

Recommendations of the Deutscher Verein (German Association) on the needs-based accommodation of underage victims of trafficking and exploitation

The Recommendations (DV 14/20) were adopted by the Executive Committee of the German Association on 24th November 2020.

**Deutscher Verein für öffentliche und private Fürsorge e.V.
(German Association for Public and Private Welfare) – the forum for the social sector since 1880.**

The German Association for Public and Private Welfare (Deutscher Verein für öffentliche und private Fürsorge e.V.) is the joint forum of municipalities and non-statutory social welfare organisations and their social services in Germany, the Länder (federal states) and academia in all fields of social work and social policy. Through its experience and expertise, it monitors and shapes policy and legislation in relation to children, young people and families, the social insurance system, social assistance, assistance for the elderly, care and rehabilitation, social volunteering, the planning and management of social work and social services as well as international and European social policy and social legislation.

Transparency Reg. No. 14766442240-14

Content

1. Introduction	3
2. Terminology	4
3. Heterogeneity of persons concerned and various forms of exploitation	5
4. Guiding principles	6
4.1 The focus is on the best interests of the child	6
4.2 Participation	7
4.3 Fundamental rights	7
4.4 Balance between the child's rights to protection and liberty	7
4.5 Specific aspects in educational work	9
5. Initiation of protection measures: Stages and procedures	10
5.1 Identification and risk assessment	11
5.2 Reception into care: Immediate protection and assessing need	12
5.3 Help planning and development of long-term perspectives	13
6. Structural conditions	15
6.1 Qualified professional staff	15
6.2 A suitable guardian	16
6.3 Qualified interpreters	17
6.4 Measures to ensure safety	17
6.5 Accommodation settings	18
6.6 Cooperation with criminal investigation and prosecution authorities	19
6.7 Needs-based counselling and support	19
6.8 Premises	21
6.9 Funding	21
6.10 Permission for the operation of a facility	21
6.11 Networking and cooperation	22
7. Conclusion	23

1. Introduction

Child and youth care professionals, staff members of specialised counselling agencies and criminal investigation authorities frequently report about German and foreign girls and boys who have become victims of human trafficking and exploitation and the challenge of ensuring their protection. Experts assume that there is a large number of unreported cases of children and adolescents in Germany who have been trafficked or exploited. How many minors in Germany are affected by human trafficking and exploitation has not yet been statistically recorded.¹ According to international and national rules, every child has a right to protection against violence and exploitation.² According to Article 6 GG (Basic Law), Section 1 SGB VIII (Child and Youth Services Act) and Section 8a SGB VIII, the State has the legal mandate to protect. Trafficking and exploitation of minors is a form of child abuse and a threat to their physical, mental and/or emotional well-being.

In recent years, also due to requirements of the European Union³ and the Council of Europe,⁴ the issue of child trafficking has been given greater attention in Germany. First steps have been taken to specifically combat human trafficking and exploitation of minors, to sensitise professionals to recognize the signs of exploitation and to strengthen cooperation between the actors involved (youth welfare office, police, specialised counselling agencies and others). Part of these interdisciplinary efforts to protect the minors concerned is the question of suitable accommodation places within the framework of child and youth welfare. For example, the expert group GRETA of the European Council's Convention on Human Trafficking, in their evaluation report of the year 2019⁵ pointed out that the monitoring of Germany had revealed significant gaps in terms of provision of support and counselling services as well as accommodation places. They demand that services be provided that are tailored to the specific needs of the minors concerned. If these are lacking, the protective measures taken come to nothing; the minors concerned often leave the facility after a short time and go missing.

With these recommendations, the German Association takes up the question of the shaping and equipment of specialized services and facilities for a needs-based accommodation of children and youths affected by different forms of human trafficking and exploitation. The recommendations describe the manifold needs of the young persons concerned and equally name the protection and safety meas-

Your contact at
Deutscher Verein:
Martina Döcker.

- 1 The Federal Situation Report on Human Trafficking and Exploitation published annually by the Federal Criminal Police Office provides information on finalized investigation proceedings regarding criminal offences of human trafficking and exploitation to the detriment of minors. In 2018, there was a total of 149 investigation proceedings on various forms of exploitation and human trafficking to the detriment of minors. 172 minors became victims of these offences. The Federal Situation Report does not include ongoing proceedings and investigations or suspected cases that do not reach the criminal investigation authorities, such as underage victims who turn to specialised counselling agencies or are supported by child and youth services, <https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Menschen-handel/menschen-handelBundeslagebild2018.html> (13th August 2020).
- 2 Article 36 of the UN Convention on the Rights of the Child (UNCRC) and Article 9 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as well as Articles 1 and 2 of the GG (Basic Law).
- 3 EU Directive on Human Trafficking (Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims).
- 4 Council of Europe Convention on Action against Trafficking in Human Beings (Council of Europe Convention No. 197).
- 5 GRETA (2019): Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Germany. Second Evaluation Round. Strasbourg 20 June 2019.

ures required as well as the necessary structural parameters for their accommodation. A number of professional issues were discussed at the German Association with the aim of creating appropriate needs-based services. How can young persons who have become victims of human trafficking be taken into care and get help by means of residential care that meets their specific needs? In view of the fact that there is presumably a comparatively small number of young persons concerned, who nevertheless have a wide range of needs, how can accommodation places be provided and financed throughout Germany within the framework of child and youth welfare services, including the possibility to provide immediate or short-term admission, even in cases of suspected trafficking? Which qualification programmes and further training measures are required for professional staff of statutory and non-statutory child and youth welfare organisations, and which forms of cooperation are necessary for risk assessment and for the provision of needs-oriented support?

These recommendations are addressed to all actors involved in the placement of the young people concerned, as well as to policymakers at local, state and federal level. They serve as a guideline for the provision and shaping of accommodation places that meet the specific and diverse needs of the persons concerned. They are addressed in particular to statutory youth welfare organisations while at the same time providing child and youth care professionals working in residential facilities with an orientation guide for their work with the young persons concerned.

2. Terminology

Human trafficking of minors is commercial exploitation of children and thus a form of child abuse and serious child welfare endangerment. Trafficking in minors is a serious offence,⁶ which is committed both in the context of organised crime and from within the direct social and family environment. Human trafficking also takes place within Germany. It does not require the movement of children across national borders.

Human trafficking is assumed in the case of recruitment, transportation, transfer, harbouring or receipt of persons by third persons (the act) by means of threat or the use of force or the abuse of a position of vulnerability or helplessness (the means) for the purpose of exploitation of the person.⁷ If the victim is below 18 years of age, however, the element of the „means“ is irrelevant, and the determi-

6 Relevant offences according to the Criminal Code are: Human trafficking § 232 StGB (Criminal Code), forced prostitution § 232a StGB, forced labour § 232b StGB, exploitation of labour § 233 StGB, exploitation involving deprivation of liberty § 233a StGB, child theft § 235 StGB, child trafficking § 236 StGB, sexual abuse of children and youths §§ 176, 176a, 176b, 182 StGB, sexual assault, sexual coercion, rape §§ 177, 178 StGB, promotion of sexual acts by minors § 180 StGB, dissemination, procurement and possession of child pornography §§ 184b, 184c StGB.

