



# 2006 FEDERAL SITUATION REPORT ON TRAFFICKING IN HUMAN BEINGS

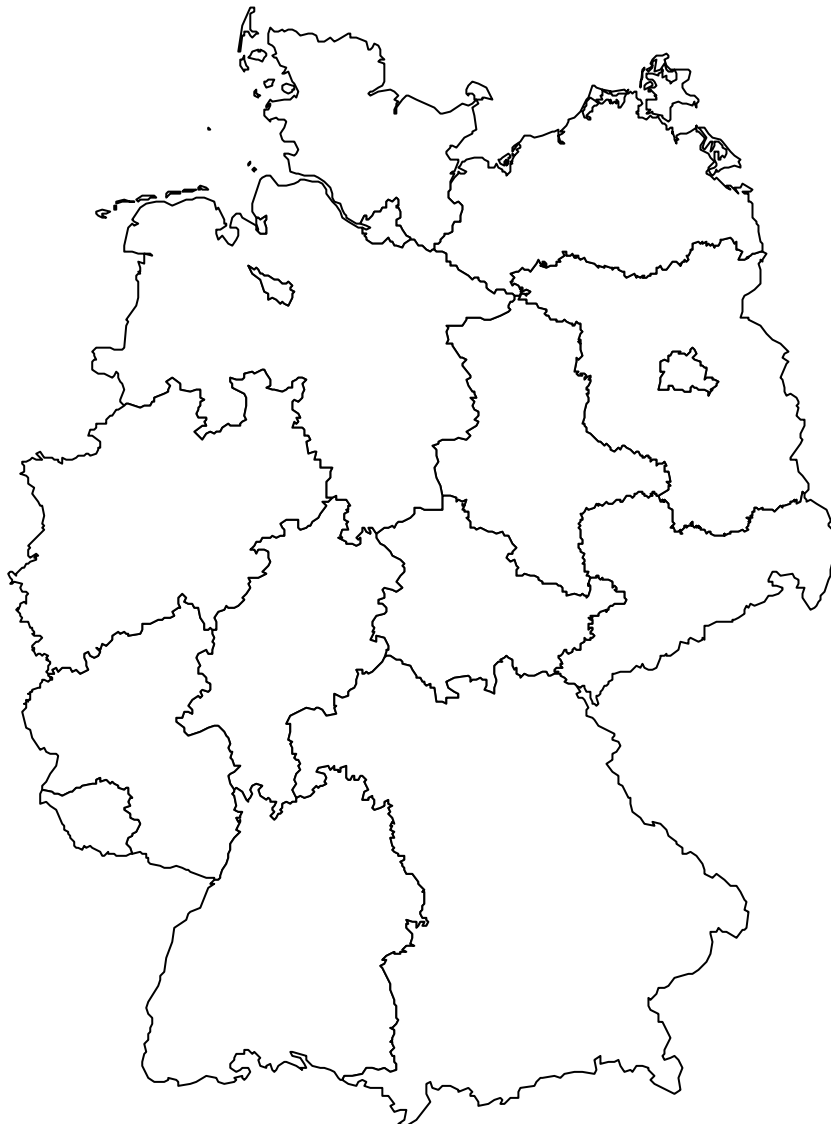
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## - PRESS-RELEASE SUMMARY -

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# FEDERAL SITUATION REPORT ON TRAFFICKING IN HUMAN BEINGS 2006

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**TABLE OF CONTENTS**

**1 INTRODUCTION 1**

**2 DESCRIPTION AND EVALUATION OF THE CURRENT CRIME SITUATION 2**

2.1 Trafficking in Human Beings for the Purpose of Sexual Exploitation 2

2.1.1 Investigations 2

2.1.2 Suspects 4

2.1.3 Victims 5

2.1.4 Victim Recruitment 6

2.1.4.1 Circumstances Surrounding the Engagement in Prostitution 7

2.2 Trafficking in Human Beings for the Purpose of the Exploitation of Workers 8

**3 OVERALL ASSESSMENT AND OUTLOOK 8**

3.1 Trafficking in Human Beings for the Purpose of Sexual Exploitation 8

3.2 Trafficking in Human Beings for the Purpose of the Exploitation of Workers 9

## 1 INTRODUCTION

The Federal Situation Report on Human Trafficking is directed at police and political leadership and decision-making levels. It contains a compact summary of current information on and developments within the field of human trafficking for the purpose of sexual exploitation and human trafficking for the purpose of the exploitation of workers.

