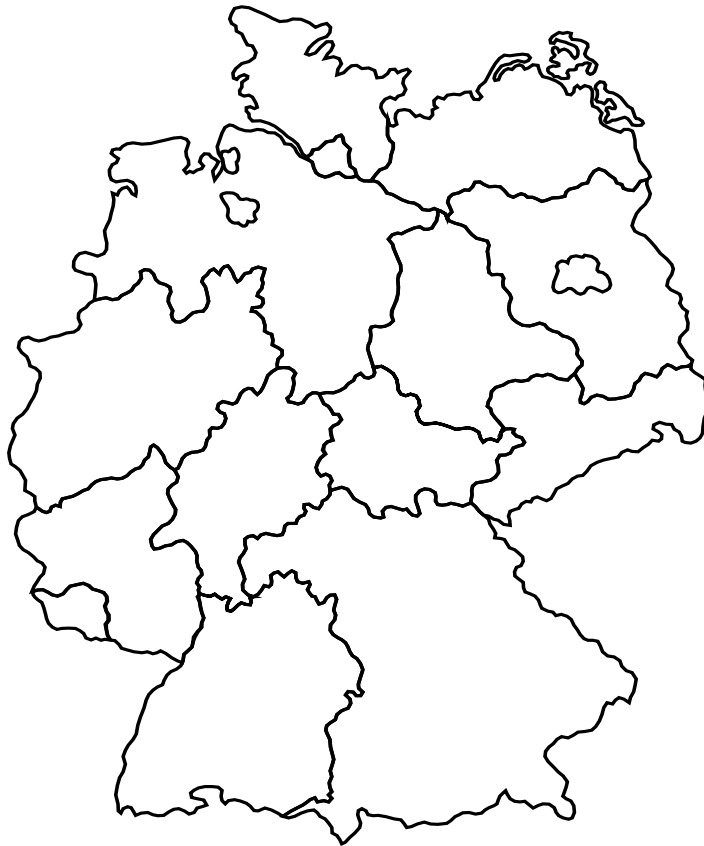




TRAFFICKING IN HUMAN BEINGS 2004

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2004 TRAFFICKING IN HUMAN BEINGS SITUATION REPORT

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1 INTRODUCTION

2004 TRAFFICKING IN HUMAN BEINGS SITUATION REPORT

1 INTRODUCTION

The situation report on trafficking in human beings is, above all, drawn up for practical police usage. It depicts and assesses developments in quantitative and qualitative terms. Its main objective is to develop approaches for crime suppression methods for the police.

The data published in the annual report on trafficking in human beings are based on information obtained from police investigations conducted in 2004 into suspected trafficking in human beings as specified in sections 180 b (trafficking in human beings) and 181 (aggravated trafficking in human beings) of the German Penal Code. As of 2003, this also includes offences committed to the detriment of German nationals.

Since the situation reports' figures on victims and suspects are sometimes interpreted in strongly differing, heavily simplified and even partly incorrect ways, we would like to make some general remarks before going into details.

- Figures from large-scale investigations distort statistical findings. For instance, 114 Belarusian victims were reported for a single investigation conducted by the BKA in 2001. This explains why the percentage of Belarusian victims is extraordinarily high for that year compared to the years before (since 1994) and afterwards (since 2002).
- Before being provided to the Bundeskriminalamt, the data are anonymised, i.e. it is not possible to draw detailed conclusions on the original cases nor to analyse them to study specific issues. For instance, the issue of entry into national territory only covers the question of "legal or illegal entry"; further data on entry arrangements are not collected. It is, in particular, not possible to state how many of the victims of a certain nationality established in Germany in the period under review entered Germany
 - with a German Schengen visa,
 - with a Schengen visa issued by another member state,
 - with forged or counterfeit documents,
 - with identity documents issued by other states,
 - on a work permit as a dancer etc.
- The report considers all the investigations according to sections 180 b and 181 (trafficking in human beings) of the German Penal Code (old version) initiated at national or federal state levels during the period under review. However, if the investigating offices classify such cases as offences that seem "easier to handle" such as facilitation of illegal entry or pimping or exploitation of prostitutes, these cases are **not** included in the human trafficking situation report.

