**UNTOC-Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime**

**Relevant Legislation for the SHERLOC-Database**

**Article 3 in conjunction with Article 5**

**Section 232**

**Human trafficking**

(1) Whosoever recruits, transports, transfers, harbours or receives another person, either under twenty-one years of age or by taking advantage of that person’s personal or financial predicament or helplessness arising from being in a foreign country, shall be liable to imprisonment from six months to five years, if

* 1. that person is to be exploited by way of him
	+ a) engaging in prostitution or performing sexual acts on or in the presence of the offender or a third person, or suffering sexual acts on his person by the offender or a third person,
	+ b) working,
	+ c) begging, or
	+ d) committing criminal offences,
* 2. that person is to be held in slavery, servitude, bonded labour, or under corresponding or similar conditions, or
* 3. an organ is to be illegally removed from that person.

A person shall be deemed to be exploited by way of him working within the meaning of the 1st sentence No 1(b) above if the work, in serving the ruthless pursuit of profit, takes place under working conditions that are in clear discrepancy to those of other workers performing the same or a similar activity (exploitative work).

(2) Whosoever, with respect to another person to be exploited in the manner indicated in subsection (1) 1st sentence Nos 1 to 3 above,

* 1. recruits, transports, transfers, harbours or receives that person by force, by threat of serious harm or by deception, or
* 2. abducts that person or gains physical control over him or encourages a third person to gain physical control over him,

shall be liable to imprisonment from six months to ten years.

(3) In cases under subsection (1) above the penalty shall be imprisonment from six months to ten years, if

* 1. the victim is under eighteen years of age at the time of the offence,
* 2. the offender seriously physically abuses the victim or, by way of the offence or an act committed during the offence, at least by gross negligence places the victim in danger of death or serious injury, or
* 3. the offender acts on a commercial basis or as a member of a gang whose purpose is the continued commission of such offences.

In cases under subsection (2) above the penalty shall be imprisonment from one year to ten years if the offence was committed under one of the circumstances set out in the 1st sentence Nos 1 to 3 above.

(4) In cases under subsections (1), (2) and (3) 1st sentence above the attempt shall be punishable.

**Section 232a**

**Forced prostitution**

(1) Whosoever causes another person by taking advantage of that person’s personal or financial predicament or helplessness arising from being in a foreign country, or causes another person under twenty-one years of age,

* 1. to engage in or continue to engage in prostitution, or
* 2. by way of which he is exploited, to perform sexual acts upon or in the presence of the perpetrator or a third person, or to allow sexual acts to be performed on his person by the perpetrator or a third person,

shall be liable to imprisonment from six months to ten years.

(2) The attempt shall be punishable.

(3) Whosoever by force, by threat of serious harm or by deception causes another person to engage in or continue to engage in prostitution or the sexual acts indicated in subsection (1) No 2 above shall be liable to imprisonment from one year to ten years.

(4) In cases under subsection (1) above the penalty shall be imprisonment from one year to ten years, and in cases under subsection (3) above the penalty shall be imprisonment for not less than one year, if the offence was committed under one of the circumstances set out in section 232(3) 1st sentence Nos 1 to 3 above.

(5) In less serious cases under subsection (1) above the penalty shall be imprisonment from three months to five years; in less serious cases under subsections (3) and (4) above the penalty shall be imprisonment from six months to ten years.

(6) Whosoever, in return for consideration, performs sexual acts upon or allows sexual acts to be performed on his person by a person engaging in prostitution who has been the victim of

1.human trafficking pursuant to section 232(1) 1st sentence No 1(a) above, also in conjunction with section 232(2) above, or

2.an offence pursuant to subsections (1) to (5) above,

and in doing so takes advantage of that person’s personal or financial predicament or helplessness arising from being in a foreign country, shall be liable to imprisonment from three months to five years. A person who voluntarily reports an offence pursuant to the 1st sentence Nos 1 or 2 above committed against a person engaging in prostitution pursuant to the 1st sentence above to the competent public authority or voluntarily causes such a report to be made shall not be liable to punishment pursuant to the 1st sentence above, unless the act had already been discovered in whole or in part at the time and the offender knew or could reasonably have known this.

**Section 232b**

**Forced labour**

(1) Whosoever causes another person by taking advantage of that person’s personal or financial predicament or helplessness arising from being in a foreign country, or causes another person under twenty-one years of age,

* 1. to engage in or continue to engage in exploitative work (section 232(1) 2nd sentence above),
* 2. to enter into slavery, servitude, bonded labour, or corresponding or similar conditions, or
* 3. to engage in or continue to engage in begging, as a result of which that person is exploited,

shall be liable to imprisonment from six months to ten years.

