

TRAFFICKING IN HUMAN BEINGS

2010 National Situation Report





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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 and for the purpose of the exploitation of workers is based on the reports submitted by the state criminal police offices on police investigations concluded in 2010 pursuant to sections 232, 233 and 233a of the German Penal Code.

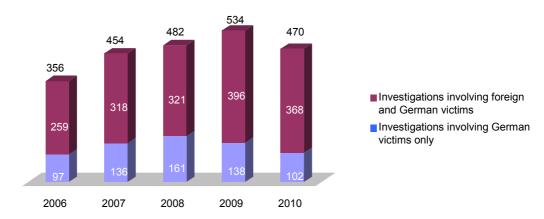
2. DESCRIPTION AND EVALUATION OF THE CRIME SITUATION

2.1 Human Trafficking for the Purpose of Sexual Exploitation

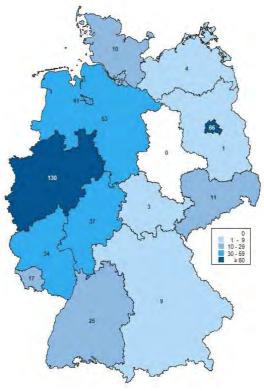
2.1.1 Investigations

In 2010, 470 investigations into human trafficking for the purpose of sexual exploitation were concluded, i.e. about 12% less than during the previous year.

Investigations concluded 2006 - 2010



Investigations by federal states 2010



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 (143 investigations)
- Offences involving violence (86)
- Deprivation of liberty (40)
- Violation of the Narcotic Drugs Act (38)
- Offences involving facilitation of illegal immigration (37)
- Infringements of the Weapons Act (15)
- various counterfeiting/forgery offences (13)

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

As a partial result of the research project named "Recognition of victims of human trafficking", the **acquisition of data required for initiating investigations** is more precisely defined since 2009.

In 229 cases (49%), the **initial police information** on the investigations concluded in 2010 was provided by the police themselves. In 107 cases (23 %), the victim supplied information which led to the initiation

of an investigation. In 29 cases (6 %), the first pieces of information stemmed from the red-light scene, in 18 cases (4 %) from specialised counselling services.¹

As for the manner in which the first contact between police and victim was made, we have established that in 268 cases (57 %), the contact resulted from police measures (in 150 of these cases on the initiative of the police or at random and in 118 cases as a result of information or complaints received) and in 187 cases (40 %), contact was established by the victim (either alone and/or accompanied by someone).²

As far as police activities prior to the initiation of an investigation are concerned, the proceedings were initiated after the analysis of police information and other proceedings and/or interviews in 106 cases (23 %). In 81 cases (17 %), the institution of an investigation was preceded by control measures taken by the police in the red-light scene. In 43 cases (9 %), the police activity performed prior to initiating an investigation consisted in police presence, for example of so-called "scene officers". In 165 cases (35 %), the institution of an investigation was not preceded by any police activity.

In spite of an again relatively high proportion of investigations launched on the basis of complaints filed in 2010, police control measures continue to play an important role in the identification of victims and the clearing up of previously undetected crime.

Once again, the very low percentage of investigations involving measures taken to secure assets is striking. Only in 12 investigations (approximately 3 %) were measures to secure assets carried out.

The amount of assets provisionally confiscated within the framework of investigations into human trafficking amounted to approximately EUR 830,000 (2009: EUR 410,000).

Rarely named other reasons for initiating an investigation are not listed.

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2.1.2 Suspects

In 2010, 730 suspects were recorded in the investigations concluded by the police. Compared to the previous year, this corresponds to a decline of six percent.

On average, less than two suspects per investigation were identified. This statistic shows that most of the investigations were not directed against larger criminal organisations and/or that offender structures possibly existing abroad have not been identified. German suspects made up the largest share (nearly 26 %), followed by Bulgarian suspects (20 %). Of the 187 German suspects, 34 persons had had a different nationality at birth, such as Russian (8), Kazakh (7), Serbian (4) and Turkish (4) nationality.

72 % of all suspects were men.2

Nationalities of the suspects

	2010		2009)
	Number	%	Number	%
EUROPE	608	833 %	690	88.8 %
Germany	187	25.6 %	279	35.9 %
(among them, suspects who were not born in Germany)	(34)	(4.7 %)	(39)	(5.0 %)
Bulgaria	149	20.4 %	125	16.1 %
Romania	96	13.2 %	82	10.5 %
Turkey	44	6.0 %	81	10.4 %
Hungary	43	5.9 %	12	1.7 %
Italy	9	1.2 %	4	0.5 %
Other	79	10.8 %	81	10.4 %
AFRICA	53	7.3 %	37	4.8 %
among them, Nigeria	37	5.1 %	29	3.7 %
AMERICA	1	0.1 %	3	0.4 %
ASIA	12	1.6 %	11	1.4 %
among them, Iran	3	0.4 %	3	0.4 %
Unknown/unresolved	56	7.7 %	36	4.6 %
Total	730	*100 %	777	*100 %

^{*} The percentages were rounded.

