

TRAFFICKING IN HUMAN BEINGS 2009 National Situation Report

Press-release summary





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Bundeskriminalamt

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1. PRELIMINARY REMARK

The National Situation Report on Trafficking in Human Beings 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 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, to a large extent, have to be viewed quite differently in respect of the approaches employed to combat them (e.g. detecting suspicious circumstances, presentation of evidence). They 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 on police investigations <u>concluded</u> in 2009 pursuant to sections 232, 233a of the German Penal Code.

The situation report on human trafficking for the purpose of the exploitation of workers is based on information taken from the Police Crime Statistics (PCS) and on reports submitted by the state criminal police offices on police investigations <u>concluded</u> in 2009 pursuant to sections 233, 233a of the German Penal Code.

DESCRIPTION AND EVALUATION OF THE CRIME SITUATION 2.

2.1 Human Trafficking for the Purpose of Sexual Exploitation

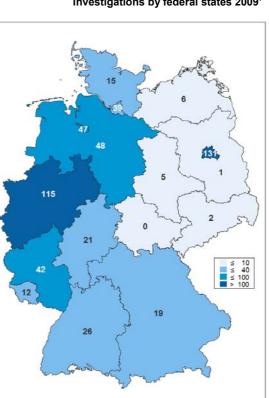
2.1.1 Investigations

In 2009, 534 investigations into human trafficking for the purpose of sexual exploitation were concluded, i.e. about 11% more than during the previous year.



Investigations concluded 2005 - 2009

In 2009, the number of investigations rose most significantly in the federal states of North Rhine-Westphalia (+ 46), Rhineland-Palatinate (+ 24) and Bremen (+15). In the course of the investigations conducted into human trafficking for the purpose of sexual exploitation, the following attendant and logistic offences were identified by the police: Offences against sexual self-determination (232 investigations), offences involving violence (81), offences involving facilitation of illegal immigration (34), violation of the Narcotic Drugs Act (33), deprivation of liberty (32), infringements various of the Weapons Act (16) and counterfeiting/forgery offences (16).



Investigations by federal states 2009¹

victims

Investigations involving foreign and German

Investigations involving German victims only

¹ Five investigations conducted by the Bundeskriminalamt are not included in the graphic.

The areas of crime and their dimension in terms of numbers are essentially in keeping with the conclusions from the previous year.

As a result of the research project named "Recognition of victims smuggled for the purpose of sexual exploitation", the collection of data required for the initiation of investigations was more precisely defined in 2009.

303 (57 %) of the investigations initiated resulted from police measures. 181 investigations (34 %) were initiated on the basis of complaints filed by the victims.

In 138 cases (26 %), the intense analysis of police information and intelligence-gathering through interviews have contributed to the initiation of investigations. In 129 cases (24 %), the institution of investigations was preceded by control measures.

In spite of an again relatively high proportion of investigations launched on the basis of complaints filed in 2009, police control measures continue to play an important role in the identification of victims and the clearing up of previously undetected crime.

It is noteworthy that with approximately 3 %, the proportion of investigations involving measures taken to secure assets is again very low (14 investigations).

The amount of assets provisionally confiscated within the framework of investigations into human trafficking amounted to approximately EUR 410,000 (2008: EUR 520,000). Merely in one investigation, assets worth more than EUR 10,000 were provisionally confiscated.

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2.1.2 Suspects

In 2009, 777 suspects were recorded in the investigations concluded by the police. Compared to the previous year, this corresponds to a decline of one percent.

On average, less than two suspects per investigation were identified. No investigation involved more than 10 suspects. As in the previous year, the largest group were German nationals (279) who made up 36 % of all suspects. About 14 % (39) of the German suspects had a different nationality when they were born, such as Turkish (9), Polish (8), and Russian (6).

77% of all suspects were men.².

