

Can Human Rights Law Adequately Protect Victims of Human Trafficking? An Analysis of
German Anti-Trafficking Laws

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Abstract

Human trafficking is a phenomenon that has been highly contested in the international community. It is estimated that hundreds of thousands of individuals are trafficked every year with sex trafficking continuing to be the predominant form of trafficking. The development of the UN's Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children in 2000 gave the international community its first definition of human trafficking that was rooted in a human rights approach with victims at its center to trafficking utilizing the 3 Ps paradigm in combating it. This paper explores to what extent the measures that are set up by the Palermo Protocol to protect victims provides adequate protection of them? Does Germany's implementation of the human rights approach support or detract from protection efforts of victims? A study of Germany's anti-trafficking policies, institutions, and implementation of the policies will illuminate problems within the structure of Germany that makes it more difficult for adequate protection of victims, yet they are still deemed a tier 1 country by the U.S. 's Annual Report in Trafficking of Persons. Based on government documents, anti-trafficking evaluations performed by international organizations, and interviews of victims and service providers online will facilitate in answering what is needed for the adequate protection of victims, and how a human rights approach is the best way to combat sex trafficking for all women regardless of the identities they hold.

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A handwritten signature in black ink, appearing to read 'Mayra Dominguez', written over a horizontal dashed line.

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1 Introduction

Human trafficking is one of the oldest forms of exploitation and continues to plague the world today. It is estimated that 250,000 individuals are trafficked every year throughout Europe, with sexual exploitation still being the predominate form of trafficking (United Nations Office on Drugs and Crime, 2009). However, questions surrounding what human trafficking is, who can be trafficked, why they are trafficked, and how to combat human trafficking in general has been widely contested. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol), developed from the Convention of Transnational Organized Crime in 2000 gave the world its first international agreed upon definition of human trafficking. This new definition was developed with a human rights law framework determining that victims must be at the center of all anti-trafficking efforts. This development in international human trafficking policies means that victims are at the fore front of the policies, but there is still contention on whether or not this is the best approach to combatting it. This paper will explore what a human rights framework is and what types of policies states need to implement for the adequate protection of victims. It will also explore the relationship between gender and sex trafficking and provide some root causes for why sexual exploitation occurs according to a radical feminist viewpoint, and how intersectionality can be used when creating better policies to address sex trafficking because of the unique obstacle's victims face based on their identities. The question this paper will attempt to answer is to what extent can a human rights approach adequately protect victims of human trafficking as set out by the Palermo Protocol? To assess this, the paper will use Germany as a case study relying on government documents, international groups' evaluations of their anti-trafficking policies, and interviews available online with victims trafficked to Germany and service providers to give a deeper

analysis of the implementation of anti-trafficking policies. Lastly, an analysis and recommendations will be given to the German government to further the human rights approach required of them through international law.

1.1 Background: Magnitude and Victims

With 79% of all reported human trafficking forms being of sexual exploitation (United Nations Office on Drugs and Crime, 2009), women and girls continue to face violence perpetrated against them solely for their gender. It is important to note that men and boys can and are victims of sex trafficking but will not be the focus of this paper due to the majority of identified victims are women and girls. Contrary to popular belief, human trafficking does not need to include the crossing of borders, and in fact domestic movement for the purpose of human trafficking is more common than interstate human trafficking (United Nations Office on Drugs and Crime, 2009). It is estimated that 250,000 individuals are trafficked every year in Europe, but compiling data on any form of trafficking is difficult. There are numerous explanations to why compiling data on human trafficking is difficult, and some of these explanations are victims' fear of retaliation by the traffickers, fear of criminal prosecution for crimes committed in the country i.e. illegal immigration, structural issues within governing bodies such as the lack of national reporting standards, understaffing of police to investigate potential instances of trafficking, and the lack of international cooperation in sharing data they have compiled (Laczko, 2002). This is by no means an exhaustive list and more research needs to be done on best practices for compiling data. However, this points to a problem in being able to understand the magnitude of the problem. Without accurate data, the international community has a hard time gauging if more anti-trafficking measures need to be adopted or if the policies in place are

sufficient in combating it. It also means that there could be hundreds of thousands or millions of individuals who are victims every year, which could point to the failure of the implementation of the human rights framework or the need for a new framework to adequately address human trafficking.

Anyone can be a victim of human trafficking, but there are characteristics that make an individual more vulnerable than others. Victims are presented with what are called ‘push’ and ‘pull’ factors that coerce them into trafficking situations. The vulnerability stems, majority of the time, from poverty (Bales, 2007). ‘Push factors’ are then socio-economic factors, such as poverty, gender inequality, or lack of employment opportunities in the country of origin (Farr, 2005). This can also include political factors such as war or genocide that push people out of the country in search of new lives (Bales, 2007). These ‘push’ an individual away from their home country. ‘Pull factors’ are factors that pull an individual to a destination country such as a more affluent style of living, employment opportunities, and the demand for cheap labor resulting in individuals to traffic others (O’Brien, et al., 2013). Victims can be of any gender, age, nationality, etc., but they all have the desire to have a different life and remove themselves from desperate situations. In sex trafficking, women and girls are under the impression that they will be leaving their home countries to go work and will be allowed to send money back to their families. One technique utilized by traffickers to prey on young girls is the ‘lover boy’ technique. This is where the trafficker poses as a man who is romantically interested in them and has shown up in their lives to whisk them away from their desperate situations and help them financially (Spapens, 2018). There is also no viable alternative than to continue with the forced sex work once they are in the destination country because of the limited resources these women have. Most of them do not speak the language, nor are they allowed to go outside unaccompanied,

reinforcing the act of trafficking and the need to incorporate the victim while preventing further instances of trafficking. The human rights violated when an individual is trafficked puts the crime of human trafficking in a unique position calling for a multi-dimensional approach centered around the victim to rectify the rights violations present.

2 Literature Review

The literature on anti-trafficking measures is constantly changing since it is a relatively newer field of study. Much is still debated on what human trafficking for the purpose of sexual exploitation in the international community and throughout different schools of thought. A review of the literature is conducted to establish what human trafficking is and to develop a conceptual framework on how to combat human trafficking through a human rights approach that keeps victims and the restoration of their rights at the center of the policy and its goals, and why a human rights approach is necessary to combat human trafficking.

2.1 What Is Human Trafficking?

Human trafficking is not a new phenomenon, yet it remains one of the most difficult crimes to define and apply anti-trafficking policy solutions to, but most importantly, it is one of the most difficult crimes for policy makers to develop a consensus on a definition of. Making its debut in policy circles and academia in the 1990s (Salt, 2000), anti-trafficking measures have been a part of numerous policy fields such as migration, organized crime, state security, human rights, etc., making it very difficult for the international community to agree upon a single definition (Meese et al., 1998), therefore making it even harder to implement uniform policy solutions that fight human trafficking at the international level. For example, if a State believes human trafficking to be an issue of immigration, since cross-border trafficking involves bringing victims into another sovereign state, their policy response may be to incarcerate victims, or deport them back to their origin countries. This is problematic because States are responsible for their own acts or for the consequences of not acting, in situations that “breach their obligations according to international law” (UN Office of High commissioner, 2014, p. 11). Meaning, states

have an obligation to uphold the human rights of victims of trafficking according to international human rights law. However, human trafficking is very complex and difficult to define because of how easily it can be confused with smuggling, or migrants. This created the need for an internationally agreed upon definition that clearly defines what trafficking it and how it is distinct from smuggling and migration so countries could combat it (U.S. Department of State, 2020).

The development of the United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children or the Palermo Protocol (2000), arose from conversations concerning sexual exploitation and transnational crime networks utilizing the exploitation for monetary gain, however, the definition was expanded to include other forms of trafficking (Bales, 2007). It was adopted by the United Nations in 2000 during the UN's Convention against Transnational Crime (UN Office of Drug and Crime, n.d.). The Protocol established a basic framework of 'Trafficking in Persons' and is defined in Article 3(a):

[T]he recruitment, transportation, transfer, harboring or receipt of 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. Exploitation shall include at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

This definition and the identification of a multifaceted approach to human trafficking by creating a framework to also protect victims and prevent trafficking (Braspenning, 2006), provided a foundation for states to implement laws to combat it (Brusca, 2011). It allowed countries to punish traffickers within their borders and gave them a basic framework on how to protect victims. However, since it was written from the perspective of transnational organized crime, the definition heavily relies on criminal law to combat trafficking. This has been deemed problematic by some in the literature due to criminal law's inability to combat the root causes of trafficking (Todres, 2011). The definition also has an unequal emphasis on punishing traffickers compared to the protection of victims and prevention of trafficking (Todres, 2009), as a result of being rooted in criminal law (Shoaps, 2014). Anyone can be a victim of trafficking but there is evidence to suggest certain individuals are more vulnerable than others to fall victim to trafficking (Chaung, 1998; Fedina, et al., 2019). States with high amounts of poverty, inequality, or a lack of development¹ can create a strong 'push factor' for individuals to leave their country making them more vulnerable to trafficking (Farr, 2005), but the Protocol only dedicates one sentence to eradicating systematic issues such as poverty without specifying how to combat it nor the requirements states need in place to begin addressing the root problems of it (Palermo, 9(4), 2000). Whereas the articles concerning the criminalization portion of trafficking is quiet extensive and detailed with specific acts being criminalized, law enforcement training and information exchange, and border measures (United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000).

