

Organisations most likely to be the first ones to identify a presumed victim

- German Police
- Border Guards
- NGOs
- Migration Authorities
- Social Workers
- Financial Control of Undeclared Work Unit (Finanzkontrolle Schwarzarbeit - FKS) of the German Customs Administration

Germany does not have state agency or organisation functioning as the National Point of Contact for the referral of victims of THB.

The responsibility for identification, referral and victim assistance in Germany is organised on a Regional level (Länder level). There are various cooperation agreements set up between authorities and organisations in the Länder, deciding the type of assistance offered to victims as well as the responsibility of stakeholders. When German Police detects a presumed victim of THB, the person is informed that she/he can receive assistance through Specialised Counselling Centres, funded by the Länder. Thus, the Länder referral foresees that the Police refers the victim to a service provider on an early stage of the process.

Most Länder cooperation agreements cover assistance to victims of THB for sexual exploitation while some also cover victims of THB for labour exploitation. However, there are no support structures in place for victims of THB for forced begging or forced criminality.

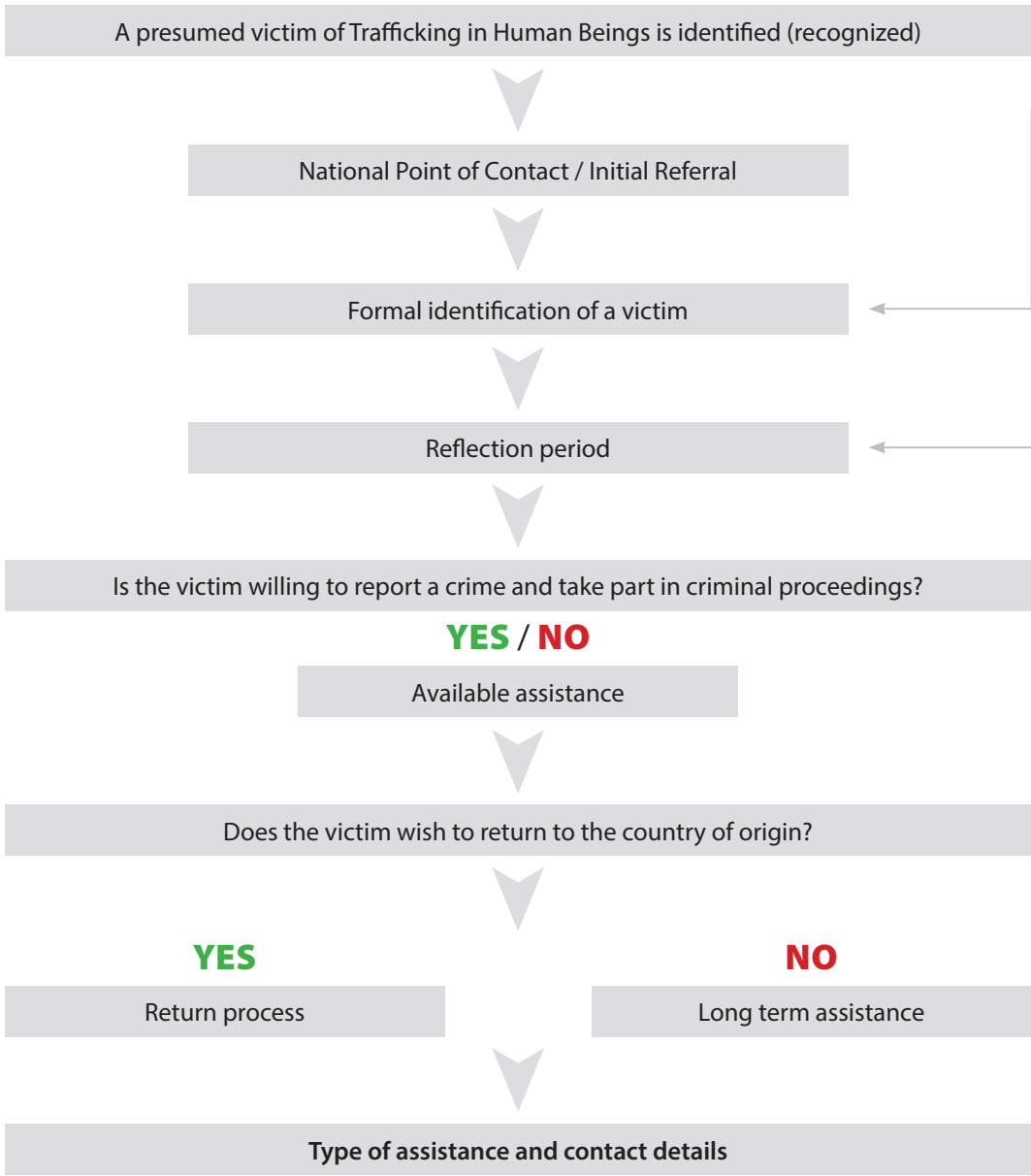
The customs administration's special monitoring unit for undeclared work, Finanzkontrolle Schwarzarbeit (FKS) conducts investigations in the area of THB in connection with employment, forced labour and labour exploitation. In this cases the FKS also informs the detected person about the assistance through Specialised Counselling Centres.