The situation report seeks to enable police and political decision-makers to assess the threat and damage potential inherent in human trafficking as well as its significance for the crime situation in Germany while at the same time helping them identify what steps should be taken. It therefore endeavours to contribute to adapting priorities to meet the situation at hand and assist in decision-making processes regarding resources and action to be taken.

Detailed information on specific types and forms of human trafficking, which is necessary and useful in particular when dealing with such offences in a professional manner, is provided by the Bundeskriminalamt elsewhere, for example via Extrapol.

In 2005, the 37<sup>th</sup> Criminal Justice Amendment Act extended the offence of human trafficking to include the exploitation of persons as workers. The offences of trafficking in human beings for the purpose of sexual exploitation (section 232 of the German Penal Code) and trafficking in human beings for the purpose of the exploitation of workers (section 233 of the German Penal Code) are two different forms of crime which in many cases have to be viewed quite differently with regard to the approaches employed to combat them (e.g. detecting suspicious circumstances, presentation of evidence). Both forms are therefore treated separately in the situation report on human trafficking.

The situation report on human trafficking for the purpose of sexual exploitation is based on reports submitted by the state criminal police offices regarding police investigations pursuant to sections 232, 233a of the German Penal Code, which were concluded in 2006. The comparability of the 2006 data with that of 2004 and previous years is only possible to a limited extent due to the fact that for the first time in 2005, the situation report drew exclusively on concluded investigations into human trafficking for its situation analysis.

Human trafficking for the purpose of the exploitation of workers is based on information taken from Police Crime Statistics (PCS).

