

Overview

This factsheet demonstrates problems and possible solutions compiled by 13 experts of different fields as part of a “Living Lab” (round table discussion) in Berlin in the following three areas:

***Identification, Investigational process,
Prosecution and Court Proceeding***

Protection and Support for Victims

***Interdisciplinary and cross-sectoral cooperation
(national and international)***





1. Identification, Investigational process, Prosecution and Court Proceeding

Problems

- ⚡ **Victims conceal details and contradict themselves**, which has consequences on the trial (e.g. in case of contradictions in file, the defense attorney is entitled to ask repetition questions).
- ⚡ **Frontline police officers fail to recognize** early on that **human trafficking** is involved and then do not interrogate properly (trauma-sensitive), and **fail to call in specialized units**.
- ⚡ There is a **lack of awareness for other forms of trafficking**, such as labour exploitation, or sexual exploitation of boys.
- ⚡ Even though police are often already well-trained in bigger cities, there is a **lack of awareness for human trafficking among judges, leading to many cases with no, or only minor convictions**.
- ⚡ **Legal provisions regarding human trafficking are very complicated** and are not part of the standard repertoire; therefore, they are rarely applied. Many cases are built on other paragraphs such as “forced prostitution”, “rape” etc., instead.
- ⚡ **Since application of trafficking provisions is low, statistics of human trafficking are low**. Deceptive circular reasoning leads to conclusion that specialization on trafficking among law enforcement agencies is not needed.
- ⚡ There are only **very few chambers specialized on human trafficking** because specialized chambers are only established in areas with a high number of cases (see statistics, circular reasoning).
- ⚡ There is a **lack of specialization on trafficking and a lack of training offers for judges**.
- ⚡ There is a **lack of public awareness regarding human trafficking**, and therefore a **lack of political will** to focus on tackling this crime.






Solutions

-  **Prepare and stabilize victims before the interrogation** (through specialized counseling centers, victim advocates, application of the stabilization phase) to facilitate successful procedures.
-  **Police should consider calling in specialized counseling centers before interrogation**, if victims do not want to consult a victim advocate. (Attention: Unlike lawyers, counselors do not have the right to refuse to testify, but may ask not to be named.)
-  **Police should consult experts** (traumatologists, specialized social workers) **in special cases** that involve e.g. the loverboy method, special cultural practices such as voodoo, etc.)
-  **Provide enhanced training for frontline professionals on all forms of trafficking** so that they can recognize when human trafficking is involved and call on specialized units/officers as early as possible (raise awareness of relevant questionnaires on police intranet, flyers from specialized counselling centers etc.)
-  **Introduce amendments to trafficking sections in the Criminal Code** to address problems in prosecution due to complicated nexuses.
-  **Improve collection of statistics** (make paragraph chains possible, collect statistics of prosecution offices regularly, etc.), and **raise awareness for “deceptive circular reasoning”** in regards to low statistics of human trafficking cases.
-  **Implement specialized police units** where possible.
-  **Implement specialized prosecution offices** where possible.
-  Offer more **training opportunities for judges**.
-  **Create more awareness raising campaigns** to sensitize public in regards to human trafficking and create political pressure for better efforts to tackle human trafficking.









2. Protection and Support for Victims

Problems

-  During interrogations, **victims often feel that they are not believed** or do not feel properly received by police officers.
-  **Victims often feel uncomfortable and insecure** when having to share their story during interrogation.
-  **Victims often decline the offer to consult a victim advocate** during first interrogation, partly because of fear of possible costs (since it needs to be reviewed first, if access to legal aid as per § 397a StPO applies).




Solutions

-  **Whenever possible, victims should be prepared/educated before an interrogation** (on how interrogations proceed, the role of police officers etc.) e.g. by specialized NGOs.
-  **NGOs should be called in by police as well, as they can convey confidence and certainty to victims**, including **in relation to the decision about whether to engage a victim advocate**.
-  **Police officers need to be trained to use a victim-centered approach and be trauma-sensitive**, in order to focus on building trust and eliminating the victim's feeling of not being believed.
-  There should only be a very **limited number of persons present during an interrogation**.
-  All relevant actors need to be informed about newly implemented **legal entitlement to free psychotherapeutic intervention in a trauma outpatient clinic for all victims** of (physical, psychological as well as sexual) violence (§ 1 Abs. 1 SGB XIV).
-  **Police should consider calling in mental health professionals or specialized social workers when questioning the victim.**






3. Interdisciplinary and cross-sectoral cooperation (national and international)

Problems

-  **Cooperation between all actors** involved, including NGOs, **must still improve**.
-  **Federalism** can sometimes cause **challenges with regard to cooperation across federal states as well as internationally**.
-  **Cooperation agreements** between law enforcement agencies and NGOs have **not yet been developed and implemented in every federal state**. Where cooperation agreements are in place, they are not always comprehensive (e.g. covering all forms of trafficking, a variety of NGOs).

Solutions

-  **Provision of co-trainings for different areas of law enforcement** by legal experts and NGO experts.
-  **A practical guide regarding human trafficking cases tailored to the needs of federal law enforcement agencies** (containing references to relevant federal legal provisions) would be very helpful.
-  **Cooperation agreements** between law enforcement agencies and NGOs **should be developed in every federal state**. It should be ensured that **expertise in regards to all forms of trafficking** can be provided and that a variety of NGOs are included.



Final Recommendations

- to ensure support and stabilization for victims before interrogation and further legal proceedings*
- to provide enhanced co-training for all relevant actors on all forms of human trafficking*
- to amend and simplify trafficking provisions*
- to improve statistics on trafficking*
- to implement specialized units or chambers where possible*
- to develop practical guides for law enforcement agencies in each federal state*
- to implement cooperation agreements in every federal state, and make sure they are comprehensive*
- to create more public awareness raising campaigns*

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Good Practice

It must be noted that in some federal states there are already specialized units, like in Berlin; as soon as there are such specialized bodies, things run well!

Specialized police officer,
Berlin, 26.07.2023

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