(2) The attempt shall be punishable.

(3) Whosoever by force, by threat of serious harm or by deception, causes another person

* 1. to engage in or continue to engage in exploitative work (section 232(1) 2nd sentence above),
* 2. to enter into slavery, servitude, bonded labour, or corresponding or similar conditions, or
* 3. to engage in or continue to engage in begging, as a result of which that person is exploited,

shall be liable to imprisonment from one year to ten years.

(4) Section 232a(4) and (5) above shall apply mutatis mutandis.

**Section 233**

**Exploitation of labour force**

(1) Whosoever exploits another person by taking advantage of that person’s personal or financial predicament or helplessness arising from being in a foreign country, or exploits another person under twenty-one years of age, by way of that person

* 1. engaging in work pursuant to section 232(1) 2nd sentence above,
* 2. engaging in begging, or
* 3. committing criminal offences,

shall be liable to imprisonment not exceeding three years or a fine.

(2) The penalty shall be imprisonment from six months to ten years, if

* 1. the victim is under eighteen years of age at the time of the offence,
* 2. the offender seriously physically abuses the victim or, by way of the offence or an act committed during the offence, at least by gross negligence places the victim in danger of death or serious injury,
* 3. the offender, by withholding from the victim in full or in part the usual consideration paid for the activity he is engaged in, places the victim in financial hardship or substantially increases existing financial hardship, or
* 4. the offender acts as a member of a gang whose purpose is the continued commission of such offences.

(3) The attempt shall be punishable.

(4) In less serious cases under subsection (1) above the penalty shall be imprisonment not exceeding two years or a fine; in less serious cases under subsection (2) above the penalty shall be imprisonment from three months to five years.

(5) Whosoever encourages an offence pursuant to subsection (1) above by

* 1. acting as an intermediary arranging exploitative work (section 232(1) 2nd sentence above),
* 2. renting out business premises, or
* 3. renting out living space to the person to be exploited

shall be liable to imprisonment not exceeding two years or a fine.

The 1st sentence above shall not apply if the offence is subject to a more severe penalty under other provisions.

**Section 233a**

**Exploitation by taking advantage of unlawful imprisonment**

(1) Whosoever imprisons another person or otherwise deprives him of his freedom and exploits that person in that situation by having that person

* 1. engaging in prostitution,
* 2. engaging in work pursuant to section 232(1) 2nd sentence,
* 3. engaging in begging, or
* 4. committing criminal offences,

shall be liable to imprisonment not exceeding three years or a fine.

(2) The attempt shall be punishable.

(3) In cases under subsection (1) above the penalty shall be imprisonment from one year to ten years if the offence was committed under one of the circumstances set out in section 233(2) Nos 1 to 4 above.

(4) In less serious cases under subsection (1) above the penalty shall be imprisonment from three months to five years; in less serious cases under subsection (3) above the penalty shall be imprisonment from six months to ten years.

**Section 23
Liability for attempt**

(1) Any attempt to commit a felony entails criminal liability; this applies to attempted misdemeanours only if expressly so provided by law.

(2) An attempt may be punished more leniently than the completed offence (section 49(1)).

(3) If the offender due to gross ignorance fails to realise that the attempt could under no circumstances have led to the completion of the offence due to the nature of its object or the means by which it was to be committed, the court may order a discharge, or mitigate the sentence as it sees fit (section 49(2)).

**Section 25
Principals**

(1) Any person who commits the offence himself or through another shall be liable as a principal.

(2) If more than one person commit the offence jointly, each shall be liable as a principal (joint principals).

**Section 26
Abetting**

Any person who intentionally induces another to intentionally commit an unlawful act (abettor) shall be liable to be sentenced as if he were a principal.

**Section 27
Aiding**

(1) Any person who intentionally assists another in the intentional commission of an unlawful act shall be convicted and sentenced as an aider.

(2) The sentence for the aider shall be based on the penalty for a principal. It shall be mitigated pursuant to section 49(1).

**Section 28
Special personal characteristics**

(1) If special personal characteristics (section 14(1)) that establish the principal’s liability are absent in the person of the secondary participant (abettor or aider) their sentence shall be mitigated pursuant to section 49(1).

(2) If the law provides that special personal characteristics aggravate, mitigate or exclude punishment this shall apply only to the accomplices (principals or secondary participants) in whose person they are present.

**Section 29
Separate criminal liability of the accomplice**

Each accomplice shall be liable according to the measure of his own guilt and irrespective of the guilt of the others.

**Section 30
Conspiracy**

1) A person who attempts to induce another to commit a felony or abet another to commit a felony shall be liable according to the provisions governing attempted felonies. The sentence shall be mitigated pursuant to section 49 (1). Section 23 (3) shall apply mutatis mutandis.