- Comparability of the Police Crime Statistics (Polizeiliche Kriminalstatistik) to the situation report figures:

In contrast to the Police Crime Statistics, which concentrate on the investigation outcome, the trafficking in human beings situation report is based on the data available at the initial stage of the investigations. Only where both initiation and termination of an investigation fall within the period under review, is the outcome of the investigation also taken into account in the situation report on trafficking in human beings.

Whereas individual cases (offences) are counted in the Police Crime Statistics, the present situation report also records complex investigations. Therefore, the data from these two statistical reports are not suitable for comparison.

2 OVERVIEW

2 OVERVIEW

In 2004 a total of 370 investigations was recorded, including those into trafficking of German nationals. 277 of these investigations were concerned with trafficking of human beings to the detriment of foreign nationals. In relation to the figures for the previous year (431 investigations), this means a decrease of approximately 14 %. Correspondingly, the number of victims dropped as well (by approx. 24 %) as did the number of suspects (by approx. 12 %).

As to the victims of trafficking in human beings, the percentage of Bulgarian victims remained at a high level and was virtually unchanged from the previous year. The total number of victims per 100,000 females aged 15-30 also continues at a high level for Bulgaria compared with other countries. The number of Ukrainian victims increased by approximately 10 %. The percentage of Russian victims, which was extremely high in 2003, dropped by approximately 15 %. The number of Lithuanian victims continued to decrease.

As in the previous years, most of the victims were between 18 and 25 years old. The percentage of under-age victims rose slightly to approximately 8 % compared to the previous year. The major part of the victims who are minors come from Germany.

As in the previous years, the list of suspects was headed by German nationals who accounted for approximately 40 % of all suspects.

Violence is still very commonly used in the context of prostitution. As in the previous year, violence was used against more than 50 % of the known victims.

The new opportunities the EU's enlargement to the East offers for new EU citizens to legally work as prostitutes in Germany under certain conditions make it even more difficult to identify potential victims. Thus, new approaches for countering this phenomenon need to be developed so that – even in these cases – victims and perpetrators in the field of trafficking in human beings can be identified.

The introduction of a new statutory definition of the crimes, the EU's enlargement to the East and the Immigration Act, which entered into force on 1 January 2005, have decisively changed the field of human trafficking. These changes make a comprehensive and integrated approach to combating these crimes necessary. It is paramount that all the instances involved operate in a co-ordinated, systematic and resolute manner.

Due to these changes, the present report is the last issue of the situation report in this format. In the course of 2005, arrangements will be made with the police authorities at federal state level for developing a new report that is more geared to the new situation.