This definition also establishes 3 elements of human trafficking that were not necessarily included in state definitions of human trafficking. The three elements of human trafficking are

¹ There are numerous reasons for why human trafficking occurs, and this is by no means an exhaustive list. The systemic causes mentioned are very common in the literature and is why they are used in this example.

the movement of people, force, fraud or coercion, and exploitation. Since the purpose of traffickers is to exploit, the Protocol also established that consent cannot be given by the individual regardless of the fact if the victim ‘willingly’ crossed borders or entered into the sex trade because of the exploitative nature they could not fathom before they were forced into human trafficking (United Nations’ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000). This is important to note because often times trafficking is confused or thought of as the same as smuggling or migrants. However, those who are smuggled or are migrants leave their origin country voluntarily (Parreñas, Hwang, & Lee, 2012). For example, an individual may wish to move to a different country in prospects of a better life, so they may pay someone to transport them into a new country bypassing immigration law, this is especially common on the US and Mexico border (Cornerstone, 2017). Migrants on the other hand is a broader term that encompasses all individuals wishing to move from one country to another, including those who do so through legal means, however, there is not internationally agreed upon definition making it unclear where the distinctions between smuggling, and migrants lie (IOM, 2019). Because consent cannot be given in situations of human trafficking per Palermo, migrants and smuggling cannot be used interchangeably with human trafficking.

Even with the three elements of human trafficking and the clarification on matters of consent, the definition is still relatively broad which continues to fuel numerous interpretations of what human trafficking is and how prostitution fits into the conversation. In fact, there is “little consensus or agreement among researchers, policy makers, and activists about the scope of the problem; and scant evidence or substantiation about trafficking practices” (Kempadoo, 2005, vii). The broadness, especially when defining exploitation, has caused for competing definitions

of trafficking (Parreñas, Hwang, & Lee, 2012). One area that continues to be contested is prostitution and whether or not it is a form of human trafficking. Some argue that prostitution is always a form of human trafficking because of the gender inequality that exists in the world today fueling the sexual exploitation in the patriarchal global economy (Kara, 2009; Swanson, 2016). This viewpoint recognizes that without the demand of women and girls for sex by men, the sex trade would not be able to prosper (Ekberg, 2004). It is thought that in order for all members of society to be free of gender discrimination, the society itself must reject the notion that women and girls can be bought and sold as commodities (Ekberg, 2004). Other scholars add to this viewpoint stating all forms of sex work are degrading and oppressive to women, and have suggested immigration, trafficking, and pro-prostitution laws work against identifying victims and prosecuting traffickers (Sullivan, 2007; MacKinnon, 2011). Thus, furthering the argument that prostitution is a form of violence against women. This viewpoint, however, fails to recognize differences in “cultural standards of living or variations in the standards associated with legalized prostitution” (Swanson, 2016, p. 603). This abolitionist view fails to recognize the unique means in which individuals enter the prostitution market, which are shaped by different experiences and beliefs (MacKinnon, 2011; Sullivan, 2007). Meaning it assumes women do not have agency and choice in engaging in sex work which disempowers women to be sex positive.

Others argue prostitution is form of sexual liberation and is a legitimate form of women’s agency and choice (Agustin, 2007). Under this interpretation of prostitution, sex work is a legitimate form of work because if a woman is starving and lacks skills or opportunities in life, it may be the only means of survival she has left to earn a legitimate wage (Agustin, 2007). These discrepancies in the literature make it difficult to understand if prostitution is a form of human trafficking, however, this interpretation may oversimplify gender inequality as the driving force

behind a woman's "choice" to enter the sex trade. If a woman lacks skills or the opportunities in life that would afford her a better one than engaging in prostitution, is it truly her choice? Or has the systemic issues such as gender inequality and poverty drove her to engage in work that diminishes her to a commodity thus inhibiting her ability to choose? "Almost every girl born today will face more constraints and restrictions than will be encountered by a boy who is born today into the same *social circumstances* as that girl." (Bennett, 2006, p. 10). Without the recognition of how gender inequality fuels sex trafficking, it is impossible to combat it because systemic issues require radical change within a society and without the changing of perceptions of women and girls' role in society, governments will continue to treat the symptoms of sex trafficking and not the root causes.

2.1.1 Scope

For the purposes of this paper, human trafficking will be defined as it is in the Palermo Protocol, since it is the definition, the international community agreed upon, and because it is the same definition in the European Union's Protocol Against the Trafficking of People, which is legally binding and enforceable to the government of the case study later discussed. This paper will also discuss human trafficking in the context of sexual exploitation, by any means outlined in the definition. Sexual exploitation is being used because it is the most frequently reported form of human trafficking in Europe (Europol, 2016), and it is still the most common form in Germany (European Commission, n.d.). Another reason for studying sexual exploitation as a form of human trafficking is because there is more data available compared to how relatively little there is on other forms such as organ trafficking. Because of the radical feminist viewpoint, which will be discussed later in the conceptual framework, prostitution will also be a form of

sexual exploitation. The true prevention of sex trafficking and its eradication, is rooted in gender inequality and other feminist viewpoints ignore how much of an impact it has on sex trafficking, thus making it necessary for the abolition of prostitution and the true empowerment of women and girls. It's important to note a human rights framework can be applied to all forms of trafficking, but the scope of this paper does not allow for analysis of combating all forms of it, hence why a focus on one form. The movement of persons criteria will be satisfied by women and girls who are non-German nationals that were brought into the country. This is because the protection of victims must be extended to everyone regardless of citizenship and by studying non-German nationals who may have more limited access to services and German society due to being non-citizens, this paper will add to the literature on how polices can better serve *all* victims of trafficking.

2.2 Conceptual Framework

2.2.1 A Human Rights Framework for Combatting Human Trafficking

Human trafficking is a grave violation against one's human rights and is arguably one of the worst forms of violations seen in the world today. The relationship between trafficking and human rights is indisputable given that human rights law has, since its creation, "forcefully asserted the immorality and unlawfulness of one person appropriating the legal personality, labor, or humanity of another" (Brysk & Choi-Fitzpatrick, 2012, p.173). In situations of trafficking, specifically sex trafficking, survivors are deprived of their basic human rights that states are liable for upholding (Haddadin & Klimova-Alexander, 2013), such as protecting an individuals' personal and physical dignity, the right to personal freedom and security, and the principle of nondiscrimination (Experts Group on Trafficking in Human Beings, 2004). Since

survivors are deprived of their basic human rights this “diminishes the power they possess in the larger system of exploitation, this is why it is imperative that policy solutions protect victims by more robust solutions for *all* women” (Brysk & Choi-Fitzpatrick, 2012, 12). Trafficking is then situated in the viewpoint that a trafficker uses their power to attach ownership to another individual for the sole purpose of gaining the monetary benefits associated with that work e.g., money that is made from sex work. The loss of power an individual has due to being a victim can only be restored by “prioritizing survivor’s rights over other issues that stem from trafficking such as immigration, national security, crimes, and exploitative cultural and gender norms” (Choi-Fitzpatrick, 2015). This is because by focusing on the restoration of rights lost, they can become functioning individuals of society once again with autonomy and dignity. States then must address the structural issues that make it difficult for victims to reintegrate into society and address any psychological needs that may arise from possible trauma (Choi-fitzpatrick, 2015). Without addressing the root causes of human trafficking states cannot hope to be able to eradicate it. By having a human rights framework, states are able to implement strategies that protect victims by rescuing them and also reintegrating them within society with also keeping prevention efforts at the forefront. In other words, “a human rights– based framework can best be described as a conceptual framework that is *normatively* based on international human rights standards and that is *operationally directed* to promoting and protecting human rights” (United Nations Sustainable Development Group, n.d.).

2.2.2 3 R’s as a Rationale for Victim Centered Approaches to Human Trafficking

This holistic response to trafficking fostered by a human rights approach is centered around rescuing victims, rehabilitating them, and reintegrating them back into society. Because

of the scope of the paper being primarily on the protection of victims, the 3R's will be evaluated in terms of the guiding principles to the human rights approach, since the policies discussed later were written from this focus on victims. This 'victim centered' approach requires a multi-dimensional response to deal with the aftermath of trafficking, especially for the victims that previous interpretations ignore (Shigekane, 2007). Rescue has to do with identifying victims and removing them from their trafficked situations (Ghimire, 2012). Rescuing victims early from their situations, preferably before too much trauma has taken place, allows for an easier transition into community life with as little stigma as possible (Ghimire, 2012). When raids do occur to rescue victims, the teams should be comprised of many different agencies such as law enforcement, specifically female police officers when dealing with trafficked girls, doctors, representatives from non-profits, social welfare officers, etc., (Donger, & Bhabha, 2018). These individuals then must be versed in trafficking law, trauma related trainings, and their individual role in rescuing the victims (Donger, & Bhabha, 2018). Otherwise, there is a risk for re-victimization making it harder for the reintegration stage. Then victims are brought to safety in a separate location with confidentiality of the place and victims of the upmost importance (Donger, & Bhabha, 2018). Once they have been rescued, rehabilitation may occur.

Rehabilitation is then evaluated by how well a victim is cared for in the aftermath and reintegration depicts how well the victim will be able to enter society as a full functioning citizen once again. Rehabilitation is addressing the trauma that has arisen because of the crime. Many times, victims have severe psychological trauma that needs to be addressed through therapy and other medical services (Shigekane, 2007). Women and girls sold into sex slavery in particularly state feelings of depressions, "numbness," paranoia, sleeping disruptions, easily startled, feelings of worthlessness, etc. due to the extreme forms of isolation from the outside world as well as

emotional abuse inflicted on victims to maintain control, often resulting in victims self-harming and engagement in high-risk behavior such as drugs (Shigekane, 2007; Raymond & Hughes, 2002).