7 According to the EU Directive on Combating Trafficking in Human Beings (2011/36/EU), Article 2 (1), human trafficking includes “the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” According to Article 2 (3), “exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal or organs”, implemented in German criminal law in Sections 232, 232a, b, 233, 233a StGB (Criminal Code).

nation of whether it is a case of human trafficking is based solely on the “act” and the “purpose”. Legally speaking, a child cannot consent to his or her exploitation.⁸ For victims below 18 years of age, punishment-enhancing measures apply to these offences.⁹

3. Heterogeneity of persons concerned and various forms of exploitation

These recommendations for needs-based accommodation include young persons of all genders and all age groups from children to young adults. The group of young persons concerned includes German young people who have become victims or potential victims of human trafficking and exploitation, as well as young people from the European Union and so-called third countries whose actual or habitual residence is in Germany.¹⁰ The exploitative situations in which the young people concerned find themselves are extremely diverse. The forms as well as the accompanying circumstances of exploitation differ, and so does the relationship between the young persons concerned and the perpetrators who exploit them. The young people can be affected by several forms of exploitation (at the same time). For example, young people report that they were passed on or sold within the structures of organised crime and that they lived in different cities in Germany as well as abroad and were used there in the context of exploitation. In the course of their exploitation, they can turn from victims to perpetrators who are e.g. teaching and supervising younger children.

The forms of exploitation are manifold. The most well-known forms are mentioned here as examples. The German Association expressly points out that this is not an exhaustive description of the forms of exploitation. The most common forms of trafficking in and exploitation of children and young people in Germany to date include the various forms of commercial sexual exploitation and sexual violence, e.g. by forcing them into sexual exploitation through prostitution, including using the ‘loverboy’ method, as well as the filming of sexualised violence against minors, e.g. for digital purposes, and offering a minor for sexual abuse. In addition, children and adolescents become victims of exploitation by having to commit criminal offences, e.g. being forced into pickpocketing or drug dealing (including taking advantage of the fact that they are legally considered incapable of committing a crime if they are under 14 years of age) as well as exploitation of labour, e.g. as maids or in the catering trade, and exploitation through being forced into begging. In other cases, children and adolescents are forced into marriage and this serves as a cover for further trafficking and exploitation. Exploitation also occurs when young girls are given as brides to adult men in exchange for money to pay off family debts or to provide financial security for the family. Furthermore, children and adolescents can be trafficked in the form of illegal and commercial adoption, i.e. through illegal and organised placement of foreign

8 See also Art. 2 (5) of EU Directive 2011/36/EU: „A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.”

9 Art. 2 EU Directive 2011/36/EU, implemented in Sections 232, 232a, b, 233, 233a StGB (Criminal Code).

10 Precarious living-circumstances can make young people particularly vulnerable to exploitation and human trafficking.

children for the purpose of adoption. Another form of exploitation of children and adolescents is child trafficking for the purpose of illegal organ removal.¹¹

What the young people concerned have in common is the fact that they often do not see themselves as victims of trafficking and exploitation, that they feel enormous guilt and shame, and e.g. in cases of exploitation of criminal offences they can be victims and perpetrators at the same time. Very often they are in an emotional and/or economic dependency relationship with the perpetrators and/or are intimidated by them and are afraid because they or their family members are threatened. The young people may also be severely traumatised by the experience of psychological and physical violence and may have developed personality disorders.

Where foreign nationals are concerned, there are cases in which their identity documents have been taken away from them and withheld, or they do not speak the German language, do not know the laws and their rights, or they have strong reservations and fear of the authorities and possible measures taken by the state. It may also be possible that they have been a source of income for their family in their country of origin. While some are in Germany together with the persons having care and custody, others are unaccompanied and separated from their parents or persons having care and custody.¹²

4. Guiding principles

The following guiding principles for the protection and needs-based accommodation of young persons who have been trafficked and exploited must be observed:

4.1 The focus is on the best interests of the child

In all actions concerning children, the best interests of the child shall be a primary consideration. Thus, the best interests of the child must be the guiding principle of all considerations for protection measures and needs-based placement.¹³ Children and adolescents are independent personalities and holders of rights; their views and concerns must be taken into account. In order to determine the best interests of the child, comprehensive information on the history of the child or adolescent, the circumstances of the individual case and the specific type of exploitation as well as the family context must be collected as part of the socio-educational anamnesis. The best interests of the child must be assessed regularly.

11 Detailed practical examples can be found in the “Praxishilfe” (practical guidelines) of ECPAT Germany: https://ecpat.de/wpcontent/uploads/2019/03/ECPAT_BKK_Broschu%CC%88re_Praxishilfe.pdf (14 Sept. 2020).

12 See also the Policy Paper „Betroffene von Menschenhandel im Asylkontext erkennen: Problembeschreibung und Handlungsempfehlungen“ [„How to identify persons affected by human trafficking in the context of asylum: problem description and recommendations“], Federal Coordination Circle against Human Trafficking, 2020.

13 Cf. Art. 24 (2) EU-GrCH, Art. 3 (1) UNCRC.

4.2 Participation

Participation of the young person is closely connected to the identification and determination of the best interests of the child. Informing the children and young persons who have been subject to trafficking and exploitation, listening to them, taking their views into account and actively involving them – all this must be an essential component at all stages, from risk assessment and the initiation of protective measures to permanency planning as well as in the context of accommodation. Taking into account the specific circumstances of each individual case, children and young people should have a say with regard to safety, the form of care, family reunification, the appointment of a guardian and other decisions affecting them. It should be noted that their participation is voluntary and there is no obligation for children and young people to express their views. For highly marginalised young people, the barriers to participation can be particularly high, and experiences of violence can further weaken children and young people. They should be supported gently in exercising their participation rights.¹⁴

4.3 Fundamental rights

As victims of trafficking and exploitation, these young people have often experienced violence and control as well as severe violation of their fundamental rights. In addition, they usually have no idea or understanding of what definitions and legal provisions exist in Germany for the protection of minors. There should be detailed information and explanation on protection measures available and understandable for the ones concerned. Therefore, it is necessary for the professionals to be familiar with the legal situation, including the provisions of the law on foreign nationals, and to be able to impart it to them. The safeguarding of their fundamental rights when implementing the protection measures is therefore an important experience for the young persons. In the child and youth welfare system, they should receive support to enable them to develop healthy, safe and trusting relationships, to learn basic life skills and to live independently. In any case, it should be kept in mind that they are young people with the same needs as all children, adolescents and young adults. This also includes the need for health care and schooling during the time of their placement.