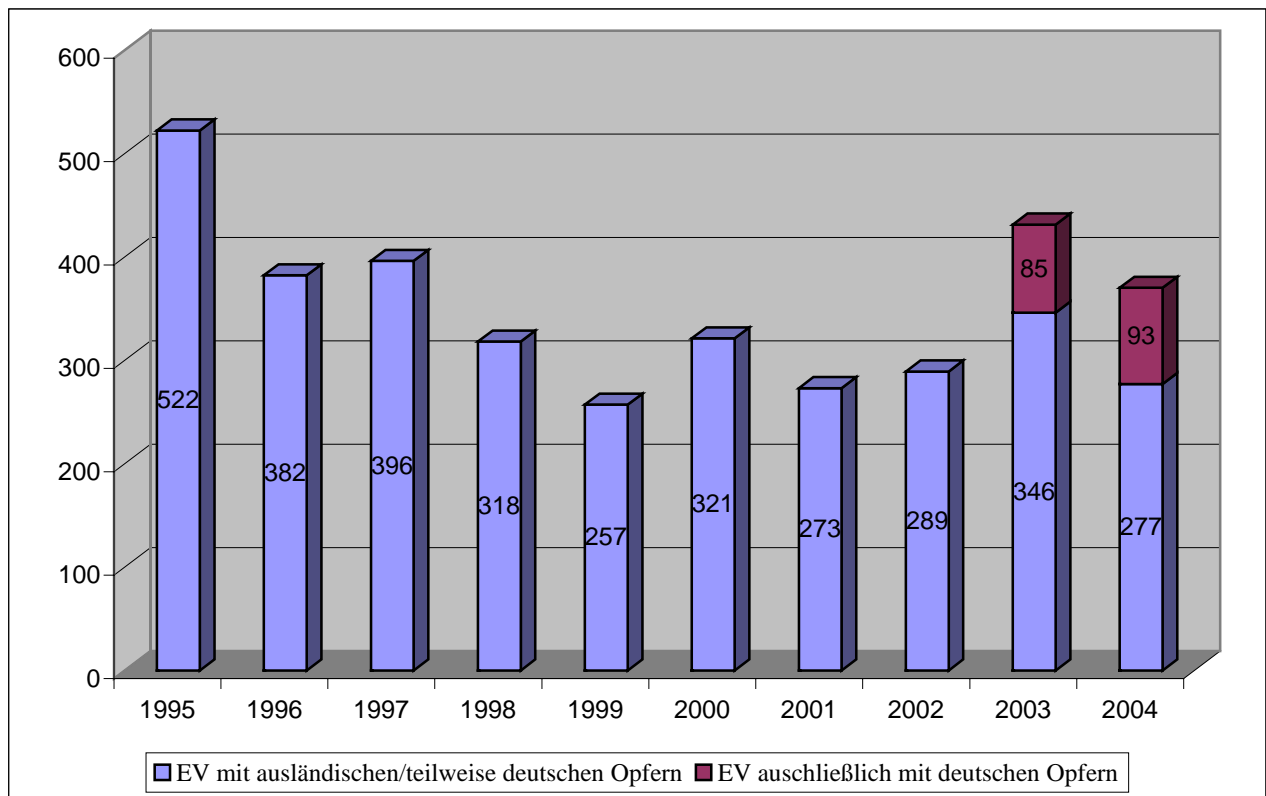
3 SITUATION

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3.1 Investigations

For 2004, information was supplied about a total of **370 investigations (compared to 431 in 2003)**, including 277 investigations involving non-German (and in part also German) victims (compared to 346 in 2003) and 93 investigations involving German victims only (compared to 85 in 2003). This means that the total number of investigations fell by 14 % compared to 2003.

Fig. 1: Number of investigations in 1995 -2004



3.2 Data on victims

In 2004 a total of **972 victims (1,235 in 2003)** of trafficking in human beings was recorded. There were **845 non-German victims (1,108 in 2003)**. This corresponds to a decrease of 23.7 %. The percentage of German victims in relation to the total number of victims is 13.1 % (or 127 victims).

For 255 investigations, only one victim each was reported. For five investigations, more than 20 victims were recorded. 13 victims were males; the sex of eight of the victims was not reported.

The victims' nationalities are illustrated in table 1 below:

Table 1: Victims' nationalities in 2004

	Year				Difference in numbers 2003/2004
	2004		2003		
	Number	%	Number	%	
<u>CEEC*</u> including:	734	75.5%	988	80.0%	- 254
Ukraine	183	18.8%	103	8.3%	+ 80
Bulgaria	126	13.0%	128	10.4%	- 2
Russia	113	11.6%	317	25.7%	- 204
Romania	104	10.7%	143	11.6%	- 39
Poland	56	5.8%	91	7.4%	- 35
Lithuania	28	2.9%	62	5.0%	- 34
<u>other EUROPEan countries</u> including:	138	14.2%	139	11.3%	- 1
Germany	127	13.1%	127	10.3%	+ / -
<u>AFRICA</u> including:	28	2.9%	35	2.8%	- 7
Nigeria	8	0.8%	10	0.8%	- 2
<u>ASIA</u> including:	31	3.2%	36	2.9%	- 5
Thailand	11	1.1%	10	0.8%	+ 1
<u>AMERICAS</u>	12	1.2%	16	1.3%	- 4
<u>OTHER</u> including:	29	3.0%	21	1.7%	+ 8
unknown	29	3.0%	20	1.6%	+ 9
Total	972	100 %	1,235	100 %	- 263

*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 (approx. 75 %) comes from the **Central and Eastern European countries (CEEC)**. The comparative figure for the previous year is 80 %. Victims from the CEEC account for 86.9 % of all the foreign victims.