Once an individual has started to heal from the trauma, there needs to be efforts by the state to reintegrate them into society. Since many of these women are very young, it is not uncommon for them to not know how to live independently, especially in a new country with completely different customs and culture than they are used to (Shigekane, 2007). The specific type of individual traffickers' prey on also points to the increased need for reintegration techniques because they are normally low-skilled and have limited education levels making them the 'perfect' victim and the need for programs aimed at mitigating this (Shigekane, 2007). One way to evaluate how well a state is rehabilitating and reintegrating victims is to look into funding of non-profits and other government organizations that provide these services (Shigekane, 2007). These measures are also laid out by GRETA, The Group of Experts on Action against Trafficking in Human Beings, who is the leading body from the Council of Europe Convention on Action against Trafficking in Human Beings, in the form of country reports that details how countries implement these measures and the specific institutions in place (GRETA, 2015).

2.2.3 Sex Trafficking as a Form of Gender-Based Violence

The scope of this paper focuses on sex trafficking with about 80 percent of victims being women and girls (Casltes, & Miller, 2009), thus calling for the discussion of gender-based violence, and human rights. To understand violence against women, one must evaluate how women are situated in the social context of everyday life, otherwise there is very little that can be done to eradicate the violence and most importantly the prevention of sexual exploitation. By

looking at gender violence through a radical feminist viewpoint, one can evaluate how systemic issues, power, and domination affects how women are perceived in society and more importantly, how to address the inequalities women face. First, sexual exploitation dehumanizes a woman because it reduces the woman to her body for the pleasures of men. By reducing a woman to only her body it creates a power imbalance between men and women because it diminishes a woman's worth to the physical characteristics that are different from men, thus allowing for oppressors to annihilate any attempts a woman makes to progress, grow, and develop within a society (Barry, 1995). The body then is not just different from men in terms of physical characteristics, it is portrayed as a "sexed body" whose sole purpose is to be used for sex (Barry, 1995, p. 25). This diminishes a woman's perceived value in society because it reduces her to her body and only her body, and it is a perception that will follow her everywhere she goes (Barry, 1995). This view of the woman's body reduces women's position in society by being seen as subordinates whose role is to serve men that is reinforced through violence as a means of domination (Frye, 1992). Men cannot outright claim possession over a woman anymore, but men are still able to exercise their control over women by reducing their bodies to commodities that can be bought and sold (Jensen, 2021). However, with the illegality of outright ownership of women, women have gained more economic independence thus threatening men's power and their control over women, "patriarchal domination reconfigures around sex by producing a social and public condition of sexual subordination that follows women into the public world" (Barry, 1995, p. 53). Since women have been reduced to their "sexed body" and are subordinates to men, the violence that occurs in the form of sexual exploitation is a systemic form of men's dominance and social control of women, thus the assault of exploitation primarily occurs because of institutionalized male privilege as men believe it is

their right to enact violence against women to maintain power (Dobash & Dobash, 1979; Gerassi, 2021). Women have the right to be free from discrimination based on their gender as set out by The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), (1979). Article three states;

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Because gender-based violence is a phenomenon of power and domination within a society, women are deprived of their basic human right to dignity, and security that is guaranteed to them by international human rights law and CEDAW. However, without situating sexual exploitation in the conversation of radical feminism, policies will never be able to guarantee “the enjoyment of human rights and fundamental freedoms on a basis of equality” (The Convention on the Elimination of All Forms of Discrimination against Women, 1979) thus subjecting women and girls to discrimination for the rest of their lives. A human rights approach allows policy-makers to recognize the difference experiences women and girls have by evaluating the inequalities they are faced with, and it also ensure a holistic policy response that is in accordance with international human rights law.

2.2.4 Intersectionality

Another important concept that needs to be discussed in conjunction with gender and sexual exploitation is intersectionality. Intersectional was a coined term by Kimberlé

Crenshaw to explain why black women were not fully represented in feminist and anti-racist conversations in the United States (1989). Intersectionality forces policy makers, academics, government officials, etc. to understand that everyone has a unique experience in life and that experience is dependent on the identities in which they possess (Crenshaw, 1989). In terms of sexual exploitation, not all women's experiences will be the same. There are similar themes and situations, but the identities one holds shape their experience while being trafficked differently. For example, women who have been trafficked from Eastern Europe have been represented in the literature as individuals who are looking for a better life (United Nations Interregional Crime and Justice Research Institute, 2005). Women who fall victim because of this reason are from a lower socioeconomic status so when a trafficker approaches them, they are able to exploit the fact that they are women, and because they are poor. This means that women are then transferred to another country under the prospect of work. It's imperative to understand how intersectionality interacts with a woman's experience when looking at policy solutions on how to reintegrate her back into society. Since the woman is not from the destination country (the country she was brought to), she will have a harder time accessing support services, gaining employment, and leaving her situation because she is not a citizen of that country, and it is not uncommon for them to not know the language, thus making it even more difficult for her to escape. There is also a possibility of discrimination because she is not from the destination country and may look different from the citizens of the country or have an accent, thus making it more of a difficult experience for than someone who knows the language. Now if a woman is moved within the country in which she holds citizenship, once rescued she will have an easier time accessing resources because she knows the language and cannot fear deportation because of her citizenship status. Being a citizen of the country one is trafficked to is a privilege that shapes

the experience of the victim especially when the rehabilitation stage occurs. The Palermo Protocol briefly addresses intersectionality by stating “each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.” (2000, art 6.4). By taking into account, one’s gender, age or special needs, states create a better approach to implementing solutions that will work. For example, after a woman is rescued from being sexually exploited, she may not wish to interact with any male officers or service workers, and if she is forced to, she may be revictimized which contradicts the purpose of a victim-centered approach focused on human rights. This added viewpoint allows for policy makers to gain a better understanding of how identities can hinder or facilitate protection of victims and how policy solutions should take into account those inequities.

2.2.5 3 P’s Paradigm

The Palermo Protocol established a definition of human trafficking and gave a three pronged approach to combatting it. This three-pronged approach are the 3 Ps of human trafficking and means to prosecute traffickers, protect victims, and prevent trafficking in general. The 3 Ps were first coined by the U.S. government with the passing of The Trafficking Victims Protection Act of 2000 which outlines a framework for concrete actions governments must take to uphold the human rights framework, (U.S. Department of Justice, 2020.). Sally Engle Merry’s work illuminated the issues with having only quantifiable data to track trafficking and how qualitative data allows for a more robust illustration of the causes trafficking, and better ways to combat it (2016). She states that numbers is the easiest form of data to interpret and show policymakers, but it is imperative to give victims a voice and listen to their experiences because

it shows the pitfalls of policy and where new solutions need to be implemented to ensure victim's rights are restored, but most importantly prevent them from being violated by sexual exploitation in the first place (Merry, 2016). This is incredibly important in monitoring trafficking because it is a crime that is underreported and hard to quantify consistently across countries, especially in countries where prostitution is legal and not seen as an act of violence against women. By implementing a three-prong approach to trafficking, governments can fulfill their obligations of restoring the rights lost to the victim and reintegrate them into society.

The first P is rooted in criminal justice framework of combatting trafficking. Palermo set out that traffickers need to be punished to give justice to their victims and to deter other traffickers (U.S. Department of State, 2021.). This means states must criminalize all forms of trafficking, “vigorously investigate and prosecute cases, and convict and sentence those responsible with prison sentences that are sufficiently stringent to deter the crime and adequately reflect the heinous nature of the offense” (U.S. Dept. of State, 2021, p. 1). The Palermo Protocol defined human trafficking as crime, so states are not allowed to impose sanctions on a convicted trafficker that do not include a prison sentence. Palermo also requires states to prosecute those who are accomplices to trafficking, those who attempt to traffic, and those who “organize or direct” others to traffic others (2000, art. 5). This stems from the fear that traffickers will not be properly deterred if the sentence is not harsh enough (U.S. Dept. of State, 2021). Article 10 also goes on to outline how law enforcement officials should share information with other government officials and law enforcement agencies to help identify victims, the means and methods in which traffickers use to exploit others and suggests law enforcement officials be given better training to deal with situations of trafficking and to provide efficient cooperation among domestic government agencies (United Nations’ Protocol to Prevent, Suppress and

Punish Trafficking in Persons, Especially Women and Children, 2000). Lastly, it also entitles victims to compensation in addition to the conviction of their trafficker. The criminalization of trafficking was given the most attention in the Palermo Protocol thus providing more direction in this area than the other P's. This P represents the criminal approach to trafficking and treats it as a crime thus utilizing solutions fit to rectify "violations of the legal provisions of the state" (Beeks & Amir, 2006, p.11). Viewing trafficking in this light results in the urge to punish those involved. These policies are aimed at deterring individuals from trafficking others by putting in place harsh prison sentences (Pourmokhtari, 2015). In this view of trafficking victims are handled by criminal justice entities, meaning the rights that were abused and taken away from the crime cannot be restored because legal channels do not allow for the complexities of trafficking to be fully addressed (Laczko & Thompson, 2000). This is the rationale behind including the two additional Ps, because the criminal approach does not allow for a holistic approach needed for the complexity of human trafficking, especially sex trafficking.

