



Collaborative strategies to combat human trafficking between the Network Against Trafficking in Human Beings (KOK) and Financial Control of Undeclared Work Unit (FKS)


Germany

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| | Summary <p>The German NGO Network Against Trafficking in Human Beings (<i>Bundesweiter Koordinierungskreis Gegen Menschenhandel e.V., KOK</i>) works to combat human trafficking and acts as the umbrella organisation for 43 member organisations across Germany. In recent years it has cooperated with the German customs administration's Financial Control of Undeclared Work Unit (<i>Finanzkontrolle Schwarzarbeit, FKS</i>) to combat forced labour and labour exploitation.ⁱ</p> |
| Name(s) of authorities/bodies/organisations involved | <ul style="list-style-type: none"> ▶ German Network Against Trafficking in Human Beings (<i>Bundesweiter Koordinierungskreis Gegen Menschenhandel e.V., KOK</i>); ▶ The Financial Control of Undeclared Work Unit (<i>Finanzkontrolle Schwarzarbeit, FKS</i>). |
| Sectors | All |
| Target groups | <ul style="list-style-type: none"> ▶ Those working to prevent/combat human trafficking e.g. labour inspectors, victim protection officers (directly targeted); ▶ Persons affected by labour exploitation, forced labour, and human trafficking (indirectly targeted); ▶ Employers exploiting trafficked individuals (indirectly targeted). |
| Purpose of measure | Deterrence: improve detection |

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| | Aims and objectives <p>The purpose of the cooperation between the FKS and KOK is to help prevent forced labour, labour exploitation, and human trafficking in Germany and to provide offers of help to victims.</p> |
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| Background context | <ul style="list-style-type: none"> ▶ Prior to 2019 the Financial Control of Undeclared Work Unit (FKS) did not have the mandate to initiate investigations into the criminal offence of human trafficking for the purpose of labour exploitation;ⁱⁱ ▶ Since the introduction of the Act to Combat Unlawful Employment and Benefit Fraud (<i>Schwarzarbeitsbekämpfungsgesetz; Gesetz gegen illegale Beschäftigung und Sozialleistungsmissbrauch</i>) in 2019, the mandate of the FKS has been extended to include inspections and investigative powers to identify cases of trafficking in human beings for the purposes of labour exploitation, helping to combat forced labour and labour exploitation;ⁱⁱⁱ ▶ Labour exploitation is recorded in Germany in the Criminal Code (<i>Strafgesetzbuch, StGB</i>) under section 233 and refers to the exploitation of a person's employment by taking advantage of a predicament of helplessness, for example, that may be specific to foreign countries.^{iv,v} Such employment relationships are characterised, for example, by poor pay, excessively long working hours, excessive agency fees and/or rent payments, dangerous working conditions, and withholding of wages. Finally, section 233 covers cases of exploitation that takes place through the deprivation of liberty; ▶ There are some industries in which the cases of labour exploitation are increasing, including, for example, construction, agriculture and seasonal work, care and household services, etc;^{vi} ▶ Ongoing cooperation exists between the KOK and FKS. This cooperation involves several meetings, information sharing, and training.^{vii} |
| Key objectives of the measure | <p>General objective:</p> <ul style="list-style-type: none"> ▶ To combat forced labour, labour exploitation, and human trafficking in Germany. <p>Specific objective:</p> <ul style="list-style-type: none"> ▶ To provide offers of help to potential victims of forced labour, labour exploitation, and human trafficking. |
| Main activities | <ul style="list-style-type: none"> ▶ Both KOK and FKS are members of the Federal-Länder Working Group on Combatting Trafficking in Human Beings for the Purpose of Labour Exploitation, which has existed since 2015. The working group developed a strategic concept for combatting human trafficking for the purpose of labour exploitation as a basis for future work. The group now serves primarily to exchange information between the members about current developments in relation to the topic of labour exploitation;^{viii} |

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| | <p>► Cooperation between KOK and FKS mainly takes place on a regional level in specific cases. It happens when the FKS identifies a potential victim of labour exploitation during an inspection and one of the 43 member organisations of the KOK steps in to offer assistance. Other activities have included meetings between KOK and FKS, and in 2022 the Service Centre against Labour Exploitation, Forced Labour and Human Trafficking ran a training course, with input provided by KOK, for victim protection officers from the Financial Control of Undeclared Work Unit (FKS) to recognise forced labour, labour exploitation, and human trafficking. ix,x,xl,xii</p> |
| Funding/organisational resources | <p>🕒 The FKS is funded by the German Government;</p> <p>🕒 KOK receives support from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMGSFJ) and via donations.</p> |