A comparison against the total number of victims for each of the federal states shows that the Lower Saxony, Hamburg and Schleswig-Holstein authorities, in particular, conducted a relatively high number of investigations into trafficking of German nationals (29.3 %, 28.9 % and 27.8 %, respectively).

The table below shows the number of female victims aged 15-30 per 100,000 women in the same age group broken down by countries of origin.

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	Females aged 15-30 years	"In thousands"		
Ukraine	183	170	49,112	5,400	3.2
Bulgaria	126	121	7,974	875	13.8
Russia	113	87	147,002	16,270	0.5
Romania	104	97	22,388	2,673	3.6
Poland	56	50	38,620	4,560	1.1
Lithuania	28	23	3,491	399	5.8
Germany	127	103	82,007	6,939	1.5

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

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

In relation to the corresponding age group in the countries of origin, Bulgarian victims (126) are most strongly affected by trafficking in human beings. From a statistical point of view, 13.8 of 100,000 Bulgarian women aged between 15 and 30 years become victims of human trafficking in Germany.

The number of Latvian victims recorded for 2004 per 100,000 Latvian women of the same age group was 7.1, which means a significant decrease compared to 2003 (22.1). The information at hand is not sufficient to formulate a reliable theory that could explain this decrease. It is not possible to adequately appraise the interdependence of the decisive cause-and-effect relations since the large number of social science data required for such an

assessment are not available. With regard to this issue, we would like to refer to the explanatory remarks in the introduction to this situation report.

Table 3: Breakdown of victims by age

	Age groups ¹										
	14-17 years		18-20 years		21-24 years		> 24 years		Unknown		Total
	N	%	N	%	N	%	N	%	N	%	N
Total	79	8.1	272	28.0	272	28.0	288	29.6	61	6.3	972
Ukraine	7	3.8	28	15.3	69	37.7	77	42.1	2	1.1	183
Bulgaria	8	6.4	58	46.0	33	26.2	24	19.1	3	2.4	126
Russia	3	2.7	33	29.2	28	24.8	28	24.8	21	18.6	113
Romania	12	11.5	23	22.1	33	31.7	34	32.7	2	1.9	104
Poland	2	3.6	17	30.4	19	34.0	17	30.4	1	1.8	56
Lithuania	2	7.1	10	35.7	9	32.1	6	21.4	1	3.6	28
Germany	26	20.5	51	40.2	21	16.5	28	22.1	1	0.8	127

Of the total of 127 German victims, 26 (20.5 %) were under 18 years of age, and 51 (40.2 %) were under 21 years of age. Among the foreign victims, on the other hand, 52 (5.4 %) were under 18 years of age, and 325 (33.4 %) were under 21 years of age.

This means that the percentage of under-age victims is significantly higher among German victims.

A comparison of the figures for foreign victims shows that nearly one in two of the Bulgarian victims is under 21 years of age.

3.3 Data on suspects

777 suspects were recorded in 2004.

Again, German nationals (38.2 %) head the list of suspects. Their percentage was virtually unchanged from the previous year (39.4 %).

Of the total of 297 German suspects, 55 were not born in Germany. This represents a share of 18.5 % of the German suspects and of 7.1 % of all suspects registered in 2004.

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

Kazakhstan (11), Russia (9), Turkey (9) and Poland (7) head the list of countries of birth of those German suspects who were born abroad.

248 (31.9 %) of the suspects come from the CEEC. Their percentage has remained virtually unchanged from the previous year (30.6 %).

With their share of 7.7 %, Bulgarians head the list of CEEC suspects, followed by Russian suspects (4.8 %).

For 182 investigations, only one suspect each was reported. In six cases, investigations were conducted into ten or more suspects.

It can still be observed that trafficking of German nationals is usually also committed by German nationals. Bogus romantic relationships, financial dependence or family bonds are usually underlying characteristics of these crimes.

Table 5: Breakdown of suspects by sex

Year	Suspects						
	Total	Sex unknown		Sex known: male		Sex known: female	
	Number	Number	%	Number	%	Number	%
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%
2003	1,110	16	1.4%	868	79.3%	226	20.7%
2004	777	14	1.8%	596	78.1%	167	21.9%

Of the total of 167 female suspects, 49 are German, 14 Russian and 12 Bulgarian nationals. Many of the female suspects previously used to be prostitutes themselves. Now, they recruit women in their countries of origin or they place or supervise them in brothels.