(2) A person who declares his willingness or who accepts the offer of another or who agrees with another to commit or abet the commission of a felony shall be liable under the same terms.

**Section 31
Withdrawal from conspiracy**

(1) A person shall not be liable under section 30 if he voluntarily

1.  gives up the attempt to induce another to commit a felony and averts

any existing danger that the other may commit the offence;

2.  after having declared his willingness to commit a felony, gives up his plan; or

3.  after having agreed to commit a felony or accepted the offer of another to commit a felony prevents the commission of the offence.

(2) If the offence is not completed regardless of his actions or if it is committed independently of his previous conduct, his voluntary and earnest effort to prevent the completion of the offence shall suffice for exemption from liability.

**Section 49
Special mitigating circumstances established by law**

(1) If the law requires or allows for mitigation under this provision, the following shall apply:

1.  Imprisonment of not less than three years shall be substituted for imprisonment for life.

2.  In cases of imprisonment for a fixed term, no more than three quarters of the statutory maximum term may be imposed. In case of a fine the same shall apply to the maximum number of daily units.

3.  Any increased minimum statutory term of imprisonment shall be reduced as follows:

a minimum term of ten or five years, to two years;

a minimum term of three or two years, to six months;

a minimum term of one year, to three months;

in all other cases to the statutory minimum.

(2) If the court may in its discretion mitigate the sentence pursuant to a law which refers to this provision, it may reduce the sentence to the statutory minimum or impose a fine instead of imprisonment.

**Article 6**

**Section 48 – Obligation of the witness; Summons**

(3) Ist der Zeuge zugleich der Verletzte, so sind die ihn betreffenden Verhandlungen, Vernehmungen und sonstigen Untersuchungshandlungen stets unter Berücksichtigung seiner besonderen Schutzbedürftigkeit durchzuführen. Insbesondere ist zu prüfen,

* 1.ob die dringende Gefahr eines schwerwiegenden Nachteils für das Wohl des Zeugen Maßnahmen nach den §§ [168e](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=168e) oder [247a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=247a) erfordert,
* 2.ob überwiegende schutzwürdige Interessen des Zeugen den Ausschluss der Öffentlichkeit nach § [171b](https://beck-online.beck.de/?typ=reference&y=100&g=GVG&p=171b) Absatz [1](https://beck-online.beck.de/?typ=reference&y=100&g=GVG&p=171b&x=1) des Gerichtsverfassungsgesetzes erfordern und
* 3.inwieweit auf nicht unerlässliche Fragen zum persönlichen Lebensbereich des Zeugen nach § [68a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=68a) Absatz [1](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=68a&x=1) verzichtet werden kann.

Dabei sind die persönlichen Verhältnisse des Zeugen sowie Art und Umstände der Straftat zu berücksichtigen.

**Section 58a – Examination by Audio-Visual Medium**

(1) The examination of a witness may be recorded on an audio-visual medium. The examination shall, after evaluation of the relevant circumstances, be recorded and conducted as a judicial examination if

1. the interests meriting protection of persons of less than 18 years of age as well as of persons who as children or juveniles have been aggrieved as a result of one of the criminal offences designated under Section 255a subsection (2) can thus be better safeguarded; or
2. there is a concern that it will not be possible to examine the witness during the main hearing and the recording is required in order to establish the truth.

(2) Use of the audio-visual recording shall be admissible only for the purposes of the criminal prosecution and only insofar as it is required in order to establish the truth. Section 101 subsection (8) shall apply mutatis mutandis. Sections 147 and 406e shall apply mutatis mutandis subject to the proviso that copies of the recording may be made available to persons entitled to inspect the files. The copies may not be duplicated nor may they be passed on. They are to be returned to the public prosecution office as soon as there is no further legitimate interest in using them. The transfer of the recording or the release of copies to persons other than those aforementioned shall be subject to the consent of the witness.

(3) If the witness does not consent to a copy of the recording of his examination as a witness being made available pursuant to subsection (2), third sentence, then instead a written transcript of the recording shall be released to the persons entitled to inspect the files in accordance with Sections 147 and 406e. The person who produces the transcript shall sign with the addendum that he confirms the accuracy of the transcript. The right to view the recording pursuant to Sections 147 and 406e shall remain unaffected. The witness is to be informed of the right to refuse his consent pursuant to the first sentence.

**Section 68 – Examination as to Witness’ Identity**

(2) A witness shall furthermore be permitted to state his business address or place of work or another address at which documents can be served instead of stating his place of residence if there is well-founded reason to fear that legally protected interests of the witness or of another person might be endangered or that witnesses or another person might be improperly influenced by the witness stating his place of residence. If the conditions set out in the first sentence obtain at the main hearing, the presiding judge shall permit the witness not to state his place of residence.

