



Bundeskriminalamt

BKA



Human Trafficking and Exploitation

National Situation Report 2018

Human Trafficking and Exploitation 2018 - Figures



Sexual exploitation

356 investigations (+8,9 %)

430 victims (-12,1 %)

552 suspects (+5,5 %)

German, Bulgarian, Romanian nationals frequently identified as victims/suspects



Labour exploitation

21 investigations (+90,9 %)

63 victims (-65,0 %)

30 suspects (+11,1 %)

Exploitation primarily detected in construction sector and catering business



Exploitation of forced begging

2 investigations (2)

2 victims (2)

10 suspects (2)



Exploitation of forced criminality

7 investigations (0)

8 victims (0)

10 suspects (0)



Human trafficking for the purpose of unlawful organ harvesting

No investigation (0)

* Year 2017 in brackets



Exploitation of minors

149 investigations (+11,2 %)

172 minor victims (+0,6 %)

201 suspects (+3,1 %)

Separate consideration because of minors' special need for protection

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Gender note

For better readability, we use the generic masculine in this situation report.

1 Preliminary remark

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 information 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.

Because of their special need for protection, particular attention is devoted to minor victims. Therefore, chapter 2.6 of the situation report deals with the individual forms of exploitation of minor victims separately.

2 Presentation and Evaluation of the Crime Situation

2.1 SEXUAL EXPLOITATION

Overview of sexual exploitation¹

- 356 investigations (+8.9 %)
- 430 victims (-12.1 %)
- 552 suspects (+5.5 %)
- primarily German, Bulgarian and Romanian victims and suspects



Relevant penal provisions



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 sexual exploitation is committed by taking advantage of an unlawful restraint, it falls under section 233a of the German Criminal Code.*

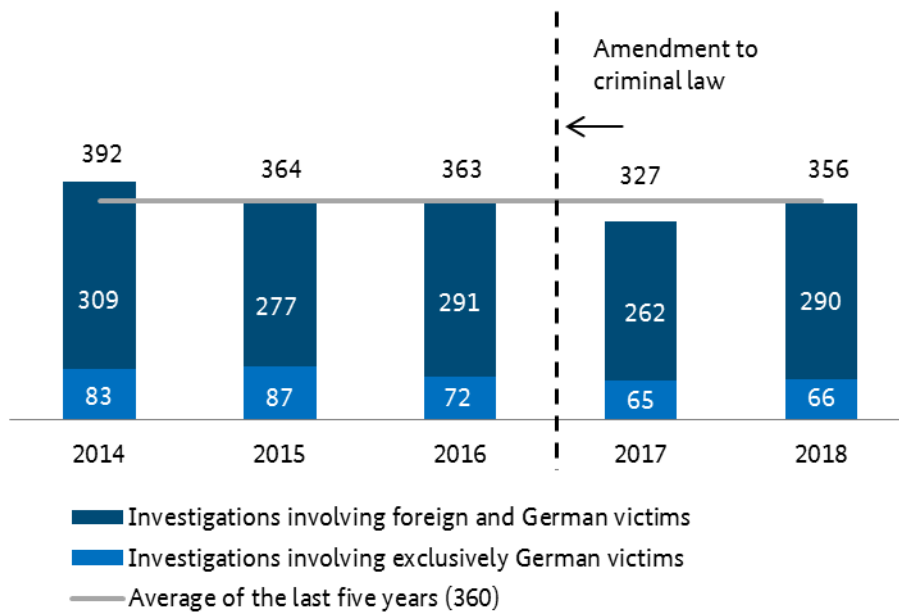
Exploitation of prostitutes and controlling prostitution are still regulated by sections 180a and 181a of the German Criminal Code. Case facts recorded as exploitation of prostitutes or controlling prostitution are for example characterised by poor payment, excessively long working hours, excessive commission fees or rental payments, disgraceful and partially dangerous working conditions and withholding pay. The fact that these activities are subject to punishment is meant to ensure that persons concerned are able to decide freely on their prostitution activity.

2.1.1 Investigations

In 2018, police concluded a total of 356 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) (2017: 327 investigations; +8.9%). The proportion of investigations concerning German victims exclusively (66 investigations) amounted to 18.5 %. (2017: 65 investigations; 19.9 %).

