



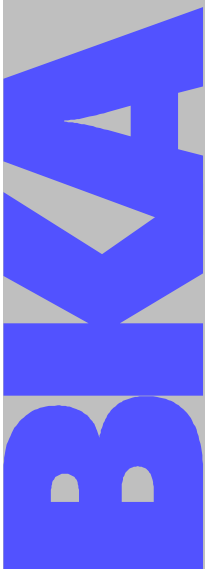
BUNDESKRIMINALAMT

TRAFFICKING IN HUMAN BEINGS

2002

OA 37

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1 INTRODUCTION

The data published in the annual report on trafficking in human beings are based on information obtained from police investigations in 2002 into suspected trafficking in human beings as specified in sections 180b (trafficking in human beings) and 181 (aggravated trafficking in human beings) of the German Penal Code.

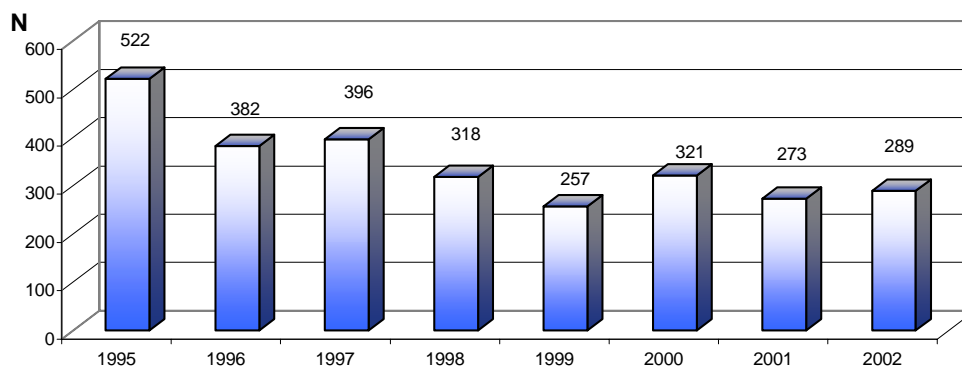
The situation report on trafficking in human beings is, above all, drawn up for practical police usage. The main objective is to reveal new *modi operandi* and developments in this field of crime, with the aim of developing appropriate police methods of crime suppression. Furthermore, information relevant for police investigations is presented on activities at national and international level. The situation report does not contain any data on investigations continued from the previous year, i.e. investigative developments are not documented. However, it shows an extract of the overall picture, which is comparable to the situation reports of the previous years because of the standardised data-collection method.

2 INVESTIGATIONS

2.1 Overview

For 2002, information was supplied about a total of **289 investigations** (2001: 273). Thus, the number of investigations has increased by 5.9% in comparison to the previous year.

Fig. 1: Number (N) of Investigations 1995 -2002



The drop in the number of investigations into trafficking in human beings noted over the last years needs to be analysed in detail.

Therefore, the Federal Working Group on Trafficking in Women was asked to establish whether a research project would help to discover possible causes for the drop in the number of investigations and, in particular, whether, to what extent and why the prosecution of other offences (e.g. facilitating illegal entry of foreigners as specified in section 92a of the Aliens Act, promoting prostitution as described in section 180a and pimping in accordance with section 181a of the German Penal Code) is possibly given preference, so that any necessary modifications in the pertinent legislation may be highlighted.

In the meantime, the research project has been authorised by the Federal Ministry of the Interior, and the Freiburg Max-Planck-Institut in co-operation with the Wiesbaden German Institute of Criminology was commissioned to realise the project. The project

"Number of Investigations into Trafficking in Human Beings" will begin in July 2003 and is expected to take 12 months.

The project is based on a multi-level approach including the analysis of files as well as written and oral interviews. Interviews will be conducted not only with police officers, but also with public prosecutors, judges, lawyers and possibly even with victims or perpetrators.

In order to carry out the project and to obtain meaningful results the support of judicial and police authorities nationwide is required.

3 STATISTICS ON VICTIMS

In 2002, a total of **811 human trafficking victims** were recorded (**a decrease by 176 compared to the previous year**). This means a drop by 17.8% (in 2001: 987 victims). Taking into account that in 2001 the Bundeskriminalamt carried out an investigation into the structures behind a case of human trafficking involving 266 victims, the decrease needs to be relativised.