(3) If there is well-founded reason to fear that revealing the identity or the place of residence or whereabouts of the witness would endanger the witness’ or another person’s life, limb or liberty, the witness may be permitted not to provide personal identification data or to provide such data only in respect of an earlier identity. However, if so asked at the main hearing, he shall be required to state in what capacity the facts he is indicating became known to him.

(4) If there are sufficient indications that the conditions set out in subsections (2) or (3) obtain, the witness is to be advised of the rights provided thereunder. In the case of subsection (2), the witness shall be assisted in specifying an address at which documents can be served. Documents establishing the witness’ place of residence or identity shall be kept by the public prosecution office. They shall only be included in the files when the fear of danger ceases.

**Section 68a – Question concerning degrading facts and previous convictions**

(1) Questions concerning facts which might dishonor the witness or a person who is his relative within the meaning of Section 52 subsection (1) or which concern their personal sphere of life are to be asked only if they cannot be dispensed with.

(2) Questions concerning circumstances justifying the witness’ credibility in the case at hand, particularly concerning his relationship with the accused or the aggrieved person, are to be asked so far as this is necessary. A witness is to be asked about his previous convictions only if their establishment is necessary in order to decide whether the conditions of Section 60, number 2 have been met, or to determine his credibility.

**Section 68b – Assignment of Legal Counsel**

(1) Witnesses may avail themselves of the assistance of legal counsel. Legal counsel appearing at the examination of the witness shall be permitted to be present. He may be barred from the examination if certain facts justify the assumption that his presence would not only negligibly hinder the orderly taking of evidence. As a rule, this shall be the case if, on the basis of certain facts, it can be assumed that

1. counsel participated in the offence to be investigated or in accessoryship after the fact, obstruction of justice or handling of stolen goods connected therewith;
2. the testimony of the witness will be influenced by the fact that counsel appears committed not only to the interests of the witness; or
3. counsel will use information obtained during the examination for tampering with evidence within the meaning of Section 112 subsection (2), number 3, or pass on such information in a manner detrimental to the purpose of the investigation.

(2) A witness who does not have the assistance of legal counsel at his examination and whose interests meriting protection cannot be taken into account in another way shall be assigned such counsel for the duration of the examination if special circumstances obtain from which it is evident that the witness is unable to exercise his rights himself at his examination. Section 142 subsection (1) shall apply mutatis mutandis.

(3) Decisions pursuant to subsection (1), third sentence, and subsection (2), first sentence, shall not be contestable. The grounds therefor shall be documented, insofar as this does not endanger the purpose of the investigation.

**Section 158 – *Criminal charge; criminal complaint***

(1) Information of a criminal offence or an application for criminal prosecution may be filed orally or in writing with the public prosecution office, with authorities and officials in the police force, and with the Local Courts. An oral information shall be recorded in writing. Upon application, the receipt of criminal charge has to be certified in writing to the aggrieved person. The certification should contain a brief summary of the aggrieved person’s indications of time of the offence, the crime scene and the reported offence. The certification can be refused, insofar as the purpose of the investigation, also in other criminal proceedings, is endangered. (…)

(3) If an aggrieved person resident in Germany files information of a criminal offence committed in another Member State of the European Union, the public prosecution office shall, upon the application of the aggrieved person, transmit the information to the competent criminal prosecuting authority of the other Member State if the offence is not subject to German criminal law or if prosecution of the offence is dispensed with pursuant to Section 153c subsection (1), first sentence, number 1, also in conjunction with Section 153f. Transmission may be dispensed with if

1. the offence and the circumstances of relevance for its prosecution are already known to the competent foreign authority or
2. the injustice done through the offence is minimal and it would have been possible for the aggrieved person to file the information abroad.

(4) If the German language is not common to the aggrieved person, he has to receive the necessary help regarding the comprehension to press the charges in a language he understands. The written certification of the application pursuant subsection (1) sentence 3 and 4 has to be translated for the aggrieved person in these cases on application on a language he understands; subsection (1) sentence 5 remains unaffected.

**Section 247a – Witness examination in another place**

(1) If there is an imminent risk of serious detriment to the well-being of the witness were he to be examined in the presence of those attending the main hearing, the court may order that the witness remain in another place during the examination; such an order shall also be admissible under the conditions set out in Section 251 subsection (2), insofar as this is necessary to establish the truth. The decision shall be incontestable. A simultaneous audio-visual transmission of the testimony shall be provided in the courtroom. The testimony shall be recorded if there is a concern that the witness will not be available for examination at a future main hearing and the recording is necessary for establishing the truth. Section 58a subsection (2) shall apply mutatis mutandis.