¹ Change compared with the previous year in brackets.

Investigations concluded (2014 - 2018)

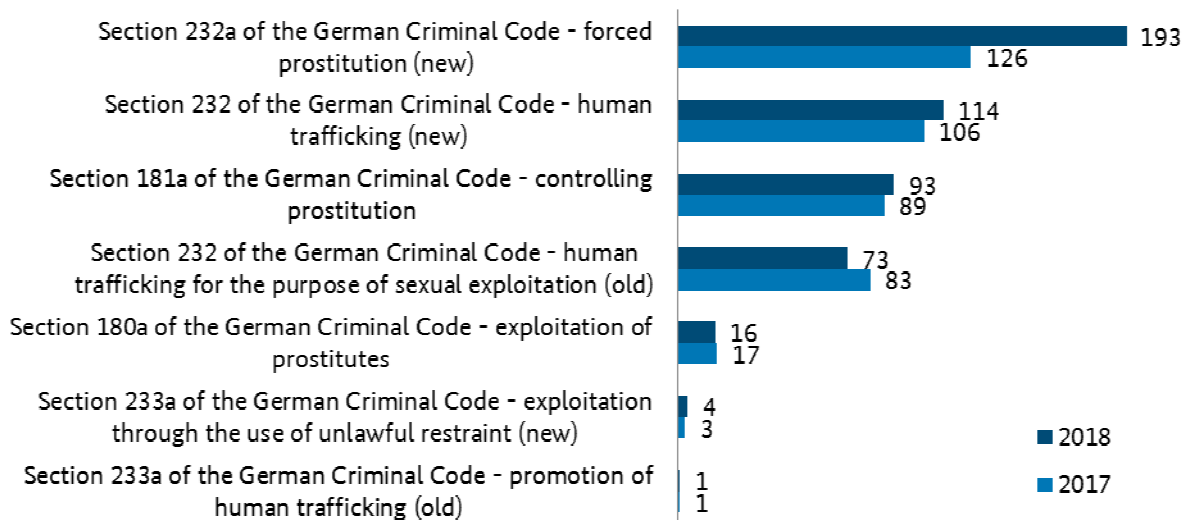


Distribution of the investigations according to fields of crime

Several of these 356 investigations conducted in 2018 for sexual exploitation referred to different criminal offences (such as those covered by sections 232 and 180a of the German Criminal Code). To add up the investigations which are broken down by penal provisions in the following section therefore leads to over-counting. Depending on the date of their institution, the investigations were conducted pursuant to the old or the new criminal code.

Where minor victims were involved, some of the investigations concerned a combination of further forms of commercial sexual exploitation (cf. chapter 2.6.1).

