



## Gehandelte Rechte – Menschenhandel und die Rechte Betroffener

Exploring the discourse on human trafficking focussing on identification process and access to victim support comparing Germany and the United Kingdom

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### Identification requires Definition

International Frameworks serve as guidelines to define and recognise human trafficking. However, the concept of human trafficking especially along the lines of **exploitation**, **vulnerability**, and **consent** is highly debated and challenged<sup>4</sup>. Therefore, it is left to a **national political discourse** to define these critical terms and adapt them into local policies<sup>5</sup>.

Social work plays a decisive role, on the one hand by supporting those affected and on the other hand by fulfilling its socio-political mandate as a human rights profession.

### Research Aim:

The research explores the current understanding of and approaches to human trafficking amongst experts, especially social workers in specialised counselling services, focussing on access to victim support. It seeks to answer:

1. How are cases of human trafficking assessed in Germany in comparison to the United Kingdom?
2. What are competing interests among governments, NGOs and potential victims that hinder or promote identification and support?



### The Issue

Human trafficking is not only a criminal justice issue but all the more a human rights violation. The EU Directive acknowledges that and requires Member States to take 'necessary measures to ensure that a **person is provided with assistance and support** as soon as the competent authorities have a **reasonable-grounds indication for believing** that the person might have been **subjected to human trafficking**' Article 11<sup>1</sup>.

In Germany difficulties in assessing human trafficking arises because of a sometimes limited understanding of human trafficking in conjunction with of a narrow law enforcement approach in the formal identification of victims. This hinders the access to victim support especially a reflection and recovery period, thus deviating from Article 11<sup>2</sup>. In contrast, the United Kingdom has established a National Referral Mechanism. Under this mechanism, trafficked persons are granted support in form of a reflection and recovery period based on reasonable grounds according to Article 11<sup>3</sup>.

### References:

- <sup>1</sup> European Union (EU), 2011. Directive 2011/36/EU - on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.
- <sup>2</sup> Koesl, C., 2019. Human trafficking for labour exploitation: A Case Study of Germany Assessing Gaps. Published Master Dissertation. St. Mary's University Twickenham.
- <sup>3</sup> Home Office, 2019, Victims of modern slavery - Competent Authority guidance, Version 7
- <sup>4</sup> Allain, J. & Bales, K., 2012. Slavery and its' Definition. Queen's University Belfast Law Research Paper, Issue 12-06; other O'Connell Davidson, J., 2015. Modern Slavery - The Margins of Freedom. Hampshire: Palgrave Macmillian; other Thielmann, A. & Melyokhina, O., 2013. Arbeitsausbeutung und Menschenhandel in Nordrhein-Westfalen, Wuppertal.
- <sup>5</sup> Plant, R., 2015. Forced Labour, Slavery and Human Trafficking: When do definitions matter? Anti-Trafficking Review, Issue 5, p. 153-157; other Anderson, B. & Rogaly, B., 2005. Forced Labour and Migration to the UK.
- <sup>7</sup> Strauss, A. & Corbin, J., 1994. Grounded theory methodology: An overview. In: Handbook of qualitative research. Sage Publications, Inc., p. 273-285; also Chun Tie, Y., Birks, M. & Francis, K., 2019. Grounded theory research: A design framework for novice researchers. SAGE Open Medicine, Volume 7, p. 1-8. also Charmaz, K., 2013, Grounded Theory Methods in Social Justice Research. In: Strategies of Qualitative Inquiry 4. Los Angeles: Sage, pp. 291-336.

### Methodology

The research situates itself within Critical Social Work and takes on a Grounded Theory approach. Theory will be developed through participants' construction and voices on human trafficking followed by the researchers' in-depth analysis and interpretation of the data. The interest is in the patterns of social interactions, their theoretical conceptualisation and the way power-relationships are manifested<sup>7</sup>. Therefore, cooperations with practitioners from specialised counselling services and the KOK, Bundesweite Koordinierungskreis gegen Menschenhandel, are fundamental to this research to develop theory and provide feedback to practice.

### Expected Outcome

The research will enhance the understanding of human trafficking, exploitation and vulnerability of potential victims. It seeks to provide an explanatory to advance the understanding of human trafficking and it's implications for access to victim support. It also seeks to fulfil Social Work's obligation as a human rights profession to contribute to future policy discussion and development in victim support and assistance.

