



HUMAN TRAFFICKING National Situation Report 2008

- Press-release summary -





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1.	PRELIMINARY REMARKS	- 4 -
2.	DESCRIPTION AND ASSESSMENT OF THE CRIME SITUATION	- 5 -
2.1	Human Trafficking for the Purpose of Sexual Exploitation	- 5 -
2.1.1	Investigations	- 5 -
2.1.2	Suspects	- 7 -
2.1.3	Victims	- 8 -
2.1.4	Victim Recruitment	- 10 -
2.1.4.1	Circumstances of Prostitution:	- 11 -
2.2	Trafficking in Human Beings for the Purpose of the Exploitation of Workers	- 11 -
3.	OVERALL ASSESSMENT AND OUTLOOK	- 12 -
3.1	Human Trafficking for the Purpose of Sexual Exploitation	- 12 -
3.2	Human Trafficking for the Purpose of the Exploitation of Workers	- 12 -

2. DESCRIPTION AND ASSESSMENT OF THE CRIME SITUATION

2.1 Human Trafficking for the Purpose of Sexual Exploitation

2.1.1 Investigations

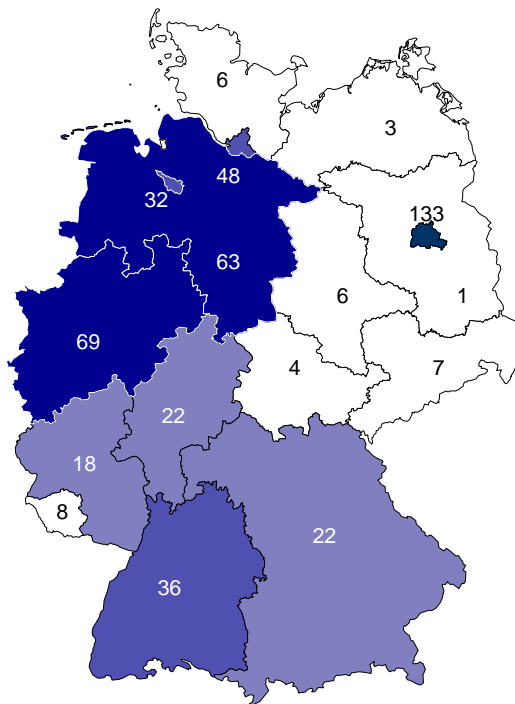
In 2008, 482 investigations into human trafficking for the purpose of sexual exploitation were concluded, i.e. 6% more than during the previous year. In relation to the number of investigations recorded in 2005, this represents an increase by 52 %.

Investigations concluded¹



Investigations listed by Federal States

¹ Prior to 2003, the investigations involving German victims only were not counted.



In 2008, the number of investigations concluded rose most significantly in the federal states of Baden-Württemberg (+ 21), Berlin (+ 17) and Bremen (+ 16), while the federal states of Lower Saxony (- 46), Hesse (- 7) and Rhineland-Palatinate (- 5) featured the most significant declines in comparison to the previous year.

In the course of the investigations conducted into human trafficking for the purpose of sexual exploitation, the following main attendant and logistic offences were identified: offences against sexual self-determination (231 investigations), offences involving violence (83), offences involving facilitation of illegal immigration (55), violation of the narcotic drugs act (30), deprivation of liberty (20), infringements of the Weapons Act

(14) and various counterfeiting/forgery offences (8). The areas of crime and their dimension in terms of numbers are essentially in keeping with the conclusions from 2007.

From the investigations concluded in 2008, 207 (43%) were launched as a result of complaints filed by the victims and 91 (19 %) following complaints filed by third parties. 184 (38 %) of the investigations resulted from police measures. Despite the still relatively high proportion of investigations launched on the basis of complaints filed in 2008, police control measures continue to play an important role in the identification of victims and the clearing up of previously undetected crime.

2.1.2 Suspects

785 suspects were recorded in 2008, i.e. 10 % more than in the previous year. 76 % of the suspects were male. This increase may be ascribed to the higher number of investigations concluded. In spite of the growth in numbers, on average, less than two suspects were identified per investigation. This statistic shows that the investigations were primarily conducted into smaller perpetrator groups or sub-structures of groups and not into larger criminal organisations. In one investigation only, more than 10 persons were investigated. This investigation was directed against a total of 34 German and Bulgarian suspects. As in the previous year, the largest group were German nationals (316) who made up 40 % of all suspects. About 16 % of the German suspects had had a different nationality when they were born, such as Polish (9), Kazakh (8), Russian (10) or Turkish nationality (6).