Distribution of the investigations according to fields of crime²

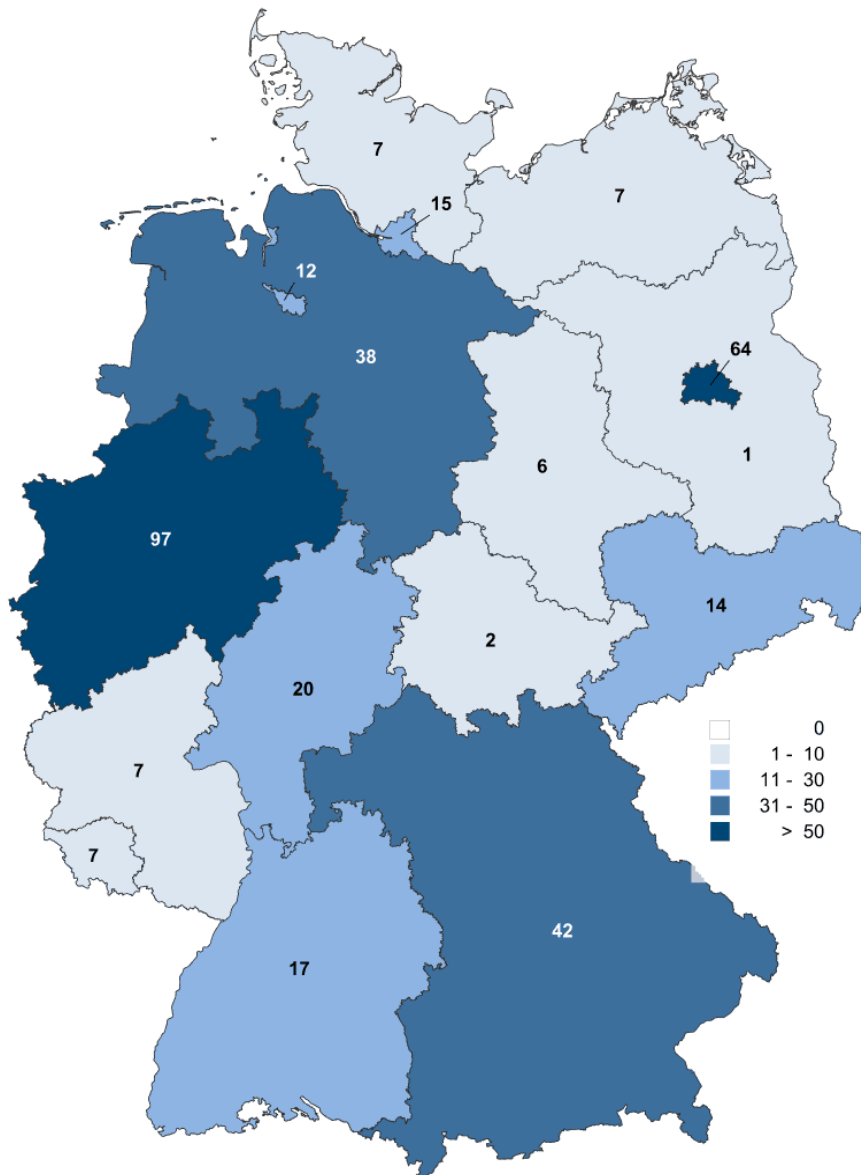


²Multiple listings possible. The diagram does not contain any further criminal offences of sexual exploitation of minors on a commercial basis.

Länder (federal states) breakdown of investigations

The Länder distribution of the 356 investigations into human trafficking for sexual exploitation remained largely similar to the distribution of the previous year. More than half of the investigations were conducted in the Länder North Rhine-Westphalia (97 investigations), Berlin (64 investigations) and Bavaria (42 investigations).

Länder (federal states) breakdown of investigations (2018)



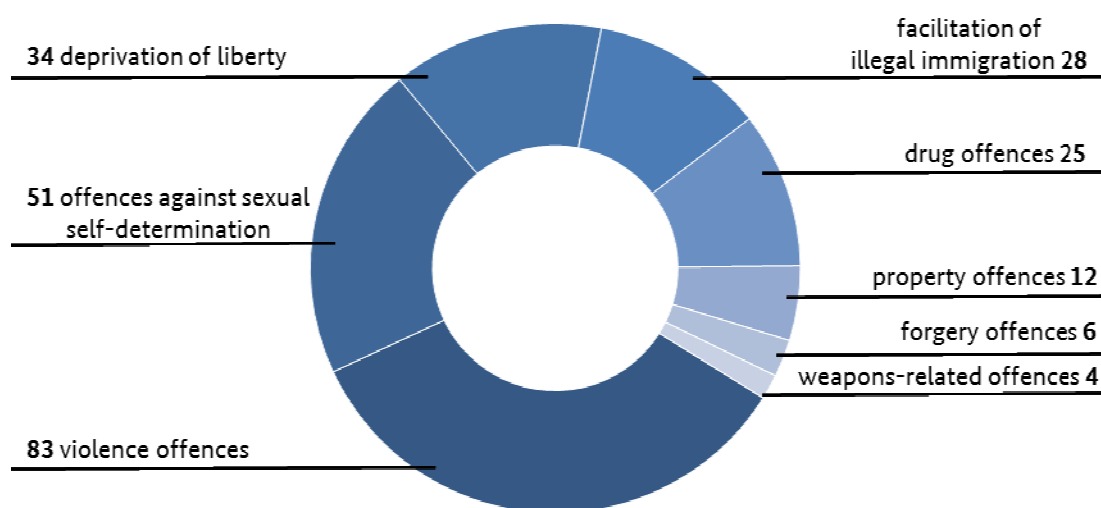
The crime rate in the individual Länder is influenced by various factors, such as the dimension of the local "red-light scene", the priorities set by the police or the creation of specialised police offices dealing with the scene.

