

FEDERAL REPUBLIC OF GERMANY

Response to Questionnaire on assistance and rehabilitation programmes for child victims of sale and exploitation of the UN Special Rapporteur

30 April 2015

Question 2:

In order to provide adequate protection and support for those children affected by trafficking as well as in the attempt to avoid re-traumatization and re-victimization, a well-structured and trusting cooperation between all concerned actors is crucial and inevitable. On the Länder level this cooperation can be in form of round tables or working groups on the issue of child trafficking.

Currently a professional group is working on a concept paper (Bundeskooperationskonzept) which will be presented to the different Länder soon and is intended to provide as the action guideline for a national referral mechanism. In order to provide all necessary assistance and rehabilitation measures for child victims of human trafficking there are some starting points to ensure adequate assistance and protection measures for the child victims. Amongst others, the points include that all legally bound actors are entitled to further training and sensitizing on the topic of child trafficking. The financial means for these further qualifications should be provided. In the different professional fields such as the police or the district attorney's office, those handling the case should be a designee for offenses concerning child trafficking and therewith also in contact with the other cooperation partners. Concerning the cooperation with the youth welfare services, the police as well as the district attorney's office should have a local contact person for matters concerning issues such as housing and the supervision of the child.

Question 3:

Looking at some national practices there are a few local shelters and NGOs which accomplish good results on a local level and recognizing the weak points of victim protection for instance by supporting boys who have been victims of sexual exploitation.

Another good practice example is the concept paper on the cooperation between the specialist counselling services and the police for the protection of victim witnesses. The professional group

drafting a concept paper on the cooperation between the specialist counselling services and the police for the protection of children who have been victims of human trafficking take the concept paper for the victims of human trafficking as the foundation by adjusting and enhancing it to the special needs of children. This concept paper will include also an indicator list which can be used as a guideline when identifying a potential victim.

Question 4:

In the face of tackling the issue of child trafficking and looking at the situation of assistance and rehabilitation programmes for child victims, Germany being a source, transit and destination country is confronted with different challenges. The situation of child victims is much more comprehensive than for adult victims of trafficking since more actors are involved in the assistance and rehabilitation process of these children. Whereas in regard to general human trafficking the State and Länder Working Group on Trafficking in Women drafted a concept paper on cooperation between the specialist counselling services and the police for the protection of victim witnesses, Germany still lacks such a concept paper solely for child victims. Such a concept paper is necessary since, to name only a few examples, in Germany the legal, by definition distinction between child trafficking and human trafficking is not clear enough.

Furthermore, Germany does not provide a precise differentiation between trafficking of minors and sexual abuse of minors. Since these two offences are often interlinked it is quite difficult to separate them in practice. Many times preliminary investigations of human trafficking are due to the complexity and the high standard of evidence dismissed as cases of sexual abuse of minors. In this case the minor cannot be recognized as a victim of human trafficking for the purpose of sexual exploitation and therewith also does not get the adequate and required assistance and rehabilitation measures which the child would be entitled to in the case of trafficking. As a consequence the structures behind the crime of human trafficking remain unrecognized and therewith unpunished. In order to improve the situation of child victims in those cases, a concept paper provides for all Länder the fundamental determination that already the suspicion of child trafficking is sufficient enough for the minor to receive the access to assistance to protection measures.

Another challenge provides the plurality of actors that are to be involved in cases of child trafficking; the family court, youth welfare service, police, the district attorney's office as well as a legal guardian. It is important to ensure the transfer of knowledge and expertise and the cooperation with each other.

One of the problems faced by those fighting against child trafficking is that newer forms such as labour exploitation, organized theft or organ transplantation do not find until now much attention on

assistance and rehabilitation level. The gap in German legislation on the group of these victims will be currently closed.

Question 5:

The views and needs of children are taken into account in the development of a concept paper (Bundeskooperationskonzept) by involving all concerning actors especially youth welfare service, NGOs and counselling centres.

Question 6:

Young people experiment with and on the internet. Upon coming across dangerous or intimidating situations online, e.g. sexual harassment and cybergrooming, young people need advice and assistance, which is appropriate to age, quickly retrievable and well-functioning.

To meet these requirements the German Centre for Child protection on the Internet will publish an integrated online service for advice and assistance to young people „jugend.support“ in early summer 2015.

„jugend.support“ is a web-based service for older children and young people

- that strengthens their individual coping strategies with target group-oriented information
- and guides them towards the appropriate assistance and self-help structures
- as well as reporting options

depending on their individual needs.

Besides providing general educational information, the website focuses on supporting children and youths to cope with stressful situations. This is supposed to enable them to reduce risks and if necessary help themselves.

The basic framework is built by two interacting elements:

- the website jugend.support, which offers help-seeking young people a point of reference in order to cope with internet-based problems

- and the network of counselling and reporting institutions that jugend.support recommends guidance-seeking young people.

Jugend.support offers information to cope with difficult internet-based situations and problems such as sexual harassment or violence besides problems such as cyberbullying.

Question 8:

A nationwide support program for young refugees "Willkommen bei Freunden" will be implemented in May 2015 and shall be at work till End of 2018 as an accompanying measure to the "law to improve accommodation, care and support foreign children and youth" that is currently being developed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The qualitative program will help local authority districts in Germany to improve their regional situations for young unaccompanied refugees. One of the aims of the program is, that the young refugees can take in their rights to education and participation.

The federal government provides 4 projects focusing young people living on the street:

- Off Road Kids Jugendhilfe gGmbH, Bad Dürkheim
- Bündnis für Straßenkinder in Deutschland e. V., Berlin
- KuB - Kontakt- und Beratungsstelle Berliner Jugendclub e. V.
- Straßenkinder e. V., Berlin.