For 188 investigations only one victim each was reported. For seven investigations more than 20 victims were recorded. The sex of 11 of the victims is unknown / was not reported. All other victims (800) were women.

The victims' nationalities are illustrated in table 1 below:

Table 1: **Nationality of the Victims in 2002**

	Year				Difference in number (N) 2001/2002
	2002		2001		
	Number (N)	%	Number (N)	%	
CEEC* including:	708	87.3%	681	69.0%	+ 27
Russia	143	17.6%	73	7.4%	+ 70
Lithuania	119	14.7%	119	12.1%	+ / -
Bulgaria	91	11.2%	24	2.4%	+ 67
Ukraine	86	10.6%	128	13.0%	- 42
Poland	82	10.1%	84	8.5%	- 2
Romania	47	5.8%	13	1.3%	+ 34
Belarus	41	5.0%	140	14.2%	- 99
Latvia	24	3.0%	40	4.1%	- 16
Other EUROPEan countries	8	1.0%	12	1.2%	- 4
AFRICA including:	35	4.3%	52	5.3%	- 17
Nigeria	13	1.6%	16	1.6%	- 3
ASIA including:	28	3.4%	45	4.6%	- 17
Thailand	11	1.4%	44	4.5%	- 33
AMERICAS	11	1.4%	24	2.4%	- 13
OTHER including:	21	2.6%	173	17.5%	- 152
unknown	15	1.9%	159	16.1%	- 144
Total	811	100%	987	100%	- 176

*The CEEC (Central and Eastern European countries) include Bulgaria, Estonia, Republic of Yugoslavia, Latvia, Lithuania, Republic of Moldova, Poland, Romania, Russia, Slovakia, Slovenia, Czech Republic, Ukraine, Hungary, Belarus.

As in the previous years, the majority of victims comes from the **Central and Eastern European (CEE) countries** (87%).

The significant drop in the number of **Belorussian** victims compared to the previous year is due to the BKA investigation into the structures behind human trafficking involving 114 Belorussian victims in 2001.

The low percentage of **Latvian** women (3.0%) is particularly noteworthy. The intensified co-operation between the BKA and the Latvian law enforcement authorities and the resulting increased likelihood that such an offence would be prosecuted in Latvia may have led to this decrease in the number of victims.

The number of victims from Lithuania still remained high. Therefore, the Bundeskriminalamt intend to further intensify their co-operation with Lithuania. For instance, a follow-up workshop to a BKA seminar held in Lithuania in December 2001 has been planned for 2003.

As to the increase in the number of **Bulgarian** victims, the forecast given in the 2001 situation report has proved to be true:

"Since 1 April 2001, Bulgarian nationals have been allowed to enter the Federal Republic of Germany for three months without a visa. An increasing number of "forced prostitutes" of Bulgarian origin has since been observed in Germany's big cities. This experience from practical police work is not yet mirrored by the situation report on trafficking in human beings 2001 but will probably be reflected in the report for 2002."

The following table shows the number of victims per 100,000 broken down by countries of origin, i.e. the number of female victims in relation to the number of 15 to 30-year-old women in the respective country of origin if known to the German law enforcement authorities.

Table 2:

Number of victims in relation to the population of their countries of origin

Victims' country of origin	No. of victims		Total population	Female population aged 15-30 years	No. of victims per 100,000**
	Total	female 15-30 years	"in thousands"		
Russia	143	94	147,002	16,270	0.6
Lithuania	119	97	3,491	399	24.3
Bulgaria	91	78	7,974	875	8.9
Ukraine	86	64	49,112	5,400	1.2
Poland	82	67	38,620	4,560	1.5
Romania	47	46	22,388	2,673	1.7

* Source: Statistisches Jahrbuch 2002 für das Ausland, Statistisches Bundesamt Wiesbaden (Statistical Yearbook 2002 for Foreign Countries, Federal Office of Statistics, Wiesbaden)

** No. of female victims per 100,000 in the 15-30 age group.

Thus Lithuania is most affected by crimes of trafficking in human beings in Germany relative to the female population in the 15 to 30 age group. From a statistical point of view, 24.3 of 100,000 Lithuanian women aged between 15 and 30 years have become victims of human trafficking in Germany alone. The second highest number of victims per 100,000 pertains to Bulgarian women (8.9). (Cf. also page 6 of this situation report).