(2) The court may order that the examination of an expert be conducted in such a way that the expert is located in another place than the court and the examination is simultaneously transmitted audio-visually to the place where the expert is located and to the courtroom. This shall not apply in the cases referred to in Section 246a. The decision pursuant to the first sentence shall not be contestable.

**Section 255a – Showing Audio-Visual Recordings**

(2) In proceedings relating to criminal offences against sexual self-determination (sections 174 to 184g of the Criminal Code) or against life (sections 211 to 222 of the Criminal Code) or for ill-treatment of an individual placed in the charge of another (section 225 of the Criminal Code) or to criminal offences against personal liberty pursuant to sections 232 to 233a of the Criminal Code, the examination of a witness under 18 years of age may be replaced by the showing of an audio-visual recording of his previous judicial examination if the defendant and his defense counsel were given the opportunity to participate in such examination. This shall also apply to witnesses who have been aggrieved by one of these criminal offences and were under the age of 18 at the time of the offence. When taking its decision the court shall also consider the interests of the witness meriting protection and shall give the reason for showing the recording. Supplementary witness examination shall be admissible

**Section 268 – Pronouncement of the judgment**

(2) The judgment shall be pronounced by reading out the operative provisions of the judgment and disclosing the reasons for the judgment. Reasons for the judgment shall be disclosed by their being read out or by oral communication of their essential content. When deciding whether the reasons for the judgment shall be read out or whether their essential content shall be orally communicated, as well as in the event of oral communication of the essential content of the reasons for the judgment, consideration should be given to the interests meriting protection of participants in the proceedings, of witnesses or of aggrieved persons. Reading the operative provisions of the judgment shall in each case precede communication of the reasons for the judgment.

**Section 397 – Rights of the private Accessory prosecutor**

(3)If the private accessory prosecutor does not understand the German language, he has to receive on application pursuant the section 187 subsection 2 of the Judicature act a translation of the written documents, insofar it is necessary to execute his criminal procedural rights.

**Section 397a – Appointment of an Attorney as Counsel; legal aid**

(1) Upon application of the private accessory prosecutor an attorney shall be appointed as his counsel if he

1. has been aggrieved by a felony pursuant to sections 177, 179, 232 to 232b and 233a of the Criminal Code;

1a. has been aggrieved by an offence pursuant section 184j and a felony pursuant section 177 of the Criminal Code underlies the inspection of this offence;

1. has been aggrieved by an attempted unlawful act pursuant to sections 211 and 212 of the Criminal Code or is a relative of a person killed through an unlawful act within the meaning of Section 395 subsection (2), number 1;
2. has been aggrieved by a felony pursuant to sections 226, 226a, 234 to 235, 238 to 239b, 249, 250, 252, 255 and 316a of the Criminal Code which has caused or is expected to cause him serious physical or mental harm;
3. has been aggrieved by an unlawful act pursuant to sections 174 to 182, 184i, 184j and 225 of the Criminal Code and had not attained the age of 18 at the time of the act or cannot sufficiently safeguard his own interests himself; or
4. has been aggrieved by an unlawful act pursuant to sections 221, 226, 226a, 232 to 235, 237, 238 subsections (2) and (3), 239a, 239b, 240 subsection (4), 249, 250, 252, 255 and 316a of the Criminal Code and has not attained the age of 18 at the time of his application or cannot sufficiently safeguard his own interests himself.

(2) Where the conditions for an appointment pursuant to subsection (1) have not been fulfilled, the private accessory prosecutor shall, upon application, be granted legal aid for calling in an attorney subject to the same provisions as apply in civil litigation if he cannot sufficiently safeguard his own interests or if this cannot reasonably be expected of him. Section 114, subsection (1), second part of the first sentence, and subsection (2) as well as section 121 subsections (1) to (3) of the Code of Civil Procedure shall not be applicable.

(3) Applications pursuant to subsections (1) and (2) may already be made prior to the declaration of joinder. The presiding judge of the court seized of the case shall decide on the appointment of the attorney, to which Section 142 subsection (1) shall apply *mutatis mutandis*, and on the granting of legal aid.

**Section 406d – Information as to the stage of the procedure**

**§ 406d Auskunft über den Stand des Verfahrens**

(1) Dem Verletzten ist, soweit es ihn betrifft, auf Antrag mitzuteilen:

* 1.die Einstellung des Verfahrens,
* 2.der Ort und Zeitpunkt der Hauptverhandlung sowie die gegen den Angeklagten erhobenen Beschuldigungen,
* 3.der Ausgang des gerichtlichen Verfahrens.