The next P set out to foster a victim-center approach to trafficking is a recognition of the human rights loss when an individual is trafficked. The protection of victims is arguably one of the most crucial steps in combatting trafficking. Without the protection of victims, states cannot rectify the violation of rights and cannot fulfill their obligations to the victim. Measures used to analyze if countries protect victims is as follows; "identifying victims, providing referrals for a comprehensive array of services, directly providing or funding NGOs to provide those services, and supporting these individuals as they rebuild their lives" (U.S. Dept. of State, 2021, p.1). Identifying victims may be one of the hardest aspects of trafficking and has called for more research on which methods are the most effective for the proactive identification that is required by international law (Cruyff, Van Dijk, & Van Der Heijden, 2017). This requires states to

properly train their first responders and law enforcement agencies to identify victims, otherwise it makes it more difficult to gather data on the problem and properly combat it. It is imperative that once an individual has been identified as a victim that they are treated with respect and dignity to prevent further trauma and to provide them with an opportunity to live their life in any way in which they see fit (U.S. Dept. of State, 2021). In situations where victims are not nationals of the country in which they are identified, states are required to allow them to stay in the country without fear of deportation when they are accessing services to recover, and are absolved from any criminal prosecution that could occur from their actions e.g. illegal immigration, or other crimes they may have been forced to commit (U.S. Dept. of State, 2021). In consequence governments are also required to ease the immigration process for victims and protect them from further victimization from the trafficker as well as any harm that may come upon their family for leaving the trafficker (U.S. Dept. of State, 2021). The Palermo Protocol also states that for adequate victim protection there must be effective cooperation among law enforcement and service providers throughout the identification of victims, but also throughout any criminal proceedings that may be pursued to ensure victims are fully cared for (U.S. Dept. of State, 2021). Lastly, the U.S. has identified that comprehensive victim services must encompass emergency and long term care services such as “housing, food, medical and dental care, and legal assistance; and access to educational, vocational, and economic opportunities”, however, if the victim returns to their origin country it is not a requirement for the government of that country to supply reparation and assistance (U.S. Dept. of State, 2021, p.1). Palermo on the other hand does not require that states to implement measures that ensure the recovery of victims and in fact makes it a suggestion by stating “states shall *consider* implementing measures ‘to provide for the physical, psychological and social recovery of victims of trafficking in persons’” (2000,

art. 6.3). This choice of language gives states the option to implement these measures which undermines the purpose of a human rights framework. Without the recovery of victims, the power imbalance between men and women will continue to exist, and it means victims will not be able to be restored the rights loss. Recovery allows victims to be functioning citizens of society without fear of harm, and it is imperative to ensure violations to their human rights are restored.

The last P in this framework is prevention and is one of the most contested measures because of the many schools of thought on how to prevent trafficking. It is heavily reliant on the ability for states to gather accurate information on human trafficking so that information can be spread of the crime thus aiding the prevention measures the country can implement (U.S. Dept. State, 2021). By providing information to at-risk groups of human trafficking, states can prevent them from falling victims to traffickers and by having meaningful partnerships between the government and civil society, individuals have an expanded awareness of human trafficking, and the facilitation of creative solutions formed outside of legislative buildings can take place (U.S. Dept. of State, 2021). Some measures that can help facilitate the prevention of human trafficking are “implementing measures, such as birth registration, that reduce vulnerabilities to trafficking; strengthening partnerships among law enforcement, government, and NGOs; emphasizing effective policy implementation with stronger enforcement, better reporting, and government-endorsed business standards; and working to reduce demand for commercial sex” (U.S. Dept. of State, 2021; United Nations’ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000).

3 Methodology

3.1 Case Study

Germany is the country that will be used for analysis to understand to what extent a human rights framework to human trafficking, specifically in cases of sex trafficking, can protect victims. This is a typical case as determined by the Tier 1 status according to the US's 2023 Trafficking in Person's Report that establishes whether or not countries are in full compliance with the Palermo Protocol. A tier 1 status dictates that a country is in full compliance. However, Germany has only been deemed a tier 1 country since 2022 making it a perfect case study to determine if the revamped policies are protecting victims. Germany was also picked because of the high influx of migration the country has seen with the Syrian War and the Russian invasion of Ukraine, thus increasing the potential for individuals to be trafficked giving the potential for more data to be available.

Generally, Germany's data on trafficked victims is relatively little. Compiling data on trafficking is difficult in general, however Germany does not have a national referral mechanism in place for identifying victims thus making it more difficult for the country to have uniform standards and makes it harder to gather data to devise better policy solutions that are unique to victims who are trafficked in/to Germany. The data on prevention and protection efforts by Germany is compiled by international organizations such as The Group of Experts on Action against Trafficking in Human Beings (GRETA), and the Trafficking in Persons Report by the United States. GRETA has implemented three evaluation rounds with Germany passing the minimum requirements in the second round of evaluation. As mentioned earlier, Germany was deemed a Tier 1 country by the U.S. after being demoted in 2019. Otherwise, there are very few documents that outline what the current state of care is to victims and if it is effective. This paper

will compile a variety of sources including the documents provided by GRETA, and the US, various German government official documents, as well as interviews from service providers and victims to understand if the measures Germany has implemented are protecting victims. By including interviews in the analysis, problems in the policy implementation can be illuminated giving policymakers accurate information on how to tackle it.

3.2 Criteria to Measure Protection of Victims

To measure if Germany complies with the international agreed upon human rights framework for combatting human trafficking specifically sex trafficking, the actions outlined under the 3 P paradigm will be used. Unfortunately, not all 3 P's will be evaluated because the level of analysis needed is outside the scope of this paper and would be better suited for a dissertation at the PhD level. There will be an analysis on the factors identified earlier in the paper concerning the protection part of the paradigm; "identifying victims, providing referrals for services, directly providing or funding NGOs to provide those services, and supporting individuals as they rebuild their lives" (U.S. Dept. of State, 2021), which is also the criteria the U.S. and GRETA use when evaluating countries' compliance with human rights law and human trafficking.

1. **Identifying victims;** is the way in which countries identify victims, but also ensures a country is identifying individuals to actively fight trafficking. This criterion will be heavily focused on how well-trained service providers and law enforcement officials are to identify victims, and the referral mechanism within Germany to streamline this process. It will also evaluate the number of victims that are identified by Germany. This

criterion is rooted in the ‘Rescue’ rationale of the 3 R paradigm which is crucial in ensuring a victim-centered approach to combatting sex trafficking.

2. **Funding:** is the monetary amount Germany provides to NGOs and civil service providers who care for victims and support their reintegration (i.e. housing, food, counselling, etc.). Without funding, the country would not be able to adequately protect survivors and combat trafficking according to international human trafficking and human rights law.

3. **Accessibility of services and supporting individuals for reintegration:** determines whether or not service providers are able to refer victims to other services they may need such as counselling, or law services if they wish to press charges against their offenders. This also includes whether or not a recovery and reflection period is provided to victims, the services available to them during this time period, and the ability to be granted this time period by the German government free of conditions so victims can focus on healing and decide whether or not they wish to cooperate in a criminal investigation of the trafficker. Policies for reintegration must ensure individuals are streamlined back into society. This criterion will analyze how policies from other areas that intersect with the crime of human trafficking, such as immigration, either reinforce reintegration efforts or detract from them.

These three criteria will be evaluated in the context of Germany since they have ratified the United Nations’ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and other international agreed upon anti-trafficking policies. They also foster a victim-centered approach which is the core of the human rights approach to combatting

human trafficking, because of the utilization of the 3 Rs to ensure effective protection of victims. Lastly, the use of interviews also ensure victims are the center of combatting trafficking because it gives them a voice in their victimization and allows for a human rights approach that ensures all women will be better served according to the inequities that fuel their unique experiences.

4 The German Context

4.1 Sex Trafficking in Germany

Germany continues to be a destination country for third country nationals who are being sex trafficked (GREAT, 2019). According to the Human Trafficking and Exploitation National Situation Reports of the Federal Criminal Police Office (BKA), the number of identified adult victims of sexual exploitation were 430 in 2018, 427 in 2019, 406 in 2020, and 417 in 2021. Unfortunately, there has not been a report released for 2022 yet. Of all victims identified in human trafficking, sexual exploitation continues to be the most prevalent, but there has been dramatic increases in the proportion of other forms of trafficking from the above mentioned years (BKA, 2018; BKA, 2019; BKA, 2020; BKA, 2021). The overwhelmingly majority of victims are women (93.8% in 2020, 92.8% in 2021), and 71.7% of victims were from European countries with 22.8% of them being of German descent in 2021 (BKA, 2019; BKA, 2021). The other European countries Germany reported victims were predominately from Bulgaria, Romania, and Hungary. Percentages of ethnic groups are relatively the same throughout 2018-2021 with spikes in females from Thailand in 2019, and China in 2021 due to large scale police investigations that resulted in predominately women from those countries during those years (BKA, 2019; BKA, 2021). In addition, there were 164 child victims identified in 2018, 155 in 2019, 251 in 2020, and 265 in 2021 (BKA, 2018; BKA, 2019; BKA, 2020; BKA, 2021). In terms of sex, females tend to be identified more with 72.8% identified in 2021, which is similar to the 75% identified in 2018 (BKA, 2018; BKA, 2021). It's important to note that the number of identified victims does not truly reflect the magnitude of the problem of sex trafficking within Germany mainly because of a lack of data collection (GRETA, 2019), but this will be further explained in the analysis portion of the paper.

4.2 Policy Context

Germany is a party to numerous international policies that are committed to eradicating sex trafficking, and human trafficking in general. They are party to the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in addition to the Council of Europe Convention on Action against Trafficking in Human Beings which were both ratified in 2006. This demonstrates Germany's commitment to a victim centered approach rooted in protecting the human rights of victims of sex trafficking. It is also relevant to note they ratified the UN Convention on the Rights of the Child in 1992, including its Optional Protocols on the Sale of Children, Child Prostitution and Child Pornography and on a Communications Procedure in 2009 and 2013. The ratification of this convention requires Germany to condemn all acts of exploitation including sexual exploitation committed against children, requiring them to extend the human rights framework to children. Lastly, Germany ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in 1985 and its Optional Protocol in 2002. CEDAW ensures that Germany will also address issues of gender inequality within the country, which is the only way in which countries will be able to prevent sexual exploitation and the violence it commits against women and girls. It also means that Germany recognizes the harmful effects gender inequalities produce within a society and how it can fuel sex trafficking.