Table 3: **Age Structure of Victims**

	Age groups ¹										
	14-17 years		18-20 years		21-24 years		> 24 years		Unknown		Total
	N	%	N	%	N	%	N	%	N	%	N
Total	38	4.7	184	22.7	229	28.2	272	33.5	88	10.9	811
Russia	4	2.8	17	11.9	39	27.3	60	42.0	23	16.1	143
Lithuania	2	1.7	43	36.1	34	28.6	29	24.4	11	9.2	119
Bulgaria	5	5.5	30	33.0	24	26.4	29	31.9	3	3.3	91
Ukraine	-	-	9	10.5	29	33.7	40	46.5	8	9.3	86
Poland	7	8.5	16	19.5	28	34.2	25	30.5	6	7.3	82
Romania	4	8.5	28	59.6	9	19.2	6	12.8	-	-	47

This overview of the age structure of the victims of trafficking in human beings recorded in 2002 shows that only 4.7% (38) of the victims are minors. None of the victims is under 15 years of age. In particular noteworthy is the fact that approx. 68% of all Romanian victims are 20 years of age or younger. This contrasts with the fact that 42% of the Russian and 46.5% of the Ukrainian victims are over 24 years of age.

¹ Groups in table 3 according to those in the Police Crime Statistics

4 STATISTICS ON SUSPECTS

821 suspects were recorded in 2002, which represents an increase by 9.9% (i.e. by 74 suspects) compared to 2001 (747 suspects).

Again, German nationals (39.6%) head the list of suspects. Their percentage was virtually unchanged from the previous year.

Of the total of 325 suspects, 54 were not born in Germany. This represents a share of 16.6% of the German suspects and of 6.7% of all suspects registered in 2002.

The number of suspects from the CEEC has constantly increased over the last three years: from 25.1% in 2000 to 32.1% in 2001 and 35% in 2002. Currently, an end to this development cannot be predicted.

It is striking that both Lithuanian and Bulgarian suspects form relatively large groups of approx. 8% each. In comparison to the number of victims, Russian (2.5%) and Ukrainian (2.9%) suspects play a minor role.

For 113 investigations, only one suspect each was reported. In seven cases, investigations were conducted into more than ten suspects.

Table 4: **Nationalities of Suspects**

	Year				Difference in number (N) 2001/2002
	2002		2001		
	Number (N)	%	Number (N)	%	
<u>FEDERAL REPUBLIC OF GERMANY</u> including:	325	39.6%	299	40.0%	+ 26
Not born in Germany	54	6.6%	65	8.7%	- 11
<u>CEEC*</u> including:	287	35.0%	240	32.1%	+ 47
Bulgaria	68	8.3%	24	3.2%	+ 44
Lithuania	67	8.2%	54	7.2%	+ 13
Poland	35	4.3%	37	5.0%	- 2
Romania	30	3.7%	5	0.7%	+ 25
<u>other EUROPEan countries</u> including:	125	15.2%	100	13.4%	+ 25
Turkey	84	10.2%	65	8.7%	+ 19
<u>AFRICA</u> including:	13	1.6%	9	1.2%	+4
Nigeria	7	0.9%	4	0.5%	+ 3
<u>ASIA</u> including:	19	2.3%	11	1.5%	+ 8
Thailand	7	0.9%	10	1.3%	- 3
<u>AMERICAS</u>	4	0.5%	3	0.4%	+ 1
<u>OTHER</u> including:	48	5.8%	85	11.4 %	- 37
unknown	44	5.4%	48	6.4%	- 4
Total	821	100.0	747	100.0	+ 74

*The CEEC (Central and Eastern European countries) include Bulgaria, Estonia, Republic of Yugoslavia, Latvia, Lithuania, Republic of Moldova, Poland, Romania, Russia, Slovakia, Slovenia, Czech Republic, Ukraine, Hungary, Belarus.