Ist der Verletzte der deutschen Sprache nicht mächtig, so werden ihm auf Antrag Ort und Zeitpunkt der Hauptverhandlung in einer ihm verständlichen Sprache mitgeteilt.

(2) Dem Verletzten ist auf Antrag mitzuteilen, ob

* 1.dem Verurteilten die Weisung erteilt worden ist, zu dem Verletzten keinen Kontakt aufzunehmen oder mit ihm nicht zu verkehren;
* 2.freiheitsentziehende Maßnahmen gegen den Beschuldigten oder den Verurteilten angeordnet oder beendet oder ob erstmalig Vollzugslockerungen oder Urlaub gewährt werden, wenn er ein berechtigtes Interesse darlegt und kein überwiegendes schutzwürdiges Interesse des Betroffenen am Ausschluss der Mitteilung vorliegt; in den in § [395](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=395) Absatz [1](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=395&x=1) Nummer 1 bis 5 genannten Fällen sowie in den Fällen des § [395](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=395) Absatz [3](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=395&x=3), in denen der Verletzte zur Nebenklage zugelassen wurde, bedarf es der Darlegung eines berechtigten Interesses nicht;
* 3.der Beschuldigte oder Verurteilte sich einer freiheitsentziehenden Maßnahme durch Flucht entzogen hat und welche Maßnahmen zum Schutz des Verletzten deswegen gegebenenfalls getroffen worden sind;
* 4.dem Verurteilten erneut Vollzugslockerung oder Urlaub gewährt wird, wenn dafür ein berechtigtes Interesse dargelegt oder ersichtlich ist und kein überwiegendes schutzwürdiges Interesse des Verurteilten am Ausschluss der Mitteilung vorliegt.

Die Mitteilung erfolgt durch die Stelle, welche die Entscheidung gegenüber dem Beschuldigten oder Verurteilten getroffen hat; in den Fällen des Satzes 1 Nummer 3 erfolgt die Mitteilung durch die zuständige Staatsanwaltschaft.

(3) Der Verletzte ist über die Informationsrechte aus Absatz 2 Satz 1 nach der Urteilsverkündung oder Einstellung des Verfahrens zu belehren. 2Über die Informationsrechte aus Absatz 2 Satz 1 Nummer 2 und 3 ist der Verletzte zudem bei Anzeigeerstattung zu belehren, wenn die Anordnung von Untersuchungshaft gegen den Beschuldigten zu erwarten ist.

(4) Mitteilungen können unterbleiben, sofern sie nicht unter einer Anschrift möglich sind, die der Verletzte angegeben hat. 2Hat der Verletzte einen Rechtsanwalt als Beistand gewählt, ist ihm ein solcher beigeordnet worden oder wird er durch einen solchen vertreten, so gilt § [145a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=145a) entsprechend.

**Section 406e – Inspection of files; Information**

(1) An attorney may inspect, for the aggrieved person, the files that are available to the court or the files that would be required to be submitted to it if public charges were preferred, and may inspect officially impounded pieces of evidence, if he can show a legitimate interest in this regard. In the cases referred to in Section 395, there shall be no requirement to show a legitimate interest

(5) Under the conditions in subsection (1) the aggrieved person may be given information and copies from the files; subsections (2) and (4) and Section 478 subsection (1), third and fourth sentences, shall apply mutatis mutandis.

**Section 406g - Psychosocial assistance in the proceedings**

(1) Aggrieved persons may avail themselves of psychosocial assistance in the proceedings. The person providing psychosocial assistance shall be permitted to be present during the aggrieved person's examination and, accompanying the aggrieved person, during the main hearing.

(2) The principles of psychosocial assistance in criminal proceedings as well as the standards of qualification and the remuneration of individuals providing psychosocial assistance shall be based upon the Act on Psychosocial Assistance in Criminal Proceedings of 21 December 2015 (Federal Law Gazette p. 2525, 2529) in the respectively valid version.

(3) Pursuant to the conditions stated in section 397a (1), numbers 4 and 5, a person shall be appointed to provide psychosocial assistance upon application by the aggrieved person. Given the conditions stated in section 397a (1), numbers 1 to 3, a person may be appointed to provide psychosocial assistance upon application by the aggrieved person if the particular vulnerability of the aggrieved person so requires. Such appointment shall be free of charge for the aggrieved person. Section 142 (1) shall apply mutatis mutandis for the appointment. In preliminary proceedings, the court competent pursuant to section 162 shall decide.

(4) A person providing psychosocial assistance in criminal proceedings who has not been appointed may be prohibited from being present during the examination of the aggrieved person if his presence might endanger the purpose of the investigation. Such decision shall be made by the person conducting the examination; the decision shall not be contestable. The grounds for denial shall be documented.