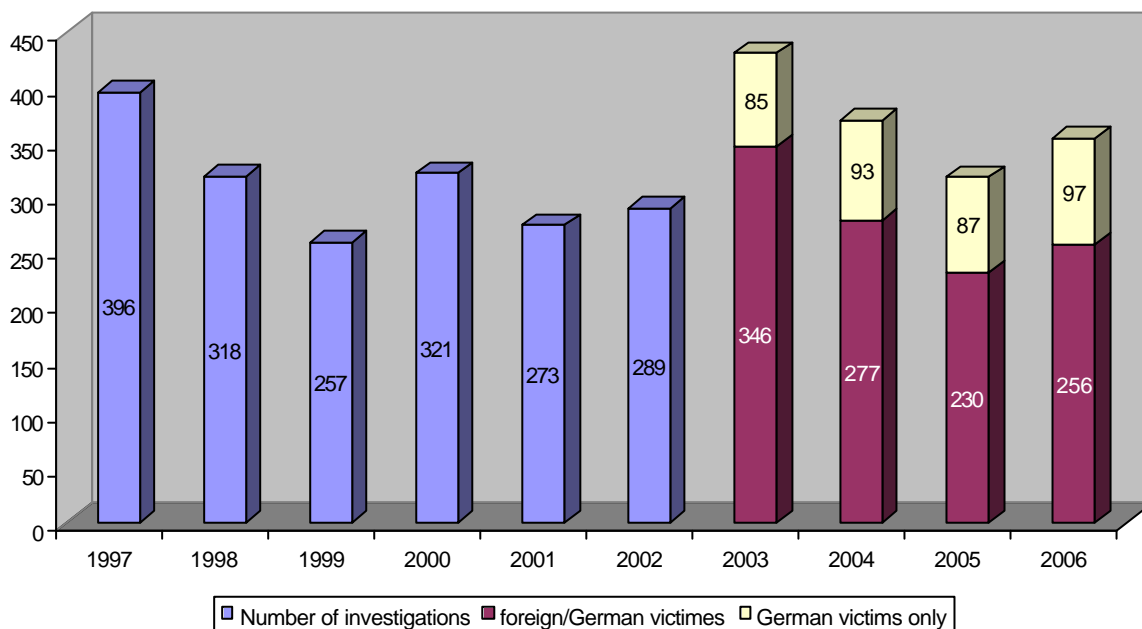
## 2. DESCRIPTION AND EVALUATION OF THE CURRENT CRIME SITUATION

### 2.1 Trafficking in Human Beings for the Purpose of Sexual Exploitation

#### 2.1.1 Investigations

In 2006, 353 investigations into human trafficking for the purpose of sexual exploitation were conducted in Germany, 97 of which involved exclusively German victims. The number of investigations rose by 11 % in comparison to the previous year (317 investigations). There is no apparent reason for the increase in the number of investigations.

Investigations conducted<sup>1</sup>



A large number of investigations were conducted into other offences linked to human trafficking investigations: offences against sexual self-determination (131 investigations), offences involving violence (64), smuggling offences (51), violation of the narcotic drugs act (35), counterfeiting (21) and violation of the weapons law (20). In the majority of cases these were attendant or logistic offences connected to human trafficking.

<sup>1</sup> Before 2003, no statistical data was gathered on proceedings involving exclusively German victims.

## Investigations of Trafficking in Human Beings for the Purpose of Sexual Exploitation Listed by State

<b>Number and year of investigations by state</b>		
<b>State</b>	<b>2006</b>	<b>2005</b>
Baden-Württemberg	26	17
Bavaria	6	21
Berlin	55	30
Brandenburg	4	5
Bremen	15	10
Hamburg	33	27
Hesse	28	25
Mecklenburg-Western Pomerania	3	0
Lower Saxony	77	60
North Rhine-Westphalia	69	78
Rhineland-Palatinate	19	13
Saarland	6	11
Saxony	2	6
Saxony-Anhalt	1	8
Schleswig-Holstein	6	4
Thuringia	0	2
Federation	3	0
<b>Total</b>	<b>353</b>	<b>317</b>

In the run-up to the 2006 World Cup the media repeatedly reported that up to 40,000 prostitutes and women coerced into prostitution would arrive in Germany for the event. While the police and special counselling services at the venues confirmed that the number of prostitutes had indeed increased, the high number of punters expected failed to materialise. This resulted in prostitutes leaving the country even before the World Cup had finished.

During the 2006 World Cup, 33 investigations involving human trafficking for the purpose of sexual exploitation or the promotion of human trafficking were reported. However, only five of these were directly connected to the World Cup itself.

Thus, the predicted increase in the number of cases of human trafficking and persons staying illegally in Germany to engage in prostitution during the 2006 World Cup did not occur. A strong police presence both before and during the major sporting event clearly had a deterrent and consequently preventive effect. The information campaigns conducted by the non-governmental organisations (NROs) in Germany and the countries of origin seem also to have had a positive effect.

Of the 353 investigations reported in 2006, 142 investigations (40%) were the result of complaints filed by victims and 58 investigations (16%) involved complaints filed by third parties. 153 investigation proceedings (43 %) were the result of police checks, slightly more than in the previous year (37 %). In spite of the high numbers of investigations which are opened as a result of complaints filed, police initiatives (e.g. random checks carried out in the red-light districts) continue to play a very important role in the identification of victims of human trafficking and contribute to gaining a better insight into the area of undetected crimes.

In 2006, measures to confiscate criminal assets were conducted in only 17 cases (4.8%) in connection with human trafficking for the purpose of sexual exploitation (2005: 7%). Some € 2.2 million was provisionally confiscated in this connection, almost double the sum confiscated in the previous year.

### 2.1.2 Suspects

Within the framework of investigations completed in 2006, 664 suspects were recorded, 77 % of whom were men. The largest group were German suspects (282), who made up about 43 %. Of the German nationals, 52 were born in countries outside Germany, including Turkey (16), Poland (8) and Kazakhstan (4).