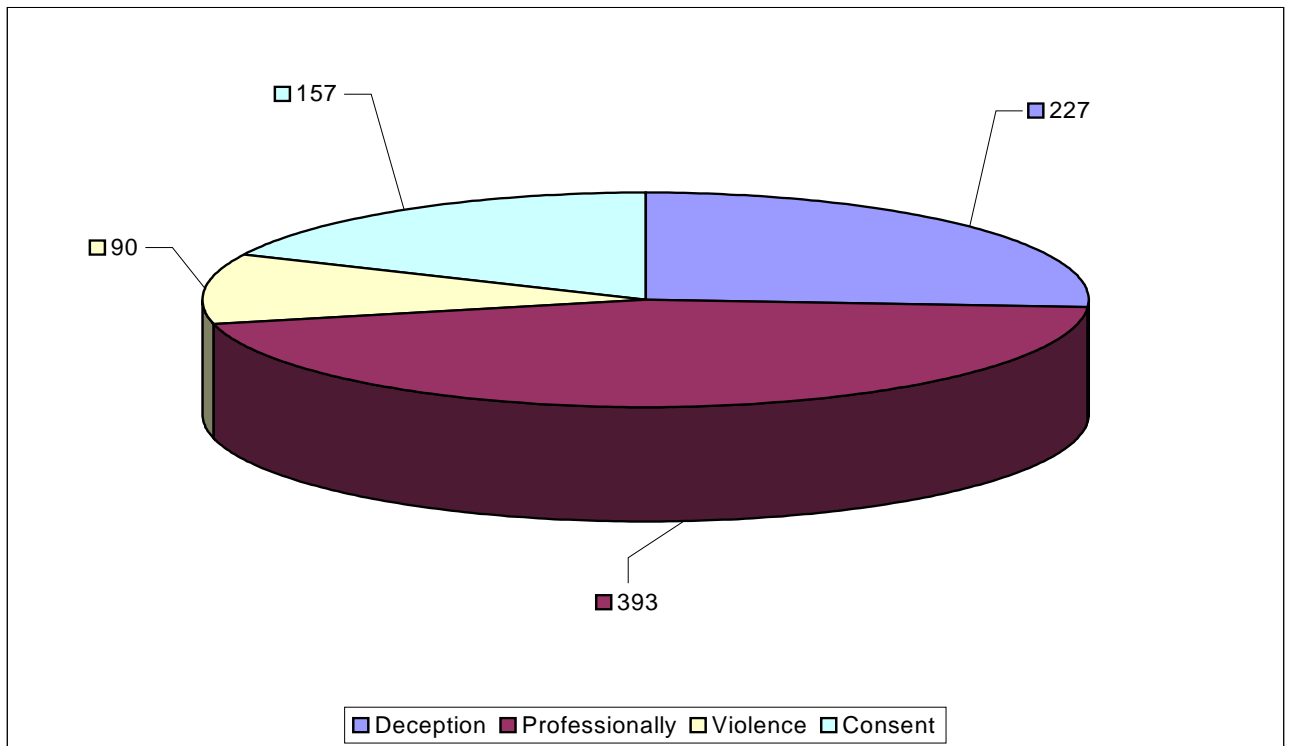
3.4 Characteristics of the offence

3.4.1 Victim recruitment

Information is available about the recruitment of 759 of the 972 victims of trafficking in human beings recorded in 2004 (multiple recording possible). 227 of these victims (29.9 %) were misled about the real purpose of their entry into Germany. 393 women (51.8 %) were recruited professionally, e.g. by artists agencies or through newspaper advertisements. Violence was used in the "recruitment" of 90 women (11.9 %). 157 women (20.7 %) agreed to work as prostitutes.