**Section 406h – assistance of the private accessory prosecutor**

**Beistand des nebenklageberechtigten Verletzten**

(1) Nach § [395](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=395) zum Anschluss mit der Nebenklage Befugte können sich auch vor Erhebung der öffentlichen Klage und ohne Erklärung eines Anschlusses eines Rechtsanwalts als Beistand bedienen oder sich durch einen solchen vertreten lassen. Sie sind zur Anwesenheit in der Hauptverhandlung berechtigt, auch wenn sie als Zeugen vernommen werden sollen. Ist zweifelhaft, ob eine Person nebenklagebefugt ist, entscheidet über das Anwesenheitsrecht das Gericht nach Anhörung der Person und der Staatsanwaltschaft; die Entscheidung ist unanfechtbar.

(2) Der Rechtsanwalt des Nebenklagebefugten ist zur Anwesenheit in der Hauptverhandlung berechtigt; Absatz 1 Satz 3 gilt entsprechend. Er ist vom Termin der Hauptverhandlung zu benachrichtigen, wenn seine Wahl dem Gericht angezeigt oder er als Beistand bestellt wurde. Die Sätze 1 und 2 gelten bei richterlichen Vernehmungen und der Einnahme richterlichen Augenscheins entsprechend, es sei denn, dass die Anwesenheit oder die Benachrichtigung des Rechtsanwalts den Untersuchungszweck gefährden könnte.

(3) § [397a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=397a) gilt entsprechend für

* 1.die Bestellung eines Rechtsanwalts und
* 2.die Bewilligung von Prozesskostenhilfe für die Hinzuziehung eines Rechtsanwalts.

Im vorbereitenden Verfahren entscheidet das nach § [162](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=162) zuständige Gericht.

(4) Auf Antrag dessen, der zum Anschluß als Nebenkläger berechtigt ist, kann in den Fällen des § [397a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=397a) Abs. [2](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=397a&x=2) einstweilen ein Rechtsanwalt als Beistand bestellt werden, wenn

* 1.dies aus besonderen Gründen geboten ist,
* 2.die Mitwirkung eines Beistands eilbedürftig ist und
* 3.die Bewilligung von Prozeßkostenhilfe möglich erscheint, eine rechtzeitige Entscheidung hierüber aber nicht zu erwarten ist.

Für die Bestellung gelten § [142](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=142) Abs. [1](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=142&x=1) und § [162](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=162) entsprechend. 3Die Bestellung endet, wenn nicht innerhalb einer vom Richter zu bestimmenden Frist ein Antrag auf Bewilligung von Prozeßkostenhilfe gestellt oder wenn die Bewilligung von Prozeßkostenhilfe abgelehnt wird.

**Section 406i – Unterrichtung des Verletzten über seine Befugnisse im Strafverfahren**

(1) Verletzte sind möglichst frühzeitig, regelmäßig schriftlich und soweit möglich in einer für sie verständlichen Sprache über ihre aus den §§ [406d](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=406d) bis [406h](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=406h) folgenden Befugnisse im Strafverfahren zu unterrichten und insbesondere auch auf Folgendes hinzuweisen:

* 1.sie können nach Maßgabe des § [158](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=158) eine Straftat zur Anzeige bringen oder einen Strafantrag stellen;
* 2.sie können sich unter den Voraussetzungen der §§ [395](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=395) und [396](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=396) oder des § [80](https://beck-online.beck.de/?typ=reference&y=100&g=JGG&p=80) Absatz [3](https://beck-online.beck.de/?typ=reference&y=100&g=JGG&p=80&x=3) des Jugendgerichtsgesetzes der erhobenen öffentlichen Klage mit der Nebenklage anschließen und dabei
	+ a)nach § [397a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=397a) beantragen, dass ihnen ein anwaltlicher Beistand bestellt oder für dessen Hinzuziehung Prozesskostenhilfe bewilligt wird,
	+ b)nach Maßgabe des § [397](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=397) Absatz [3](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=397&x=3) und der §§ [185](https://beck-online.beck.de/?typ=reference&y=100&g=GVG&p=185) und [187](https://beck-online.beck.de/?typ=reference&y=100&g=GVG&p=187) des Gerichtsverfassungsgesetzes einen Anspruch auf Dolmetschung und Übersetzung im Strafverfahren geltend machen;
* 3.sie können einen aus der Straftat erwachsenen vermögensrechtlichen Anspruch nach Maßgabe der §§ [403](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=403) bis [406c](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=406c) und des § [81](https://beck-online.beck.de/?typ=reference&y=100&g=JGG&p=81) des Jugendgerichtsgesetzes im Strafverfahren geltend machen;
* 4.sie können, soweit sie als Zeugen von der Staatsanwaltschaft oder dem Gericht vernommen werden, einen Anspruch auf Entschädigung nach Maßgabe des [Justizvergütungs- und -entschädigungsgesetzes](https://beck-online.beck.de/?typ=reference&y=100&g=JVEG) geltend machen;
* 5.sie können nach Maßgabe des § [155a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=155a) eine Wiedergutmachung im Wege eines Täter-Opfer-Ausgleichs erreichen.