As a member of the European Union, Germany is required to uphold all directives that are passed by the EU parliament. Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of

an action to facilitate illegal immigration, and who co-operate with the competent authorities, Directive 2004/80/EC relating to compensation to crime victims, and Directive 2012/29/EU of the European Parliament and the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings. Germany also signed into law the Act to Improve Action Against Human Trafficking and to Amend the Federal Central Criminal Register Act in October of 2016 to fulfill the requirements set out by Directive 2011/36/EU of the European Parliament and of the Council of the EU. It replaced the previous criminal code with four new criminal offences relating to human trafficking, and it included the three elements of the convention's definition of human trafficking; act, means, and purpose of the exploitation (German Criminal Code, §§ 232-233a). There have also been developments in German common law since 2015 to strengthen the protection of rights of victims, better access to the legal system to press criminal charges at Germany's expense, and free psychological help during court proceedings (GRETA, 2019). These forms of EU law and German law will be evaluated further during the analysis portion of the paper.

4.3 Institutional Context

Germany's federal structure means that many policies pertaining to sex trafficking are carried out between the federal and the Länder levels. Germany has established different working groups at the federal level to increase coordination between state agencies and local ones (GRETA, 2015). The first of which was established in 1997 called the Federal Working Group on Trafficking in Women (Bund-Länder-Arbeitsgruppe Frauenhandel) which primarily handled cases of sex trafficking but was later named the Federal Working Group on Trafficking in

Human Beings (Bund-Länder-Arbeitsgruppe Menschenhandel) in 2012 to deal with the broadened scope of human trafficking to combat all forms instead of only trafficking for the purpose of sexual exploitation (GRETA, 2015). The working group is headed by the chair of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, and is also comprised of ministers from various ministries including the Federal Criminal Police Office, the Federal Office for Migration and Refugees, one representative each from the technical conferences of Länder ministries of the interior, justice, social affairs and equality, the NGOs KOK and SOLWODI, the Federal Association of Non-statutory Welfare, and the German Institute for Human Rights (EU Commission, n.d.). There are six goals of the working group to combat trafficking including “expanding prevention, raising awareness on the part of public authorities and improving the identification of victims, expanding counselling and support structures, strengthening prosecution - reviewing the effectiveness of the new criminal law, improving the data basis, and raising public awareness” (Federal Ministry of Labour and Social Affairs, 2016).

The other federal agencies involved in combatting trafficking in the form of sexual exploitation is the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), the Federal Ministry of the Interior (BMI), and the Federal Police force (BKA). BMFSFJ is the main federal body for combatting human trafficking mainly because the Division against violence against women within the Department of Equal Opportunities has been at the forefront of combating sex trafficking since Germany’s first anti-trafficking policies (GRETA, 2015). Its function is to coordinate policy initiatives regarding trafficked victims and also oversees the funding of anti-trafficking NGOs and the hotline for women victims of violence (Federal Ministry for Family affairs, Senior Citizens, Women and Youth, n.d.). The Federal Ministry of the Interior’s main function is to implement the Residence Act, and to oversee the

Federal Office for Migration and Refugees, who is responsible for accepting or denying asylum applications and decides whether or not protection is granted to the asylee seekers (GRETA, 2015). Lastly, the BKA is the central point of contact for all domestic and judicial authorities within the country, and it facilitates information between these parties and cooperation between them in judicial procedures (Bundeskriminalamt, n.d.). Judicial proceedings of traffickers are normally carried out by the Länder police forces but in instances where they are unequipped to prosecute or if traffickers cross multiple Länder jurisdictions, the BKA will step in and investigate (GRETA, 2015). The BKA also devises trainings for federal police officers on investigations concerning victims of trafficking, and other government officials and staff who provide services to victims so they understand their responsibilities to victims of trafficking (BKA, n.d.). Lastly, the BKA is responsible for the annual statistics report on trafficked persons compiled from data given by Länder police forces (GRETA, 2015)

The non-federal institution charged with combatting human trafficking are the Länder police forces. Germany is made up of sixteen federated states called Länder. The Länder is responsible for the protection and support system of victims, finance counselling centers and it “sets up co-ordination structures on the basis of co-operation agreements” (GRETA, 2015, p. 16). To streamline this process the Länder has round table talks with the relevant stakeholders in combatting trafficking to ensure better cooperation among the various institutions (GRETA, 2015).

The last portion of society that is also responsible for anti-trafficking measures is the civil society actors and NGOs. The German’s main NGO for combatting human trafficking is KOK, and it has a network that is comprised of thirty-seven member organizations that range in their role in implementing anti-trafficking policies; counselling centers for victims, immigrant focused

projects, safe houses for women and counselling services for prostitutes (KOK, n.d.a). The KOK is funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, and is responsible for networking between member organizations and other stakeholders, lobbying, education, and for transferring information of human trafficking to prevent others from falling victims (GRETA, 2015).

5 Analysis

5.1 Identification of Victims

Germany does not have a national referral system for the identification of victims. Victims can be identified by either police or other service members such as counseling centers or healthcare professionals and are then they are referred to other services available if necessary. Germany has had an increase of identified victims outlined from the BKA reports mentioned earlier in this paper. However, the number of identified victims of sex trafficking decreased in 2021 forcing the German government to have more proactive measures of identifying victims (U.S. Department of State, 2023). There has also been an increase in the trainings provided to officials and staff who may come into contact with potential victims and how to identify them (U.S. Depart. of State, 2023). This is in light of the decrease in the amount of identified sexually exploited victims and it also calls into question if the country has a uniform standard on identifying victims. Germany has no national referral mechanism in place making it harder for Länder level police forces to have consistent standards across the country in identifying victims, (GRETA, 2019). This is incredibly problematic because without identifying victims the country is unable to gain a full picture of the magnitude of the problem nor is it able to rectify human rights violations that only states are equipped with doing. Even though there are federal standards on referring and identifying victims, state-level officials are the primary entities for implementing victim care and protection, it is important that they have uniform standards in addressing those concerns, otherwise the different definitions of sex trafficking can skew the data and make it harder to combat issues arising from human trafficking. Of the 16 states, only 13 have standards on identifying victims of trafficking thus making Germany fall short on it's ability to adequately identify victims.

5.2 Funding

In terms of funding, the federal government allocated €546,578 (\$583,951) to KOK's management operations in 2022, which is an increase compared to 2021 where €506,000 (\$540,598) was allocated. The government also allocated about €282,810 (\$302,147) to the NGO operating the *Servicestelle*, compared to €271,000 (\$289,530) in 2021. State governments also funded anti-trafficking measures in 2022, by allocating about €2.61 million (\$2.788 million) to human trafficking NGOs, a big decrease from the €5.91 million (\$6.314 million) that was allocated in 2021, and it included additional funding for pandemic-related costs of €3.3 million (\$3.526 million) in 2020 (U.S. Dept. of State, 2023). Despite the funding efforts of the federal and state governments, NGOs and service providers have stated they need more to support staff, and operational needs in general, especially after the pandemic which required them to rely on private donations (U.S. Dept. of State, 2023; Vivian & Rakovsky, 2023). This is partly due to the pandemic and the influx of migrants coming from Ukraine after Russia's invasion that posed a strain on government resources (U.S. Dept. of State, 2023). The strained resources has also meant that less funding is available to victims in terms of the availability and access to emergency services thus cutting the short-term care funding and with very few long-term care services available to victims, this makes it even more difficult for victims to access the services they need (U.S. Dept. of State, 2023; Vivian & Rakovsky, 2023).

With regard to the pandemic and strained resources because of the Russian invasion in Ukraine, Germany should allocate more funding to NGOs and law enforcement officials. It would allow for the creation of uniform standards in identifying victims, and provide the services needs for recovery. Without the funding of short-term and long-term services to victims, victims are not fully

protected thus calling for a strengthening of protections in accordance with a human rights framework.

5.3 Accessibility of Services and Supporting Individuals for Reintegration

There is also no formal government document to outline the number of victims who received services which makes it harder to evaluate if the services are adequately being presented to victims. In 2021, 129 victims received services provided for either by the state government or through NGOs and the civil society (U.S. Dept. of State, 2023). KOK on the other hand reported assisting 725 victims with 175 of them being new clients (U.S. Dept. of State, 2023). These numbers should be used with caution because of the absence of uniform reporting standards, there is a high possibility that these figures double count victims and may conflate the real numbers. KOK and its member organizations serve as an entry point into recovery for victims without the presence nor need of law enforcement, which has shown to be effective in more victims coming and utilizing the support offered (U.S. Dept. of State, 2023). The type of support used by victims provided for by the KOK include:

psycho-social support, information on victim rights, referral and accompaniment to medical appointments, support during asylum proceedings, crisis intervention, assistance with documentation, support during residence permit proceedings, assistance accessing a means of subsistence, literacy and language courses, referral for legal advice, obtaining compensation or back wages, support during criminal proceedings, referral to training and education, and employment (U.S. Dept. of State, 2023).

