



Bundeskriminalamt



Human trafficking and exploitation

National Situation Report 2017

Human Trafficking and exploitation 2017 - Figures



327 investigations
489 victims
523 suspects

Sexual exploitation



11 investigations
180 victims
27 suspects

Labour exploitation



2 investigations
2 victims
2 suspects

Exploitation of forced
begging

NEW in 2017



No investigations

Exploitation of forced criminality

NEW in 2017



No investigations

Human trafficking for the
purpose of organ harvesting

NEW in 2017

Focus:



134 investigations
171 victims
195 suspects

Exploitation of
minors

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1 Preliminary remarks

The National Situation Report on Human Trafficking and Exploitation provides information about the current situation and developments in the field of human trafficking and exploitation in Germany as defined by the German Criminal Code (StGB).

The former National Situation Report on Human Trafficking is supplemented by the presentation of further forms of exploitation as defined by the amendments implementing the Directive 2011/36/EU of the European Parliament and the Council on preventing and combating trafficking in human beings which came into force in the autumn of 2016. When this Directive was implemented, the penal provisions on human trafficking (sections 232 ff. of the German Criminal Code) were re-defined and extended.

The individual forms of exploitation (forced prostitution, forced labour, labour exploitation, exploitation of forced begging and human trafficking with a view to exploitation of forced criminality or organ harvesting) are now regulated separately. Likewise, the basic criminal offence was extended to cases in which the victim is below the age of 18.

The structure of the National Situation Report 2017 has been adapted to the offences which are portrayed for the first time.

The information contained in the situation report on human trafficking and exploitation is based on the reports submitted by the Land Criminal Police Offices, the Bundeskriminalamt (BKA) and the Federal Police about police investigations into the relevant fields of crime which were concluded in Germany during the year under review and featured crime scenes in Germany.¹

Because of their particular vulnerability, particular attention is devoted to minor victims of human trafficking and exploitation. Therefore, chapter 3.6 of the situation report considers the individual forms of exploitation of minor victims separately. Please note that in addition to the above-listed offences involving minor victims, further offences of commercial sexual exploitation of minors are presented in the field of sexual exploitation. It is characteristic of these offences that the "child [...]" is treated not only as a sexual object but also as a commodity.²

¹ During the year under review, it was the first time that the Federal Police were involved in the data collection.

² Art. 5 of the Stockholm „Declaration and Agenda for Action; 1st World Congress against Sexual Exploitation of Children“, Stockholm 1996

2 Contents of the new criminal offences

Now that the penal provisions have been amended, the criminal offences of human trafficking and exploitation are the following³:

- Section 232 of the German Criminal Code Human trafficking
- Section 232a of the German Criminal Code Forced prostitution
- Section 232b of the German Criminal Code Forced labour
- Section 233 of the German Criminal Code Labour exploitation
- Section 233a of the German Criminal Code Exploitation through the use of unlawful restraint

In addition to sexual exploitation and labour exploitation, further forms of exploitation are now also regulated by law such as exploitation of forced begging, exploitation of forced criminality and organ harvesting. Moreover, the child protection age limit was raised from 14 to 18 years.

In particular:

Human trafficking (section 232 of the German Criminal Code): The new criminal offence is closely linked to the international perception of human trafficking, and it is consequently punishable to create conditions which make exploitation possible. Taking advantage of the economic or personal predicament or helplessness of a person and recruiting the person for exploitation constitutes the offence of human trafficking. The recruitment or creation of conditions which make exploitation possible, includes for example the hiring, transport or accommodation of a person who is to be exploited. In the case of persons under 21 years of age, it is irrelevant whether or not they are helpless or in a predicament. The mere transport or recruitment for the purpose of exploitation can constitute the offence of human trafficking.

Forced prostitution and forced labour (section 232a and b of the German Criminal Code): The criminal offences cover the manipulation of the will of a person in order to make him/her take up or continue certain exploitative relationships. Whoever takes advantage of the predicament or helplessness of another person in order to induce this person to take up exploitative activities, is liable to prosecution. These can be various kinds of activity including begging or prostitution. In this case as well the mere inducement to engage in exploitative activity suffices if the victim is below the age of 21. What is new here is the criminal liability of clients who knowingly exploit the predicament of the victims of human trafficking and forced prostitution (section 232a subsection 6 of the German Criminal Code).

Exploitation of labour / exploitation through the use of unlawful restraint (section 233/233a of the German Criminal Code) These criminal offences cover the factual exploitation. Here, a manipulation of the victim's will is not required, but the critical issue is the exploitation of a person in a predicament.

³ cf. homepage of the KOK, i.e. the German NGO network against trafficking in human beings (<https://www.kok-gegen-menschenhandel.de/menschenhandel>). On the homepage, information brochures on the individual forms of exploitation are available for download (called up on 18/06/2018).

3 Presentation and evaluation of the crime situation

3.1 SEXUAL EXPLOITATION

Overview of sexual exploitation

- 327 investigations (-9.9 %)
- 489 victims (+0.2 %)
- 523 suspects (-0.2 %)
- mainly Bulgarian, Romanian and German victims

Since the criminal law was reformed in the autumn of 2016, human trafficking for sexual exploitation has been regulated by section 232 and forced prostitution by section 232a of the German Criminal Code. If the sexual exploitation is committed by taking advantage of an unlawful restraint, it falls under section 233a of the German Criminal Code.

Exploitation of prostitutes and controlling prostitution are still regulated by sections 180a and 181a of the German Criminal Code. Case facts recorded as exploitation of prostitutes or controlling prostitution are for example characterised by poor payment, excessively long working hours, excessive commission fees or rental payments, dangerous working conditions and withholding pay. The persons concerned can no longer decide freely on the practise of their prostitution activity.

3.1.1 Investigations

Number of investigations concluded

In 2017, a total of 327 investigations into human trafficking for sexual exploitation (sections 232 ff. old and new as well as sections 180 a/181a of the German Criminal Code) were concluded by the police (2016: 363 investigations; -9.9%). Even if some of the punishable acts have ultimately been subordinated to the new types of criminal offences, the scenarios are still similar to those recorded in previous years, so that we can compare them to previous years although the field of crime has been extended in the new version.

The proportion of cases concerning German victims exclusively (65 investigations) amounted to 19.9 %.

Investigations concluded (2013 - 2017)



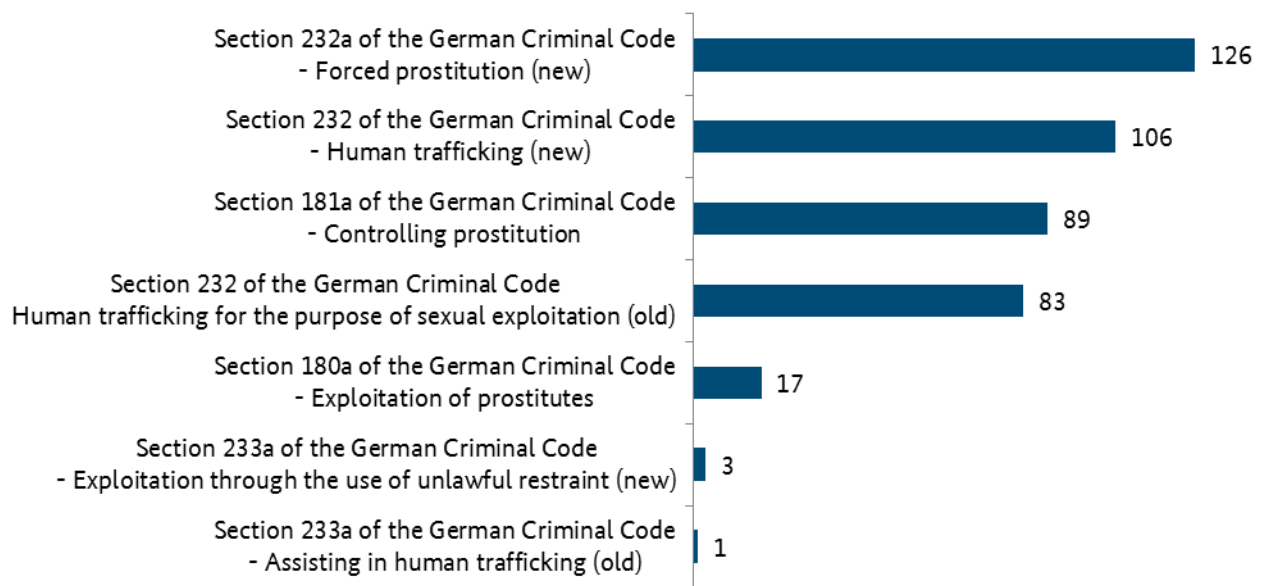
Breakdown by offence

Several of these 327 investigations referred to different criminal offences (such as those covered by sections 232 and 180a of the German Criminal Code). Therefore, it is not admissible to add up the investigations which are broken down by penal provisions in the following passage:

In the field of human trafficking (sections 232 ff. of the German Criminal Code), investigations were conducted both in accordance with the old version (i.e. 83 investigations pursuant to the old section 232 and one investigation pursuant to the old section 232a) and the new version of the German Criminal code (106 investigations pursuant to the new section 232, 126 investigations pursuant to the new section 232a and three investigations pursuant to the new section 233a).

