counselling and file an application for asylum with the Federal Office for Migration and Refugees (BAMF). The foreign nationals authorities in Brandenburg issue residence permits and extensions in accordance with the laws and |

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| | regulations applicable nationwide, taking into account the information available to them, e.g. that the applicant is a victim of THB. |
| Berlin | <p>In Berlin, the discretionary power of Section 25 (4a) and (4b) of the Residence Act (AufenthG) is exercised generously, refraining from applying Section 5 (1) Nos. 1 to 2 and 4 and Section 5 (2) AufenthG (general conditions for granting residence); the individuals concerned are regularly given the prospect of staying even after the criminal proceedings.</p> <p>The extension of a residence permit issued in accordance with Section 25(4a) or (4b) of the Residence Act (AufenthG) is also regulated in the Procedural Notes on Residence in Berlin (VAB) of the State Office for Immigration (LEA; see under A.25.4a.3. and A.25.4b.; https://www.berlin.de/einwanderung/service/downloads/artikel.875097.php). These Procedural Instructions further provide that in cases in which the extension of the residence permit pursuant to Section 25 (4a) 3 or (b) 3 of the Residence Act (AufenthG) cannot be considered, Section 25 (4) 2 and Section 25 (5) AufenthG are to be assessed favourably as a rule.</p> <p>In the current year 2022, there have been two extensions of a residence permit pursuant to Section 25 (4a) of the Residence Act (AufenthG) to date. Children were not among them.</p> |
| Bremen | <p>In June 2021, the Bremen Senator for Women’s Affairs and the Senator for the Interior introduced a motion for a resolution to be passed in the Federal Council (Bundesrat) to strengthen the rights and protection options of women affected by violence without a secure residence. The motion calls on the Federal Government to examine how an independent residence title for women who are victims of violence can be anchored in German law as defined in the Istanbul Convention. This is to ensure that in cases of gender-based violence, deportation proceedings against the women concerned can be suspended. In addition, women who are victims of violence are to be granted a renewable residence title if their stay is necessary due to their personal situation or they are required to cooperate in an investigation or criminal proceedings. For example, leaving the country would be unreasonable if therapeutic and counselling measures were necessary. Also, women may not be forced to leave the country if, for example, the sexualised violence they have experienced could lead to considerable disadvantages in their country of origin.</p> <p>The federal states of Berlin, Thuringia and Hamburg supported the Bremen motion. It has been assigned to several specialised committees of the Federal Council (Bundesrat) which will have to continue their deliberations.</p> |
| Hamburg | <p>The Federal Office for Migration and Refugees (BAMF), which decides on asylum applications, maintains a branch office at the Central Initial Reception Centre (ZEA) in Hamburg. All asylum seekers can attend a general asylum procedure counselling session at the ZEA even before filing their application.</p> <p>The status of victimhood is the deciding factor for residence status and therefore for obtaining access to benefits under Book II of the Social Code (SGB) or the Asylum Seekers’ Benefits Act (AsylbLG). If there are indications of victim status, the persons concerned receive a residence permit for one year in accordance with Section 25 (4a) of the Residence Act (AufenthG). If there are no indications of THB at this point in time, the trafficked persons are granted tolerated status. After the expiry of the one-year residence permit, the facts of the case are re-examined by the Department of the Interior. If the criminal proceedings have</p> |

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| | <p>been concluded in the meantime, the residence permit is extended by two years. If, on the other hand, the criminal proceedings have not yet been concluded, the residence permit has to be extended by one year (Section 26 (1) 5 Residence Act – AufenthG). The discontinuation of criminal proceedings does not prevent the extension of a residence permit pursuant to Section 25 (4a) of the Residence Act (AufenthG), but it can be extended for urgent humanitarian or personal reasons or in the public interest.</p> <p>All participants in the two round tables on THB in the context of forced prostitution and forced labour regularly exchange information on this practice, which has existed in Hamburg for years, in order to ensure rights-based implementation. The Round Table on Human Trafficking includes representatives of the Hamburg BAMF branch office, the Ministry of the Interior and Sport, the Ministry of Justice and Consumer Protection and the job centres, among others.</p> <p>Otherwise, see the contribution to point 11.1. in the first section.</p> |
| North Rhine-Westphalia | <p>The legal provisions of the Residence Act (AufenthG) apply.</p> <p>Combating and protecting against sexualised violence and exploitation of children and young people is a high priority for the NRW police. Criminal proceedings for child trafficking have not been reported here in the last five years.</p> |