4.4 Balance between the child's rights to protection and liberty

When a young person is admitted to a residential facility, an individual protection plan should be drawn up, including measures in response to the assessed risks as well as to mitigate these risks. The agreed measures should, among other things, prevent further contact between the young person concerned and the perpetrators and organised criminal network. This plan may include regulations on leaving the facility, on the use of telephones and social media, and regulations on the communication with family and friends, etc. For example, taking away their SIM cards or internet-enabled devices, 24/7 supervision, permission to go out only in the company of a care person – all these can be possible protective measures. The children and young persons concerned should be supported to understand why

¹⁴ See also 5.3.

their freedoms are being restricted and be actively involved in implementing their own protection plan. For this, they should be asked directly what would be necessary to make them feel protected and safe. It is fundamental for the implementation of the protection plan that the measures are discussed with the young person and that he or she as well as his or her guardian or custodian can give their consent. Their participation as well as confidence-building measures are important means to prevent the young person from running away and from future exploitation. If a young person does not comply with the protection agreements that have been made and his or her behaviour jeopardises his or her protection and/or the protection of other children and youths, the assessment of risks and the agreed measures should be reviewed in cooperation with the young person and the team of professionals.

In principle, the rights of the children and adolescents concerned – especially with regard to communication, movement, participation – should only be restricted as far as necessary and only for a (strictly) limited period of time within the framework of the protection and safety measures. These measures should be reviewed and adjusted in a timely manner and regularly as part of the educational work and help planning. They should only be in place for as long as absolutely necessary.¹⁵

If these protective measures within the framework of educational work are not sufficient, further freedom-restricting measures for the protection of the minor should be examined with the utmost care in the context of help planning in order to decide if they would be appropriate, and they should be well prepared so that they can be effective.

Once a child has been taken into care, measures involving deprivation of liberty are permissible as a last resort in exceptional cases if and insofar as they are necessary to avert a danger to the life or limb of the child or young person or a danger to the life or limb of third parties (Section 42 subsection 5 sentence 1 SGB VIII [Child and Youth Services Act]). Their necessity can only be justified if less restrictive means or socio-educational provisions (e.g. intensive individual care pursuant to Sections 27, 35 SGB VIII) are not suitable to protect life and limb of the person(s) concerned. Deprivation of liberty without a court order is to be terminated at the latest at the end of the day following its commencement (Section 42 (5) sentence 2 SGB VIII).

Occasionally, situations may occur in which temporary action must be taken against the supposed will of the minor concerned in order to protect him or her. For example, a short-term measure depriving a child or young person affected by human trafficking or exploitation of their liberty in accordance with Section 42 (5) sentence 2 SGB VIII can be helpful insofar as it allows existing loyalty conflicts to fade into the background. Thus, the children or young persons do not have to actively confront their family, friends or threatening persons and structures. Not having to decide for themselves, they are able to get involved in the new situation. At the same time, youth welfare authorities and the courts thus clearly signal specific goals, the ability to act and the necessary “power” in order to be trusted as a protective authority. It should be emphasised once again that such a measure must be handled very carefully and that it has to be discussed sensitively with the

15 See 6.4.

child or young person concerned. It must always be kept in mind that reception into care is a temporary measure and cannot be the basis for a longer-term liberty-depriving placement.

The German Association recommends that on principle, the voluntary character of such measures should be maintained because, as a rule, only then can it be assumed that the young person can develop the necessary willingness and openness to accept help and change.

4.5 Specific aspects in educational work

In the care of young people who have experienced trafficking and exploitation, it is important to know about the effect of the highly burdensome life situations and traumas on the young person's perception and behaviour, and to take this into account in the educational work. The German Association recommends incorporating a trauma pedagogical approach. Professionals should acknowledge the reality experienced by the young person, adopt a non-judgmental approach and meet him/her with an open mind and accepting attitude. Transparency and credibility of the staff are particularly important.

Some aspects specific to this target group should be taken into account in the pedagogical work:¹⁶

- The young people have usually learned from their exploiters that they should be on their guard and stay away from authorities and institutions. They may associate a youth care facility with state control and sanctions. The arrival at the residential facility can therefore be stressful for the young person concerned. The first contact and the situation of reception are therefore to be understood as a sensitive and at the same time decisive moment for the acceptance of the help measure by the young person.¹⁷ These situations should be carefully planned and require special attention of all professionals involved in order to support the young person in accepting the help measure.
- The young person's situation of exploitation was usually characterised, among other things, by a lack of intimacy and individualisation. During the initial phase of the placement in care, priority should be given to providing for basic needs and giving the young person time to feel comfortable and safe. During this time, the young person's questions should be answered, they should be listened to and their needs perceived, and their competences and requirements should be explored. A structure in the form of a small schedule with some activities throughout the day (medical care etc.) would be helpful. During this time, the young person should be given the opportunity to take the first steps towards building a relationship.
- For young people who have become victims of trafficking and exploitation, it may take time to gain trust. They may suffer from traumatic experiences and distrust adults as a result of their experiences. The possibility of a continuous

¹⁶ See the experiences of organizations in other EU countries: <https://ecpat-france.fr/www.ecpat-france/wpcontent/uploads/2020/05/Compiled-practices-Koutcha.pdf>

¹⁷ Experiences from practice have shown that in the first 24 hours after admission of a young person who has been trafficked and exploited, the risk of running away is particularly high.

care relationship and constant contact persons in the care setting are therefore fundamental for a positive development.

- Children and adolescents who were trafficked and exploited are subject to conflicts of loyalty from various sides: Breaking out of the forced situation is sometimes seen as a betrayal of their family or their previous living environment. Their family, relatives or friends can be affected by this step; among other things, also by the possible loss of a source of financial income. In educational work, the young person concerned should be accompanied and supported in order to be able to deal with these loyalty conflicts.
- Young persons who were trafficked and exploited are first and foremost children or adolescents. The attempt to challenge authorities and disobey rules is a normal part of growing up. However, children and adolescents affected by exploitation and trafficking may show behaviour patterns that result from the experience of the exploitative situation and were important for survival. It is not uncommon for traumatised young people to react to these experiences with very challenging behaviour (violence, breaking rules, etc.). This must not lead to these children and young people being excluded from the shelter and no longer receiving protection. Even for well-trained and specialised professionals, it can be highly demanding to find an appropriate way of dealing with these behaviours and to react sensitively to the underlying needs of the young persons. Working with these young people therefore requires professionals who are trained and experienced in trauma pedagogy, as well as support and accompaniment for the staff, which can be provided by further experts (specialised counselling agencies, psychologists) and supervision.