In 89 investigations, enquiries into controlling prostitution were conducted (section 181a of the German Penal Code). The exploitation of prostitutes (section 180a of the German Criminal Code) was the subject of 17 investigations. In some cases involving minor victims, the investigations were conducted in combination with investigations for further criminal offences of commercial sexual exploitation (cf. chapter 3.6.1).

Breakdown of investigations by criminal offence (2017)⁴



Länder breakdown of the investigations

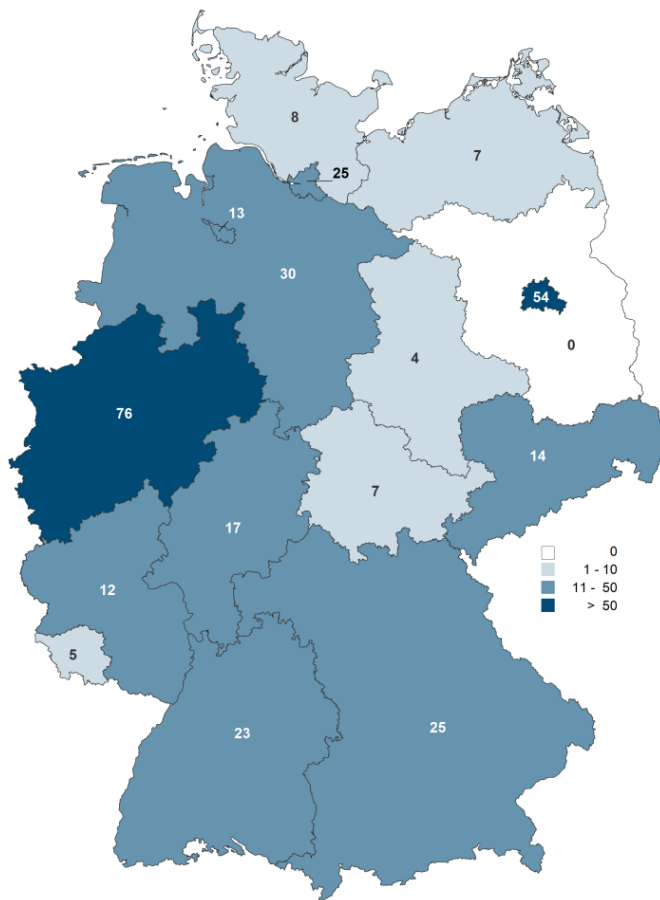
The Länder distribution of the 327 investigations into human trafficking for sexual exploitation (sections 232 ff. old and new, sections 180a/181a of the German Criminal Code) remained largely similar to the distribution of the previous year. Just under half of the investigations were conducted in the Länder of North Rhine-Westphalia (76 investigations), Berlin (54 investigations) and Lower Saxony (30 investigations).

The varying case numbers in the individual Länder are influenced by various factors, such as the dimension of the local "red-light scene", the priorities set by the police or the creation of specialised police offices dealing with the scene.

In connection with the newly added forms of exploitation, it was the first time that the Federal Police, too, contributed data to the Situation Report (seven investigations).

⁴ Multiple listings possible. The diagram does not contain any further criminal offences of sexual exploitation of minors on a commercial basis.

Länder breakdown of investigations (2017)⁵



Related offences

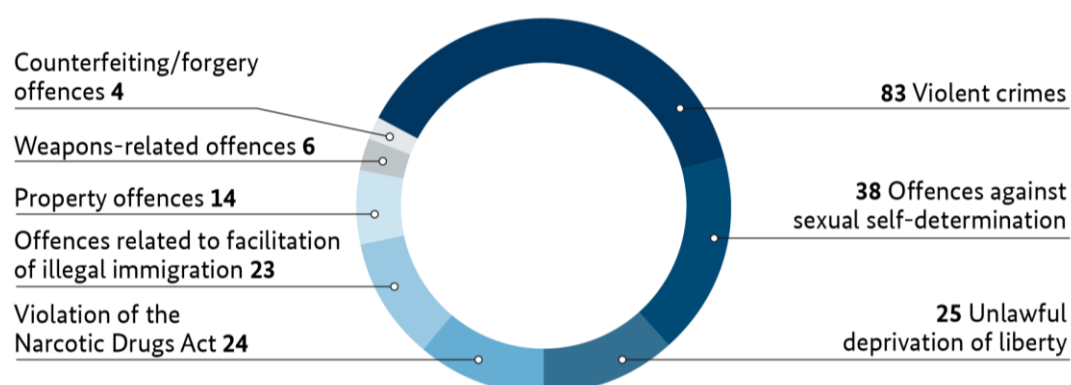
Besides the criminal offences of human trafficking and exploitation, the police investigations often concern further fields of crime. In 2017, 157 investigations (48.0 %, 2016: 51.8 %) were conducted into further offences.

With 217, the number of related offences decreased in comparison to the previous year (2016: 270).⁶ Most of these related offences were violent crimes and offences against sexual self-determination.

⁵ During the year under review, the BKA did not conclude any investigation into human trafficking for sexual exploitation which would have been relevant to the situation report. The chart does not contain the investigations conducted by the Federal Police.

⁶ Multiple listings possible.

Offences related to trafficking in human beings for sexual exploitation (2017)⁷



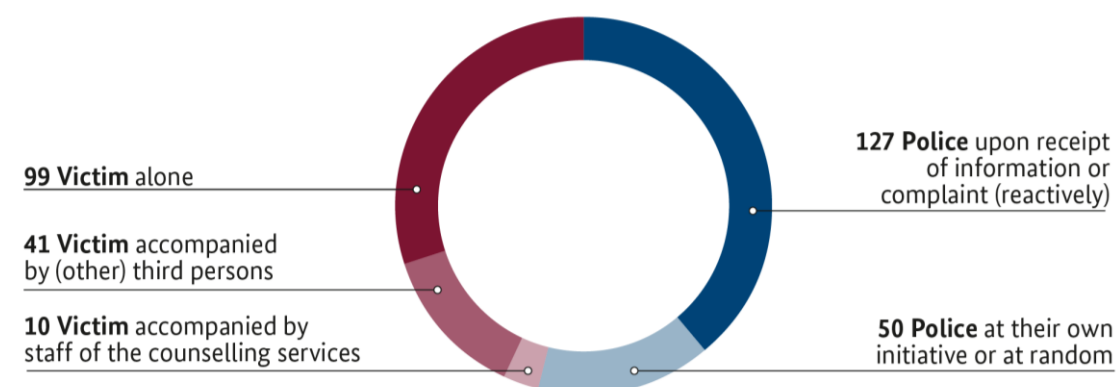
Initiation of investigations

In addition to police presence in the red-light scene, above all the criminal complaint filed by the victims is decisive for the institution of an investigation into human trafficking for sexual exploitation, the exploitation of prostitutes or controlling prostitution. As in previous years, the initiation of contact between the victims of human trafficking and the police played an important role.

In 150 investigations (45.9 %), the contact between police and victims was made by the victims. In 99 of these investigations (30.3 %), the victim contacted the police without being accompanied by a third party. In ten investigations (3.1 %), the victim was accompanied by victim support counsellors when establishing contact. In 41 investigations (12.5 %), the victim was accompanied by other third parties such as other prostitutes or clients.

In 127 cases (38.8 %), the investigations were initiated by the police as a response to tip-offs or complaints received. Another 50 investigations (15.3 %) were instituted by the police either on their own initiative or randomly.

Initiation of contact between victim and police (2017)



⁷ Multiple listings possible.

3.1.2 Victims

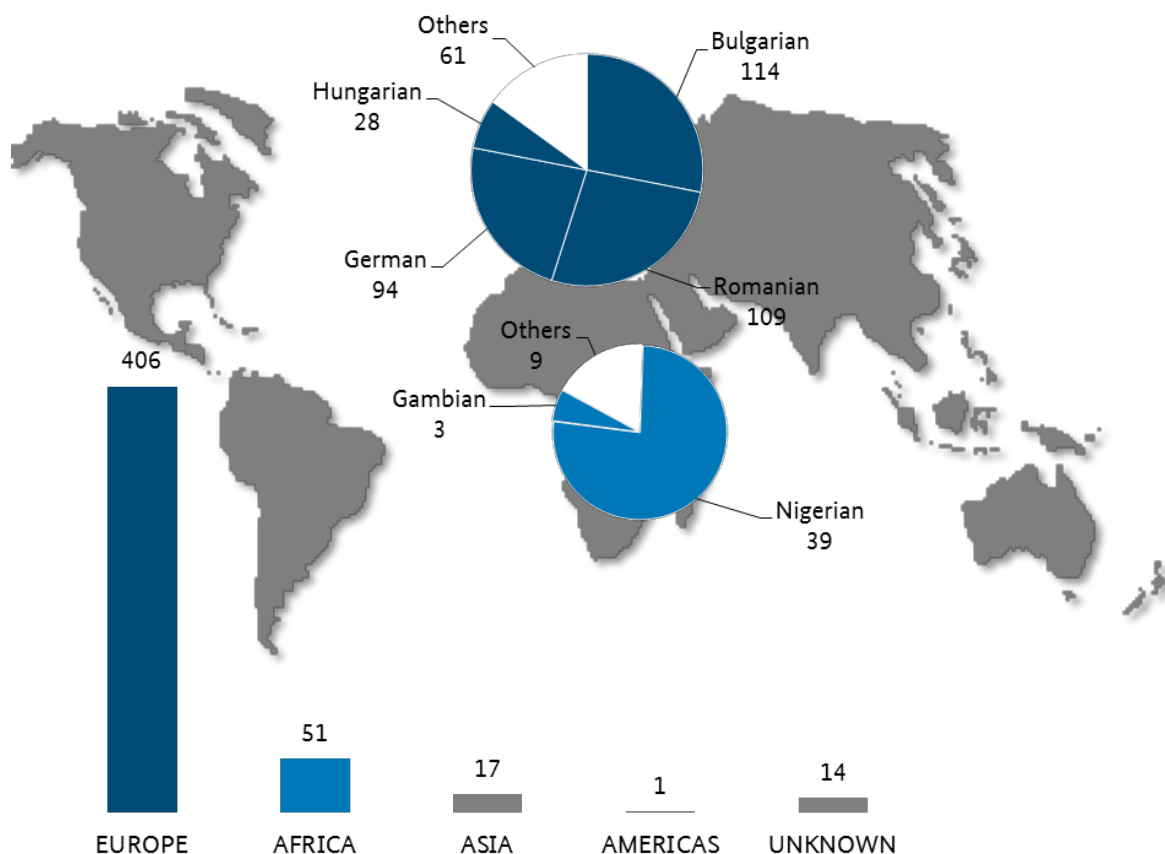
In 2017, a total of 489 victims were identified as a result of police investigations conducted into human trafficking for sexual exploitation (2016:488 victims). Almost all victims were female (484 victims; 99.0 %). Four victims were male; the gender of one victim was unknown.