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

2.1.3 **Victims**

In 2010, 610 victims of human trafficking for the purpose of sexual exploitation were identified, i.e. about 14% less than during the previous year. Most of the victims were female (96 %).3

Nationalities of the victims

	2010		2009			
	Number	0/0	Number	%		
EUROPE	520	85 .2 %	609	85.8 %		
Germany	121	19 .8 %	176	24.8 %		
Romania	119	19 .5 %	141	19.9 %		
Bulgaria	115	18 .9 %	137	19.3 %		
Hungary	53	8.7 %	21	3.0 %		
Poland	31	5.1 %	27	3.8 %		
Turkey	16	2.6 %	27	3.8 %		
Czech Republic	16	2.6 %	14	2.0 %		
Other	49	8.0 %	63	8.8 %		
AFRICA	62	10.2 %	48	6.8 %		
among them, Nigeria	46	7.5 %	34	4.8 %		
AMERICA	3	0.5 %	10	1.4 %		
ASIA	6	1.0 %	16	2.2 %		
Unknown/unresolved	19	3.1 %	27	3.8 %		
Total	610	*100 %	710	*100 %		

^{*} The percentages were rounded.

Compared to the previous year, the number of German victims, which, with nearly 20 %, made up the largest share of the total number of victims again, has dropped significantly.

Conspicuous increases were noticed among Hungarian victims (+152 %). This can, above all, be attributed to one extensive investigation conducted in Berlin.

In 2010, more than half of the victims stemmed from Eastern European countries, above all Romania and Bulgaria.

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

Mainly because of their lack of willingness to co-operate with the police and the counselling services, interaction with alleged 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 constantly facing cases of prostitutes from these two countries who stay here legally. Their situation, viewed objectively, raises suspicions of human trafficking; however, due to a lack of personal evidence, these offences are difficult to prove.

86 of the 610 victims were staying in Germany illegally, including 41 victims of Nigerian nationality and 10 victims stemming from other African states.

Age structure of the victims of selected nationalities

	< 14 years		14-17 years		18-20 years		21-24 years		> 24 years		unknown		Total
	N	%	N	%	N	%	N	%	N	%	N	%	N
Total	8	1	79	13	254	42	127	21	134	22	8	1	610
Germany	2	2	25	21	70	58	14	12	9	7	1	1	121
Romania	-	-	8	7	76	64	18	15	16	14	-	-	118
Bulgaria	-	-	7	6	41	36	36	31	31	27	-	-	115
Hungary		-	7	13	17	32	17	32	12	23	-	-	53
Nigeria	-	-	9	20	7	15	11	24	19	41	-	-	46

With 341 victims (56 %), 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 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.

87 (about 14 %) of the 610 identified victims of human trafficking for the purpose of sexual exploitation were minors and 27 of these minors were German. Eight persons who were recorded as victims (1 %) were aged below 14 at the time of the offence.

⁴ All percentages were rounded.

Victim recruitment 5

36 % of all victims of human trafficking identified in 2010 stated that they had consented to working as prostitutes. This represents a significant decrease compared to the previous year (45 %). Another 35 % of all victims were prompted to work as prostitutes under false pretences and 14 % were recruited professionally, for example by alleged model or talent agencies or through newspaper ads. As it is known from experience, the victims 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, etc., and thus, a situation of dependency was intentionally created. The victims then have no other choice but to accept the conditions and work as prostitutes.

With 11 % (2009: 10 %) the percentage of victims, who were coerced into working as prostitutes by use of violence, remained on the same level as the previous year.

Circumstances of the Practice of Prostitution

In 182 cases, the taking up⁶ or continuing of prostitution was brought about by means of violence, in 124 cases by taking advantage of the victim's helplessness, in 178 cases by using threats, in 122 cases by taking advantage of difficult circumstances and in 127 cases by using deceit.⁷ ⁸

For more than half of all the victims (58 %), information was available indicating whether influence had been exerted on the victims 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 25 % of the victims, for whom information was available, had been influenced. This significant increase as compared to the previous year (12 %) can be interpreted as an indication that the exertion of influence on the victims has become stronger.

As in previous years, the type of prostitution practiced mainly revolved around prostitution in bars and brothels (295) and in flats (154). Street prostitution (111) as well as house and hotel calls (19) were also of importance.⁹

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 446 of the persons concerned (73 %) had not

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⁵ Victim recruitment in their home country; Multiple responses possible.