Related offences

In the course of police investigations conducted into human trafficking for the purpose of sexual exploitation, further fields of criminal activity are often involved. For example, in 2018, 165 of the total of 356 investigations conducted for sexual exploitation (46.3 %; 2017: 48.0 %) were connected with other offences.

The number of related offences grew to more than 243 in the year under review (2017: 217; +12.0 %).³ As in the previous year, most of these were violent crimes and offences against sexual self-determination.

Offences related to human trafficking for sexual exploitation (2018)⁴



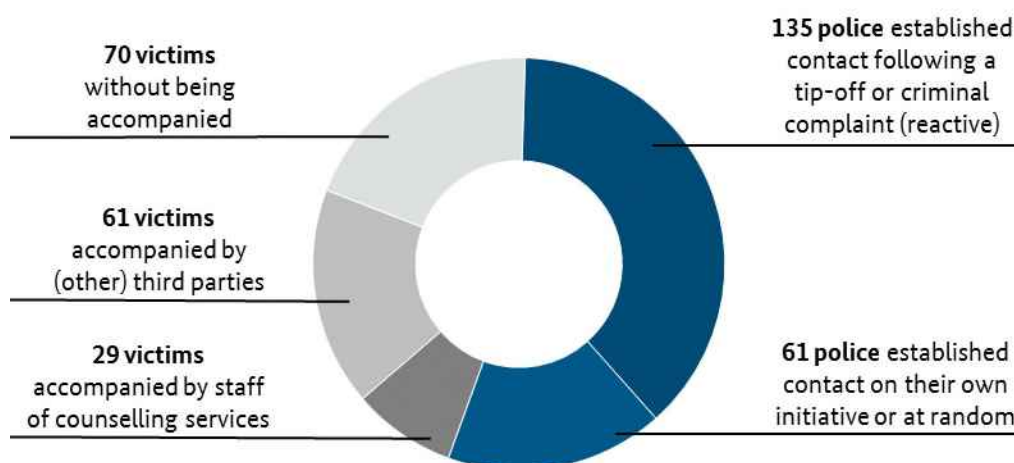
Initiation of investigations

The initiation of contact between the victims of human trafficking and the police played an important role. As in previous years, it was, above all, the police who made contact with the victims (196 investigations (55.1 %)). In 160 investigations (44.9 %), contact came about at the victims' initiative. In comparison to the previous year, the victims co-operated more frequently with the police when accompanied by employees of specialised counselling services and/or other third parties, such as other prostitutes or clients (2018: 90 investigations; 2017: 51 investigations). In only about every fifth case (70 investigations, 19.7 %) victims established contact with the police without being accompanied. In comparison to the previous year, there was a decrease in the number of investigations where the victims had initiated contact on their own (2017: 99 investigations; -29.3 %).

³Multiple listings possible.

⁴Multiple listings possible.

Establishing contact between victim and police (2018)



The still large percentage of investigations where contact had not been initiated by the victim illustrates the importance of law enforcement action to identify victims and initiate investigative proceedings for sexual exploitation, which is primarily associated with crime revealed by controls.

2.1.2 Victims

In 2018, police investigations identified a total of 430 victims of human trafficking for sexual exploitation. In comparison to the previous year, their number thus dropped by 12.1 % (2017: 489 victims). A reason for this is that in the previous year 2017 some investigations were conducted with a larger number of identified victims each than in the year under review, and the total number of victims was therefore higher.⁵

Almost all victims were female (413 victims; 96.0 %). A total of 14 victims were male; the sex of three victims was not recorded.

Especially German nationals were identified as victims (79 victims; 18.4 %). Usually, German victims have a better knowledge of their rights, may have more confidence in the law enforcement authorities and are frequently better integrated into society than foreign victims. Therefore, they probably feature a lower psychological barrier to contacting the police and reporting the exploitative nature of their employment. However, due to a strong emotional dependency created by the perpetrators, German victims, too, are often unable to leave the exploitative relationship although they are presumably more aware of their being victims.