Whereas German nationals made up the largest group of victims in the previous year, the victims most frequently identified during the year under review were Bulgarian (114 persons, 23.3 %) and Romanian (109 persons, 22.3 %) nationals.

With 94 victims, German nationals represented the third largest group of victims (19.2 %). Unlike foreign victims, German victims usually have a better knowledge of their rights , possibly have more confidence in the law enforcement/prosecution authorities and are frequently better integrated into society. Therefore, they probably feature a lower psychological barrier to contacting the police and reporting the exploitative nature of their employment. But although they are presumably more aware of their victim status, German victims as well are often unable to leave the exploitative relationship due to a strong emotional dependency created by the offenders.

In 2017, the number of Nigerian victims rose to 39 persons (2016: 25 victims). Their share in the total number of victims amounted to 8.0 %.

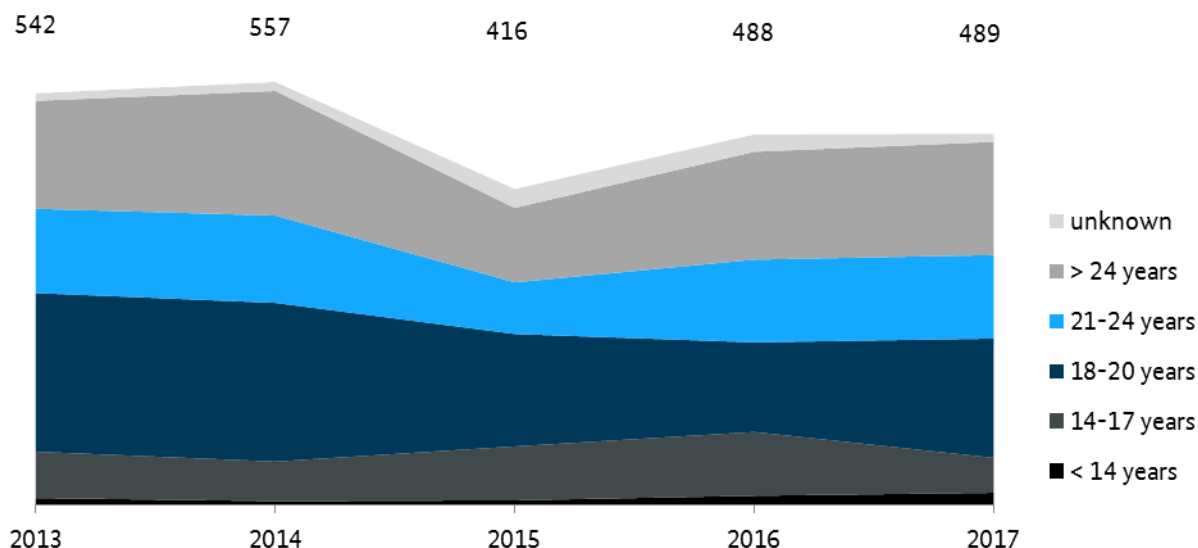
Nationalities of victims (2017)



Age Structure of Victims⁸

Of the 478 victims whose age was known, 219 persons were younger than 21. The percentage of the victims of this age group (45.8 %) was therefore slightly higher than in the previous year (2016: 214 person; 43.9 %). As in the previous year, the average age of the victims was 23 years.

Age structure of the victims (2013 - 2017)



Because of their specific vulnerability, particular attention is devoted to minor victims of human trafficking. In the 327 investigations conducted into human trafficking for sexual exploitation, exploitation of prostitutes and controlling prostitution (sections 232 ff. as well as sections 180a/181a of the German Criminal Code), a total of 65 minor victims⁹ were registered (2016: 96 minor victims). Over the last five years an average of 73 minor victims were identified per year.

Chapter 3.6.1. sets out the details about minor victims of sexual exploitation and also takes a look at other investigations into commercial sexual exploitation to the detriment of minors.

Victim recruitment / contact initiation

The following information refers to the specific modus operandi applied to lay the ground for the victim's decision to engage in prostitution.¹⁰

The so-called "loverboy method" was applied to initiate contact with more than a quarter of the victims of human trafficking for sexual exploitation (127 victims; 26.0 %). During the year before, this modus operandi had still been much less common (2016: 17.8 % of the victims).

⁸ The age of eleven out of the total number of 489 victims was unknown.

⁹ The exact age of three of these victims was unknown, but the descriptions of the case facts suggested that they were still underage.

¹⁰ Multiple listings possible.

Loverboy method

Pretending to be in love with them, the "loverboys" manipulate female minors and young women into emotional dependency to subsequently push them into prostitution and exploit them.



Again around a fourth of the victims (124 victims; 25.4 %) were induced to work as prostitutes (2016: 21.7 %) by deception. A deception can, for example, also be given, if the future victim is misled about the actual circumstances, such as the nature and scope of the work as a prostitute and the resulting earnings.

88 victims (18.0 %) were recruited professionally, e.g. via alleged model and artist agencies, newspaper advertisements or persons specializing mainly in the recruitment of prostitutes abroad (2016: 10.2 %).

The contact to 78 victims (16.0 %) was established via the Internet with this modus operandi being applied especially to younger/minor victims.¹¹

77 victims (15.7%) stated that they had consented to working as prostitutes. Experience has shown, however, that these victims are often deceived about the true conditions of their work as prostitutes. The family environment of roughly 55 of the identified victims (11.2 %) played an essential role with respect to their engagement in prostitution.

The victims were less frequently forced into prostitution by means of psychological violence (43 victims; 8.8 %) or physical violence (30 victims, 6.1 %).

Circumstances surrounding the practice of prostitution

Roughly half of all recorded victims were exploited as prostitutes in pubs and brothels (245 victims, 50.1 %). Approximately a quarter of the victims practised prostitution in rented apartments (131 victims; 26.8 %) and another quarter offered house and hotel call services (123 victims; 25.2 %). With 12.7 % (62 victims), street prostitution was less common.¹²

In this context, it should be noted that law enforcement/prosecution authorities find it far more difficult to control prostitution in private flats and hotels than traditional brothel prostitution.

¹¹ When the data were collected, the following options were offered for selection: "Use of the Internet - social networks", "Use of the Internet - advertising portals" and "Use of the Internet - other". In case of multiple listings, the option was counted only once.

¹² Multiple listings possible.

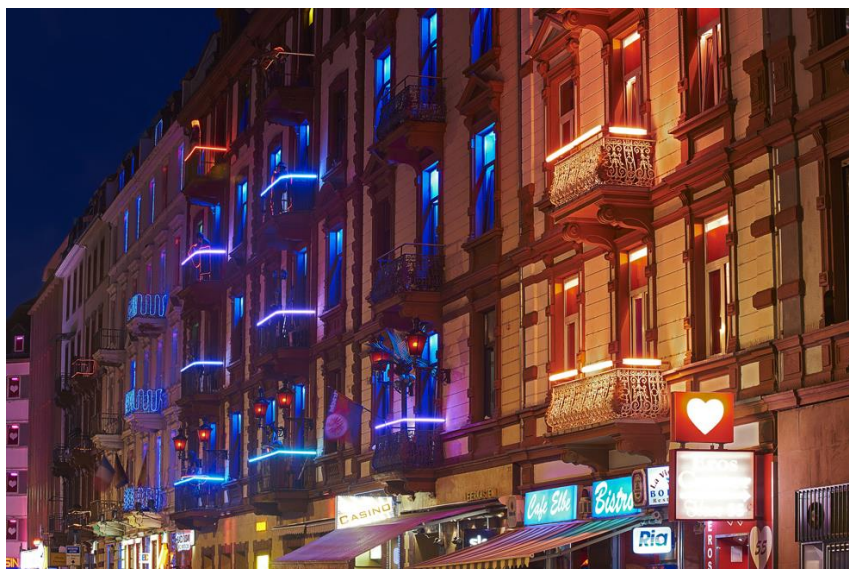


Image 1: Frankfurt on Main, "Rote Meile" (red mile)