Nationalities of the perpetrators

	2008		2007	
	Number	%	Number	%
EUROPE	709	90 %	624	87 %
Germany, incl.	316	40 %	344	48 %
(Place of birth not in Germany)	(50)	(6 %)	(71)	(10 %)
Bulgaria	84	11 %	42	6 %
Romania	62	8 %	25	4 %
Turkey	60	8 %	49	7 %
Poland	27	3 %	24	3 %
Serbia	26	3 %	16	2 %
Hungary	22	3 %	29	4 %
Others	112	14 %	95	13 %
ASIA, incl.	7	1 %	28	4 %
Iran	4	0.5 %	2	0.3 %
AFRICA, incl.	16	2 %	16	2 %
Nigeria	13	1.7 %	10	1 %
AMERICA	3	0.4 %	4	0.6 %
unknown/unclear	50	6 %	42	6 %
Total	785	*100 %	714	*100 %

* Rounded percentages

2.1.3 Victims

In 2008, 676 victims of human trafficking for the purpose of sexual exploitation were identified, which represented a slight decrease of 2% compared to 2007. As in the previous years, the victims were predominantly female (89 %). The average number is one victim per investigation. In three relatively large investigations that were concluded, a total of 57 victims (including 37 victims from Bulgaria and 20 victims from Romania) were identified.

Nationalities of the victims

	2008		2007	
	Number	%	Number	%
EUROPE	609	90 %	614	89 %
Germany	192	28 %	184	27 %
Romania	137	20 %	66	10 %
Bulgaria	119	18 %	77	11 %
Poland	37	5 %	56	8 %
Hungary	36	5 %	31	4 %
Turkey	18	3 %	8	1 %
Bosnia-Herzegovina	18	3 %	2	0 %
Others	52	8 %	190	28 %
AFRICA, incl.	36	5 %	29	4 %
Nigeria	25	4 %	19	3 %
ASIA	9	1 %	18	3 %
AMERICA	8	1 %	11	2 %
Unknown/unclear	14	2 %	17	2 %
Total	676	*100 %	689	*100 %

* Rounded percentages

With 28%, the number of German victims, who made up the largest group among the total number of victims again, slightly rose. Noticeable increases were to be seen in relation to Romanian (+ 108 %), Bulgarian (+ 55%) and Nigerian (+ 32%) victims. 88 of the 676 victims were staying in Germany illegally. 23 of these illegal aliens were Nigerian nationals and 9 victims stemmed from other African states.

In keeping with the development in recent years, most of the victims came from Central and Eastern European countries in 2008 as well. The development with respect to Romanian and Bulgarian victims is probably linked to Romania's and Bulgaria's accession to the EU on 01 January 2007, which made it much easier for nationals of these countries to enter, stay and work in Germany.

Most of the Romanian victims were identified in the federal states of Rhineland-Palatinate (40), Hesse (17) and North Rhine-Westphalia (13). Most of the victims from Bulgaria were also identified in the federal states of Rhineland-Palatinate (26), Hesse (23) and North Rhine-Westphalia (18). In particular, the victims from Romania and Bulgaria are characterized by a lack of willingness to co-operate with the police and the counselling services. Initially obtained witness statements are often withdrawn, especially if the female victims/witnesses return to their home country at their own request during the investigations, so that it becomes very difficult or even impossible for the judicial authorities to process the human trafficking offences. The law enforcement authorities are facing more and more cases of prostitutes from these two countries who stay here legally and hold a tax number as self-employed service providers. If their situation is judged objectively, there are grounds to suspect human trafficking. Due to a lack of personal evidence, however, it is difficult to prove the existence of a criminal offence.

24 % of the identified victims of human trafficking for the purpose of sexual exploitations were minors, 43% of these minors were German. 20 persons who were recorded as victims (3 %) were aged below 14 at the time of the offence. 17 of these 20 victims were identified in Berlin and except for one case, all of them were male. In these cases, the victims were offered for sexual acts to homosexual customers who were willing to pay. Most of these victims were Bosnian boys, followed by Turkish and Romanian boys which accounts for the increase in the numbers of these nationalities in the table of victims.

With 421 victims (62 %), the focus was on victims under the age of 21 which represents an increase compared to 2007, while the total number of victims slightly fell. Also here, German nationals, followed by Romanian and Bulgarian nationals, make up a comparatively large percentage. Most probably, the reason for the significant percentage of victims aged below 21 is the fact that, based on the penal provisions of section 232 I sentence 2 of the German Penal Code, it is much easier to identify this age group as victims of human trafficking than other age groups. Compared to the previous year, the group of victims aged between 14 and 17, rose by 97%.