Nationalities of the suspects 2009 - 2008

	2009		2008				
	Number	%	Number	%			
EUROPE	690	88,8 %	709	90 %			
Germany	279	35,9 %	316	40 %			
(among them, suspects who were not born in Germany)	(39)	(5,0 %)	(50)	(16 %)			
Bulgaria	125	16,1 %	84	11 %			
Romania	82	10,5 %	62	8 %			
Turkey	81	10,4 %	60	8 %			
Bosnia-Herzegovina	26	3,4 %	13	2 %			
Czech Republic	16	2,1 %	9	1 %			
Other	81	10,4 %	165	23 %			
ASIA	11	1,4 %	7	1 %			
Among them, Iran	3	0,4 %	4	0,5 %			
AFRICA	37	4,8 %	16	2 %			
Among them, Nigeria	29	3,7 %	13	1,7 %			
AMERICA	3	0,4 %	3	0,4 %			
Unknown/ unresolved	36	4,6 %	50	6 %			
Total	777	*100 %	785	*100 %			

The percentages were rounded.

² No information was provided on the sex of one percent of all suspects.

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2.1.3 Victims

In 2009, 710 victims of human trafficking for the purpose of sexual exploitation were identified, i.e. about 5% more than during the previous year. Most of the victims were female (87%).³

Nationalities of the victims 2009 - 2008

	20	09	2008				
	Number	%	Number	%			
EUROPE	609	85,8 %	609	90 %			
Germany	176	24,8 %	192	28 %			
Romania	141	19,9 %	137	20 %			
Bulgaria	137	19,3 %	119	18 %			
Poland	27	3,8 %	37	5 %			
Turkey	27	3,8 %	18	3 %			
Hungary	21	3,0 %	36	5 %			
Slovak Republic	17	2,4 %	10	1 %			
Other	63	8,8 %	60	9 %			
AFRICA	48	6,8 %	36	5 %			
Among them, Nigeria	34	4,8 %	25	4 %			
ASIA	16	2,2 %	9	1 %			
AMERICA	10	1,4 %	8	1 %			
Unknown/unresolved	27	3,8 %	14	2 %			
Total	710	*100 %	676	*100 %			

The percentages were rounded.

The number of German victims fell slightly but once again, they accounted for the largest share with approximately 25%. Conspicuous increases were noticed amongst Nigerian (+ 36%) and Bulgarian (+ 15%) victims.

In 2009 as well, approximately half of the victims stemmed from Eastern European countries, above all Romania and Bulgaria. The development with respect to Romanian and Bulgarian victims is likely to be associated with Romania's and Bulgaria's accession to the EU on 1 January 2007, resulting in considerably less strict entry, residence and working regulations.

³ No information was provided on the sex of three percent of all victims.

Mainly because of their lack of willingness to co-operate with the police and the counselling services, interaction with presumed victims from Romania and Bulgaria is difficult. 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. Their situation, viewed objectively, raises suspicions of human trafficking; however, due to a lack of personal evidence, these offences are difficult to prove.

95 of the 710 victims were staying in Germany illegally, including 30 victims of Nigerian nationality and 13 victims stemming from other African states.

	< 14 years		14-17 years		18-20 years		21-24 years		> 24 years		unknown		Total
	N	%	N	%	N	%	N	%	N	%	N	%	N
Total	41	6	104	15	307	43	117	17	118	17	23	3	710
Germany	12	7	39	22	90	51	20	11	15	9	0	0	176
Romania	0	0	10	7	94	67	23	16	13	9	1	1	141
Bulgaria	0	0	8	6	54	39	32	23	42	31	0	0	136
Poland	0	0	2	7	12	44	5	19	7	26	1	4	27
Nigeria	0	0	9	26	5	15	7	21	6	18	7	21	34

Breakdown of victims by age

With 452 victims (64 %), the focus was on persons under the age of 21. 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 2 of the German Penal Code, it is much easier to identify this age group as victims of human trafficking than other age groups.