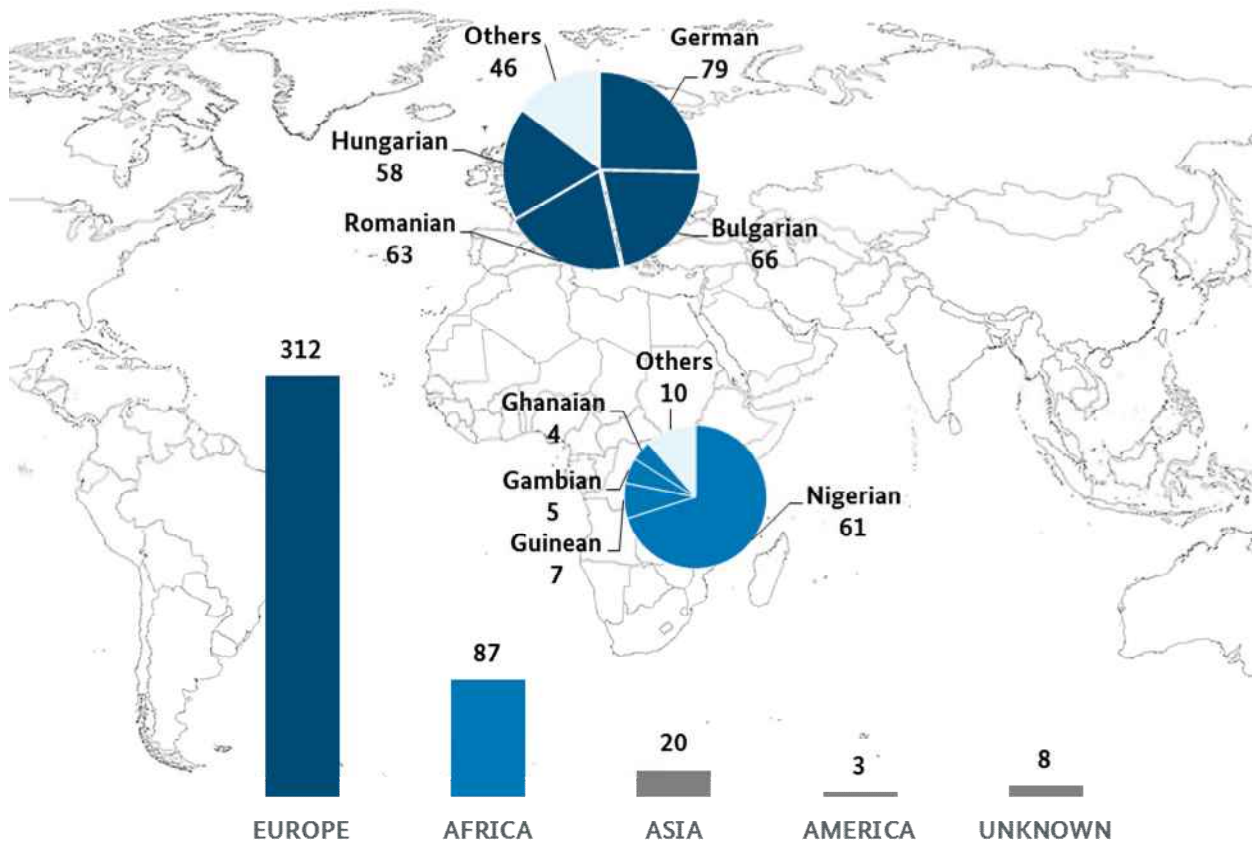
Apart from German nationals, a large number of Bulgarian victims (66 persons, 15.3 %) and Romanian victims (63 persons, 14.7 %) were identified in the course of the investigations. These three nationalities have already been recorded most frequently in recent years.

The number of identified victims with Nigerian nationality substantially grew to 61 persons in 2018 (2017: 39 victims; 2016: 25 victims); so the (upward) trend already observed in the previous year continued. In 2018, they formed a group of victims similar in size as that of Bulgarian and Romanian victims. The share of Nigerians in the total number of victims amounted to 14.2 %. What appears to

⁵ In 2017, three investigations dealt with 30, 23 and 14 victims of sexual exploitation respectively. In the year under review 2018, the largest number of victims involved in one investigation was indicated as 12.

have contributed to this trend is the focus⁶ set throughout the European Union on the suppression of human trafficking by Nigerian groups of perpetrators and the resulting increased awareness of the issue, e.g. by checks in the scene.