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|  | <p>Outcomes</p> <p>The FKS and KOK have collaborated on a regional basis to provide offers of help in cases where labour exploitation has occurred. In addition, KOK has provided input into the training of FKS victim protection officers and employees by the Service Centre against Labour Exploitation, Forced Labour and Human Trafficking.</p> |
| Achievement of objectives | <p>► Where potential victims of labour exploitation have been identified by the FKS, KOK member organisations have provided offers of help when requested. There is no data available on the number of times this collaboration has taken place;</p> <p>► The FKS victim protection officers/victim protection coordinators have received training by the Service Centre against Labour Exploitation, Forced Labour and Human Trafficking, with input from KOK. Topics covered in the training include the identification of potential victims of human trafficking, forced labour, and labour exploitation, the possibilities to convey support offers to potential victims, and the application of legal norms in this context. The victim protection coordinators have already received training and training for remaining FKS employees is ongoing. Online training courses are also provided. The practice has been successful in raising awareness on this issue at every FKS location across the country.</p> |
| Lessons learnt and success factors | <p>► Political will within government to cooperate with other organisations to address the problem is crucial;</p> <p>► The collaboration between KOK and FKS has shown that effective cooperation between NGOs and public bodies can lead to better detection and support for victims of labour exploitation;</p> |

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| | <ul style="list-style-type: none"> ▶ Training is essential to raise awareness, and equip officers in enforcement authorities with the necessary skills to identify and support potential victims; ▶ Cooperation mainly takes place on a regional level, indicating that localised efforts can be more effective in addressing specific cases of labour exploitation. |
| Transferability | <ul style="list-style-type: none"> ▶ This practice is transferrable to other Member States. Key to its success in other Member States, among others, is the political will of policymakers and public bodies to cooperate with NGOs to address or alleviate the problem of forced labour, labour exploitation, and human trafficking. |

Further information

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| Contact | <p>Central Customs Authority: E-mail: DVII.gzd@zoll.bund.de</p> |
| Useful sources and resources | <p>KOK website</p> <p>https://www.kok-gegen-menschenhandel.de/der-kok/der-kok-ev</p> <p>Information on FKS</p> <p>https://www.zoll.de/DE/Fachthemen/Arbeit/Bekaempfung-der-Schwarzarbeit-und-illegalen-Beschaeftigung/Aufgaben-und-Befugnisse/aufgaben-und-befugnisse_node.html#doc304640bodyText3</p> |

ⁱ KOK – German NGO network against trafficking in human beings. For more information, see <https://eucpn.org/document/kok-german-ngo-network-against-trafficking-in-human-beings-bundesweiter#:~:text=KOK%20is%20a%20German%20NGO,specialised%20NGO%27s%20under%20one%20umbrella>. The Financial Control of Undeclared Work Unit is part of the German Customs Administration. The main task is to combat undeclared work and illegal employment by means of inspection and investigative powers in accordance with the Act to Combat Undeclared Work and Unlawful Employment. Among other things, the FKS is authorised to enter property and business premises, to question workers, to stop vehicles and to examine business documents. For more information, see https://www.zoll.de/DE/Fachthemen/Arbeit/Bekaempfung-der-Schwarzarbeit-und-illegalen-Beschaeftigung/Aufgaben-und-Befugnisse/aufgaben-und-befugnisse_node.html#doc304640bodyText3

ⁱⁱ KOK e.V., (2016), Human trafficking for the purposes of labour exploitation and severe labour exploitation of women – an unseen phenomenon? (Menschenhandel zum Zweck der Arbeitsausbeutung und schwere Arbeitsausbeutung von Frauen – ein nicht gesehenes Phänomen?), available in German at: <https://www.kok-gegen-menschenhandel.de/projekte-themen/abgeschlossene-projekte/menschenhandel-zum-zweck-der-arbeitsausbeutung>

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- iii KOK – German NGO network against trafficking in human beings, *Annual Review 2019*, available at: https://www.kok-gegen-menschenhandel.de/fileadmin/user_upload/KOK_Jahresber2019_en_RZ_web.pdf
- iv The information for this bullet point was excerpted from the KOK website. For further information, see https://www.kok-gegen-menschenhandel.de/glossar?tx_dpnglossary_glossary%5Baction%5D=show&tx_dpnglossary_glossary%5Bcontroller%5D=Term&tx_dpnglossary_glossary%5Bterm%5D=92&cHash=78157be914c63ce94ca13ccc87015fc1
- v German Criminal Code, Section 233 on Exploitation of labour. Criminal Code in the version published on 13 November 1998 (Federal Law Gazette I, p. 3322), as last amended by Article 2 of the Act of 22 November 2021 (Federal Law Gazette I, p. 4906), available at: https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html
- vi Ibid.
- vii KOK Annual Review 2019.
- viii KOK website, at <https://www.kok-gegen-menschenhandel.de/der-kok/vernetzung>
- ix KOK, Annual Review 2019.
- x KOK, Annual Review 2022, p. 10.
- xi KOK, Annual Review 2021, p. 4.
- xii The establishment of the Service Centre against Labour Exploitation, Forced Labour and Human Trafficking is based on recommendations by the Federal-State Working Group against Labour Trafficking of the German Federal Ministry of Labour and Social Affairs. The Service Centre is run by ARBEIT UND LEBEN DGB/VHS in Berlin, Germany. For more information on the Service Centre, see <https://www.servicestelle-gegen-zwangsarbeit.de/en/>