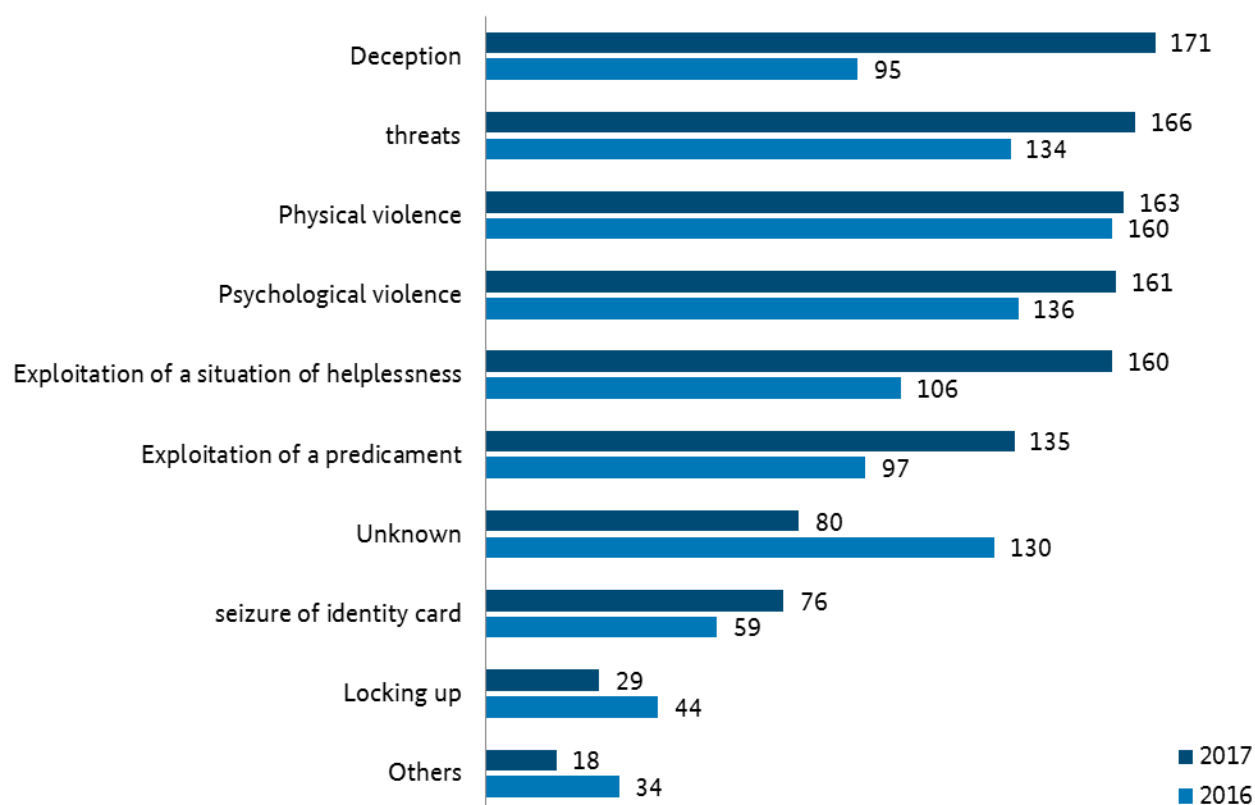
During the year under review, the offenders exerted deceitful influence on more than every third victim (171 victims; 35.0 %). Where Nigerian victims of human trafficking for sexual exploitation are concerned, this includes, among other things, the required taking of a "Voodoo oath" which binds them to absolute obedience and secrecy.

In addition, it was common practice to manipulate victims by threats (166 victims; 33.9 %). For instance, this modus operandi includes threats to inform their families about their work as prostitutes or to use violence against the victims or their relatives.

Roughly one third of the victims were subjected to physical violence (163 victims; 33.3 %) and another third to psychological violence (161 victims; 32.9 %) while being exploited. One form of psychological violence is, for example, permanent control by the offenders.

Particularly when foreign victims were exploited, their helplessness in a foreign country (160 victims, 32.7 %), for example due to a lacking command of the language, played an important role. The instrumentalisation of their personal predicament (135 victims; 27.6), for example due to their illegal stay in Germany, was also a decisive factor for exploitation. Clearly fewer victims were, by contrast, manipulated by having their identity documents withdrawn or being supplied with false documents by the offenders (76 victims; 15.5%)

Forms of manipulation of the victims (2017/2016)¹³



Willingness to give evidence

Particularly for proving an offence in court proceedings, a victim's readiness to give evidence is of paramount importance. Of the altogether 489 identified victims of trafficking in human beings for sexual exploitation, 354 victims (72.4 %) made a statement to the police.

With regard to 313 victims (64.0 %), the police investigations allowed for an assessment as to whether the perpetrators and/or their circle of associates had manipulated the victims' readiness to make a statement to the police or in court.¹⁴ 58 of these victims (18.5 %) had been manipulated in their readiness to make a statement.

Victim counselling

Counselling services/advisory centres play an important role for police work. On the one hand, some victims decide to file a complaint only when accompanied by victim support counsellors, and on the other hand, the victims receive counselling from advisory centres during or after police investigations.

In the course of the investigations, 162 out of the 489 victims (33.1%, 2016: 166 victims out of a total of 488: 34.0%) were supported by advisory centres, and 13 victims received help from youth care institutions (2.7%, 2016: 14 victims, 2.9%). In nearly half of the cases (230 victims; 47.0 %), no special counselling was provided, though. The reasons for this were manifold, including the victims' return

¹³ Multiple listings possible.

¹⁴ The term "manipulate" refers to any kind of direct or indirect influencing of either the victims themselves or their family.

to the scene, their lack of interest in receiving counselling, relocation to an unknown place or the victims' return to their home country. With regard to the remaining cases, no information was available about any possible victim support.

Registered activity

With effect from 01 July 2017, the Prostitute Protection Act came into force. Among other things, the law aims at reducing the possibilities of exploitation in the red-light scene and at facilitating the recognition of victims of human trafficking and forced prostitution .

Prostitute Protection Act

The Prostitute Protection Act contains extensive regulations for the prostitution business. Its core elements include the obligation of prostitution establishments to obtain a license and to meet further minimum requirements, a reliability check of the operators and the obligation of prostitutes to register with the authorities.



The obligation to register is linked to the duty to appear in person and to take part in the health counselling offered by the public health service. As a result, especially vulnerable persons have the possibility to contact third parties outside the scene and a chance to obtain information about counselling and assistance services.

The period since the entry into force of the Prostitute Protection Act has been too short for assessing whether or not this law is going to contribute to reducing exploitation in the red-light scene.

3.1.3 Suspects

In the investigations into human trafficking for sexual exploitation concluded by the police in 2017 (sections 232 ff. old and new, sections 180 a/181a of the German Criminal Code), a total of 523 suspects were registered (2016: 524 suspects).

On average, 1.6 suspects were identified per investigation, but police information collected in individual investigations suggests that human trafficking for sexual exploitation also involves complex offender structures.

393 suspects (75.1 %) were male and 120 suspects (22.9 %) were female. No information was available on the gender of the other suspects.

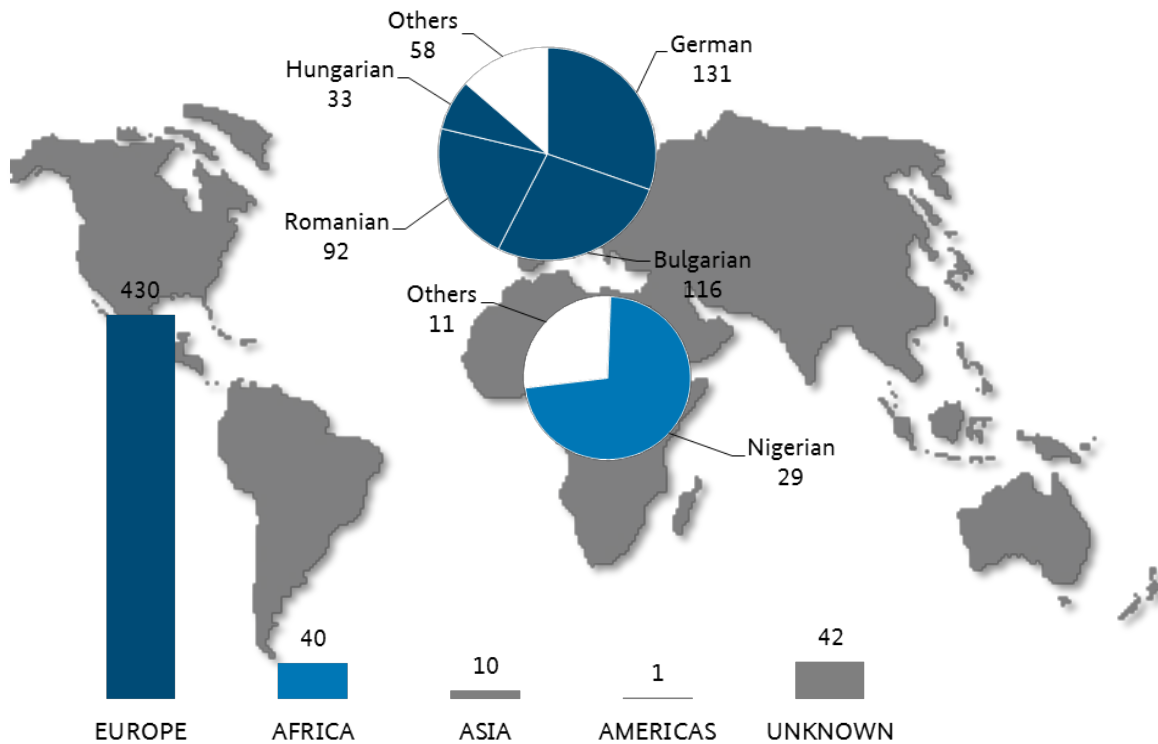
The age of 438 of the identified suspects was known. Their average age was 33 years. Seven suspects were underage.