Table 5: **Breakdown of Suspects by Sex**

Year	Suspects						
	Total	Sex unknown		Sex known: male		Sex known: female	
	Number (N)	Number (N)	%	Number (N)	%	Number (N)	%
1997	1,106	11	1.0%	895	81.7%	200	18.3%
1998	751	8	1.1%	628	84.5%	115	15.5%
1999	805	10	1.2%	668	84.0%	127	16.0%
2000	837	18	2.2%	670	81.8%	149	18.2%
2001	747	22	3.0%	601	82.9%	124	17.1%
2002	821	15	1.8%	608	75.4%	198	24.6%

The percentage of female suspects (24.6%) has increased significantly compared to the previous years. Of the total of 198 female suspects 78 are German, 20 Bulgarian and 14 Lithuanian nationals. All seven Thai suspects are female.

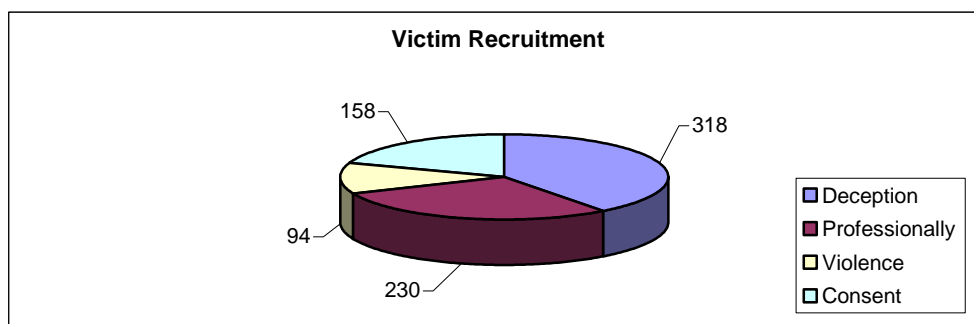
5 CHARACTERISTICS OF THE OFFENCE

5.1 Victim Recruitment

Information is available about the recruitment of 595 of the 811 victims of trafficking in human beings recorded in 2002. 318 victims (53.5%) were misled about the real purpose of their entry into Germany. 230 women (38.7%) were recruited professionally, e.g. by artist agencies or through newspaper advertisements. Violence was used in the "recruitment" of 94 women (15.8%). 158 women (26.6%) agreed to work as prostitutes.

For 400 victims information is available as to whether they had worked as prostitutes prior to being recruited. 97 (24.3%) of these women had previously worked as prostitutes.

Fig. 2:



5.2 Entry of Victims into Germany

For 703 victims information was available on their legal status at the time they crossed the border. According to these data, 422 victims (60.0%) entered the country legally, while 281 women (40.0%) illegally crossed the border.

Details on the type of entry are available for 590 victims. 262 (44.4%) travelled to Germany by coach or train. 251 victims (42.5%) crossed the border by car and 55 (9.3%) entered Germany by aeroplane.

Table 6: **Entry of victims from a choice of countries of origin**

Stat- us	Trans- port	Russia		Lithuania		Bulgaria		Ukraine		Poland		Romania	
		N	%	N	%	N	%	N	%	N	%	N	%
Legal	Coach/ railway	60	42.0%	24	20.2%	9	9.9%	34	39.5%	18	22.0%	11	23.4%
	Passeng er car	9	6.3%	23	19.3%	20	22.0%	7	8.1%	13	15.9%	19	40.4%
	Aeropla ne	5	3.5%	4	3.4%	1	1.1%	2	2.3%	-	-	1	2.1%
	Boat	1	0.7%	-	-	-	-	-	-	1	1.2%	-	-
	Other	-	-	-	-	1	1.1%	-	-	1	1.2%	-	-
	Unknow n	17	11.9%	11	9.2%	3	3.3%	5	5.8%	7	8.5%	1	-2.1%
	Total	92	64.3%	62	52.1%	34	37.4%	48	55.8%	40	48.8%	32	68.1%
Illegal	Coach/ railway	8	6.0%	10	8.4%	22	24.2%	4	4.7%	11	13.4%	4	8.5%
	Passeng er car	22	15.4%	21	17.6%	15	16.5%	25	29.1%	11	13.4%	5	10.6%
	Aeropla ne	2	2.7%	1	0.8%	1	1.1%	1	1.2%	-	-	-	-
	Boat	-	-	-	-	-	-	-	-	-	-	-	-
	Other	-	-	-	-	-	-	1	1.2%	1	1.2%	1	2.1%
	Unknow n	5	3.5%	11	9.2%	1	1.1%	2	2.3%	7	8.5%	3	6.4%
	Total	37	25.9%	43	36.1%	39	42.9%	33	38.4%	30	36.6%	13	27.7%
Unknown	14	9.8%	14	11.8%	18	19.8%	5	5.8%	12	14.6%	2	4.2%	
Total	143	100%	119	100%	91	100%	86	100%	82	100%	47	100%	

5.3 Prostitution-Related Violence

Violence comprises the physical and psychological violence used against victims in order to force them into or to remain in prostitution. Relevant information is on hand about 514 of the 811 victims. Violence was used against 212 women (41.3% of the victims known). This means a decrease of approx. 4% in comparison to the year 2001 (45.2%).