145 (about 20 %) of the 710 identified victims of human trafficking for the purpose of sexual exploitation were minors and 51% of these minors were German. 41 victims (6 %) were aged below 14 at the time of the offence. The significant increase in victims belonging to this age group in comparison to the previous year (20) is probably based on the consistent reporting behaviour displayed in Berlin (34 victims) against

⁴ All percentages were rounded.

persons who offer minors to homosexual customers who are willing to pay. Most of the children are of Turkish or Bosnian origin. The German victims are often German nationals with a migration background.

Victim recruitment 5

45 % of all victims of human trafficking identified in 2009 stated that they had consented to working as prostitutes. This represents a significant increase compared to the previous year (2008: 33 %). Another 23 % of all victims were prompted to work as prostitutes under false pretences and 15 % were recruited professionally, for example by alleged model or talent agencies or through newspaper ads. As is known from experience, the victims who consented to working as prostitutes had 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 visas, travel expenses, accommodation and food, etc., and thus, a situation of dependency was intentionally created by the perpetrators. The victims then have no other choice but to accept the conditions and work as prostitutes.

The number of victims who were coerced into working as prostitutes by use of violence has fallen compared to the previous year. In 2009, this number amounted to 72, i.e. 10 % of the victims. These victims included 23 Bulgarian, 22 German, 8 Romanian and 5 Nigerian nationals.

Circumstances of the Practice of Prostitution

In 170 cases, the taking-up⁶ or continuing of prostitution was brought about by means of violence, in 156 cases by taking advantage of the victims' helplessness, in 155 cases by using threats, in 146 cases by taking advantage of difficult circumstances and in 84 cases by using deceit.⁷

For approximately half of the victims, information was available indicating whether influence had been exerted on the victim by the perpetrators and/or their circle of associates in respect of their readiness to make a statement to the police or before court, the term "influence" here meaning any kind of direct or indirect influence on the victim herself or her family. The willingness to make a statement of approximately 12 % of the victims, for whom information was available, had been influenced.

As in previous years, the type of prostitution practiced mainly revolved around prostitution in bars and brothels (321) and in flats (238). Street prostitution (80) as well as house and hotel calls (32) were also of importance.⁸

⁷ Multiple responses possible.

⁵ Victim recruitment in their home country

⁶ Taking up of prostitution in Germany

⁸ Multiple responses possible.

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 526 of the persons concerned (74 %) had not registered any activity. 98 of the persons concerned (14 %) were registered. In 86 cases (12 %) this circumstance is not known.

Of the total of 710 victims of human trafficking for the purpose of sexual exploitation, 176 (25 %) received support from special counselling services during the investigations, while this was not the case for 436 persons (61%). No information is available with regard to 98 victims (14 %).

2.2 Human Trafficking for the Purpose of the Exploitation of Workers

In 2009, a total of 24 cases (2008: 27) of human trafficking for the purpose of the exploitation of workers (section 233 of the German Penal Code) were recorded in the Police Crime Statistics. As regards the promotion of human trafficking for the purpose of the exploitation of workers pursuant to section 233a of the German Penal Code, only seven cases (2008: three) were recorded in the Police Crime Statistics.

Since the 37th amendment to the Penal Code⁹ was adopted, the public prosecutors, courts, and police agencies have only gathered minimal experience so that statements on the dimension of human trafficking for the purpose of the exploitation of workers are still not very reliable.

⁹ In 2005, the German Penal Code was inter alia amended by section 233 (human trafficking for the purpose of the exploitation of workers) and section 233a (promotion of human trafficking).

3. OVERALL ASSESSMENT AND OUTLOOK

3.1 Human Trafficking for the Purpose of Sexual Exploitation

In spite of the repeated increase in the number of investigations concluded in 2009, 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. However, the law enforcement authorities have 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. The related 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. The 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 special counselling services.

3.2 Human Trafficking for the Purpose of the Exploitation of Workers

It is still not possible to make a final assessment of this area of crime in view of the low number of registered cases of human trafficking for the purpose of the exploitation of workers.





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