As in the previous year, German nationals (131 suspects; 25.0 %) accounted for the largest number of suspects with the absolute figure being on the decrease though (2016: 145 suspects). In addition, Bulgarian (116 suspects, 22.2 %) and Romanian (92 suspects; 17.6 %) nationals were frequently involved. Compared to the previous year, the absolute numbers of suspects of these two nationalities rose (2016: 78 Romanian and 81 Bulgarian suspects).

Hungarian nationals were recorded noticeably less often (33 suspects; 6.3 %). They featured a slight decline compared to 2016.

With 29 suspects (5.5 %), the number of Nigerian nationals almost tripled in comparison to the previous year (2016: 11 suspects).

Nationalities of suspects (2017)



Previous offender-victim relationship

A large number of the identified suspects were already acquainted with their victims prior to exploiting them sexually (230 suspects, i.e. 44.0 %), and 26 suspects (5.0 %) were akin to them.

This emphasizes how significant the personal ties of the victim to the perpetrator are for the commission of the crime. Frequently, perpetrator and victim have a common ethnic, cultural or national background which favours the development of an exploitative relationship as much as their common language does. If the victims only speak the language of the perpetrators and not the language of the country they are staying in, it is easier for the perpetrators to build a state of dependency and to raise fears of contact with the authorities.

Criminal liability of the clients

Since the criminal offences of human trafficking have been re-defined, the customer also renders himself liable to prosecution if he knowingly takes advantage of the predicament of a victim of human trafficking and forced prostitution. However, he can go unpunished if he reports the forced prostitution to the police.

In 2017, one customer was investigated pursuant to section 232a subsection 6 of the German Criminal Code.

Criminal liability of the customer pursuant to section 232a subsection 6 of the German Criminal Code

Whoever performs sexual acts on victims of human trafficking/forced prostitution or has them perform sexual acts on himself in return for payment and thereby exploits the victim's personal or economic predicament or helplessness arising from being in a foreign country, shall be punished by imprisonment for a term ranging from three months to five years pursuant to section 232a subsection 6 of the German Criminal Code.



3.2 LABOUR EXPLOITATION

Overview of labour exploitation

- 11 investigations (-8.3 %)
- 180 victims (+275.0 %)
- 27 suspects (+/-0 %)
- Sectors: Construction and catering industries

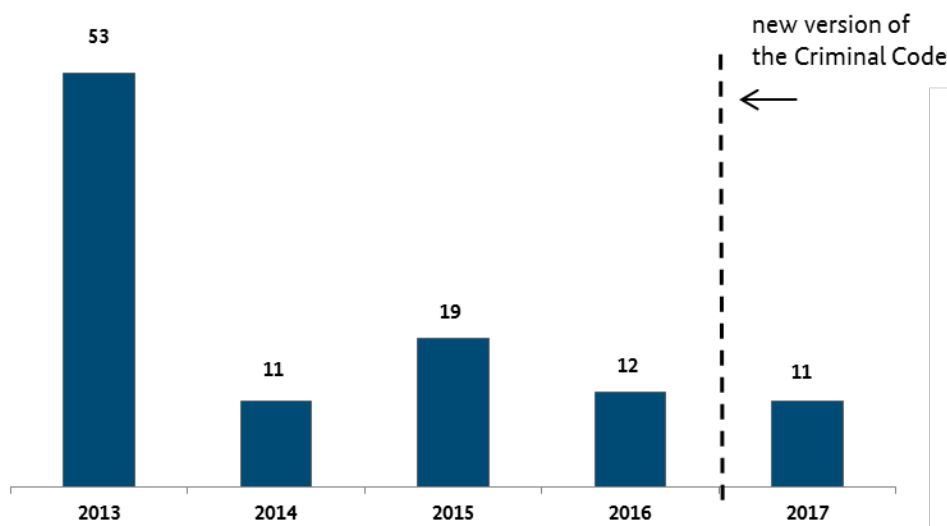
Since the criminal law reform, labour exploitation has been regulated by the following provisions of the German Criminal Code: section 232 / human trafficking, section 232b / forced labour and sections 233 plus 233a / labour exploitation. All provisions contain protection age limits, i.e. the respective act is punishable even without the exploitation of a predicament if the persons concerned are below the age of 21.

In the context of labour exploitation pursuant to section 233 of the German Criminal Code it is irrelevant whether or not the offender "prompted" the victim to take up or continue the activity, i.e. exerted influence on the decision the victim took at his/her own will. The prerequisites are already met if the offender is aware of the victim's plight and takes advantage of it by employing the victim under exploitative conditions (e.g.B poor payment, excessive working hours, excessive commission fees or rental payments, perilous working conditions and withholding the remuneration).

3.2.1 Investigations

In 2017, the police concluded a total of eleven investigations into labour exploitation (2016: 12 investigations).

Investigations concluded (2013 - 2017)



Breakdown of the offences

Depending on the date of their institution, the investigations were conducted pursuant to the old or the new criminal code. A total of five investigations were conducted pursuant to section 233 of the German Criminal Code (labour exploitation) including one that also concerned the new section 232 of the German Criminal Code (human trafficking) and one that also concerned the new section 233a of the German Criminal Code (exploitation through the use of unlawful restraint). Three investigations were conducted pursuant to the new section 232b of the German Criminal Code (forced labour) and three further investigations pursuant to the old section 233 of the German Criminal Code (human trafficking for labour exploitation).

3.2.2 Victims

In the eleven investigations conducted into labour exploitation, a total of 180 victims (2016: 48 victims; +275.0 %) were identified. The majority of the victims identified was male (154 victims; 85.6 %); 25 victims were female (13.9 %). In one case, the gender of the victim was unknown.

The significant increase in the number of victims is especially due to two comprehensive investigations. Especially as a result of these investigations, Macedonian nationals (52 victims; 28.9 %) and Latvian nationals (39 victims; 21.7 %) were recorded most frequently as victims of labour exploitation in 2017. The high percentage of victims of unknown nationality (41 victims; 22.8 %) was striking.

Example of a specific case: Labour exploitation on the construction sector

Since 2013, Offenburg (Baden-Württemberg) police headquarters had been investigating a group of offenders operating from Germany who instructed accomplices in Latvia to found limited liability companies there, recruit cheap labour and send the workers to construction businesses in Germany. The Latvian companies were just bogus enterprises. "Straw managing directors" were registered, and in order to cover up the offences, small amounts of taxes were paid in Latvia. As a result, the impression of a legally active business was created. The companies were only run for a limited period of time but the criminal activities were continued by founding successor companies.

German entrepreneurs who employed workers of the Latvian companies, made wage payments to the fictitious Latvian companies with the accounts being settled via two prime offenders based in Germany. The recruited workers then received wages below the German minimum wage level. When workers left the country, wages were withheld to ensure that they would return to Germany to reassume work. No social benefits were paid. Sick employees were no longer employed and were usually not granted any paid sick leave.

Altogether 111 victims were recorded in this investigation. Most of these were Latvian nationals.

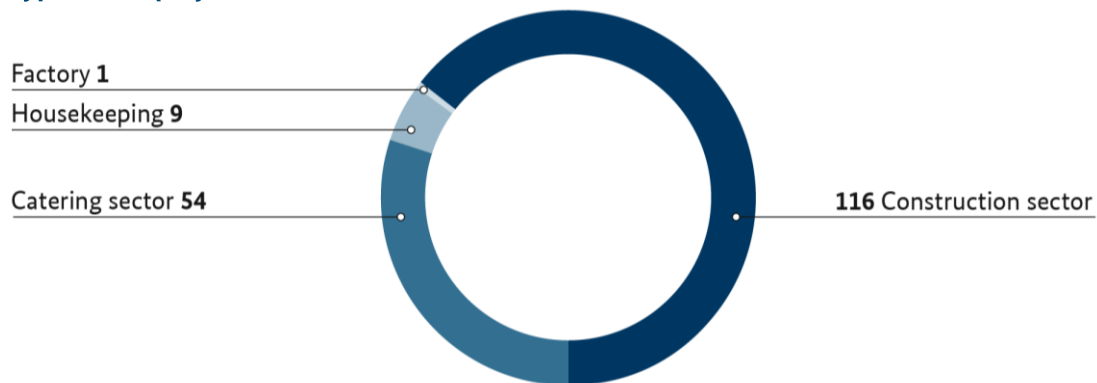
Brief assessment:

The example proves the high degree of professionalism which such groups of perpetrators feature sometimes. It shows that investigations into labour market offences can bring to light victims of human trafficking and emphasises the necessity to raise awareness among the authorities in charge of such investigations.