The following comments were already made about this in the 1998 trafficking in human beings situation report:

"The idea of the women consenting to go into or remain in prostitution needs to be put into perspective. Many victims were deceived about the true conditions of their work as prostitutes. The women were, in general, promised enormous financial profit and self-determined work. They were, however, not informed that, at the beginning, they would have to work in order to pay the perpetrators for a fictitious pile of debts (procurement of passports and visa, travel expenses, accommodation and food etc.). This method is used to intentionally create a relationship of dependence. In some cases, the victims were confronted with these supposed debts after having returned to their countries of origin, so that they believed that returning into prostitution abroad was their last resort. The fact that many of these women were repeatedly photographed and fingerprinted in Germany for violation of the aliens legislation within a short period of time supports the observation that there actually is such a vicious circle."

Fig. 2: **Victim recruitment**

For 375 victims information is available as to whether they had worked as prostitutes prior to being recruited. 83 (22.1 %) of these women had previously worked as prostitutes. It should be noted that even women who used to work as prostitutes in their countries of origin may become victims of trafficking in human beings in Germany.

3.4.2 Entry of victims into Germany

For 640 victims information was available on their legal status at the time they crossed the border. According to these data, 463 victims (72.3 %) entered the country legally, while 177 women (27.7 %) illegally crossed the border.²

Since most of the women enter Germany legally, border police activities will, in general, not be a successful means for combating trafficking in human beings. In particular, the major part of the victims from the May 2004 accession states to the European Union and its associated countries entered Germany legally.

² This category records the legal status at the time the victims crossed the border. The subject of the analysis is the percentage of victims who actually entered the country illegally, for instance without a valid visa, with a forged visa or by crossing the border at uncontrolled points.

Details on the type of entry³ are available for 593 victims. 198 (33.4 %) travelled to Germany by coach or train. 143 victims (24.1 %) crossed the border by car, and 55 (9.3 %) entered Germany by aeroplane.

3.4.3 Prostitution-related violence

Violence comprises both physical and psychological violence used against victims in order to force them into or to remain in prostitution. Relevant information is on hand about 491 of the 972 victims. Violence was used against 257 (52.3 %) of the 491 victims. The percentage has thus remained unchanged from the previous year (52.8 % of the known victims).

3.4.4 Threats against victims

As part of the enquiries made with police authorities throughout Germany in preparation of this situation report questions were asked about the influence exerted by the perpetrators on victims' willingness to testify by threatening them after their return to their native countries or by threatening their relatives.

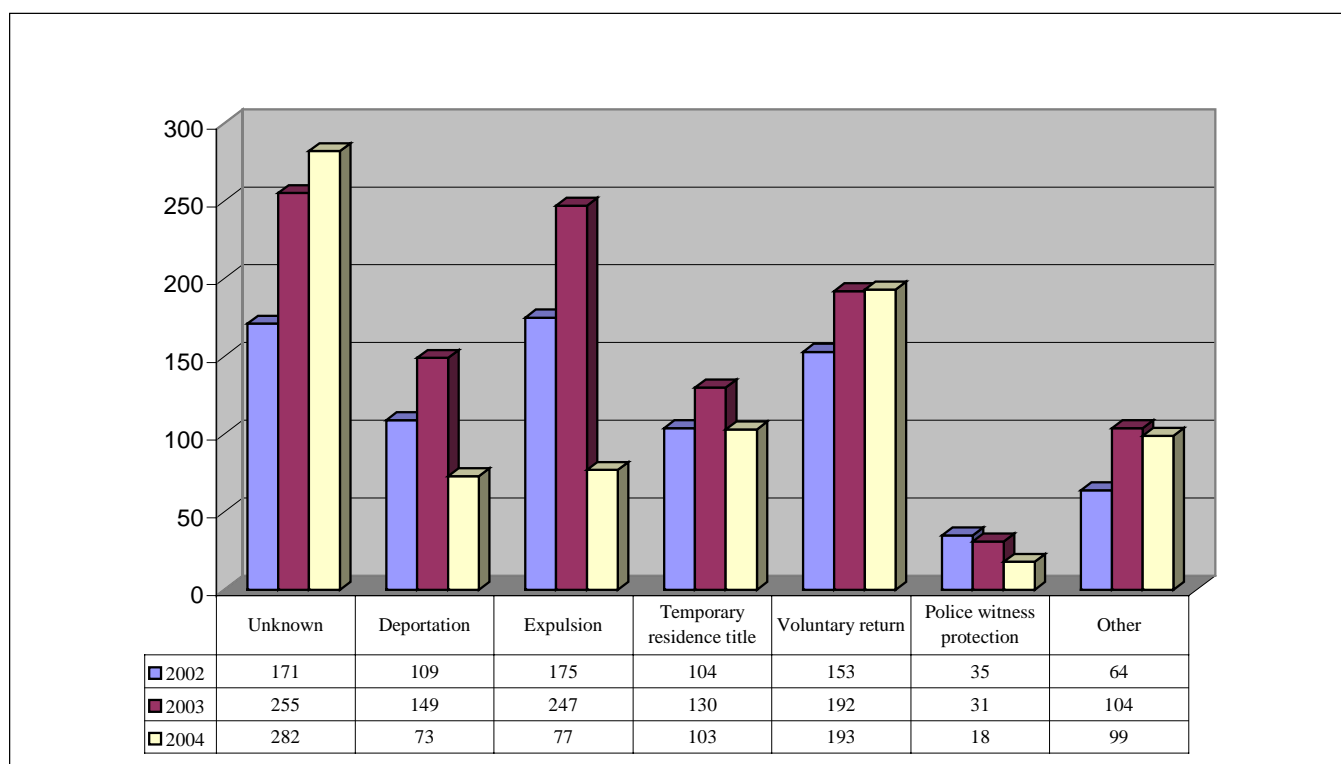
Data are available on only 412 of the 972 victims. Of these 412 victims, 107 (26.6 %) were threatened to affect their willingness to testify.