In relation to the share of women for whom information concerning the use of violence is available, the following percentages were recorded for the main countries of origin: Bulgaria (64.1%), Lithuania (41.4%), Ukraine (40.4%), Poland (33.9%), Romania (29.7%) and Russia (21.8%).

5.4 Threats against Victims

As part of the enquiries made with police authorities throughout Germany in preparation of this situation report, it was also assessed in how far perpetrators influence their victims' willingness to testify by threatening them or their relatives after their return to their native countries.

Data are available on 500 of the 811 victims only. Of these 500 victims, 137 (27.4%) were threatened to affect their willingness to testify.

5.5 Whereabouts of Victims

The following table illustrates the whereabouts of victims. Relevant information is on hand about 640 of the 811 victims.

Table 7: **Whereabouts of Victims**

Year	Total	Unknown whereabouts		Known whereabouts											
		N	%	Deportation		Expulsion		Temporary residence title		Voluntary return		Police witness protection		Other	
				N	%	N	%	N	%	N	%	N	%	N	%
1995	1,753	465	26.5	784 / 60.9				69	5.4	212	16.5	34	2.6	189	14.7
1996	1,581	472	29.9	584 / 52.7				51	4.6	253	22.8	29	2.6	192	17.3
1997	1,201	268	22.3	524 / 56.2				53	5.7	216	23.2	20	2.1	120	12.9
1998	840	215	25.6	192	30.7	153	24.5	97	15.5	119	19.0	14	2.2	50	8.0
1999	801	154	19.2	206	31.8	112	17.3	109	16.9	136	21.0	27	4.2	57	8.8
2000	926	258	27.9	216	32.3	101	15.1	112	16.8	138	20.7	33	4.9	68	10.2
2001	987	383	38.8	177	29.3	64	10.6	124	20.5	128	21.2	21	3.5	90	14.9
2002	811	171	21.1	109	17.0	175	27.3	104	16.3	153	23.9	35	5.5	64	10.0

"Unknown" means that no information was supplied on this question or that the investigating authority did not know the whereabouts of the victims. In some cases, data on victims were merely gathered through analyses of items of evidence or telephone intercepts.

No information is provided on the duration of the temporary residence title ("Duldung"). An initially "tolerated" person can be deported after a certain period or may leave the country voluntarily. Besides, a temporary residence title can be converted into an unlimited residence status. As a result of the data-collection method used, this cannot be reflected by the situation report on trafficking in human beings.

"Other" includes marriage, application for asylum or other reasons for staying in Germany.

5.6 Victim Counselling

The following table displays the noteworthy relationship between victim counselling and the number of temporary residence titles ("Duldungen") granted.

Approx. one in three women counselled was granted a temporary residence title ("Duldung") compared to only one in thirty women not counselled.

Table 8: **Relationship between Victim Counselling and Temporary Residence Titles Granted**

Victim	Number (N)	in %
Counselled	200	24.7
including:		
- with temporary residence title	75	9.3
- without temporary residence title	125	15.4
Not counselled	456	56.3
including		
- with temporary residence title	16	2.0
- without temporary residence title	440	54.3
Total	656	100.0

No information was available on 155 victims.

6 ESTIMATED PROCEEDS / CONFISCATION OF PROCEEDS

Information on the estimated illegal proceeds was provided in 69 of a total of 289 investigations reported. These amount to a total of 8,433,410 €. Compared to the previous year (5.721.690 € in 2001), this represents an increase by 47.4%. 269 suspects were recorded in relation to the 69 investigations. Thus the average illegal proceeds per suspect amount to approx. 31,350 €.