5. Initiation of protection measures: Stages and procedures

When initiating and implementing protection measures, it is indispensable at all stages and in the proceedings to give the young person a feeling of protection and security and to implement the measures consistently. The young person should feel that he or she is protected by the youth welfare system and cooperating institutions, who support him or her in making a new start.

Low-threshold services offered at local level, e.g. in the form of street work and sleep-ins, can also facilitate access to child and youth services for young people who became victims of human trafficking and exploitation. The professionals working in these services should also have knowledge about the needs of this group of young people.¹⁸

Since some of them only succeed in escaping from exploitative structures when they are of age, these recommendations should also be taken into account in the context of assistance for young adults (Section 41 SGB VIII).¹⁹ Young adults affected by human trafficking and exploitation find themselves in a problematic situation. Many of them may not have been able to develop the independence and

¹⁸ See 4.5.

¹⁹ This is all the more important because the Act on Protection of Prostitutes provides for special protection for 21-year-old persons (Section 9 ProstSchG).

autonomy needed to lead a life in which they assume responsibility for themselves. In this context, the German Association points out that assistance for young adults according to Section 41 SGB VIII is not only granted as a continuation of youth welfare provisions. It is possible to provide assistance for a young adult for the first time after they turn 18 until they turn 21.²⁰ For the young adults concerned, the German Association recommends strengthening the regulatory content of Section 41 SGB VIII.

Regardless of the age at which the provision of help begins, the German Association recommends that the provision of help for these young people can continue at least until the age of 21, in order to enable the young person to build up confidence, to promote personality development and develop long-term perspectives for a life in which they assume responsibility for themselves.

5.1 Identification and risk assessment

To identify an exploitative relationship and assess the danger to the wellbeing of the child or young person is highly challenging for the professionals involved for the reasons concerning their heterogeneity,²¹ and also due to the young person's self-perception and the perception by others of him/herself as a perpetrator and not as a victim. An exchange of information between youth welfare offices may be necessary if it becomes clear that another youth welfare office or several youth welfare offices have already been in contact with the young person.²² In addition, close cooperation between child and youth welfare services, criminal investigation authorities and specialised counselling agencies²³ is fundamental for the assessment of the endangerment situation in order to put together and assess the available information. In this context, reference is made to the Federal Cooperation Concept 'Protection and help in cases of trafficking in and exploitation of children' of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, which provides municipalities, administrative districts and the Länder (federal states) with orientation for the networking and cooperation of youth welfare offices, police, specialised counselling agencies and other actors for the identification and protection of children who became victims of human trafficking.²⁴ This Concept emphasises that sensitisation and further training of professionals as well as coordinated cooperation between the actors are fundamental in order to recognise signs of exploitation, assess the risk and clarify suspected cases. For the assessment of the endangerment situation and risks, the youth welfare office should consult both the findings of police investigations and the specialised

20 Cf. Schmid-Obkirchner, in: Wiesner: „Kommentar zum SGB VIII“ [„Comments on the SGB VIII“], section 41 marginal no. 4.

21 See chapter 3.

22 See chapter 6.11.

23 In Germany, there is a network of specialized counselling centres for persons affected by human trafficking, most of which have counselling experience regarding minors who became victims of different forms of exploitation. These counselling centres are coordinated by KOK (German NGO Network against Trafficking in Human Beings); contacts can be found at: www.kok-gegen-menschenhandel.de.

24 <https://www.bmfsfj.de/resource/blob/161086/1b95342c86bf7c801281ae77e133a9d6/miteinander-statt- nebeneinander-bundeskooperationskonzept-kinderhandel-englisch-data.pdf>; see also: „Sexualisierte Gewalt in organisierten und rituellen Gewaltstrukturen. Prävention, Intervention und Hilfe für Betroffene stärken.“ Recommendations to politicians and society of the Professional Circle „Sexualisierte Gewalt in organisierten und rituellen Gewaltstrukturen“ at the Federal Ministry for Family, Senior Citizens, Women and Youth.

knowledge of a specialised counselling agency in each individual case, taking into account data protection regulations. Repeated questioning of the young people by different authorities, institutions and professionals should be avoided already at this stage. Instead, an exchange should take place on a “need-to-know” basis.

When assessing the situation of endangerment, but also in the further help planning procedure, it must be examined as part of the risk analysis whether and under which conditions contact with the family members can be arranged. Contact between a child or adolescent and his or her parents is one of the fundamental rights of children and parents (Article 6 of the Basic Law). However, in view of the fact that parents may be engaged in or organise the commercial exploitation and trafficking of their child,²⁵ the relationship and family situation should be carefully examined in order to ensure the protection of the young person. It should be taken into account that in such a situation the pressure of loyalty of the young person towards his or her family may be particularly strong. The German Association emphasises that it is generally required in these cases according to Section 8a (1) sentence 2 SGB VIII, that the persons concerned should take part in the decision-making process.

5.2 Reception into care: Immediate protection and assessing need

If a concrete endangerment situation is identified or cannot be ruled out, the locally responsible youth welfare office²⁶ takes the young person(s) into care according to Section 42 SGB VIII. The purpose of taking the minor into care is to ensure immediate protection of the minor against a continuation of the exploitation, and to facilitate further clarification of the endangerment situation. It is worth noting that the situation of being taken into care is to a large extent the key to gaining access to and building up trust with the young person who possibly became a victim of human trafficking, and thus the basis for his or her willingness to accept the help measure.

If the children and adolescents concerned are not residing in Germany, the local youth welfare office of the place where the child or youth is actually staying, is responsible for his or her protection and reception into care. Unaccompanied foreign minors must be temporarily taken into care according to Section 42a SGB VIII. If there are indications that they may be victims of human trafficking and exploitation, the German Association recommends that they should be exempted from the system of distribution of unaccompanied foreign children and adolescents to the Länder (federal states) as laid down in Section 42b SGB VIII, so that their protection and care can be ensured immediately on the spot by the youth welfare office taking them into care.

If the person having custody of the child accepts the child’s reception into care and agrees to the protection measure, the youth welfare office initiates the help plan procedure and clarification of the future perspectives as part of it. If the parents object to the child’s reception into care and if the youth welfare office is of

25 Europol Situation Report „Criminal networks involved in the trafficking and exploitation of underage victims in the European Union”, 2018, p. 8.

26 When a young person is taken into care, Section 87 SGB VIII defines local responsibility as being with the youth welfare office where the young person was staying before being taken into care.

the opinion that handing over the child to the parents would endanger the child's well-being, the youth welfare office must immediately turn to the family court, which has to decide on the removal of parental custody or parts of parental custody according to Section 1666 of the German Civil Code (BGB). In the case or suspected case of trafficking and exploitation of a minor, the youth welfare office always has to contemplate turning to the family court if the parents are unwilling or unable to avert the danger. In practice, this means that despite urgent family court proceedings and the ordering of guardianship, it usually takes a few days until a guardian has been appointed and until socio-educational provisions have been applied for under Sections 27 et seq. SGB VIII. In such a situation, the youth welfare office, according to Section 42 (2) sentence 4 SGB VIII, is "entitled to undertake all legal acts necessary for the best interests of the child or young person (...)". Also during the temporary placement of unaccompanied foreign minors, the youth welfare office is entitled and obliged according to Section 42a (3) SGB VIII to take any legal action necessary for the well-being of the child or adolescent. The aim here is to provide a legal basis for the staff of the youth welfare offices to take action, and to ensure the protection of children and adolescents affected by human trafficking and exploitation by initiating socio-educational provisions immediately.