Age structure of the victims

	< 14 years		14-17 years		18-20 years		21-24 years		> 24 years		unknown		total
	N	%	N	%	N	%	N	%	N	%	N	%	N
Total	20	3	146	21	255	38	109	16	134	20	12	2	676
Germany	3	2	69	36	82	42	13	7	23	12	2	1	192
Romania	3	2	10	7	66	49	29	21	27	20	1	1	136
Bulgaria	0	0	16	13	45	38	26	22	32	27	0	0	119
Poland	0	0	1	3	17	46	8	21	10	27	1	3	37
Nigeria	1	4	7	28	4	16	8	32	5	20	0	0	25

2.1.4 Victim Recruitment

33 % of the victims of human trafficking identified in 2008 stated that they had consented to working as prostitutes. 22 % of all victims were recruited for prostitution under false pretences, 17 % were recruited professionally, for example by alleged model or talent agencies or through newspaper ads.

14 % of the victims were coerced into working as prostitutes. Basically, this information is in keeping with that from the previous year. Thus, the proportion of those who allegedly consented to working as prostitutes was relatively high again. As it is known from experience, women who consented to working as prostitutes had quite frequently been deceived about the true circumstances. Many foreign victims were promised high earning potential and, as a result, a better lifestyle. They were, however, often not informed that, at the beginning, they would have to work in order to pay the perpetrators for a pile of debts, e.g. for the procurement of passports and visa, travel expenses, accommodation and food. In this way, a situation of dependency on the perpetrators is intentionally created. The victims then have no other choice but to accept the conditions and work as prostitutes.

2.1.4.1 Circumstances of Prostitution:

In 221 cases the taking-up or continuing in prostitution was brought about by taking advantage of the victims' helplessness, in 210 cases by using threats, in 187 cases by means of violence, in 166 cases by taking advantage of difficult circumstances and in 74 cases by using deceit.²

For approximately half of all the victims, information was available indicating whether the perpetrators and/or their circle of associates had exerted influence on the victims' readiness to make a statement to the police or before court.³ Approximately 33 % of these victims had been influenced in their willingness to make a statement.

As in previous years, the type of prostitution practiced mainly revolved around prostitution in bars and brothels (370) and in flats (140). Street prostitution (102) as well as house and hotel calls (52) were also of importance.⁴ The data collected to establish whether the prostitution took place within the context of an activity registered under fiscal and/or trade law revealed that 527 of the persons concerned (78 %) had not registered any activity. 76 (11 %) of the persons concerned were registered.

Of the total of 676 persons recorded as victims of human trafficking for the purpose of sexual exploitation, 161(24 %) received support from special counselling services during the investigations, while this was not the case for 473 persons (70%).

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

In 2008, a total of 27 cases (2007: 92) of human trafficking for the purpose of the exploitation of workers (pursuant to section 233 of the German Penal Code) involving 96 (2007: 101) victims were recorded. 55 of these victims were males and 41 were females. As in the previous year, only three cases were registered in the PCS for promotion of human trafficking for the purpose of the exploitation of workers pursuant to section 233a of the German Penal Code.

Overall, the public prosecutors, courts, and police agencies still only have minimal experience so that the dimension of human trafficking for the purpose of exploiting workers can still only be assessed to a limited extent. However, it appears that the offences pursuant to sections 233 and 233a of the German Penal Code are mostly committed in the catering industry to the detriment of foreigners staying in Germany illegally or that the victims are exploited as household help.

² Multiple responses possible

³ The term „exert influence“ refers to any kind of direct or indirect influencing of the victim him/herself or his/her family.

⁴ Multiple responses possible

3. OVERALL ASSESSMENT AND OUTLOOK

3.1 Human Trafficking for the Purpose of Sexual Exploitation

In spite of the repeated increase in terms of percentages in the number of investigations concluded in 2008, the overall picture relating to identified human trafficking for the purpose of sexual exploitation in Germany has basically not changed compared to the previous year.

The law enforcement authorities need to face changed and sometimes new challenges. The majority of foreign victims now come from EU member states and thus have legal residential possibilities in Germany. This fact requires a review and adjustment of current strategies for the suppression and detection of suspicious circumstances.

The difficulties confronting the law enforcement authorities in identifying the victims of human trafficking and launching corresponding investigations into the perpetrators are known and remain unchanged. Personal evidence in the form of incriminating statements made by the victims continues to be vitally important as is victim counselling and co-operation between law enforcement authorities and non-governmental organisations.

3.2 Human Trafficking for the Purpose of the Exploitation of Workers

It is still only possible to make a qualified final assessment of this area of crime in view of the low number of cases on human trafficking for the purpose of the exploitation of workers registered in the PCS.