All of these services are imperative in upholding a human rights framework but often times victims are unaware of the services they are entitled to by law and do not utilize them (Lea Rakovsky, 2023). Another problem illuminated by service providers are the conditions that are set on victims to gain temporary residence status if they are non-German nationals. Germany requires a victim to cooperate with criminal proceedings in order for them to gain legal access to stay in the country, but often times there is not enough evidence to conduct a trial thus leaving victims without protection and the ability to participate in Germany's economy and society. It also means victims are only given three months for a 'reflection and recovery' period if they cooperate with criminal investigations and risk being deported back immediately if they do not wish to testify (Vivian & Rakovsky, 2023). Victims have numerous reasons for not wanting to involve police some of which include they do not believe the police can help, fear of deportation, they expected their family would help them, and fear of retaliation from the trafficker (United Nation Interregional Crime and Justice Research Institute, 2005). Another important note is that even if there is enough evidence to go to trial, the support services end once the trial is over, and the termination of these support services may result in victims having to go back to their home countries after testifying against their perpetrator, which can put them in dangerous situations in their home countries or may be revictimized back into sex trafficking (Vivian & Rakovsky, 2023). If victims do decide to testify, they are informed of the procedure and their rights either by law enforcement officials or service providers, whoever comes in contact with them first. This protects victims because it gives them the opportunity to speak out against their offender if they choose to. However, the recovery and reflection period has not been implemented uniformly or consistently across cases because of the inconsistencies in definitions of human trafficking and identification standards of victims (U.S. Dept. of State, 2023). There is also no data on how

many temporary residence permits were granted during this period (U.S. Dept. of State, 2023), which would help in the analysis of accessibility of the permit for victims. However, victims are given a lot of support in immigration by NGOs and help them such as accompanying them to immigration proceedings and providing them with an explanation of their rights and the benefits of being a resident such as having access to housing and employment, which are all imperative for reintegration. Victims need to reintegrate and some of the needs illuminated by trafficking reports suggest victims need protection from traffickers, assistance in finding a house or a job, psychological and legal assistance, and financial aid (United Nation Interregional Crime and Justice Research Institute, 2005) to streamline the process of reintegration. Victims are often times unaware of the services that are provided by the state and are surprised by the amount of aid the government is willing to give (United Nation Interregional Crime and Justice Research Institute, 2005). The last problem faced by victims is that many of them are not covered by the German health insurance system forcing them to interact with healthcare providers who are not trained in identifying victims (U.S. Dept. of State, 2023), and detracting from the full protection of victims according to the Palermo Protocol.

The protection of victims rests on their rehabilitation and reintegration back into society. Germany's condition that victims must cooperate in criminal proceedings to gain a temporary residence permit is one of the main obstacles victims face in recovering from sex trafficking. If they are granted temporary asylum, they are only given access for three months or the duration of the trial which means victims are not able to truly recover from trauma. Being deported back to their country of origin when often times they left for the prospects of a better life, leaves them vulnerable for revictimization which is a direct violation of the human rights approach to sex trafficking. Victims need to be given the option to recover without the fear of intimidation from

the traffickers which can occur at a trial. The absence of uniform standards in applications of the temporary residence permit also allows for discrimination to occur based on victims' countries of origin or through other identities. Since there are no figures to illustrate who has been granted this access, but most importantly who has not, illustrates a need for strengthened measures of protections of victims to ensure all victims regardless of their identities are protected.

Reintegration is crucial for a victim's recovery and rehabilitation and without the proper coordination between police officers, service providers, and immigration laws, victims continue to be at risk of revictimization thus failing to meet the goals of a human rights approach and eliminating sex trafficking.

6 Conclusions

A human rights framework for combatting sex trafficking is necessary to eradicate it. This is because anti-trafficking measure need to put victims in the center to prevent further victims falling prey to traffickers, but also because it is the only approach that can prevent more trafficking because of its commitment to addressing its root causes. Germany's implementation of a human rights framework needs to be strengthened. There is a high possibility that victims are not able to get the services they need to recover because of the strict immigration policies Germany continues to have on victims. The condition of cooperating in criminal proceedings deters victims from going to the police and needs to be removed so victims can gain access to Germany's welfare state. Then they are allowed to find housing and take care of the psychological needs arising from being sexually exploited. Without recovery, women and girls will be less empowered thus continuing to fuel a patriarchy based on their sex and is reinforced by the violence they face with sex trafficking. These inequities within society illustrate why

women and girls are bought and sold as commodities and why it is crucial victims are protected for sustained emancipation. Germany also needs to implement a national referral system to coordinate efforts of identification of victims and to make sure all forms of trafficking are adequately identified. The number of sexually exploited individuals has decreased which also points for the continued needs of proactive identification trainings, so law enforcement officials and service providers are better equipped at combatting sex trafficking. Lastly, Germany should consider more funding to anti-trafficking efforts. This would empower service providers and law enforcement officials to support victims and carry out investigations to further combat trafficking. It would also allow more services to be available to victims and for longer periods.

This paper has explored what human trafficking is, what a human rights framework to human trafficking looks like, why it is necessary for combating human trafficking, and examined why gender and intersectionality needs to be evaluated when creating policies. It also examined Germany's policies to combat human trafficking and how adequately they protect victims in an attempt to answer to what extent can a human rights approach to sex trafficking can protect victims. It found that Germany's protection efforts need to be strengthened because there are significant obstacles to the recovery, rehabilitation, and reintegration of victims into society. Without ensuring all 3 Rs are upheld, victims' will never be able to have their human right to dignity restored to become full functioning citizens of society once again. This approach calls for a high level of coordination between governments and civil society and without the right guidance, states will fail to protect victims, thus eliminating the hope of solving human trafficking and the inequities it fuels throughout the world.

7 Appendix 1: Thesis Report

INTRODUCTION

Trafficking of human beings is the third largest illegal trade globally (Limanowska, 2002), and the second most profitable behind drugs (Shelley, 2010), with revenues estimated between US \$5 billion and \$9 billion globally (UNECE 2004). It's nearly impossible to know how many people fall victim to traffickers but the U.S. State Department estimated at least 700,000 individuals becoming trafficked back in 2001, but now estimates are as high as 90,000 a year which is significantly higher than previous years (Statista Research Department, 2022). However, identifying victims of trafficking is incredibly difficult, thus rendering little weight to these numbers since it is very possible that it is at least double than what is estimated. The relatively little information surrounding trafficking makes it a difficult field to study. Victims are often invisible to officials, and it is very easy for revictimization to occur after a survivor has been rescued.

This poses a unique problem to combating trafficking. With so little information there is a big demand to develop this field and understand what makes trafficking policies effective. A multidisciplinary approach is needed to evaluate this including sociological, social work, political science, and economic disciplines because of how complex each factor of trafficking is. Germany has adopted a rights-based approach to dealing with victims of trafficking, meaning survivors are protected instead of prosecuted, which is incredibly important given the large waves of refugees the country has seen in the past 7 years from Syria and Ukraine. This approach is a newer phenomenon in the international community with its establishment for trafficking in the 2000 by the United Nations.

However, does this approach as Germany has defined it, effectively reduce trafficking? How have the policy responses been different between the two waves and has this created a difference in effectiveness? Germany legalized prostitution in 2017, so how has this changed policies around trafficking and victims' rights? This provisional report gathers information to be used to answer these questions, while the final report will analyze the data and attempt to provide answers to these questions based on the theories already in place for trafficking. These questions provide useful insights by expanding the literature on trafficking. If the approach adopted by Germany is effective, then this adds to the data to confirm that a rights-based approach does deter perpetrators and effectively reinstates an individual's human rights. However, if the data shows individuals were not able to reclaim their basic human rights, then it will inform further research to test alternative approaches for protecting survivor.

The thesis will focus on the Syrian refugee crisis in 2015 stopping in 2017 when prostitution was deemed legal and the Ukrainian refugee crisis currently happening. The following report is a provisional one that outlines basic information that will be utilized later. It is anticipated the thesis will become more specific with concepts and theories for the literature review as well as the specific analysis for the methodology section to not minimize the directions the thesis may go. For this provisional report, a brief background on both wars is provided, a review of the literature concerning trafficking, the methods to be used, and a work timeline for this upcoming year.

BACKGROUND

The displacement of people has been a phenomenon of human history since the beginning of time. Historically, there are many reasons to why individuals flee their home country, but regardless of which disruption in one's home country occurred, most if not all migrants are simply looking for a safe place to settle while the events unfold in their home country. Trafficking then has become a byproduct of masses of individuals leaving their home countries. First, migrants and refugees have been used interchangeable, however, migrants have a choice when they leave their home countries and refugees typically are forced out through outside forces such as war, or political persecution. Another set of interchangeable words is "refugee" and "asylum seeker." The difference lies in when the status is made to an individual; refugees are granted the status while they are outside of the country they wish to travel to, while asylum seekers are granted this after they enter the country of while waiting for admission at the country's borders. Each has a different set of protections, but for the purpose of this paper I will focus on refugees because of how prevalent trafficking is before an individual enters a country, thus broadening the data to be used. Now that there has been a clarification on the terms, it is time to dive into the background of why there has been two refugee crises in the past 10 years.

Syria

For both the Syrian and Ukrainian refugee crises, the outbreak of war sparked millions of individuals fleeing their home countries. There are numerous reasons leading up to the Syrian civil war, each factor just as complicated as the next creating a recipe for mass dissent in the Assad regime. One factor that contributed to the war was the "Arab socialism" in which Bashar al-Assad implemented to improve the economy (Laub, 2021). These measures included breaking

up state monopolies and privatizing more markets, but many times only the wealthy benefited from this change and the general population especially rural farmers and laborers suffered the most (Laub, 2021). The shifting of more wealth to the wealthiest in society was exacerbated by a record setting drought from 2006 to 2010 which caused a mass exodus of farmers to urban environments (Wendle, 2015). This created high unemployment rates within the country since urban settings could not handle the demand for the jobs old farmers needed, and with less farmers in the fields resulted in the shortage of food grown in the country (Wendle, 2015).

Another factor contributing to the civil war is the way in which the regime handled dissent. A devastating example of this was in Hama February 1982 where twenty-five thousand Syrian civilians were murdered by the Syrian military under Hafez al-Assad's orders as a way to stifle a protest by the Muslim brotherhood (Rodrigues, 2011). This way of dealing with protestors and dissenting opinions is something that was carried on to Bashar al-Assad, Hafez al-Assad's son and becomes the main reason why individuals start fleeing the country.