Within the framework of a comprehensive assessment of the best interests of the child and risk analysis, a stable and durable solution must be developed for the young person concerned.²⁷ The temporary placement in care ends as soon as a decision has been made on a needs-based subsequent help provision.

In view of the fact that many of those who became victims of trafficking and exploitation had their age manipulated by the perpetrators, the German Association recommends, following the guidelines of the EU Directive on Trafficking in Human Beings,²⁸ that a young person whose age is uncertain be taken into care until this has been clarified. In individual cases, it may also be necessary to consult an expert specialised in residence and asylum law in order to protect the child. Special sensitivity is required when assessing the age of the young persons concerned. If it is determined that the person is of age, the possibility should be examined whether assistance for young adults according to Section 41 SGB VIII would be possible.

5.3 Help planning and development of long-term perspectives

Continuity in the process of help provision and a smooth transition from temporary placement to the subsequent help provision are crucial for the effective protection of minors who have been subject to trafficking. The help planning according to Section 36 SGB VIII is the central professional steering instrument of the youth welfare office for identifying the needs of the young person and developing

27 Article 16 (2) of the EU Directive on Trafficking in Human Beings (Directive 2011/36/EU): "Member States shall take the necessary measures with a view to finding a durable solution based on an individual assessment of the best interests of the child."

28 Article 13 (2) of the EU Directive on Trafficking in Human Beings (Directive 2011/36/EU): "Member States shall ensure that, where the age of a person subject to trafficking in human beings is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Articles 14 and 15."

perspectives as well as for granting follow-up help within the framework of child and youth services. Its aim is to make it possible to negotiate the process of help provision in a participatory manner, with the active involvement of the young persons concerned and their parents or other persons having custody.²⁹ If the young person's views are taken into account, it will be much more likely that, no matter what solution is ultimately found, it will be lasting and durable. In order to ensure that the young person is able to actively participate and contribute his or her views and wishes to the help planning process, the help plan discussion should be carefully prepared and followed up in cooperation with the professional, the guardian or key carer or a person of trust. The young person should be encouraged to invite a person of trust to the help plan discussion and to have a say as to the composition of the persons who will attend the help plan discussion. If a guardian or a supplementary curator has been appointed for the child or young person, he or she accompanies the young person through the entire process. He or she has to be involved in the help planning in order to find the appropriate form of help for the young person and to develop a durable solution.³⁰

In the help planning process, it should also be ensured that an expert from a specialised counselling agency is consulted. This expert can share specific knowledge on the issue of human trafficking, on how to deal with persons who became victims of trafficking, on residence and criminal law regulations as well as on safety aspects and, if necessary, on traumatisation and the effects of the exploitation experience, and advise accordingly. The cooperation of the professionals and social services involved provides the necessary multi-perspectivity in assessing the needs and shaping the help process and combines the professional resources available in order to achieve synergy effects for the development of needs-based assistance for the young person.

For young people who have been subject to human trafficking, the discussions on the updating of the help plan should initially be held at short intervals, and the help plan should be reviewed whenever changes occur, so that the help arrangement can be readjusted. If residential care is necessary, it should be provided by a child and youth care facility that specialises in supporting children and young persons affected by human trafficking and exploitation. The right of the young person and of the person having custody to wish and choose the facility, as laid down in Article 36 (1) sentence 4 SGB VIII, has to be respected.

For foreign minors, it must be thoroughly examined whether a transfer back to their home country or country of habitual residence, their integration and help provisions in Germany or a transfer to a third country where the minor has family ties, or where a protection measure could be implemented, would be in the best interests of the child and ensure protection against being exploited again.³¹ This clarification process should take place in consultation with an expert specialised

29 See 4.2.

30 See 6.2.

31 See also: European Union Agency for Fundamental Rights (FRA): "Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking", Luxembourg 2019, p. 107, <https://fra.europa.eu/en/publication/2019/children-deprived-parental-care-found-eu-member-state-other-their-own>. This applies, last but not least, also to accompanied minors.

in residence and asylum law in order to make the consequences of the decision transparent and comprehensible for all parties involved.

Long-term residential care is possible as a form of socio-educational provision according to Sections 27 et.seq. SGB VIII or as rehabilitation aid for emotionally disturbed children and youths according to Section 35a SGB VIII. According to Section 27 SGB VIII, the persons who have the right of care and custody shall be entitled to help by means of socio-educational provisions; they decide themselves whether they want to make use of it. Considering the fact that parents who have custody of the child can also be perpetrators, the family court must consider the possibility of withdrawal of parental custody in accordance with Section 1666 of the German Civil Code, so that the child or young person concerned has access to needs-based help in accordance with Sections 27 et.seq. SGB VIII.³² According to Section 35a SGB VIII, these children or youths are entitled to rehabilitation aid. Assistance for young victims of human trafficking and exploitation who are already of age can be provided by the local youth welfare office upon application by the young adult pursuant to Section 41 in conjunction with Sections 27 et.seq. SGB VIII. Ideally, the young adult should receive support from a specialised counselling centre. The German Association points out that young persons with mental and/or physical disabilities who became victims of human trafficking and exploitation must be given access to needs-based assistance and accommodation on the basis of SGB IX accordingly.

For long-term residential care for a young person who was subject to trafficking and exploitation, a form of accommodation should be chosen that provides specialised services and is tailored to his or her individual needs.³³ The basic quality factors of residential care are applicable here as well, but at the same time there are some specific requirements with regard to the shaping and equipment of these facilities. It must be taken into account when working with young people affected by human trafficking or exploitation that this may be particularly challenging for the staff.³⁴

6. Structural conditions

Apart from the guiding principles described above, the following structural requirements are particularly relevant for the needs-based accommodation of young persons who have become victims of trafficking and exploitation.

6.1 Qualified professional staff

Special importance must be given to qualified professional staff. The basic qualification required for the staff is based on the legal regulations of the Länder (federal states). The German Association recommends that in order to provide needs-based care and accommodation, the facility should have experienced professionals trained in trauma pedagogy and should be staffed in such a way that round-

³² See 5.2.

³³ See 6.5 and 6.7.