During 19 investigations illegally obtained assets worth 1,575,208 € were confiscated. This means a drop by 72.3% compared to the previous year (5,695,029 € in 2001). 143 suspects were recorded in relation to the 19 investigations. During 270 investigations no illegally obtained assets were confiscated.

As a conclusion, the instrument of asset confiscation was used in a rather restrained manner in investigations into trafficking in human beings in 2002 as well. Considering the total amount of illegal proceeds estimated (8,433,410 €) the confiscation of 1.5m € in assets is not enough. Thus, the suspects are left with approx. 7m € in spite of the confiscation of assets, which continues to make this form of crime particularly lucrative.

Table 9: **Confiscation of assets**

	Year	Organised Crime units		Non-Organised Crime units		Total
			Changes 01/02 *		Changes 01/02 *	
No. of investigations (N)	2002	50	-65	239	+81	289
	2001	115		158		
Illegal proceeds (EUR)	2002	1,256,037	-1,843,652	7,177,373	+4,555,373	8,433,410
	2001	3,099,689		2,622,000		
Illegal proceeds per investigation (EUR)	2002	25,120	-1,833	30,026	+13,432	29,181
	2001	26,953		16,594		
Assets confiscated (EUR)	2002	258,006	-4,901,254	1,317,202	+781,434	1,575,208
	2001	5,159,260		535,768		
Assets confiscated per investigation (EUR)	2002	5,160	-39,702	5,511	+2,121	5,450
	2001	44,862		3,390		

* Difference of data for 2002 minus data for 2001

7 CONCLUDING REMARKS

Central and eastern European states continue to be the major countries of origin both of victims and suspects in cases of trafficking in human beings. Therefore, intensifying the co-operation with these states is accorded high priority by the Bundeskriminalamt.

In 2002 the European Council concluded a Framework Decision on Combating Trafficking in Human Beings (2002/629/JI). It refers to the United Nations Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons supplementing the UN Convention against Transnational Organised Crime. The UN definition of trafficking in human beings is broader, i.e. not limited to sexual exploitation, and includes exploitation of persons as workers. The framework decision includes the obligation for all member states to make the exploitation of persons as workers punishable as trafficking in human beings. The member states are to include these standards in their national legislation by 1 April 2004. Germany will also need to adjust the relevant legislative provisions.

The procedure used for funding the stay and living expenses of victims who are willing to provide information as witnesses remains problematic. The social welfare offices are the sole providers of funds to cover living expenses. The problem resulting from this for the police often is that a social welfare office needs to be found that takes on the responsibility in accordance with the Bundessozialhilfegesetz (BSHG - Federal Act on Social Benefits) or the Asylbewerberleistungsgesetz (AsylbLG - Asylum Seekers Benefits Act).

Difficulties arise in particular when the authorities at the place where the victim was found do not accept the responsibility although recommended in the "Handreichung für Sozialämter" (instructions for social welfare offices drawn up by the Federal Working Group on Trafficking in Women).

Due to the authorities' current grave financial situation, the recommendations included in the "Handreichung" are not generally accepted anyway. As a consequence, many local authorities refuse to implement the recommendations.

In practice, in many cases the only chance is to establish direct contact between the social welfare offices involved and their superior authorities. The same applies where the competent aliens office needs to be determined.

Furthermore, differences exist for the various federal states both in ministerial responsibilities and funding policies.

The efforts made by the specialised counselling offices to quickly arrange work for the women are fostered by a decree by the Federal Employment Office dated 29 May 2001 allowing work permits to be granted if a temporary residence permit has been issued². However, they are frequently unsuccessful in convincing possible employers due to the limitation of the permits to relatively short periods of time. Against this background and due to the bad employment situation in general, the aim of the specialised counselling offices to carry out re-integration measures, such as offering concepts for professional training, is frequently unachievable.

The demand raised by the Federal Working Group on Trafficking in Women that special funds should be created in order to provide financial support for the victims of trafficking in human beings is still valid. These funds could be used to cover all the costs incurred both during the four-week term (cf. administrative regulations on the Aliens Act) and during the total stay of the witnesses.

Such a fund would make it significantly easier to care for the victims of trafficking in human beings since claiming financial means from the various possible authorities separately for each case and discussing their legal doubts over and over again would become unnecessary.

² Federal Employment Office decree no. IIa7-51/45 of 29 May 2001 - cf. also 2001 Situation Report on Trafficking Human Beings