(2) Liegen Anhaltspunkte für eine besondere Schutzbedürftigkeit des Verletzten vor, soll der Verletzte im weiteren Verfahren an geeigneter Stelle auf die Vorschriften hingewiesen werden, die seinem Schutze dienen, insbesondere auf § [68a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=68a) Absatz [1](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=68a&x=1), die §§ [247](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=247) und [247a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=247a) sowie die §§ [171b](https://beck-online.beck.de/?typ=reference&y=100&g=GVG&p=171b) und [172](https://beck-online.beck.de/?typ=reference&y=100&g=GVG&p=172) Nummer 1a des Gerichtsverfassungsgesetzes.

(3) Minderjährige Verletzte und ihre Vertreter sollten darüber hinaus im weiteren Verfahren an geeigneter Stelle auf die Vorschriften hingewiesen werden, die ihrem Schutze dienen, insbesondere auf die §§ [58a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=58a) und [255a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=255a) Absatz [2](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=255a&x=2), wenn die Anwendung dieser Vorschriften in Betracht kommt, sowie auf § [241a](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=241a).

**Section 406j – (…)**

**§ 406j Unterrichtung des Verletzten über seine Befugnisse außerhalb des Strafverfahrens**

Verletzte sind möglichst frühzeitig, regelmäßig schriftlich und soweit möglich in einer für sie verständlichen Sprache über folgende Befugnisse zu unterrichten, die sie außerhalb des Strafverfahrens haben:

* 1.sie können einen aus der Straftat erwachsenen vermögensrechtlichen Anspruch, soweit er nicht nach Maßgabe der §§ [403](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=403) bis [406c](https://beck-online.beck.de/?typ=reference&y=100&g=StPO&p=406c) und des § [81](https://beck-online.beck.de/?typ=reference&y=100&g=JGG&p=81) des Jugendgerichtsgesetzes im Strafverfahren geltend gemacht wird, auf dem Zivilrechtsweg geltend machen und dabei beantragen, dass ihnen für die Hinzuziehung eines anwaltlichen Beistands Prozesskostenhilfe bewilligt wird;
* 2.sie können nach Maßgabe des [Gewaltschutzgesetzes](https://beck-online.beck.de/?typ=reference&y=100&g=GewSchG) den Erlass von Anordnungen gegen den Beschuldigten beantragen;
* 3.sie können nach Maßgabe des [Opferentschädigungsgesetzes](https://beck-online.beck.de/?typ=reference&y=100&g=OEG) einen Versorgungsanspruch geltend machen;
* 4.sie können nach Maßgabe von Verwaltungsvorschriften des Bundes oder der Länder gegebenenfalls Entschädigungsansprüche geltend machen;
* 5.sie können Unterstützung und Hilfe durch Opferhilfeeinrichtungen erhalten, etwa
	+ a)in Form einer Beratung,
	+ b)durch Bereitstellung oder Vermittlung einer Unterkunft in einer Schutzeinrichtung oder
	+ c)durch Vermittlung von therapeutischen Angeboten wie medizinischer oder psychologischer Hilfe oder weiteren verfügbaren Unterstützungsangeboten im psychosozialen Bereich.

**Article 9**

*Para 5*

**Section 232a**

**Forced prostitution**

(1) – (5)…

(6) Whosoever, in return for consideration, performs sexual acts upon or allows sexual acts to be performed on his person by a person engaging in prostitution who has been the victim of

1.human trafficking pursuant to section 232(1) 1st sentence No 1(a) above, also in conjunction with section 232(2) above, or

2.an offence pursuant to subsections (1) to (5) above,

and in doing so takes advantage of that person’s personal or financial predicament or helplessness arising from being in a foreign country, shall be liable to imprisonment from three months to five years. A person who voluntarily reports an offence pursuant to the 1st sentence Nos 1 or 2 above committed against a person engaging in prostitution pursuant to the 1st sentence above to the competent public authority or voluntarily causes such a report to be made shall not be liable to punishment pursuant to the 1st sentence above, unless the act had already been discovered in whole or in part at the time and the offender knew or could reasonably have known this.