



Ban Ying Counselling and Coordination Center
Against Trafficking in Persons
Anklamer Str 38; 10115 Berlin
Tel.: 4406373/74; Fax: 4406375
Email: info@ban-ying.de
www.ban-ying.de
www.Responsibleclient.de
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A list of indicators for Trafficking in Human Beings for the Purpose of Exploitation of Labor (§ 233 German Criminal Code) in the Catering Industry¹

Foreword: It is quite likely that a potentially trafficked person possesses an absolutely legal residence permit status (e.g. as a specialty cook). But, nevertheless, this does not exclude her² from being a victim of trafficking in the sense of §233 of the German Criminal Code.

Remarks and statements by the woman

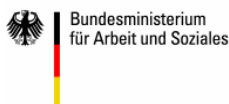
Limitations on her freedom of movement e.g.:

- Limiting her freedom to develop and maintain social contacts
- Locking her in
- Keeping her under continuous surveillance

Means of payment e.g.:

- The woman has no control over her income or has no direct access to her earnings
- The employer pays (a part of) the woman's income to a third party
- The payment made to the woman is noticeably disproportionate to the payment made to other employees who carry out a similar job (on a rate of pay that is worse than in comparable wage agreements)
- The woman has an uncontrollable and unreasonable debt for the finding of her job, travel costs, clothing etc. to her employer and/or a third party. These exorbitant debts have to be paid back before she can gain control over her earnings or stop working.

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- The employer has paid a special “takeover fee” for the woman that she has to „work off“

The job situation, e.g.:

- The woman is subjected to 24 hour surveillance by her employer
- The woman is in her place of work 24 hours a day
- The woman is not free to leave her employment and return to her country of origin when she wants

Information about recruitment, e.g.:

- Before she commenced her employment, particularly in her country of origin, the woman was promised different conditions from those that she found here

Objective observations

The woman’s situation, e.g.:

- The woman is not in possession of her passport
- The woman has little or no money

Police findings, e.g.:

- There is no contract of employment
- The existing contract of employment is in a language the woman does not understand; there is no evidence that a verbal translation was offered
- No evidence of financial dealings, e.g. no receipts, no bank transfers etc.
- The woman’s registered place of residence is her place of work
- There is evidence of „a fictitious registration“, i.e. the woman lives in a place other than her registered place of residence
- The woman lives at her employer’s address
- There is evidence that the woman spends the night in the restaurant (e.g. the discovery of a mattress etc.)

Nonverbal indicators

The impression she makes, e.g.:

- There are traces of ill treatment
- The woman does not have clothing appropriate to local weather conditions
- The woman’s health appears to have been neglected

Behavior, e.g.:

- The woman does not have the confidence to speak openly, but gives the impression of having been instructed what to say
- The woman appears to be frightened/ very insecure

¹ This list of indicators was developed by Ban Ying for an Equal course of ongoing police training.

² This is just a question of simplifying the language used. Naturally the potentially trafficked person could also be male.