

HUMAN TRAFFICKING National Situation Report 2007

- Press-release summary -





Human Trafficking NATIONAL SITUATION REPORT 2007

- Press-free release -

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1. PRELIMINARY REMARK

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 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 2007 pursuant to sections 232, 233a of the German Penal Code.

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

2. DESCRIPTION AND EVALUATION OF THE CRIME SITUATION

2.1 Trafficking in Human Beings for the Purpose of Sexual Exploitation

2.1.1 Investigations

After 2006, the year 2007 again saw an increase in the number of investigations concluded into human trafficking for the purpose of sexual exploitation. A total of 454 investigations were concluded, 29 % more than the previous year.

Investigations concluded



Number of investigations

Investigations in respect of foreign and German victims

Investigations in respect of German victims only

One of the reasons for the noticeable increase of 29% in the number of investigations concluded is that the number of cases in Berlin and Lower Saxony went up which, in particular, can probably be attributed to the stringent implementation of section 232 I, sentence 2 of the Penal Code.¹

In the course of the investigations into human trafficking for the purpose of sexual exploitation, the following offences were identified, primarily as accompanying and logistic offences for human trafficking: offences against sexual self-determination (184 investigations), offences involving violence (64), smuggling offences (42), violation of the narcotic drugs act (30), counterfeiting (16) and various infringements of the Weapons Act (16). The areas of crime and the dimension in terms of numbers are essentially in keeping with the conclusions from 2006.

From the investigations concluded in 2007, 145 (32%) were launched as a result of complaints filed by the victims and 76 (17%) following complaints filed by third parties. A little over half of the investigations resulted from police measures. In spite of the relatively high proportion of investigations also launched on the basis of complaints filed in 2007, police control measures continue to play an important role in the identification of victims and the clearing up of previously undetected crime.

The amount of assets provisionally confiscated within the framework of investigations into human trafficking amounted to approximately 1.6m Euros, however, measures to seize assets were only mounted in 14 (3 %) investigations. In 2006, a further 2.2m euros was provisionally confiscated within the context of a similarly low number of asset confiscation measures.

¹, Whoever induces a person under twenty-one years of age to take up or continue in prostitution or any of the other sexual acts designated in sentence 1 shall be similarly punished."

2.1.2 Suspects

In 2007, correlating to the increase in the number of investigations, 714 suspects were registered, 8% more than the previous year. 78% of the suspects were male. 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 larger perpetrator groups.

Nationalities of the perpetrators						
	Number					
EUROPE	624					
Germany, incl.	344					
(place of birth not in Germany)	(71)					
Turkey	49					
Bulgaria	42					
Hungary	29					
Romania	25					
Poland	24					
Czech Republic	16					
Others	95					
ASIA, incl.	28					
Thailand	3					
AFRICA, incl.	16					
Nigeria	10					
AMERICA	4					
unknown/unclarified 42						
Total	714					

As was the case the previous year, German nationals dominated, accounting for almost half of the suspects. Approximately 20 % of the German suspects had a different country of birth, thereunder Poland (20), Kazakhstan (14), Russia (10) and Turkey (6).

2.1.3 Victims

In 2007, 689 victims of human trafficking for the purpose of sexual exploitation were identified, which represented a decrease of 11% compared to 2006. As in the previous years, the victims were predominantly female (95%). The average number of victims identified per investigation is relatively low and correlates to the number of suspects identified. The higher percentage of victims in 2006 in spite of the lower number of investigations, relates to two major investigations concluded in 2006 involving a total of 131 victims.

Nationalities of the victims							
	Number						
EUROPE	614						
Germany	184						
Bulgaria	77						
Romania	66						
Czech Republic	57						
Poland	56						
Russia	38						
Hungary	31						
Others	105						
ASIA, incl.	18						
Thailand	10						
AFRICA, incl.	29						
Nigeria	19						
AMERIKA	11						
unknown/unclarified	17						
Total	689						

In keeping with the development in recent years, most of the victims came from European countries. The number of German victims, again constituting the largest proportion at 27%, rose slightly.

Noticeable increases were to be seen in relation to Bulgarian, Hungarian and Nigerian victims.

Most of the Nigerian victims (10) were identified in Baden-Württemberg. For years now it has been identified that mainly young Nigerian women are being smuggled from Nigeria into Germany and other European countries on an organised basis. The women who are to be smuggled are equipped with counterfeit passports in Nigeria and prepared for the smuggling by way of language tests and role play. After they have been smuggled into the country, the women are handed over to the persons who commissioned the smuggling, as a rule the Nigerian pimps referred to as "Madams". The victims, who mostly work as prostitutes in Europe, have to pay back large sums of money to the "Madams" as payment for the smuggling. In many cases, the women have to swear within the framework of a voodoo ritual to follow the "Madams" instructions and pay the amount of money determined. In this way they are placed in a psychological dilemna. The pimps themselves were normally smuggled into Germany years beforehand and made to work as prostitutes. After paying their "debts", it is not uncommon for them to assume the pimp role themselves.

The 31 Hungarian victims identified in 2007 can be ascribed to individual investigations. We cannot deduce an enduring significance from this for Hungary in connection with human trafficking.