⁶ Taking up of prostitution in Germany.

Multiple responses possible.

The situation of Nigerian victims is described by way of example: The victims are lured to Europe (Germany) on false promises (job). Subsequently, they are handed over to the "order-givers" who are usually female Nigerian pimps called "Madams". In most cases, the victims have to work as prostitutes and pay back high five-digit Euro amounts of money to the "Madams" in return for their illegal immigration. Frequently, they have to undergo a Voodoo ritual before travelling to Europe, during which they have to swear before a priest that they are going to bear all costs and follow all instructions and that they are not going to run away.

⁹ Multiple responses possible.

registered any activity. 61 of the persons concerned (10 %) were registered. In 103 cases (17 %) this circumstance is not known.

Of the total of 610 victims of human trafficking for the purpose of sexual exploitation, 214 (35 %) received support from special counselling services during the investigations, while this was not the case for 350 persons (57%). No information is available with regard to 46 victims (8 %).

2.2 Human Trafficking for the Purpose of the Exploitation of Workers

2.2.1 Investigations

In 2010, 24 investigations into human trafficking for the purpose of the exploitation of workers were completed, which corresponds to a significant increase of 140 % in comparison to the previous year (10). The increase in this area can be attributed to an investigative complex conducted by the state criminal police office of Lower Saxony in cooperation with the Federal Police Directorate in Hanover. In this context, a company based in Hanover/Isernhagen was under investigation for suspected human trafficking for the purpose of the exploitation of workers committed to the detriment of Chinese nationals.

The amount of assets provisionally confiscated within the framework of investigations amounted to approximately EUR 1,230,000 (2009: approx. EUR 19,000). This amount of money stems from the investigative complex handled in Lower Saxony. In none of the other investigations were any measures to secure assets taken. If this investigative complex is not taken into account, the number of investigations reported, i.e. seven, is more or less on the same level as the year before.

2.2.2 Suspects

In the course of investigations concluded by the police in 2010, 37 suspects were recorded, i.e. nearly 16% more than during the previous year (32 suspects).

As in the area of human trafficking for the purpose of sexual exploitation, less than two suspects per investigation were identified on average. In this context as well, most of the investigations were not directed against larger criminal organisations and/or suspects based abroad could not be identified. With nearly 46% of all suspects, German citizens predominated (17), of whom 16 had had a different nationality at birth, including Chinese (12), Vietnamese (2), Laotian (1) and Turkish (1) nationality. Most of the non-German suspects (20) were Chinese nationals (10), followed by Romanian (4) and Vietnamese (3) suspects. 68% of all suspects were men.

Most of the suspects as well can be attributed to the aforementioned investigative complex handled in Lower Saxony. If this investigative complex is not taken into account, the number of suspects only amounts to 14.

2.2.3 Victims

In 2010, 41 victims of human trafficking for the purpose of the exploitation of workers were identified, i.e. about 78% more than during the previous year (23). Most of the victims were male (76 %). A large portion of the victims (34) were employed in gastronomy.

Most of the victims stemmed from China (30), Romania (6) and Vietnam (2). The high proportion of Chinese nationals and the increased number of victims can be explained by the aforementioned investigative complex handled in Lower Saxony.

If this investigative complex is not taken into account, the number of victims only amounts to 13.

Victim recruitment¹¹

Usually, the victims consented to the recruitment (32), only four victims were recruited by deception.

3. OVERALL ASSESSMENT AND OUTLOOK

3.1 Human Trafficking for the Purpose of Sexual Exploitation

Whereas the number of completed investigations had increased during the previous years, it declined for the first time again in 2010. The overall picture of identified human trafficking for the purpose of sexual exploitation in Germany has not significantly changed compared to the previous year. Consequently, the threat potential arising from this field of crime remains limited. A short-term, sustained change being brought about in the area of human trafficking for the purpose of sexual exploitation is not to be expected.

However, 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. 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. The evidence on persons in the form of incriminating statements made by the victims continues to be vitally important and for this reason also the victim counselling and the co-operation between the law enforcement authorities and the non-governmental organisations.

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¹⁰ No information was provided on the sex of three percent of all victims.

¹¹ Victim recruitment in their home country; Multiple responses possible.

3.2 Human Trafficking for the Purpose of the Exploitation of Workers

Even though the number of investigations rose in 2010, this was only due to one investigative complex conducted in Lower Saxony. If this investigative complex is not taken into account, the numbers decreased in comparison to the year before. There are increasing indications that the low case numbers can also be explained by the fact that it is difficult to put section 233 of the German Penal Code to practice and that therefore, different regulations, which can more easily be proved, are applied when possible. In these cases, the resulting proceedings do not contain a human trafficking charge.



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