German NGO Network against trafficking in Human Beings (KOK) can refer to a relevant counselling centre:

Website: <http://www.kok-gegen-menschenhandel.de/>

E-mail: info@kok-buero.de

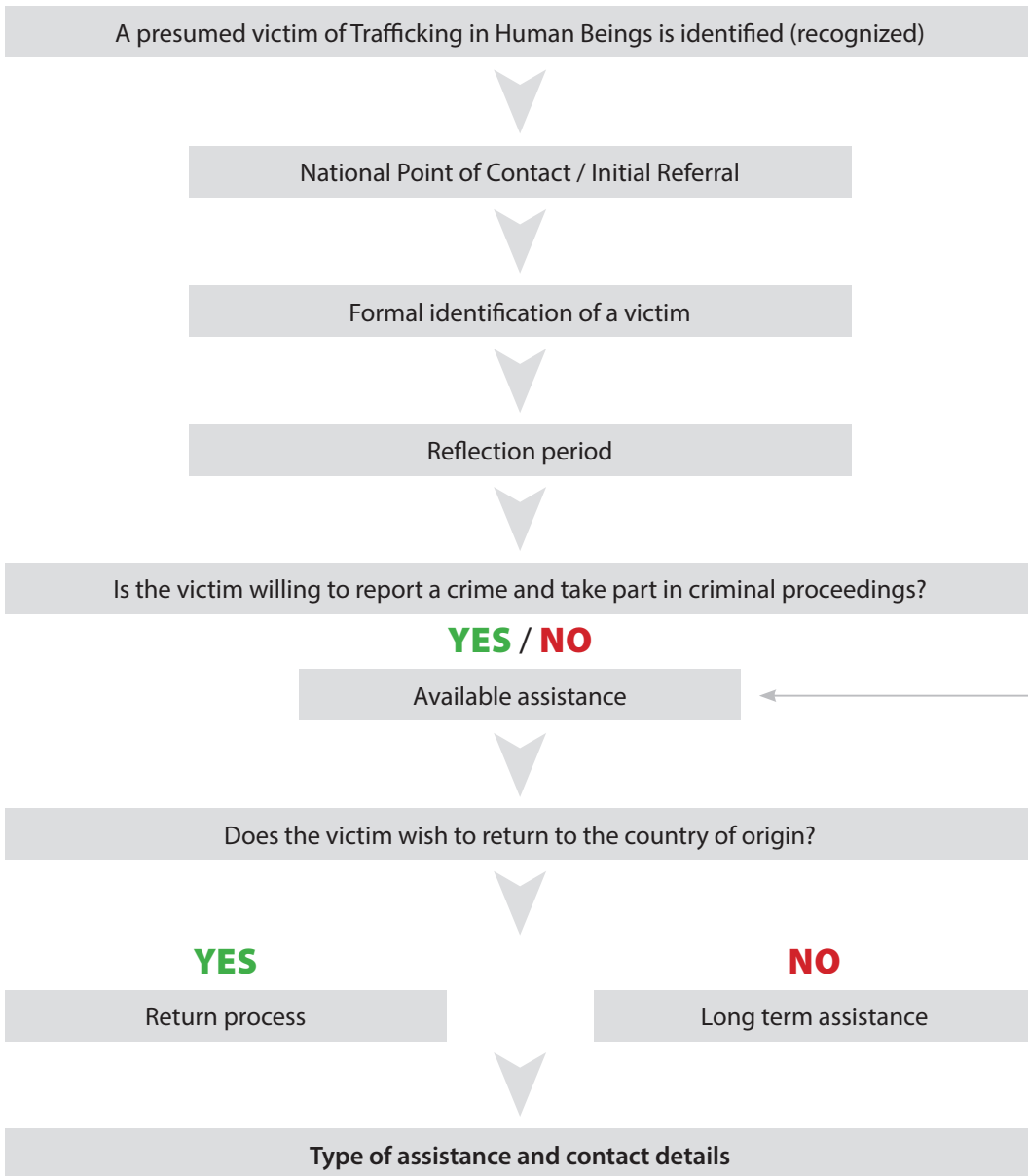
Phone: (+49) 30 263 911 76



There is no formal identification process. Being formally identified, in the sense that a victim can receive a temporary residence permit, is a process usually intertwined with criminal proceedings, meaning that victims most often receive a residence permit when agreeing to testify in court. Although formal identification is not required for a victim to receive assistance by Specialised Counselling Centres it helps if she/he has some form of legal status in Germany and is not under the immediate risk of being unexpectedly deported. The access to accommodation, social benefits, medical care etc. is limited if the victim does not have a legal status. Counselling centres do offer support irrespective of the legal status but cannot cover costs for the above-mentioned services.

The legal basis for granting a victim of THB a reflection period is formulated in Article 59, paragraph 7, of the Residence Act.

If the Foreigners Registration Office deems a person to be a presumed victim of THB, she/he is entitled to receive a three-month reflection period. The reflection period is given to the victim in order to let her/him recover while also providing the victim with sufficient time to decide whether she/he wishes to cooperate with authorities in criminal proceedings. However, this reflection period is not given automatically but depends on whether authorities such as the Police or public prosecutor's office confirms that a particular case is a case of THB.



Residence permit

A victim of THB can receive a temporary residence permit, depending on their willingness to cooperate with state authorities and if the testimony is seen as necessary for criminal proceedings. During this period, the victim can legally stay and work in Germany. This includes undocumented victims who can receive a temporary residence permit if they agree to cooperate in criminal proceedings. The length of the residence permit depends on the expected length of the criminal proceedings but is often granted for a period of one year, with the possibility of prolongation.

More specifically, a victim can receive a temporary residence permit if:

1. The temporary presence of the witness in the federal territory for criminal proceedings because of this offence is deemed necessary by the public prosecution or the criminal court and because their absence would make it difficult to shed light on the events;
2. The witnesses have severed all ties with the individuals accused of having committed the offence;
3. Victims have stated their willingness to testify as witnesses during the criminal proceedings relating to the offence.

If authorities take the aspect of humanitarian grounds into consideration, the residence permit can be renewed after the finalisation of the criminal proceedings. Victims who fear for their safety in their country of origin can apply for asylum or residence permits.