³ This category covers the means of transport used when entering German territory.

3.4.5 Whereabouts of victims

The following figure illustrates the whereabouts of victims. The 127 German victims were not included in these statistics.

Fig. 3: Whereabouts of victims



"Unknown" means that no information was supplied on this question or that the investigating authority did not know the whereabouts of the victims. This includes victims whose existence became known only through analyses of items of evidence or telecommunications interception.

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. A temporary residence title may also be converted to permanent 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.

3.4.6 Victim counselling

When studying the relationship between victim counselling and temporary residence titles, it is striking that 46 (43.0 %) of the 107 victims counselled were also granted a temporary residence title that suspends deportation. On the other hand, only 55 (9.8 %) of the 560 victims who did not receive counselling were granted a temporary suspension of deportation.

Table 6: Relationship between victim counselling and temporary residence titles

Victims*	Number (N)	in %
Counselled	107	16.0
including:		
with temporary residence title	46	6.9
without temporary residence title	61	9.2
Not counselled	560	84.0
including:		
with temporary residence title	55	8.3
without temporary residence title	505	75.7
Total	667*	100.0

* Figures for German victims not considered. No information was available on 178 victims.

3.5 Estimated illicit proceeds/confiscation of assets

When looking at illicit proceeds and asset confiscation measures, it must be taken into account that the situation report on trafficking in human beings only considers investigations initiated during the period under review, while measures for the confiscation of assets will possibly be taken at a later stage of the investigation that is not included in this situation report.

Information on the estimated illegal proceeds was provided in 85 of a total of 370 investigations reported. These amount to a total of €6,662,640.

During 18 investigations illegally obtained assets worth €333,000 were confiscated.

Average profits can be estimated⁴ based on information from individual investigations about the working hours and/or "earnings". It was estimated that a victim may achieve a turnover of €100 to 300 per day. For 30 working days this amounts to a turnover of €3,000 to €9,000 per month and €35,000 to €100,000 per year.

This could mean that the turnover of the 972 reported victims may have been between €34 million and as much as €100 million per year. In 1993 Ulrich Sieber and Marion Bögel already stated in their study on the "Logistics of Organised Crime" ("Logistik der Organisierten Kriminalität"):

"An "average" prostitute in a brothel may earn between DEM 300 and DEM 1,000 per day. This amounts to monthly earnings of between DEM 7,000 and DEM 30,000 for a prostitute who works six to eight hours per day on six or seven days per week."⁵

⁴ This estimate corresponds to well-founded estimates based on general experience and calculations (on the basis of prostitution in bars and brothels) from previous investigations.

⁵ Cf. BKA Schriftenreihe (BKA publications), vol. 28: U. Sieber, M. Bögel "Logistik der Organisierten Kriminalität" ("The Logistics of Organised Crime") 1993, p. 171ff.