³⁴ See 4.5.

the-clock care and reception by these professionals can be guaranteed. It is imperative that the professional staff be instructed on the forms of exploitation and networks of trafficking in human beings and their methods of operation. Knowledge and skills regarding victims' and protection rights and the relevant provisions of criminal law as well as with regard to protection and the dangers posed by social media are also of great importance. In addition, cultural sensitivity is essential when working with young people from other countries. This includes sound knowledge of the living environments from which the young people come, including knowledge of the migration and refugee context, as well as a sensitive approach to identities. Different language skills of the professional staff are desirable. In general, one has had positive experiences with native-speaking staff. Nevertheless, young people who were subject to trafficking and exploitation may also be very suspicious of them and suspect them of being involved in organised crime structures, or they may fear moral prejudice from professional staff who come from their own cultural background. It is therefore necessary for the staff to deal sensitively with the possible mistrust and fears.

Coordinated teamwork is essential in the care of the young people. This requires well-defined procedures and regular team discussions. Coherence and a "we-feeling" of the team are particularly important when dealing with young people who have experienced exploitation and are in a particularly difficult situation in life. Regular trainings and accompanying supervision for the professional staff are essential modules for this. In addition, the professional staff should also benefit from the support of other experts (counselling services, psychologists).

In addition to qualified professional staff in the reception centres and long-term accommodation facilities, the German Association recommends that specialisations should be created within the youth welfare offices in order to ensure qualified processes of reception into care and help planning. There should be individual social workers who have sufficient knowledge about the backgrounds and challenges of the young people concerned as well as cooperation references to the relevant actors and cooperation partners, and they should be available to colleagues as contact persons.

The training and further education courses offered by the Land youth offices (superior youth offices at state level) should offer appropriate training formats for this purpose or expand those which already exist.

6.2 A suitable guardian

The guardian is of particular importance throughout the help provision and accompanies the minor through the entire process, coordinates services for the minor and focuses on the minor's wellbeing.

When selecting a guardian, particular attention must be paid to the suitability of the person to act as guardian (Section 1779 Civil Code). With regard to the group of young persons concerned, this means that the guardian should have knowledge of the specific needs and special requirements of young people affected by human trafficking and exploitation, have knowledge of the relevant provisions

and services available, court proceedings and cooperation partners, or should be trained in this regard and, if necessary, have recourse to expertise.³⁵

6.3 Qualified interpreters

If the young persons and/or the persons having custody do not speak German or have only a basic knowledge of it, the choice of a suitable interpreter who is sensitised to the concerns of these people is important in order to ensure adequate communication and participation. Family members are not to be regarded as interpreters. Rather, especially in the context of human trafficking and exploitation, it is important to ensure that the use of qualified interpreters who are trained in communicating with children and adolescents should be a professional standard in the risk assessment, in the help plan discussion, and in the needs-based accommodation. The German Association recommends using only court sworn interpreters, as they have knowledge of court proceedings and can translate accordingly. In addition, the interpreters should be trained in language and cultural mediation, especially with regard to issues concerning human trafficking and exploitation. To have a pool of interpreters with whom framework contracts are concluded has proven successful in practice.

6.4 Measures to ensure safety

If a child or young person is suspected of having been trafficked, the provision of a safe shelter and secure environment is another essential factor that must be ensured by the accommodation. The children and young people concerned may continue to be under the influence of the perpetrators, or the perpetrators may seek them out and try to re-establish contact. Persons who profit from the exploitation of young people have a strong interest in being able to fully control their victims again as soon as possible. The existing situation and the need for safety must be assessed by the professionals involved by means of a risk analysis in each individual case. Whether the reception into care and accommodation should be at the young person's place of actual or habitual residence or whether a spatial distance is necessary must be critically examined. A geographical distance makes it difficult for the perpetrators to follow the traces of the young persons and can increase their protection. The protection of the minor(s) from perpetrators and their network can also be increased by placement of the minor(s) in an anonymised protection facility. There should be an individual assessment of whether children and young people with a connection to the same network can be placed together. The same applies to siblings; in individual cases it may be necessary to separate a child from his or her siblings in order to protect him or her. In order to reduce the risk of a child or adolescent leaving the facility without per-

35 About the role of the guardian, see also the European Union Agency for Fundamental Rights (FRA): „Guardianship systems for children deprived of parental care – A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking”, Luxemburg 2015, <https://fra.europa.eu/en/publication/2015/guardianship-systems-children-deprived-parental-care-european-union> and ECPAT Deutschland e.V.: „Fokus Vormundschaft – Ein Bericht zur Situation von minderjährigen Opfern von Menschenhandel in Deutschland“, Freiburg 2016, https://ecpat.de/wp-content/uploads/2017/11/Fokus_Vormundschaft.pdf

mission or being abducted, the need for further protection and security measures for a limited period of time should be considered during the placement process.³⁶

6.5 Accommodation settings

In view of the fact that the persons concerned are presumably a comparatively small group of young people with diverse and quite different specific needs, the German Association recommends that existing accommodation facilities be equipped with places for the needs of this group and that it be possible to respond to the individual needs of the young persons concerned.³⁷ The more complex the needs are, the more specific the provisions must be. These should be accommodation places geared to the persons concerned, equipped with differentiated services, in a safe environment (in some cases, also with a new identity).³⁸ In cases of need, the young person should be taken in at short notice and basic care and, if necessary, medical and psychological care should be provided.³⁹ Specialised counselling and support for the young persons concerned should be ensured in close cooperation with specialised counselling centres/services. In order to guarantee the right of choice while at the same time protecting the young persons' safety, institutions nationwide should offer specialised accommodation places so that, depending on the situation, accommodation close to the place of residence or far away is equally possible. A conceivable model for this would be an association of providers working on a decentralised basis, in which, for example, two places for the target group are attached to existing group homes or reception centres and are reserved for them.

If it corresponds to the individual need, foster homes with professional foster parents who have specific knowledge about human trafficking, its forms of exploitation and the related safety requirements can also offer tailor-made accommodation. These socio-educational living communities enable continuity in the care relationship in a family-analogue care setting as well as assistance that is tailored to the individual needs of the young person.

In addition to decentralised accommodation places, the establishment of specialised shelters for specific forms of exploitation is an option. These shelters should be specifically conceived for the needs of young people affected by trafficking and exploitation and equipped with correspondingly high security standards. They should guarantee the immediate admission of a young person affected by human trafficking and provide appropriate accommodation during the period of clarification of the risk situation, the assessment of needs and development of perspectives. In particular, round-the-clock care and contact persons on site are required. This type of care facility has already been successfully implemented in some EU countries.⁴⁰

³⁶ See 4.4.

³⁷ It should be considered whether it would be useful to combine these places with places for a similar target group with regard to the compatibility of the problem situations and needs of the young people.

³⁸ The possibility of individual case-related additional services parallel to the accommodation should also be considered.