Common types of services provided by specialised counselling centres/KOK Member organisations:

Victims of THB in Germany are entitled to anonymous assistance free of charge, regardless of their willingness to cooperate with state authorities or not. However, it is crucial that the victim has, or is provided with, a legal status in order to access rights such as healthcare, social benefits, shelter. Member organisations of the German NGO Network against trafficking in Human Beings (KOK) have a long experience of assisting victims of THB and as the network consists of NGOs solely it is important that the victim is informed about the existence of this network and the assistance provided by them. Together with its members KOK has developed standards for providing counselling and support for victims of human trafficking. The threshold for accessing existing assistance programs is low but the counselling centres can only refer to safe accommodation (except for those who have own shelters), organise medical care, organise financial subsistence (longer than for a few days) if the victim has a legal status. In these instances, the assistance is provided by specialised counselling centres and women shelters:

- Safe accommodation
- Supporting the victim in their contact with state authorities
- Legal aid to enforce rights of the victim under residence and social law
- Medical and psychological care
- Vocational work
- Interpretation and translation services
- Supporting victims who leave Germany to get help in their country of origin

A presumed victim of Trafficking in Human Beings is identified (recognized)

National Point of Contact / Initial Referral

Formal identification of a victim

Reflection period

Is the victim willing to report a crime and take part in criminal proceedings?

YES / NO

Available assistance

Does the victim wish to return to the country of origin?

YES

Return process

NO

Long term assistance

Type of assistance and contact details

Victims of THB returning to their country of origin and who wish to receive assistance upon return can return through the REAG/GARP programme which offers voluntary return assistance. The program is funded by the German state and the federal states and is implemented by the International Organization for Migration (IOM).

There is no formalised procedure for risk assessment for the REAG/GARP programme. However, in each case of return there are consultations between the responsible NGO and the victim regarding their situation.

It is the responsibility of IOM to contact relevant NGOs, or authorities, in the country of origin after a dialogue with the victim. The IOM office is responsible for forwarding the information regarding the victim to the relevant NGO in the country of origin.

Moreover, Counselling Centres also provide support of voluntary return, organise and finance the trip and establish contacts with relevant NGOs.

The possibility of integration and longer-term assistance depends on the type of residence permit a person holds. A victim who does not make a statement in criminal proceedings in most cases will be required to leave the country immediately or after expiry of the reflection and stabilization period (in practice a maximum of three months, but sometimes up to six months). If a victim appears as a witness in court, his or her residence permit normally ends when the criminal proceedings are terminated or suspended. A counselling centre may offer more possibilities for integration/social inclusion to people who have a status in Germany granted under the asylum legislation.

A presumed victim of Trafficking in Human Beings is identified (recognized)

National Point of Contact / Initial Referral

Formal identification of a victim

Reflection period

Is the victim willing to report a crime and take part in criminal proceedings?

YES / NO

Available assistance

Does the victim wish to return to the country of origin?

YES

Return process

NO

Long term assistance

Type of assistance and contact details

Type of assistance	Institution/ organization	Contact details
Victim support	The member organisations of the German NGO Network against trafficking in Human Beings (KOK)	<p>Address: Lützowstr. 102-104, Hof 1, Aufgang A 10785 Berlin</p> <p>Website: www.kok-gegen-menschenhandel.de</p> <p>E-mail: info@kok-buero.de</p> <p>Phone: (+49) 30 263 911 76</p>
Voluntary Return REAG/ GARP Program	IOM Germany	<p>Address: Charlottenstraße 68, 10117 Berlin, Germany</p> <p>Phone: (+49) 30 2787780</p>
Investigation	The German Federal Criminal Police (Bundeskriminalamt, BKA) Or the regional criminal investigation departments of the police	<p>Website: www.polizei.de</p> <p>Phone (in emergency): 110 (Police) 112 (Medical emergencies)</p> <p>Non-emergency: (+49) 49228996810</p>
Asylum and Visa	Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge)	<p>Address: Bundesamt für Migration und Flüchtlinge Frankenstraße 210 90461 Nürnberg</p> <p>Website: www.bamf.de/EN</p> <p>E-mail: service@bamf.bund.de</p> <p>Phone: (+49) 911 9430</p>