#### Nationality of the suspects

	2006		2005	
	Number	%	Number	%
<b><u>EUROPE</u></b>	<b>590</b>	<b>88.9 %</b>	<b>590</b>	<b>86.4 %</b>
<b>Germany, including</b>	282	42.5 %	283	41.4 %
p.o.b. outside Germany	(52)	(7.8 %)	(57)	(8.3 %)
Turkey	61	9.2 %	71	10.4 %
Romania	48	7.2 %	39	5.7 %
Poland	40	6.0 %	21	3.1 %
Bulgaria	34	5.1 %	38	5.6 %
Lithuania	14	2.1 %	15	2.2 %
Serbia	13	2.0 %	7	1.0 %
Miscellaneous	114	17.2 %	98	16.6 %
<b><u>Asia</u>, including</b>	<b>21</b>	<b>3.2 %</b>	<b>28</b>	<b>4.1 %</b>
Thailand	6	0.9 %	8	1.8 %
<b><u>AFRICA</u>, including</b>	<b>11</b>	<b>1.7 %</b>	<b>26</b>	<b>3.8 %</b>
Nigeria	3	0.5 %	20	2.9 %
<b><u>AMERICA</u></b>	<b>2</b>	<b>0.3 %</b>	<b>5</b>	<b>0.7 %</b>
<b><u>Miscellaneous/unident</u></b>	<b>24</b>	<b>3.6 %</b>	<b>34</b>	<b>5.0 %</b>
<b>Total</b>	<b>664</b>	<b>100.0 %</b>	<b>683</b>	<b>100.0 %</b>

The only notable change in 2006 compared with 2005 was the number and percentage of Polish suspects, which doubled in both categories. While the reasons for this increase remain unclear, it corresponds to a 100% increase in the number of Polish victims of human trafficking.

### 2.1.3 Victims

In 2006, a total of 775 victims of human trafficking for the purpose of sexual exploitation were identified. Compared with 2005 (642 victims), the number of victims rose by some 21 %. The increase corresponds with the increase in the number of reported investigations in 2006. As was the case in 2005, nearly all the victims, 98.5 %, were female.

#### Nationality of the victims

	2006		2005	
	Number	%	Number	%
<b><u>EUROPE</u></b>	<b>731</b>	<b>94.3 %</b>	<b>552</b>	<b>85.9%</b>
Germany	181	23.4 %	115	17.9 %
Czech Republic	155	20.0 %	11	1.7 %
Romania	86	11.1 %	118	18.4 %
Poland	77	9.9 %	36	5.6 %
Slovakia	46	5.9 %	7	1.1 %
Russia	43	5.6 %	101	15.7 %
Bulgaria	41	5.3 %	62	9.7 %
Miscellaneous	102	13.2 %	135	13.9 %
<b><u>Asia</u>, including</b>	<b>15</b>	<b>1.9 %</b>	<b>17</b>	<b>2.7 %</b>
Thailand	5	0.7 %	3	0.5 %
<b><u>AFRICA</u>, including</b>	<b>14</b>	<b>1.8 %</b>	<b>32</b>	<b>5.0 %</b>
Nigeria	5	0.7 %	11	1.7 %
<b><u>AMERICA</u></b>	<b>11</b>	<b>1.4 %</b>	<b>30</b>	<b>4.7 %</b>
<b><u>Miscellaneous/unident</u></b>	<b>4</b>	<b>0.5 %</b>	<b>11</b>	<b>1.7 %</b>
<b>Total</b>	<b>775</b>	<b>100,0 %</b>	<b>642</b>	<b>100,0 %</b>

Some 23 % of the victims were German, 5% more than in the previous year. About 94 % of the victims came from Europe, a considerable increase compared with the year before.

The largest number of foreign victims came from the Czech Republic. The 15-fold increase is the result of two major investigations conducted in 2006 involving 106 and 25 Czech victims respectively.

The significant fall in the number of Russian victims is noteworthy. There is no explicit reason of why this is so. There is also no explanation for the increase in the number of Polish victims.