In 2010 the Arab Spring is on the rise throughout North Africa and the Middle East. Inspired, fifteen young boys decided to spray paint a school wall "The people want the fall of the regime," to show their support for the fall of the autocratic regime, they were then arrested and tortured afterwards (Macleod, 2011). This sparked mass protests within the city of Daraa and later spread throughout the major cities of Syria (Laub, 2021). All cities were met with the full force of the Syrian military, and in fact the military laid an eleven-day siege on the city of Darra where soldiers cut off roads carrying supplies and food to starve out the protestors in addition to the many of civilians who were shot and killed (Shadid, 2011). The second blatant human rights violation was the use of chemical weapons on civilians in 2013 where 1400 Syrians lost their lives (Laub, 2021). This event sparked mass international support to address the human rights

violations in Syria. Bashar al-Assad continues to use acts of force to discourage protests and dissenting opinions. These tactics are grave human rights violations which served as catalysts for the refugee crisis that took place in 2015.

Ukraine

President Vladimir Putin launched his attack against Ukraine on February 24th, 2022. This invasion shocked the Western world as everyone around the world watched as 100 bombs were being dropped over Kyiv, Kharkiv, and Kherson (Watson, 2022). Putin has still hesitated to call it an invasion or a war but is still actively fighting in the Southern and Eastern regions of Ukraine (Kirby, 2022). The invasion has sparked the largest military mobilization in Europe since World War II (Bilefsky, et al., 2022).

There is not a single reason that will explain Putin's actions, however, there are a series of plausible explanations that can be used to try to understand why the invasion took place in the first place. He said his initial goal was to "demilitarize, and de-Nazi Ukraine" (Kirby, 2022, p.1). However, an article written by Ria Novosti, a Russian state-owned newspaper, alludes to the fact that "denazification is also de-Ukrainization" essentially stating that Russia wishes to strip Ukraine of its modern state status (Kirby, 2022). Putin places a great deal of unity between East Slavs because of a similar origin story and culture, thus informing his belief that all 3 countries (Ukraine, Russia, and Belarus) should share a common political journey (Mankoff, 2022). This somewhat explains why Putin believes Ukrainians and Belarusians have an artificial like identity influenced by the Western world, thus exhibiting the need for Russia to "save them" and bring them back to traditional Eastern Slavic beliefs (Mankoff, 2022).

Another potential goal Putin has with this war is restore the Russian Federation. The desire to create a strong Russian Federation with the Eastern European countries of the fallen Soviet Union is imperative to Putin, but he needs Ukraine to do it because of the ever-growing number of democratic countries creeping closer to the Russian Border (Geomans, 2022). NATO has posed an increasing threat to Russia because so many countries are leaving communist ideals and instilling democratic ones in their place. Putin has stated that Soviet disintegration is the “greatest catastrophe of the 20th century that robbed Russia of its rightful place among the world’s great powers” (Bilefsky, et al., 2022, p.1). This statement sums up the second goal of Putin’s; to restore Russia to its previous glory as a world superpower. It is hard to know for sure why Russia invaded Ukraine because Putin himself has changed the reason as the war has gone on, but it is safe to infer these reasons hold weight since Putin and the experts have contributed to them.

LITERATURE REVIEW

What is Human Trafficking?

Human trafficking is a complex phenomenon that is hard to define because of how difficult it is to truly understand the magnitude of the problem. The United Nations has been very invested in the protection of human rights and established trafficking as a human rights violation in 1949 through the UN Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution. There have been other additions to the modern-day interpretation human trafficking such as the Convention on the Elimination of all Forms of Discrimination Against Women 1979 (CEDAW), and the most recent development of the UN Protocol to

Prevent, Suppress, and Punish Trafficking Persons which was adopted in November 2000 as part of the UN Convention against Transnational Organized Crime. All of Europe has signed onto to this convention which demonstrates the EU's agreement with the definition and set out guidelines to combat it. The latest definition of trafficking adopted by the international community is found in Article 3, Paragraph (A) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring, or receipt of 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" (UN Convention against Transnational Organized Crime, 2000)

Often, trafficking is confused with smuggling because as the above definition demonstrates trafficking can entail a variety of activities, but the distinction lies in this coercive element seen in trafficking. The definition also shows just how many different scenarios can be considered trafficking; kidnapping could be a part of it, but it may not be, individuals may be sold for labor, or they may be exploited for sexual slavery, and there are numerous other scenarios that make it difficult for a uniform definition, thus the need for the broad and long list of examples.

Smuggling on the other hand occurs when an individual pays another to illegally grant them passage to another country and profit is collected normally only once (Salt, 2000). Smuggling is also an international crime with the crossing of different borders whereas trafficking can also be done domestically which is an important distinction, but for the purposes of this paper, trafficking will be examined within the international context. Now that there is an established

definition of what human trafficking is, there must be a discussion around why crime happens in general, and what theories and perspectives need to be considered to effectively combat it.

Why does Crime occur?

Human trafficking is the third most-profitable criminal activity in the world, and it is only getting worse. It is not unique to one or a few countries and is in fact one of the issues with the most widespread support from the international community to combat. However, why does crime occur in the first place? Is it a necessary function of society? Is it the result of inequities within societies? There are many theories to why crime and deviance occurs but it's important to remember these are only theories and they may only explain a part of why crime occurs. By understanding the basic assumptions of each theory though, will allow policy makers to adopt policies that either disrupt or continue the dominate narrative of society. However, to be truly effective these assumptions must be in alignment with the assumptions of the polices to *combat* trafficking, otherwise efforts will be deemed ineffective in reducing crime. There are 4 theories to explain deviance originating in sociological debates: structural functionalism, strain typology, conflict theory, and labeling theory. For the scope of this paper, I will focus on structural functionalism, and conflict theory because they look at crime as a result of the systems in society rather than focus on the micro motivations that lead individuals to traffic others.

Structural functionalism explains deviance as a necessary function of society. Deviance under this viewpoint occurs after norms in society have been established through socialization, thus deviance is problem solving action to elevate the strain or stress that forced an individual to violate the culturally accepted norms (Wright & Randall, 1978). Individuals will use these illegitimate means to achieve the results society has told them is acceptable and necessary to be a

well-functioning citizen (Wright, & Randall, 1978). Under this theory, trafficking occurs because an individual can no longer achieve their goals such as buying a home or living debt free, so they are forced to engage in socially unacceptable means such as trafficking others, to achieve those goals. The underlying assumption in this theory is that individuals will commit to both attaining those socially accepted goals and utilize the legitimate means to do so if those goals and means are attainable (Wright & Randall, 1978). If a society socializes its people to believe trafficking is wrong and ensures legitimate ways to achieve success are attainable, then individuals will not be forced to engage in the criminal behavior. This is one explanation to why crime occurs, and it suggests that individuals are inherently good and do not necessarily wish to engage in criminal behavior. This assumption is potentially helpful in understanding how important prevention measures are and that they must start very early in one's life to be effective.

Another explanation to why crime occurs is conflict theory. Conflict theory was developed by the University of Chicago when trying to understand why crime in their city was concentrated in poverty-stricken neighborhoods (Zembroski, 2011). They concluded crime is a social problem that poor individuals were driven to because criminal values replaced conventional ones after generations of living in the same poverty-stricken environments with no social mobility (Short, 2002). This theory is very much rooted in crime being the byproduct of inequality within a society. Thomas and Znaniecki (1958) coined the term "social disorganization" to illustrate the breakdown of social bonds and associations within these neighborhoods and communities through the generational poverty they experienced. Trafficking can be explained by this theory as a result of social disorganization where criminal values replaced societal ones to achieve wealth because of the inequalities they faced. The key difference between this theory and structural functionalism is the acknowledgment of social

inequities that make crime more appealing to certain individuals to achieve goals they may not have been able to through conventional methods. This assumption informs policy to target inequities within society as a way to prevent trafficking. Since inequities are what breeds criminal behavior, the state must try to minimize them as much as possible to make legitimate means of achieving one's goal appealing.

A basic understanding of the theories that attempt to explain why crime occurs will allow for a deeper analysis of policy interventions to combat trafficking. The underlying assumptions of each determines the course of action a state will take to punish a trafficker, but preventing trafficking is much more complex than solely prosecuting perpetrators. There is also very little in the literature concerning theoretical frameworks to combat trafficking, so there is still much research and development to do be done in the field. Currently there are 3 ways of looking at how to combat trafficking and each has their own benefits and drawbacks. By examining the literature on policies that are effective, this paper will then be able to analyze how current policies in Germany align with each way of thinking and how effective they have been for two different refugee populations.

How to Combat Trafficking?

The majority of trafficking literature is rooted in feminist camps; however, other camps inform this body of literature such as criminology, and economics. There is still much that needs to be developed in how to effectively combat trafficking, but the literature has developed over the years with concluding that a rights-based approach is the best way to handle survivors and provide them with the services needed to be a full functioning citizen of society once again. It combines components that the previous two explanations failed to explain and consider. By

understanding how these approaches have changed throughout the years, there may still be remnants of these ineffective ways of thinking in the language of polices or even the enforcement of them. Since there is relatively little on how effective rights-based approaches are for survivors, the research presented here will provide more literature and enrich the current body of knowledge.

The first traditional way of looking at how to combat trafficking is through a legal perspective. This perspective looks at trafficking as crime in violation of the parameters set out by the state and is a human rights violation (Beeks & Amir, 2006). This perspective also emphasizes the role of the justice system in identifying survivors, deterring, and prosecuting perpetrators, and other criminal trafficking activities such as prostitution through legal means (Beeks & Amir, 2006). The international community was growing more and more concerned about transnational crime in the 1990s after the fall of the Soviet Union, the growing sex industry and globalization (Coontz, & Griebel, 2004). With this as a subset of transnational crime and being addressed through legal means, this approach fails to recognize the inherent complexity with trafficking and overlooks victims' rights (Laczko & Thompson, 2000). This is because often times under this viewpoint victims are also considered perpetrators of violations against the state and must be punished instead of rehabilitated (Pourmokhtari, 2015).