The number of Czech victims of human trafficking has dropped sharply. The comparatively high number of Czech victims last year traced back to two major investigations.²

	< 14 years		14-17 years		18-20 years		21-24 years		> 24 years		unknown		total
	Ν	%	N	%	Ν	%	Ν	%	N	%	Ν	%	Ν
Total	7	1	74	11	311	45	108	16	166	24	23	3	689
Germany	4	2	35	19	95	52	22	12	28	15	0	0	184
Bulgaria	0	0	9	12	29	38	9	12	28	36	2	3	77
Romania	0	0	3	5	43	65	11	17	7	11	2	3	66
Czech Rep.	0	0	3	5	29	51	9	16	14	25	2	4	57
Poland	1	2	2	4	37	66	8	14	7	13	1	2	56

Age structure of the victims

12 % of the 689 identified victims of human trafficking for the purpose of sexual exploitation were minors, almost half of them were German. At the time of the crime, seven victims were under the age of 14, among them four were German nationals, one was Polish, one Albanian and one Turkish. With 392 (57%) victims, the focus lay on the age segment of the under 21-year-olds, which indicates a slight increase in comparison to 2006. Also here, German nationals, followed by Romanian and Polish

 $^{^{\}rm 2}$ In 2006, two major investigations were concluded with 106 and 25 victims.

nationals, make up a comparatively large percentage. In all probability, the reason for the significant proportion of the under 21-year-olds is the fact that this age group is considerably easier to identify as victims of human trafficking due to the penal norms laid down under section 232 I, sentence 2 of the German penal code.

2.1.4 Victim recruitment

A little over one third of the victims of human trafficking identified in 2007 stated that they had consented to work as prostitutes. 25 % were hoodwinked with regard to the actual reason for entering the country, 16 % were forced into prostitution and 15 % were recruited professionally, for example, through model or artist agencies or newspaper advertisements.

This information essentially corresponds to the previous year's. The percentage of those females who consented to work as prostitutes was therefore once again relatively high. Experience shows that it was not unusual that women who agreed to work as prostitutes were deceived in respect of the actual circumstances. Many victims were promised high earning potential and, as a result, a better lifestyle. The fact that they would first have to "work off" a debt, e. g for the provision of a passport and visa, travel, food and accommodation costs was often kept secret and thus a situation of dependency is purposefully created to the perpetrators. The victims have no other choice but to accept the conditions and work as prostitutes on a permanent basis.

2.1.4.1 Circumstances of the prostitution:

In 211 cases the taking-up or continuing in prostitution was brought about by taking advantage of difficult circumstances, in 190 cases by taking advantage of the women's helplessness, in 144 cases by using threats, in 127 cases by means of violence and in 101 cases by using deceit.³

In the case of approximately 65 % of all the victims, 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.⁴ In the case of 69 victims (10 %) information was on hand suggesting that the victims' willingness to make a statement had been negatively impacted.

As in previous years, the type of prostitution practiced revolved around prostitution in bars and brothels (362) and in flats (187). Street prostitution (73) as well as house and hotel calls (59) were also of importance.⁵

³ Multiple recording possible.

⁴ The term ,,impact" is to be understood to mean any form of direct or indirect influence exerted on the victim himself or his family.

⁵ Multiple recording possible.

The information gathered in respect of whether the prostitution practised by the victims took place within the framework of an activity registered with the fiscal and/or trade authorities revealed that 491 (71 %) of the persons concerned did not have an activity registered. 107 (16 %) of the persons concerned were registered.

Out of the total number of 689 persons registered as victims of human trafficking for the purpose of sexual exploitation, 143 (21 %) were given professional support during the proceedings, whereas, in 509 (74%) cases this did not happen. No information is available with regard to 37 victims (5 %).

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

Pursuant to the Police Crime Statistics, in 2007 a total of 92 cases as defined in section 233 of the German penal code were registered (2006: 78). This shows that the number of cases has gone up by 18% in comparison to 2006. Out of the 71 identified suspects, 40 were male. 59 % of the suspects were of non-German origin, however, in the case of specific perpetrator nationalities no focus was identifiable.

In 2007, 101 victims of human trafficking for the purpose of the exploitation of workers were recorded, 39 of whom were males and 62 of whom were females.

As in the previous year, only three cases were registered in the PCS for promotion of human trafficking for the purpose of exploitation of workers pursuant to section 233a of the 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 penal code are mostly committed in the catering industry to the detriment of foreigners staying in Germany illegally or the victims are exploited as household help.

3 OVERALL ASSESSMENT AND OUTLOOK

3.1 Trafficking in Human Beings for the Purpose of Sexual Exploitation

In spite of the sharp increase in terms of percentages in the number of investigations concluded in 2007, 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 (for example, the problem of new EU citizens staying legally in the country).

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 in view of the factors identified. For this reason a comparable situation can be expected in 2008. 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 majority of foreign victims now come from EU member states and are thus in possession of legal residential possibilities in Germany.

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.

3.2 Trafficking in Human Beings 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.

In all probability, the actual case numbers in the area of human trafficking for the purpose of the exploitation of workers are higher. The (illegal) taking up of employment in Germany is an important incentive behind the migration to Germany. People smuggled into the country or entering illegally do not have the required foreign status or work-related documents and therefore quickly become the victims of a restrictive dependency or indeed situations where they are exploited as workers. As in the case of human trafficking for the purpose of sexual exploitation, we can also assume here that the victims' willingness to file a complaint or make a statement is rather low.