³⁹ See also: KOK Bundesweiter Koordinierungskreis gegen Menschenhandel e.V. [Nationwide Coordination Circle against Trafficking in Human Beings]: „Unterbringung von Betroffenen des Menschenhandels in Deutschland gesichert?“, 2017.

⁴⁰ For example, in Belgium by the Asociación Esperanto: <https://www.esperantomena.org>.

6.6 Cooperation with criminal investigation and prosecution authorities

When a minor who has been subject to human trafficking and exploitation is admitted to the care facility or in case of suspected trafficking, the facility should receive information on the circumstances of the exploitation of the minor in order to be able to carry out a risk assessment and to assess and individually adapt necessary protection and safety measures. If the minor is brought to the facility or handed over to the youth welfare office by police, for example, the police should ensure the necessary flow of information for the purpose of child protection. When passing on the information, the provisions of data protection must be complied with. A protocol for the handover can provide certainty on how to proceed.

Vice versa, with regard to passing on some information that the young person, e.g. in a conversation, has confided to his/her key carer, it should be examined very carefully whether it is necessary to pass on the information to the criminal investigation authorities. The protection of personal data and the relationship of trust between the young person and the care persons in child and youth services must also be respected here. Therefore, the young person must regularly agree to the exchange of information. In any case, the young person must be fully informed about the consequences of passing on the information.

Regarding the criminal investigations into the offences of trafficking in human beings and exploitation, the needs-based accommodation of the young persons concerned can play an important role in stabilising them and accompanying them as witnesses in the investigation.

Furthermore, the German Association recommends to structurally strengthen the cooperation between youth welfare offices and the police in order to be able to combat the danger of a young person being trafficked and exploited with effective protection measures. For example, the Schengen Information System (SIS II) should be consulted to clarify whether a child has been reported missing.

6.7 Needs-based counselling and support

From the moment of identification and the initiation of protection measures as well as in the context of the young person's placement and, if applicable, criminal investigations, the young person is confronted with many different actors (e.g. for diagnostics, care, provision, criminal proceedings). In this context, there may be different forms of communication and interaction with the young person. Up to now, they usually have to visit each agency involved, report several times about their experience and open up to new people who are strangers to them. Following the Barnahus Model⁴¹ and in the sense of child-friendly justice⁴², an approach cen-

41 The name Barnahus („children's house“) comes from Iceland. The first Barnahus was founded there in 1998. Since then, many Barnahus have been established – mainly in the Nordic countries, but also in Germany. A core principle of the Barnahus model includes the child's participatory rights to be heard and adequately informed. It involves a multidisciplinary and interagency approach, ensuring cooperation between different agencies (legal, social, medical) in a child-friendly building so that comprehensive services can be provided for the child and family from a single source. At the core of the Barnahus model is the assumption that the child's testimony is essential both for identifying and investigating child abuse for the purpose of criminal prosecution and for therapeutic and protective purposes. See: Barnahus model quality standards: http://www.childrenatrisk.eu/promise/wp-content/uploads/sites/4/2018/06/DE_StandardsSummary_FINAL.pdf

42 See also: The Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, Strasbourg, 2012.

ted on the young persons should be developed, including an environment that is safe for them as well as multidisciplinary and interagency cooperation. This requires training and sufficient resources for the staff members in the agencies involved. The aim is to protect the young person, prevent secondary victimisation and re-traumatisation of the young person and ensure outcomes that are in his or her best interests.

6.7.1 Specific support

In the context of the accommodation provision, the young persons should have access to specific support such as specialised counselling on human trafficking,⁴³ specialised counselling against sexualised violence in childhood and adolescence,⁴⁴ psychosocial support, trauma pedagogical services etc., and they should be encouraged to benefit from victim protection rights.⁴⁵ The young persons concerned must be comprehensively advised about their rights in criminal proceedings, the possibility of accessory prosecution and the use of a solicitor and also about their entitlement to free psychosocial support during proceedings and the possibility of making use of a witness protection programme as well as claims for compensation.⁴⁶ This counselling and assistance can be provided as an integral part of the accommodation provision or in cooperation with specialised counselling centres, psychologists, lawyers and other agencies.

The tasks of an appointed guardian include coordinating the cooperation of the different service providers, specialised agencies and individuals and ensuring that the network of supporting services functions adequately and that the young person's well-being is safeguarded.⁴⁷

6.7.2 Gender-specific support

Both girls and boys, but also young people who feel they belong to a third gender, can be subject to human trafficking and exploitation in Germany. Their gender-specific needs must be taken into account in the accommodation, and protection must be provided also from a gender-specific perspective. This can be particularly important, for example, if the young person has experienced sexual exploitation/sexualised violence. The German Association recommends that gender-specifically different reference persons as well as gender-specific facilities be offered to young people affected by human trafficking. It should be noted that it is not possible to predict which person a child or young person will trust. This

43 KOK – Bundesweiter Koordinierungskreis gegen Menschenhandel e.V. [Nationwide Coordination Circle against Trafficking in Human Beings]: www.kok-gegen-menschenhandel.de

44 Bundeskoordinierung Spezialisierter Fachberatung gegen sexualisierte Gewalt in Kindheit und Jugend: <https://www.bundeskoordinierung.de/>

45 Cf. UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (ECOSOC Res. 2005/20, 2005); Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007, Treaty Series No. 201); EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims (Directive 2011/36/EU).

46 According to the Act on Compensation to Victims of Violent Crime (OEG), <https://www.gesetze-im-internet.de/oeg/BJNR011810976.html>

47 Cf. European Union Agency for Fundamental Rights (FRA): „Guardianship systems for children deprived of parental care – A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking”, Luxembourg 2015, p. 42 (4th Sept. 2020).

depends on the individual experiences and role models of the child or young person.

6.8 Premises

With regard to the equipment of the premises of facilities with specialised services for the group of young persons concerned, some aspects should also be ensured. In view of the fact that the freedom of movement of the young people concerned may sometimes have to be restricted, the German Association recommends that the facilities should be equipped with adequate premises that meet their needs as well as an outdoor area to spend time outdoors, for recreation and outdoor exercise. It should also be examined whether measures are necessary to secure the building and grounds from the outside, so that unauthorised persons cannot easily gain access. Moreover, the premises should be overseable and there should be a night on-call room that should be located, if possible, near the room or rooms intended for the young persons concerned. Another aspect is that there should be rooms with (also technical) equipment to enable all kinds of appointments and discussions with the young persons, so that they can take place on site, based on the Barnahus Model.

6.9 Funding

In order to meet the specific needs of the young people concerned and to ensure appropriate accommodation, the possibility of immediate and unbureaucratic admission of young people concerned is necessary. Since the occupancy of the accommodation places is subject to considerable fluctuations, though these places still have to be kept available, the German Association recommends that this be taken into account accordingly in the agreements on services and remuneration.