Types of employment

Male victims were primarily exploited on the construction sector (116 victims) and the catering sector (32 victims) whereas female victims were above all exploited on the catering sector (22 victims). This also reflects the results of the two large-scale investigations.

Types of employment (2017)



3.2.3 Suspects

In the eleven investigations, a total of 27 suspects (2016: 27 suspects) were identified. 19 suspects were male, eight were female. Among the identified suspects, German nationals (10 suspects) and Romanian nationals (5 suspects) came to notice most frequently.

3.3 EXPLOITATION OF FORCED BEGGING

Overview of exploitation of forced begging

- 2 investigations
- 2 suspects
- 2 victims
- First-time consideration in the National Situation Report

In Germany, organised "begging" is no criminal offence as long as the beggars are not exploited. "Exploitation of forced begging" was not defined as a separate criminal offence until the penal provisions on human trafficking were amended in 2016. Therefore, comparative figures of the previous years are not available. The prerequisites for "exploitation of forced begging" are met if persons are forced to beg and to cede their income.

In terms of criminal law, "exploitation of forced begging" resembles "labour exploitation". Recruitment falls under section 232 of the German Criminal Code (human trafficking); encouraging exploitative activity, i.e. influencing the victim to factually execute and/or continue the begging activity, is regulated by section 232b of the German Criminal Code (forced labour). The factual exploitation of the begging activity is a form of labour exploitation pursuant to section 233 of the German Criminal Code. If the person is additionally deprived of his/her liberty, this is covered by section 233a of the German Criminal Code (exploitation through the use of unlawful restraint).



Figure 2: Beggar (symbolic photograph)

For the year under review, two investigations into "exploitation of forced begging" were reported. In each of these investigations, one victim and one suspect were recorded; one of the victims was still a minor.

3.4 EXPLOITATION OF FORCED CRIMINALITY

Overview of exploitation of forced criminality

- no investigation
- First-time consideration in the National Situation Report

According to the EU Directive 2011/36 for the suppression of human trafficking, the term "exploitation of criminal activities", i.e. forced criminality should be understood as the exploitation of a person to commit, inter alia, pickpocketing, shoplifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain.

The penal provisions of this form of exploitation can be found under sections 232, 233 and 233a of the German Criminal Code.

During the year under review, no case of exploitation of forced criminality was reported to us for the current situation report.

3.5 HUMAN TRAFFICKING FOR THE PURPOSE OF ORGAN HARVESTING

Overview of human trafficking for the purpose of organ harvesting

- no investigations
- First-time consideration in the National Situation Report

Human trafficking for the purpose of organ harvesting is regulated by section 232 of the German Criminal Code.

During the year under review, no case of human trafficking for the purpose of organ harvesting was reported in Germany.

3.6 EXPLOITATION OF MINORS

Overview of exploitation of minors

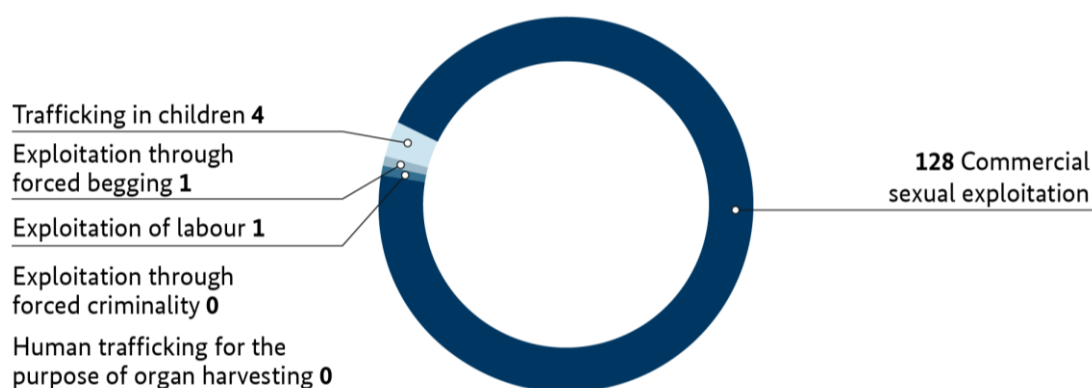
- 134 investigations involving minor victims, of which
 - 128 investigations were conducted into commercial sexual exploitation,
 - 1 investigation for exploitation of labour to the detriment of a minor,
 - 1 investigation for exploitation of a minor through forced begging,
 - 4 investigations for trafficking in children.
- 171 minor victims
- 195 suspects

In their endeavours to fight human trafficking, the police focus on the exploitation of minors taking into account their particular vulnerability. Therefore, the data on cases involving minor victims of the forms of exploitation examined up to now are once again presented separately at this point.

In addition, further relevant forms of exploitation to the detriment of minors are included. In particular, these are offences of commercial sexual exploitation of minors but also further offences which do not necessarily comprise a sexual component.¹⁵

All in all, 134 investigations into the various forms of exploitation of minor victims were reported. The lion's share of these investigations refers to commercial sexual exploitation (128 investigations). Furthermore, four investigations into trafficking in children and one investigation each into exploitation of labour and exploitation of forced begging were referred. No investigations into exploitation through forced criminality or human trafficking for the purpose of organ harvesting became known.

Exploitation of minors: breakdown by type of exploitation (2017)



When contacting with minor victims for the first time, it is usually difficult to recognize circumstances of exploitation because the persons concerned either do not see themselves as victims of exploitation or have been intimidated by the offenders or feel ashamed about what is happening to them. For fear of the police or state action or due to experiences of psychological or physical violence, the victims are frequently not willing or able to file a complaint.

¹⁵ The new criminal offences were already selected in 2013 by the aforementioned project group jointly run by the Federation and the Länder on the basis of the Convention on the Rights of the Child, the optional protocol to the Convention on the Rights of the Child and further framework directives.

3.6.1 Commercial sexual exploitation

Commercial sexual exploitation of minors is defined as the "sexual abuse by adults and payment of the child or a third person in money or in kind." [...] The child is treated not only as a sexual object but also as a commodity."¹⁶

In addition to sections 232 ff. old and new as well as sections 180a/181a of the German Criminal Code, which concern minor victims (cf. chapter 3.1), further criminal offences of sexual exploitation of minors have, since last year, been set out in the situation report on human trafficking and exploitation provided that the individual offence was of a commercial nature. The criminal offences in question are:

- | | |
|--|--|
| ▪ Section 176 subsection 5 of the German Criminal Code | Offering a child for sexual abuse |
| ▪ Section 176 subsection 3 of the German Criminal Code | Sexual abuse for the production of child pornography |
| ▪ Section 180 subsection 1 no. 1 of the German Criminal Code | Acting as an intermediary to encourage minors to engage in sexual activity |
| ▪ Section 180 subsection 2 of the German Criminal Code | Promoting sexual acts by minors for material gain |
| ▪ Section 182 subsection 2 of the German Criminal Code | Sexual abuse of juveniles for material gain |

Investigations

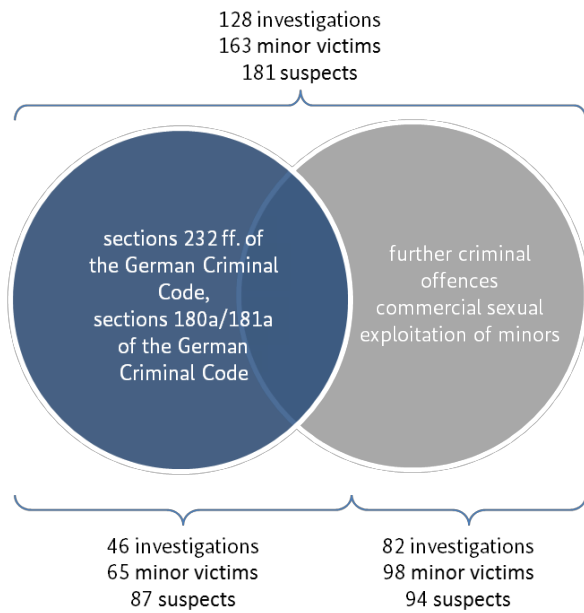
All in all 128 investigations into commercial sexual exploitation of minors were reported during the year under review. Compared to the previous year, this was a decline by 11.1%.¹⁷

The 128 investigations include 46 already referred to in chapter 3.1 pursuant to section 232 ff. of the old and new German Criminal Code as well as sections 180a/181a of the German Criminal Code and feature at least one recorded minor victim. Also included are another 82 investigations exclusively concerning the criminal offences of commercial sexual exploitation which are represented in the year under review for the first time. A total of nine out of the 128 investigations were conducted both for sexual exploitation and other offences of commercial sexual exploitation.