4 OUTLOOK/ RECOMMENDATIONS

4 OUTLOOK / RECOMMENDATIONS

4.1 Act Regulating the Legal Situation of Prostitutes

The Act Regulating the Legal Situation of Prostitutes, or Prostitution Act, came into force in January 2002. The legislature called upon the Federal Government to report on the impact of the new legal provisions after three years. For this purpose, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth commissioned a study on the impact, which is expected to be completed by the end of 2005. The study is conducted by the research team of the "Sozialwissenschaftliches-Frauen-Forschungsinstitut", an institute for sociological research on women, at a facility for practice-oriented research known as the "Kontaktstelle praxisorientierte Forschung e.V." in Berlin.

4.2 Penal Code Amendment Act No. 37

The Penal Code Amendment Act No. 37 (37. Strafrechtsänderungsgesetz) entered into force on 19 February 2005. It sets forth a broader definition of trafficking in human beings as a crime according to standards established by the United Nations (Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially in Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; signed by the German Federal Government in Palermo in December 2000) and by the European Union (EU Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings).

The statutory definition of the crimes punishable under sections 180 b and 181 of the German Penal Code (trafficking in human beings and serious trafficking in human beings) has been amended and integrated into the Eighteenth Chapter on "Offences against personal liberty" of the Special Part of the Penal Code. The text distinguishes between human trafficking for the purpose of sexual exploitation (section 232 of the Penal Code) and human trafficking for the purpose of exploitation of persons as workers (section 233 of the Penal Code). A further punishable offence was added: the promotion of human trafficking (section 233 a of the Penal Code).

For both provisions of the Penal Code covering trafficking in human beings, there is an overlap with further legislation including the following acts:

- Immigration Act/Residence Act
- Penal Code (e.g., section 291 applied to exploiting workers by paying unjustly low wages)
- Act to Combat Clandestine Employment
- Social Code, Book III
- Labour Leasing Act

This results in a need to define which tasks in the fields of trafficking in human beings, illegal employment and facilitation of illegal entry fall under the remit of the police, the Federal Border Guard (as of 1 July 2005 called Bundespolizei – Federal Police) and the Customs Section Financial Control / Illicit Work (Finanzkontrolle Schwarzarbeit). It is in particular the broader definition of trafficking in human beings, which now encompasses the exploitation of persons as workers (section 233 of the Penal Code), that poses new challenges to the police; these challenges have already been discussed by a project group comprising experts from national and federal state authorities.

4.3 Federation-State Project Group

A Federation-State Project Group (Bund-Länder-Projektgruppe – BLPG) was created on request of the Crime Suppression Commission (Kommission Kriminalitätsbekämpfung – KKB); with the participation of the federal states of Baden-Württemberg, Berlin, Bremen, North Rhine-Westphalia, Lower Saxony and Saxony, of the Federal Police, the Customs Section Financial Control/Illicit Work and the Bundeskriminalamt (lead function).

The project group's task was to discuss the real-life and organisational consequences of the amendments to the legal provisions covering human trafficking and to analyse, in particular, which form of policing in the fields of human trafficking, facilitation of illegal entry and illegal labour leasing will need to take in the future. The discussion specifically focused on the problems at internal / external interfaces as well as those concerning structures and procedures. The project group was furthermore requested to formulate a police position on "trafficking in children", which was to examine and illustrate both the diverse forms "trafficking in children" may take and the diversity of protective provisions existing at national and international levels.

The project group's results have in the meantime been submitted to the police bodies and forwarded for implementation.

5 BASIC AND ADVANCED TRAINING

5 BASIC AND ADVANCED TRAINING

5.1 National training course

The specialised training course on trafficking in human beings for police investigators offered by the Bundeskriminalamt took place in 2004 as well and was modified further. A new module on intercultural communication was integrated into the curriculum. An understanding of the women's situation and status in their countries of origin is decisive for successfully conducting investigations.

In addition, as of 2005 a module on trafficking in children will be included as well with a view to sensitising investigators to the issue and to focussing increasingly on children as victims.

TRAFFICKING IN HUMAN BEINGS

2004

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