In 2006, as was the case in 2005, 8% of the victims of human trafficking for the purpose of sexual exploitation were minors. There was a slight overall increase in the number of victims under the age of twenty one. While the proportion of German nationals was comparatively high here (they may have begun to work as prostitutes owing to so-called „Love-Boy Relationships“), the number of Czech victims over twenty one compared to victims from other countries was conspicuously high. This may be due to the fact that the perpetrators are aware that the law on human trafficking provides special protection for those under the age of twenty one, and as a consequence older victims were consciously recruited.

Victims' Age Structure

	< 14 Years		14-17 Years old		18-20 Years		21-24 Years		> 24 Years		Unknown		Total N
	N	%	N	%	N	%	N	%	N	%	N	%	
<b>Total</b>	<b>0</b>	<b>0.0</b>	<b>62</b>	<b>8.0</b>	<b>320</b>	<b>41.3</b>	<b>140</b>	<b>18.1</b>	<b>253</b>	<b>32.6</b>	<b>0</b>	<b>0.0</b>	<b>775</b>
<b>Germany</b>	0	0.0	28	15.5	114	63	14	7.7	25	13.8	0	0.0	181
<b>Czech Rep.</b>	0	0.0	3	1.9	29	18.7	44	28.4	79	51	0	0.0	155
<b>Romania</b>	0	0.0	9	10.5	43	50	16	18.6	18	20.9	0	0.0	86
<b>Poland</b>	0	0.0	4	5.2	42	54.5	12	15.6	19	24.7	0	0.0	77
<b>Slovakia</b>	0	0,0	7	15,2	15	32,6	12	26,1	12	26,1	0	0,0	46

2.1.4 Victim Recruitment

With regard to their recruitment, about 35 % of the victims of human trafficking identified in 2006 stated that they had agreed to engage in prostitution. 28 % of all victims were professionally recruited (e.g. by ostensible talent agencies or newspaper advertisements), 27 % were deceived about the true nature of what was expected of them and 10 % were coerced into working as prostitutes.

Compared to the previous year, there was a considerable increase in the number of victims who stated that they had agreed to work as prostitutes (2005: 29%). However, many of the victims who had agreed to work as prostitutes were deceived about the actual conditions under which they were to work. For the most part, the women are promised high earning potential and self-determined work. In general, the victims are not informed that they will first have to repay the perpetrators for debts ostensibly incurred for passports and visa documents, travel expenses and board and accommodation, etc. The perpetrators thus intentionally create a situation whereby the victims are dependent on them.

#### 2.1.4.1 Circumstances Surrounding the Engagement in Prostitution

An analysis of the investigations carried out in 2006 revealed that in 180 cases the women's helplessness was taken advantage of to coerce them to take up or continue to engage in prostitution, in 233 cases the difficult circumstances in which they found themselves were exploited, in 123 cases violence was used, in 260 cases threats were involved and in 224 deceit was used<sup>2</sup>.

As only just under half the victims were prepared to give an account, it is difficult to establish to what extent the perpetrators were successful in obstructing the victims' willingness to testify by threatening them on their return home or threatening their family members. About 74 victims (10 %) testified that they were unwilling to make a statement as a result of threats.

With regard to the type of prostitution engaged in, it was revealed that the victims predominantly worked from bars and brothels (503) and flats (186). This reflects the situation identified in the previous year. Street prostitution (120) remained important as did house and hotel calls/escort services (74).<sup>3</sup>

As victims of human trafficking, in particular those from countries which joined the EU on 01.01.2004, ostensibly work as "self-employed persons", 2006 was looked at to establish if the prostitutes were officially registered as self-employed<sup>4</sup>. It was revealed that about 11 % of the victims were registered as self-employed, a clear increase of 4 % over the previous year. It was established that some 80 % of the prostitutes were not registered, while no information could be obtained on the remaining 9 %.

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<sup>2</sup> Multiple recordings possible.

<sup>3</sup> Multiple recordings possible.