¹⁶ Art. 5 of the Stockholm „Declaration and Agenda for Action; 1st World Congress against Sexual Exploitation of Children“, Stockholm 1996

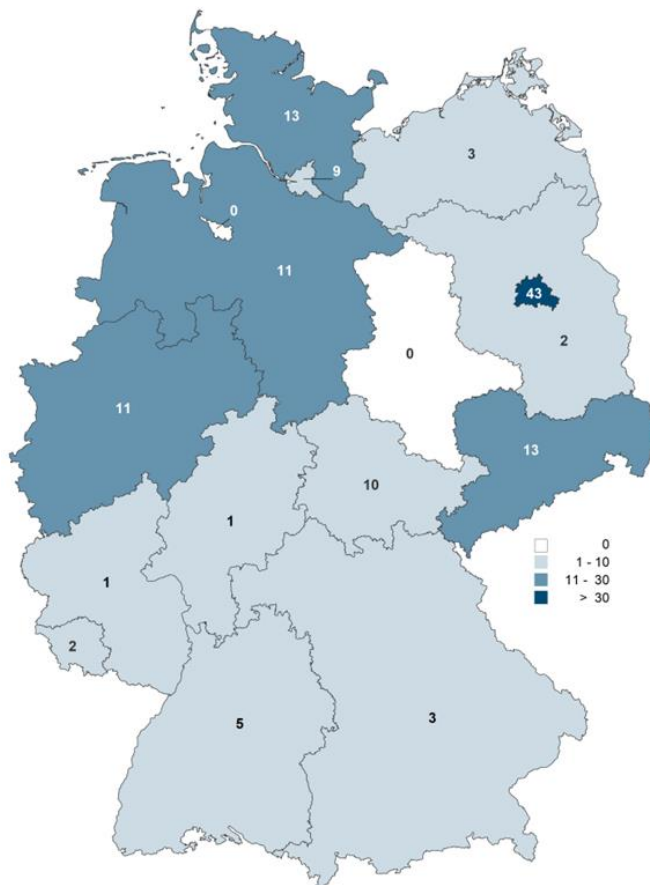
¹⁷ In the national situation report of 2016, 145 investigations into commercial sexual exploitation of minors were reported including one case of trafficking in children. As trafficking in children is looked at separately in the present situation report, the number of 144 investigations into commercial sexual exploitation of minors is taken as a reference figure for 2016.

Investigations into sexual exploitation of minors (2017)



Most of the proceedings were reported by Berlin (43 investigations), Saxony and Schleswig-Holstein (13 investigations each) followed by Lower Saxony and North Rhine-Westphalia (11 investigations each).

Länder breakdown of investigations (2017)¹⁸



¹⁸ The Federal Police reported one investigation which is not shown in the chart.

Breakdown by offence

In many of the altogether 128 investigations, enquiries were simultaneously conducted into various criminal offences, so that, depending on the penal provisions concerned, multiple listings of the investigations are possible.

The majority of the reported investigations (61) were conducted into suspected sexual abuse of youths for material gain (section 182 subsection 2 of the German Criminal Code). Consequently, their percentage nearly remained on the same level as in the previous year (2016: 63 investigations).

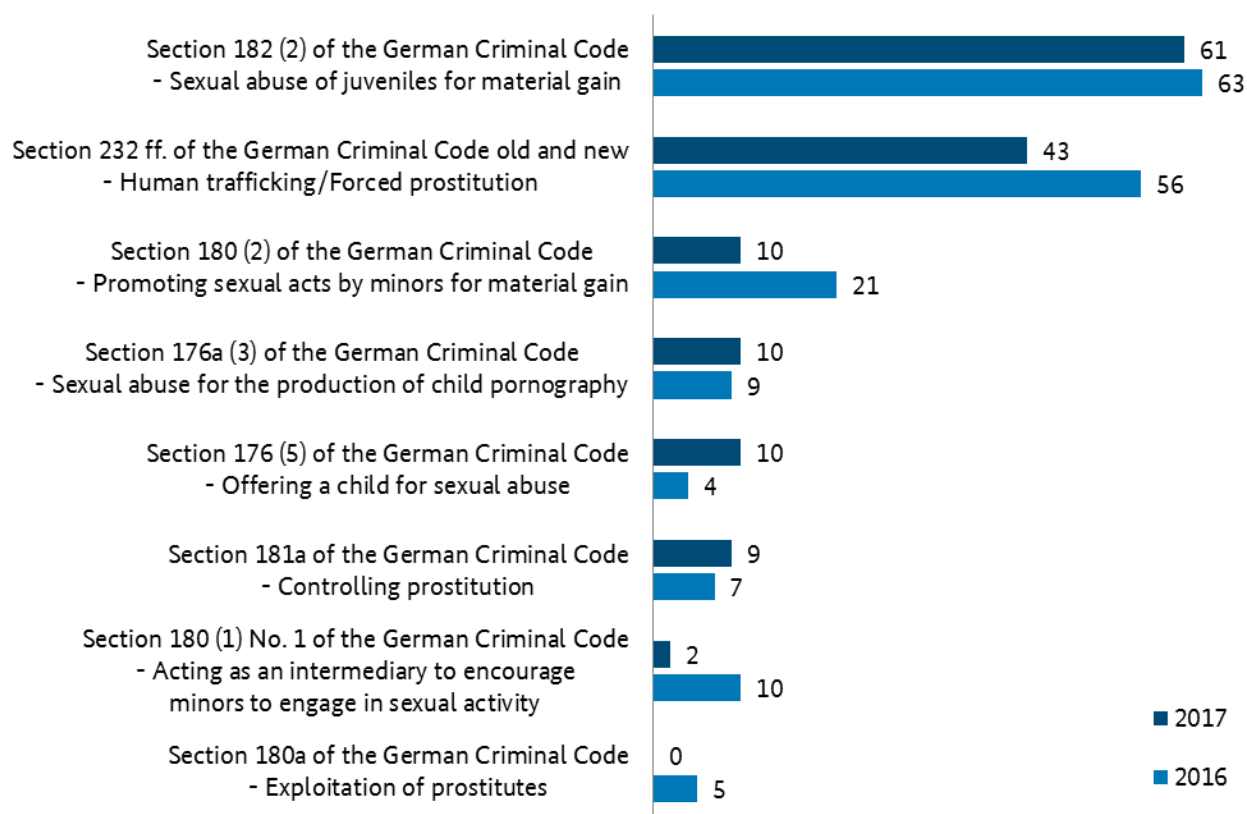
To allow a comparison of the data to the previous year despite the criminal law reform, the investigations conducted pursuant to the old and new section 232 of the criminal code were combined, and investigations regarding two penal provisions (e.g. section 232 and section 232a of the German Criminal Code) were counted as one investigation. With this counting method, 43 investigations into human trafficking for sexual exploitation of minor victims were recorded in 2017. Compared to the previous year (2016: 56 investigations), this represented a fall by 23.2 %.

In terms of minor victims, the situation of the other offences of sexual exploitation is as follows: Nine investigations (2016: 7) into controlling prostitution (section 181a of the German Criminal Code) but no investigations (2016: 5 investigations) into exploitation of prostitutes (section 180a of the German Criminal Code) were referred to us for the report.

Ten investigations were conducted for promoting sexual acts by minors for material gain (section 180 subsection 2 of the German Criminal Code) (2016: 21). Two investigations (2016: 10) concerned the offence of acting as an intermediary to encourage a minor to engage in sexual acts (section 180 subsection 1 no. 1 of the German Criminal Code).

Ten investigations (2016: 9 investigations) regarded the sexual abuse of children for the production of child pornography (section 176a subsection 3 of the German Criminal Code). In another ten investigations (2016: 4), enquiries were conducted into the offering of a child for sexual abuse (section 176 subsection 5 of the German Criminal Code).

Breakdown of the investigations by criminal offence (2016/2017)¹⁹



Victims

In the 128 investigations into commercial sexual exploitation, a total of 163 minor victims were identified. In addition to the 65 minors identified in the human trafficking investigations conducted pursuant to sections 232, 233a, 180a and 181a of the German Criminal Code, another 98 minor victims were identified in the investigations conducted into the other offences of sexual exploitation on a commercial basis (2016: 214 victims; -23.8 %).

121 of the 163 minor victims were between 14 and 17 years old, 36 victims were below 14 and the age of six victims was unknown.

130 of the 163 victims were female (79.8 %) and 31 were male (19.0 %). The gender of two victims was unknown. The male victims of commercial sexual exploitation were mainly identified in investigations regarding the sexual abuse of youths for material gain.

With 65.0 % (106 persons), German nationals accounted for the largest percentage of victims in the field of commercial sexual exploitation of minors. Among the non-German victims, Bulgarian minors (14 victims, 8.6 %) dominated.

Contact with the victims was made in various ways. In 44.8 % of the cases involving minors (74 victims), these were contacted via the Internet. In this context, 31 victims were contacted via "advertising portals", 25 via "social networks" and 18 victims via other facilities such as messenger services.²⁰

¹⁹ Multiple listings possible.

²⁰ Multiple selection possible.

Example of a specific case: Exploitation following contact initiation via the Internet

In November 2017, a 35-year old defendant was sentenced to a prison term of four years for 36 counts of sexual abuse of children, attempted aggravated forced prostitution as well as possession and dissemination of child pornography.

The defendant had used various messenger services to create different identities for himself. In order to gain the confidence of girls, he pretended to be a minor female person like them. He persuaded the victims to offer themselves for sexual acts with older men. On the darknet, he offered the minors for sexual services via corresponding platforms and for material gain.

One visitor of such a platform reported this to the police who instituted an investigation. In the course of the investigations conducted by Berlin Land Criminal Police Office, several victims aged between nine and 14 were identified, and on the smartphones of the defendant, more than 120,000 child pornography images and videos were found.