The next traditional approach to combating trafficking is through economic means. This perspective looks at trafficking as "business" with the main goal to generate profits (Pourmokhtari, 2015). This desire to make profits is the sole reason for creating these multiple business networks that create "migration as business" (Laczko & Thompson, 2000, p. 25) with multiple business networks within it. Under this approach, state actors must provide equal opportunities for potential victims so they are not forced to seek employment abroad which in

turn eliminates the supply of victims (Lugosi, 2008; Pourmokhtari, 2015). This approach does have merit since clearly there are economic factors associated with trafficking similar to other organized crimes activities. As supply and demand fuels trafficking, this viewpoint however, fails to consider the noneconomic factors that affect the supply side of trafficking (Laczko & Thompson, 2000). This is imperative to take into account when reflecting on this approach because it fails to explain situations such as rape, or kidnapping, specifically for those who find themselves in military conflict zones (Ebbe & Das, 2008). Based on these critiques of both approaches, it can be said that they fail to “focus on the outcomes of trafficking”, especially the actions that constitute a human rights violation (Haque, 2006, p. 11).

The last and most recent perspective is the feminist based rights approach and it is also the one in which the Germany has signed onto and declared to uphold through the adoption of EU trafficking guidelines. Feminist-rights based approach (FRBA), is similar to a generic rights-based approach. The fact that it is rooted in a lens of gender discrimination, “a fundamental denial of human rights” makes it a rights-based approach (Heyzer, 2006, p. 112). This approach comes in response to the two traditional approaches not considering the rights of victims when deciding how to combat the problem (Pourmokhtari, 2015). Barry (1979) is the one who first used this approach to demand the international community to revise the way in which they deal with traffickers. She believed trafficking was a “violation of a women’s body and spirit” calling for the abolition of violence against women while advocating for victims to be treated as such and traffickers punished as the perpetrator of the crime (Barry 1995). Under this viewpoint, effective anti-trafficking strategies require women’s human rights to be at the core because “violations of human rights are both the consequence and cause of trafficking in persons” (Heyzer, 2006, p. 112). In essence this approach shifts the focus from exposing victims to

potential revictimization through testifying or being imprisoned to protecting individual rights (Aas, 2007).

This approach is able to shift the focus to protecting the victim because it considers the interplay of multiple complex factors, such as unemployment, poverty, kidnapping, etc., that contribute to an individual perpetrating trafficking and being a victim to one (Pourmokhtari, 2015). Therefore, this approach rejects narrow views surrounding trafficking such as it is the result of poor decision making or the practice of blaming victims for being a victim in the first place (Aronowitz, 2003), instead it attempts to empower trafficked individuals through economic and social means, so they are able to protect their own rights (Pourmokhtari, 2015). The later developments of this approach have attempted to create strategies in a macro perspective so law, government policies, and institutional practices, etc., are aimed at combating trafficking, and they have also created a micro aspect that empowers individuals to claim their human rights (Heyzer, 2006). These interventions though go beyond the traditional scope of empowering women by strengthening their position within the family, educational settings, and grass roots organizations to truly disrupt patriarchal power (Pourmokhtari, 2015). It creates a holistic picture that sets out guidelines on how victims should be treated, and the resources needed to empower themselves to never fall victim again, while also creating an action based protocol that places the burden to eliminate trafficking on individual states and the international community by prosecuting perpetrators (Obokata, 2006).

Feminist Rights Based Approach and Survivors

Now that there is an established approach to combat trafficking as a whole, it's important to examine what the addition of rights means for survivors and understand how it looks in policy. The three R's have been the established standard for implementing support to victims.

The first R is rescue. Rescue is defined as government acting agents removing a victim from the trafficking situation, normally through the means of law enforcement in the form of "raids" (Preble & Black, 2019). It implies a safe exit from the trafficking situation so rehabilitation can take place quickly (Pandy, 2021). To evaluate if a state is combating trafficking, there must be victims who were rescued by government officials, otherwise the state cannot prove a crime occurred. Identifying victims is not an easy task though. They are often times invisible from the general public and many times are a part of a hidden population such as migrants or illegal immigrants, which makes it harder that much harder to keep track of how many individuals could be victims all at once (Ghimire, 2012).

After an individual is rescued, they start their journey to be rehabilitated. This needs to go beyond the traditional needs such as food, water, housing, etc., otherwise survivors may not be able to fully reintegrate later (Ghimire, 2012). It needs to include therapy for survivors, medical assistance, and most importantly employment development. Providing skills or knowledge for individuals to obtain a well enough paying job means they are less likely to fall victim again. In other words, rehabilitation should assist the physical and psychological recovery needs of the survivor (Ghimire, 2012). Lastly, this component also calls for the stop of revictimization through court procedures. Open court where a victim must testify in front of their abuser or be subjected to the stigma associated with being a survivor, only intimates those to come forward and defeats efforts to combat trafficking (Ghimire, 2012). Simple techniques such as in-camera procedures are an easy solution but is critical in the rehabilitation of victims.

The last R that needs to be taken into consideration for policy to be truly rights based is reintegration. This may seem easier than it is, but it's important to remember the stigma attached with trafficking. Even if an individual was coerced there is shame and guilt associated with reintegrating back into society (Ghimire, 2012). Survivors may find themselves completely alone in the world again because family members may ostracize them for belief, they have a sexually transmitted disease or the general belief that prostitution is a dirty profession, or they may become estranged from society after the traumatic events they have endured (Ghimire, 2012). Reintegration can either mean within the society the survivor finds themselves or back to their home countries'. Either way it is incredibly important that victims are reintegrated, otherwise they run the risk of being revictimized.

METHODOLOGY

The thesis will be informed by two case studies to compare them to one another and the outline for when that information is to be gathered is at the end of this report. The thesis subscribes to the interpretivist approach of research, and it is anticipated qualitative research methods will be utilized. The case study research design allows for a wide range of analysis techniques which will result in more than one technique being utilized. Building upon the frameworks set up by the literature, the provisional frameworks to determine how effective anti-trafficking policies in Europe are Prosecution, Protection, and Preventions and the Rescue, Rehabilitation, and Reintegration. The 3 P's and 3 R's allow for a systemic review of effectiveness that is holistic and focuses on both sides of trafficking; the survivors and the perpetrators. It is also the standard and accepted framework established for the field deriving

from sociological, economic, and social work fields. The sources to be used will be both primary and secondary sources which will include but are not limited to, previous studies on trafficking in Germany, number of traffickers punished, newspapers outlining the rhetoric around trafficking to the public, and analysis of government officials press releases and speeches to understand how their rhetoric matches the anti-trafficking policies they support. I also anticipate an analysis of social media instruments such as Twitter and Facebook to get better understanding of how the public perceives trafficking and if these perceptions are different between the Syrian refugee crisis and the Ukrainian refugee crisis. This report has gathered the provisional uses of information and methodology, and it is expected that the details will become clearer and further develop through the rest of this year and through 2023. Because of the provisional information the specifics have not been included in the methodology to allow room for redirection and growth. This provisional methodology section is to provide a base for the final thesis in 2023.

CONCLUSION

Human trafficking is a direct and blatant violation of human rights. There are many explanations to why it occurs, and they each contribute a different piece of the puzzle. A rights-based approach to dealing with survivors is the recognized effective practice globally, and Germany has subscribed to this way of handling survivors as well. This country has taken in one of the greatest number of refugees than any other European country and has clear policies surrounding their course of action when the crime occurs. However, Germany has also legalized prostitution. In some of the schools of feminism this is a direct contradiction with a rights-based approach and provides for an interesting case study to evaluate if the two ideas can coincide.

The literature provided a basis to understanding the assumptions associated with crime and trafficking. These assumptions inform policy, and the responses policy makers wish to have. If individuals assume people become traffickers because of inequities within their society, policy makers may be targeting specific interventions to alleviate those inequities. The prosecution, protection, and prevention frameworks allow for an evaluation tool based on three themes the international community deemed important to understand if effectiveness was achieved. These assumptions associated with why crime occurs are then carried over into policy concerning how to deal with survivors. A rights-based approach demands the international community to protect survivors by rescuing them, rehabilitating them, and reintegrating them back into society. These 3 Rs are necessary to empower survivors to reclaim their rights and avoid revictimization, and they provide a framework for how to evaluate if victims are being protected. These rationales for the different facets of trafficking comes from multiple disciplines because of how complex trafficking is. There are also very few theories and frameworks on how to evaluate effective policies, and if there are other considerations that need to be taken into account for a rights-based approach to work.

The methodology section gave a starting point for the methods section in the thesis. There are many analysis techniques that can be used in a case study design based on interpretivist approaches that will inform this research. Sources will come from a variety of places as well as being from primary and secondary sources.

This provisional report gives information to later inform the thesis. Specificity and detailed descriptions around effective trafficking policies are expected to come out of the data and add to the literature to either support or call into question the current rights-based approach

to survivors. This will continue to refine and critique best practices thus bringing us one step closer to an all-encompassing, holistic approach to combating human trafficking.

THESIS WORK TIMELINE

September 15, 2022	Final Draft of Thesis Report
October 2022	Initial consultations with supervisors Continued review of literature Refine research questions Establish data collection methods
November 2022	Begin first steps of data collection for the case study
December 2022	Finalize literature review, theoretical and conceptual framework
January 2023	Send drafts of literature review, methodology and frameworks to supervisors for review
February-March 2023	Collect data Revise sections supervisors have given me feedback on from previous month Start analysis and discussion sections
April 2023	Submit analysis and discussion sections for review Finalize all sections
May-June 2023	Submit final draft to supervisors Apply revisions
July 2023	Submit thesis

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