<sup>4</sup> Prostitution is not a trade as defined by the Trade Code. Prostitutes are therefore not permitted to register their activity as a trade. They work as self-employed service providers, as employees or "illegally". EU citizens from the Old Member States enjoy unrestricted freedom of movement, also with regard to the employment market. Citizens from the New Member States (since 01.01.2004), excluding Malta and Cyprus, require a work permit to take up paid employment. However, they often work as self-employed service providers, frequently using the title „hostess“, as this type of work does not require any special authorisation. However, this type of "self-employment" often has aspects of paid employment (so called bogus "self-employment"), such as prescribed working hours and holidays. Citizens from the New Member States (acceded since 01.01.2004), require a work permit or work authorisation to take up paid employment. Not having such a work permit constitutes a breach of regulations and does not result in a termination of stay.

## 2.2 Trafficking in Human Beings for the Purpose of the Exploitation of Workers

The German Penal Code was amended in 2005 within the framework of the 37<sup>th</sup> Criminal Justice Amendment Act to include, inter alia, section 233 (Trafficking in Human Beings for the Purpose of the Exploitation of Workers) and section 233a (Promotion of Human Trafficking). The public prosecutors' offices, courts and the police authorities have very limited experience in this area of crime as yet.

According to information available to date, offences committed pursuant to sections 233, 233a of the German Penal Code often take place in the catering/restaurant industry, the victims being foreigners staying illegally in Germany, or the victims are exploited as domestic help in private homes.

The reason why people travel to work illegally in one of the western EU states frequently has to do with advertising carried out in the migrant's country of origin (e.g. Poland, Romania). Such advertising is carried out in a variety of ways using all available media forms, including TV, leaflets and newspapers.

In the police crime statistics for 2006, a total of 78 cases pursuant to section 233 of the German Penal Code were recorded, two thirds of these in Berlin (54). Only three cases of promoting human trafficking for the purpose of the exploitation of workers were recorded in 2006.

Of the 101 suspects identified, 65 were females and 36 were males. 55 % of the suspects were not Germans, the majority being either Ukrainian (14), Russian (13) or Turkish (5) nationals. All identified non-German suspects were staying legally in Germany.

In 2006, 83 victims of human trafficking for the purpose of the exploitation of workers were recorded, 61 of whom were males and 22 of whom were females. In about half the cases the victim and offender had been acquainted prior to the victim engaging in prostitution and in about a third of the cases there had been no previous contact.

## 3 OVERALL ASSESSMENT AND OUTLOOK

### 3.1 Trafficking in Human Beings for the Purpose of Sexual Exploitation

There has been little change in the situation regarding human trafficking for the purpose of sexual exploitation over 2005. In spite of a 10% increase in the number of recorded cases and a 20% increase in the number of victims of human trafficking, the extent of human trafficking identified in Germany remains limited. At this point in time, therefore, no specific threat emerging from this field of crime can be identified.

No significant change in the volume of human trafficking for the purpose of sexual exploitation identified by the police, or number of investigations conducted in this area, is expected during 2007. The criminal justice authorities will continue to have difficulties identifying the victims of human trafficking and initiating investigations accordingly, as the majority of those affected are women who meanwhile come from EU countries and who are therefore legally entitled to reside in Germany. The police are no longer able to take action during checks solely on the basis of the women being illegal residents.

### **3.2 Trafficking in Human Beings for the Purpose of the Exploitation of Workers**

Given the limited number of cases of human trafficking for the purpose of the exploitation of workers recorded in the PCS, it is not yet possible to present a reliable criminal police overview and analysis of the situation. Owing to a lack of police and judicial experience in this relatively new criminal field, as well as judgements passed by the highest courts, it is possible that only a limited number of such cases have been dealt with under this aspect of criminal law.

The actual figures are certainly significantly higher and will continue to increase over the coming years. This assumption is based on the reasons behind illegal entry and facilitation of illegal immigration. Accordingly, the main impulse behind migration is the desire to work in Germany and other EU states. People smuggled into the country or entering it illegally do not have the required foreign status or work-related document and therefore quickly become the victims of a restrictive dependency, as a consequence of which they are exploited as workers.

The Bundeskriminalamt is currently in the process of analysing all the cases recorded in the police criminal statistics in 2006 in order to gain a better insight into this field of crime, the offenders, victims and the modi operandi employed.