In addition, the German Association recommends that specialised shelters should be established on a trial basis in some federal states as a model project. Funding for this could be provided within the framework of a pilot project of the Federal Government in accordance with Section 83 (1) sentence 1 SGB VIII. The project should be evaluated with regard to the needs of those concerned and the possibility of transforming the pilot project into a regular provision.

6.10 Permission for the operation of a facility

The provider operating a facility in which children or adolescents are cared for or accommodated the whole day needs a permission to operate the facility, in accordance with Section 45 (1) SGB VIII.⁴⁸ The operating licence is issued by the authorities in charge of granting operating licences after checking if the legal requirements are met. Pursuant to Section 45 SGB VIII, child and youth care facilities must ensure the wellbeing of the children and young people and fulfil mini-

⁴⁸ This applies to the placement in a suitable facility in case of reception into care pursuant to Section 42 SGB VIII as well as the placement in residential care as a socio-educational provision pursuant to Sections 27, 34 SGB VIII or as rehabilitation aid pursuant to Section 35a SGB VIII.

minimum requirements for the granting of the operating licence. The necessary conception must, in particular, meet the requirements of spatial and material equipment, professionalism, economic efficiency and personnel in accordance with Section 45 (2) sentence 2 no. 1 SGB VIII. In addition, the young persons' social and language integration and a health-enhancing living environment must be supported in the facility and their health protection and medical care must not be impeded (Section 45 (2) sentence 2 no. 2, SGB VIII). The facility must provide the possibility for the children and adolescents to participate and to make complaints (Section 45 (2) sentence 2 no. 3 SGB VIII). For the needs-based accommodation of young people affected by human trafficking and exploitation, the German Association recommends that the conception should include a provision that is specialised on this group of persons, with a description of the shaping and equipment of the accommodation, and that it should describe how the special needs of persons affected by human trafficking will be met. Moreover, the possibility of using measures involving restriction or deprivation of liberty must also be described in the conception.⁴⁹ These recommendations can serve as an orientation guide.

For an expansion of already existing facilities to include specialised accommodation for young people who have been victims of human trafficking and exploitation, it is necessary to clarify with the authority issuing the operating licence whether it is necessary to reapply for the operating licence due to the changes in the basic conception and other general conditions. In addition, it is necessary to discuss with the referring youth welfare offices whether and how this change in the conception affects or could affect the young people already living there.

6.11 Networking and cooperation

The German Association recommends that the Land youth offices (superior youth offices at the state level) should institutionalise the networking and exchange of information regarding the group of young victims of trafficking and exploitation within the structures of child and youth services and establish a close exchange on this with other actors. The protection and needs of young victims of human trafficking and exploitation should be included as a subject area in the working committee between statutory and non-statutory child and youth welfare organisations at the local level according to Section 78 SGB VIII. This is meant to facilitate networking and coordination of services and measures for the young persons concerned as well as the exchange of information about the various forms of trafficking and the developments as well as the assessment of existing needs. In addition, a regular and close exchange between youth welfare offices, non-statutory child and youth welfare organisations, the police, specialised counselling centres and other actors should be established in order to coordinate cooperation at the various interfaces, to discuss anonymized cases, to exchange information on trends and to develop preventive measures. Joint case conferences of the

⁴⁹ For a possible implementation of measures with deprivation of liberty, the relevant recommendations of the Federal Association of Land Youth Offices are essential: „Handlungsempfehlungen – Beratung und Aufsicht bei Angeboten der stationären Erziehungshilfe mit freiheitsentziehenden Maßnahmen (feM)“, Saarbrücken 2017, https://www.jugendhilfeportal.de/fileadmin/user_upload/fkp_quelle/pdf/129_Beratung_20und_20Aufsicht_20bei_20Angeboten_20der_20station_c3_a4ren_20Erziehungshilfe_20mit_20freiheitsentziehenden_20Ma_c3_9fnahmen_20_28feM_29.pdf (29 September 2020).

youth welfare office, the police, the residential facility or shelter and specialised counselling agencies should take place for the purpose of evaluation of child endangerment and risk assessment in the individual case. In addition, communication should be established between the statutory youth welfare organisations among themselves so that transparency about existing services can be achieved and case-related information can be exchanged, while respecting data protection.

7. Conclusion

The protection of children, adolescents and young adults against human trafficking and exploitation requires coordinated and well-equipped measures in the area of child protection and socio-educational provisions, rehabilitation aid for emotionally disturbed children and youths, assistance for young adults and analogously, assistance for young people with mental and/or physical disabilities in accordance with SGB IX (Social Code Book IX). For this purpose, accommodation must be created in child and youth care services that is tailored to their needs, so that the multi-layered needs of the young persons concerned, including the need for protection and safety measures, can be effectively met.

- At the local level, it is necessary that the statutory youth welfare organisations make sure that child and youth care professionals at the youth welfare offices will qualify as specialists, and that structures are established for closely coordinated cooperation with the police, specialised counselling centres and other youth welfare offices. The German Association recommends to set up a pool of interpreters qualified to translate for young people who have been subject to trafficking and exploitation, and to have recourse to this pool when necessary. The statutory youth welfare organisations should support the development of needs-based services locally and ensure that appropriate funding for the provision of accommodation places is provided for in the remuneration agreements.
- The non-statutory as well as statutory youth welfare organisations are called upon to create needs-based services for these young people, to develop concepts and to ensure that the professional staff working in this field are appropriately qualified.
- It is one of the tasks of the Land youth offices, as superior child and youth services providers at the state level, to promote the development of appropriate and sufficient services in cooperation with the non-statutory and statutory youth welfare organisations, to provide them with professional advice and, if the requirements are met, to issue the operating licences. This can be done through a conceptual expansion of accommodation places in already existing forms of residential care on a decentralised basis. At the same time, needs-based places for reception into care must be provided. The Land youth offices – possibly in cooperation with other agencies – should take up the need for training for professional staff of the relevant youth welfare or protection facilities as well as the youth welfare offices and offer specific further training courses for the qualification of professional staff. In addition, professional counsel-

ling is needed that can offer advice to youth welfare offices in individual cases on the specific needs of the young persons concerned, coordinate the work and refer them to suitable specialised accommodation places.

- Due to the supraregional relevance, the German Association suggests that the Federal Government should finance specific shelters with higher safety standards within the framework of a pilot project. The pilot project should be evaluated in order to be able to make scientifically substantiated statements about the needs of the young persons concerned, the appropriate shaping of effective protective measures and needs-based services. In addition, the regulatory content of Section 41 SGB VIII (Child and Youth Services Act) should be strengthened with regard to the first-time granting of assistance to young adults.

Legal notice

Published by:

Deutscher Verein für öffentliche und private Fürsorge e.V.

Michael Löher, Vorstand

Michaelkirchstr. 17/18

10179 Berlin

Germany

www.deutscher-verein.de

info@deutscher-verein.de