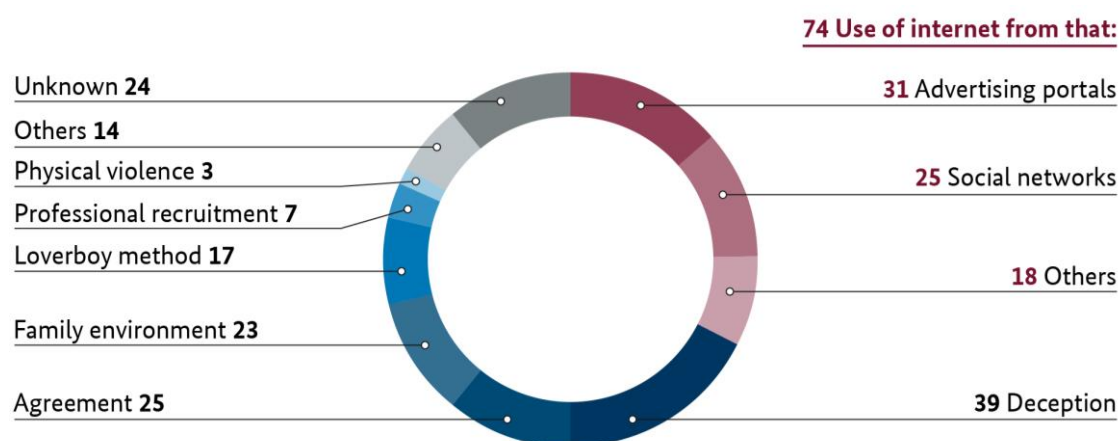
Brief assessment:

The case illustrates the link between sexual offences to the detriment of minors and acts of exploitation which has only been revealed as a result of technically sophisticated and very complex investigations.

39 of the 163 victims (23.9 %) were exploited on the basis of deception. Offenders sometimes used this method by pretending a romantic relationship, so that the victims were placed in a state of emotional dependency, then introduced to prostitution and exploited (so-called "loverboy method"; 17 victims).

25 victims stated that they had consented to the sexual acts performed on them and thus did not consider themselves victims. The family environment of 23 victims favoured sexual exploitation.

Type of contact initiation²¹



²¹ Multiple listings possible.

Suspects

In the 128 investigations into commercial sexual exploitation of minors, a total of 181 suspects were identified (2016: 186 suspects). 87 of these suspects were identified in investigations conducted pursuant to sections 232 ff., 180a or 181a of the German Criminal Code, so that there is an overlap with the 523 suspects listed under chapter 3.1 in the field of human trafficking for sexual exploitation.

Of the altogether 181 suspects, 153 were male and 25 were female. No information was provided on the gender of three suspects. The average age of the suspects was 34. 18 suspects were still underage.

Among the suspects, German nationals dominated (102 suspects; 56.4 %) and were followed by Bulgarian nationals (33 suspects, 18.2 %).

Roughly half of the suspects did not have a previous relationship with the victim (50.8 %, 92 suspects). 47 suspects were previously acquainted with the victim (26.0 %), and 15 were akin to him/her (8.3 %). With regard to the other suspects, the previous offender-victim relationship was unknown.

3.6.2 Labour exploitation

In 2017, one investigation into labour exploitation to the detriment of a minor was recorded. The victim in question was a 15-year-old girl of Romanian nationality who was exploited as a domestic servant. The suspects of this investigation were five Romanian nationals

3.6.3 Exploitation of forced begging

In 2017, an investigation was reported concerning a minor victim who was forced into begging. It was a 16-year old male Romanian national who was exploited by an unidentified suspect.

3.6.4 Exploitation of forced criminality

During the year under review, no case came to police notice in which minors were forced to commit offences and were thus exploited.

Please note that in practice, it is very difficult to recognize such cases of exploitation. As a matter of fact, the authorities often perceive children and juveniles, who are, for example, forced to commit thefts, as offenders rather than victims.

3.6.5 Human trafficking for the purpose of organ harvesting

In 2017, the police did not conclude any investigation into human trafficking for unlawful organ harvesting to the detriment of minors.

3.6.6 Other forms of commercial exploitation

The other forms of commercial exploitation of minors include

- Section 235 subsection 4 no. 2 of the German Criminal Code Abduction of minors for material gain
- Section 236 subsections 1 - 5 of the German Criminal Code Trafficking in children

The commercial motivation referred to in section 235 subsection 4 no. 2 of the German Criminal Code is reflected by its wording ("for material gain"). The features of trafficking in children are either the massive limitation of the children's personal freedom or their exploitation which aims primarily at the enrichment of the offender or a third party.

For the year under review, no investigation into abduction of minors for material gain was reported. However, four investigations were recorded concerning trafficking in children pursuant to section 236 of the German Criminal Code.

These four investigations into trafficking in children regarded a total of six female victims including four infants (0 - 3 years of age). A total of eight suspects (6 males, 1 female, one person of unknown gender) were identified. In all cases, the suspects were relatives of the victims

4 Links to organised crime (OC)

In 2017, 24 OC investigations were conducted in which the main activity of the respective group of perpetrators was human trafficking for sexual exploitation, exploitation of prostitutes or controlling prostitution (2016: 18 investigations).

Two further OC investigations concerned human trafficking for labour exploitation (2016: 2 investigations).

Eight investigations into sexual exploitation were targeted at Bulgarian OC groups, four at Nigerian ones and three each at German, Romanian and Hungarian OC groups.

The living conditions and economic framework conditions in their countries of origin are incentives for the later victims to go to Western Europe where they hope to make easy money (e.g. as housekeepers, service staff or workers on the construction sector). In particular, the offenders take advantage of the ongoing and expectable migration flows in order to exploit their victims.

We therefore assume that human trafficking and exploitation are going to remain a lucrative illegal business segment for OC groups. This is one of the reasons why the European countries have identified this field of crime as one of the focal points of joint action against serious and organised crime.

5 Assessment and outlook

For the situation report on human trafficking and exploitation, it was in 2017 that data on investigations were collected for the first time in accordance with the new version of the Criminal Code. In addition to the forms of exploitation examined previously, i.e. human trafficking for sexual exploitation and for labour exploitation, the following forms of exploitation were considered for the first time: exploitation of forced begging, exploitation of forced criminality and exploitation through organ harvesting.

In the field of human trafficking for sexual exploitation (including the exploitation of prostitutes/controlling prostitution), fewer investigations were reported during the year under review, but the number of recorded victims and suspects was almost similar. The number of investigations into human trafficking for labour exploitation was again low in 2017.

Only two investigations into forms of exploitation, which were listed for the first time, were concluded. Both of them referred to exploitation of forced begging. If we aim at recognizing the new forms of exploitation and at instituting investigative proceedings, we have to raise awareness at local level and determine clear lines of responsibility.

Police investigations into human trafficking and exploitation are often very time-consuming and require considerable human resources. Witness statements made by the victims to the police are crucial for the presentation of evidence. However, due to a lack of feeling as victims, to negative experiences with the security agencies in their countries of origin, and to fear of or dependencies from the offenders, their willingness to give evidence is rather weak.

A key concern of the law enforcement agencies is the exploitation of minors, be it through forced prostitution, forced labour, forced begging or forced criminality. Children and juveniles are especially vulnerable and therefore deserve special protection. Often, offenders take advantage of the lacking sexual self-determination, the naivety, the lack of life experience and poor education of this group of young victims to deceive them by cunning and lure them into exploitative situations.

The exploitation of minors can only be suppressed if we take an interagency approach. A common awareness of the peculiarities of this phenomenon (e.g. closed communities, exploitation within families, lack of awareness of their victim status) is the prerequisite for the implementation of successful measures. In this context, the Bundeskriminalamt has helped the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to develop a federal cooperation concept. It contains nation-wide recommendations for a structured inter-agency cooperation among youth welfare offices, police authorities, specialised counselling services and other players taking into account the aspects of child protection, criminal prosecution and health care.

Annex: Charts

Human trafficking for sexual exploitation

a) Nationalities of suspects 2017/2016

	2017		2016	
	Number	%	Number	%
EUROPE	430	82.6 %	419	80.0 %
Germany	131	25.0 %	145	27.7 %
Bulgaria	116	22.2 %	81	15.5 %
Romania	92	17.6 %	78	14.9 %
Hungary	33	6.3 %	39	7.4 %
AFRICA	40	7.3 %	16	3.1 %
including Nigeria	29	5.5 %	11	2.1 %
AMERICAS	1	0.2 %	3	0.6 %
ASIA	10	1.9 %	13	2.5 %
unknown/unresolved	42	8.0 %	73	13.9 %
Total	523	100 %	524	100 %

b) Nationalities of victims 2017/2016

	2017		2016	
	Number	%	Number	%
EUROPE	406	83.0 %	413	84.6 %
Germany	94	19.2 %	127	26.0 %
Bulgaria	114	23.3 %	92	18.9 %
Romania	109	22.3 %	76	15.6 %
Hungary	28	5.7 %	33	6.8 %
AFRICA	51	10.4 %	36	7.4 %
Nigeria	39	8.0 %	25	5.1 %
AMERICAS	1	0.2 %	2	0.4 %
ASIA	17	3.5 %	13	2.7 %
unknown/unresolved	14	2.9 %	24	4.9 %
Total	489	100 %	488	100 %

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