Human Trafficking as a Violation of Human Rights

It is difficult to describe the phenomenon of human trafficking in a whole, because there is a lack of reliable data of it. Therefore, it is complained that the discourses about trafficking are not evidence-based but grounded in myths about trafficking. In this way trafficking can be transformed into an ideological and politically, also to the disadvantage of the real victims. Against this background I focus on human trafficking as a serious violation of human rights and draw conclusions for the prosecution of human trafficking and the guarantees of the victims’ rights.–– Anja Schmidt

The Fight against Terrorism and the Rule of Law

The fear of terrorist attacks has led to far-reaching changes in criminal law, which are decisively determined by international obligations.

The aim of the legislator is to intervene as early as possible in the process of radicalization in order to prevent the threat of actual terrorist attacks efficiently. This development challenges fundamental principles emerging from the rule of law:
The dis-integration between prevention (security) and punishment (criminal law) as well as the understanding of criminal law as a process of radicalization in or-
to the detriment of a technology as ultima ratio is undermined, the presumption of guilt, the obligation imposed by a system of criminal law based on the focus on the criminal act as opposed to the criminal actor (dt. “Tatstrafrecht”) and on requirements of a personal guilt (dt. “Schuldstrafrecht”) as well as the principle of proportionality are blurred.

Criminal law is subjected to a paradigm shift which raises the important question if such a shift at the expense of freedom is actually justified by a gain in security?

Interconnected Society – Interconnected Law?

Can changing legal realities in the form of the actual network of the world lead to a new criminal law or a new form of criminal law scholarship as a coping strategy?

It is clear that a sociologically descriptive perspective on the law cannot be transplanted directly into an individual perspective evaluated in a contribution from different perspectives. It should also be taken into account that the criminal provisions not only for the implementation of the Directive, but also for the closure of – supposed? – legal loopholes to po-
tentially regulate all trafficking-related activities

Strategy

Human trafficking defines a holistic approach. Prisoners become important on two levels in this context: as part of the state risk management, i.e. the role of prisoners in the security architecture on the one hand, and risk assessment and risk reduction measures on the other hand. Even though “interconnected” information exchange is necessary on the international, interdisciplinary and multi-agency level in practice as well as among researchers, it is, especially in prisons, equally important to take an individualised perspective on the incarcerated persons bearing in mind the heterogeneity of the phenomenon of terrorism and extremism.

–– Miriam Meyer

The Impact of the New Legislation on Social Standards of Care in Transnational Supply Chains Under German Criminal Law

The term soft law is misleading in the context of German criminal law. This follows from the fact that a violation of international law is considered to indicate a breach of the applicable standard of care. The indicative effect must, however, be thoroughly assessed in the context of each in-
dividual case in order to allow for an independent standard of care in criminal law. The assessment should be based on criteria such as the relevant provision’s specificity, its protective purpose, the legitimacy of the standard setting authority and procedure as well as its public acceptance.

Johanna Reiter

The Relationship between International Criminal Law and Terrorism

Offences committed on the internet are not only excep-
tionally transnational by nature, but regularly. This poses particular problems for the application of criminal law. The keynote presentation will discuss the Federal High Court’s change of stance on the matter of abstract danger-
ous offences as well as two current legislative projects in the area, which are intended to extend the applicability of German criminal law to certain criminal offences com-
mited on the Internet. On the one hand, the need for a “digital policing” is getting increasingly important. On the other hand, the legitimacy of these two legis-
lative projects with regards to international law may be questionable.

Victoria Bold

Terrorism – Prisons and Risk Management

Coping with Islamist and right-wing terrorism requires a holistic approach. Prisoners become important on two levels in this context: as part of the state risk management, i.e. the role of prisoners in the security architecture on the one hand, and risk assessment and risk reduction measures on the other hand. Even though “interconnected” information exchange is necessary on the international, interdisciplinary and multi-agency level in practice as well as among researchers, it is, especially in prisons, equally important to take an individualised perspective on the incarcerated persons bearing in mind the heterogeneity of the phenomenon of terrorism and extremism.

–– Miriam Meyer

Transnational Legal Validity for Online Crimes

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Victoria Bold

Predictive Algorithms in the Criminal Law System

Personbased predictive policing is exemplary for the challenges of an increasingly (thamomatic) “Intercon-
ected Society”: not only are algorithmic analysis meth-
ods based on the interconnectedness of more and more data points about us; but the introduction of algorithms into crime control, often developed by private companies, also leads to an increasing interweaving of private interests (profit) and state interests (common good); and professions are also intertwined with each other: computer and data scientists are increasingly making central (conscious and uncon-
scioius) value decisions that are embodied in a technology and that shape the work of state actors in crime control. The risks associated with personbased predictive policing for the right to informational self-determination, for the prohibition of discrimination and for the principles of de-
mocracy and the rule of law must already be countered.