Nationalities of victims



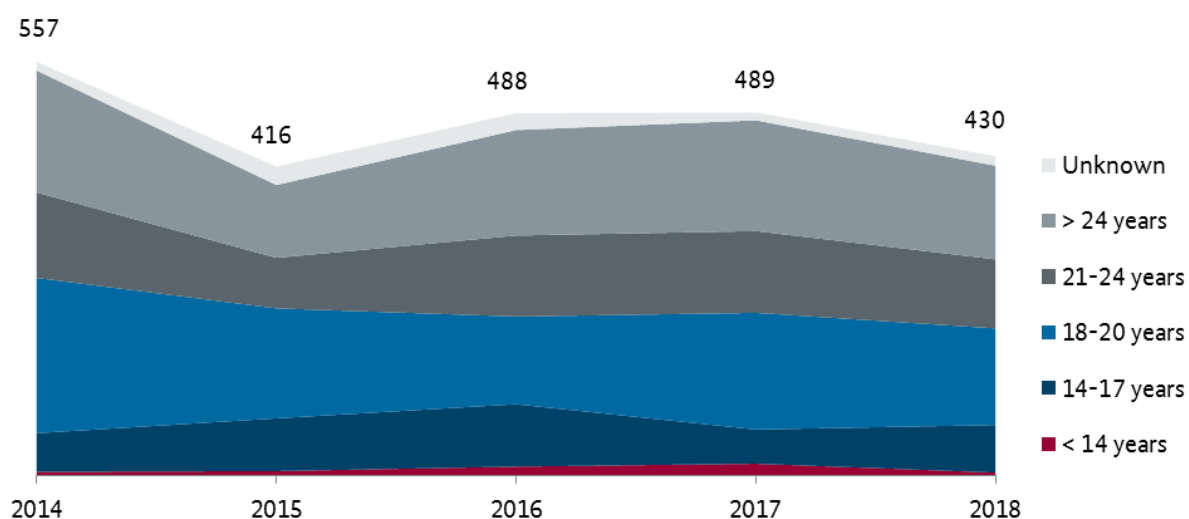
⁶Within the framework of the EU-Policy Cycle, a project was initiated at EU level in 2012 for a Europe-wide suppression of Nigerian trafficking in human beings. The current EU Policy Cycle 2018-2021 confirms the continuation of the project.

	2018		2017	
	Number	%	Number	%
EUROPE	312	72.6%	406	83.0%
German	79	18.4%	94	19.2%
Bulgarian	66	15.3%	114	23.3%
Romanian	63	14.7%	109	22.3%
Hungarian	58	13.5%	28	5.7%
AFRICA	87	20.2%	51	10.4%
Nigerian	61	14.2%	39	8.0%
ASIA	20	4.7%	17	3.5%
AMERICA	3	0.7%	1	0.2%
UNKNOWN	8	1.9%	14	2.9%

Age Structure of Victims⁷

Almost every second identified victim of sexual exploitation was under 21 years old (198 out of the total number of 417 victims whose age was known; i.e. 47.5%; 2017: 45.8%). As in the previous year, the average age of all victims identified in 2018 was 23 years.

Age structure of the victims (2014 - 2018)



Investigations conducted for suspected sexual exploitation frequently identified young victims under the age of 21. With regard to this group of victims, the relevant penal provisions of human trafficking and forced prostitution (sections 232, 232a of the German Penal Code) allow for less stringent criminal liability requirements.

⁷The age of 13 out of the total number of 430 victims was unknown.

Special need for protection of victims under 21



In accordance with the applicable legislation concerning human trafficking and forced prostitution, there is a need for special protection of victims under 21. As a consequence, a person is liable to prosecution if he/she exploits a person under 21 without necessarily taking advantage of the victim's personal or financial predicament or helplessness caused by the stay in a foreign country (which must additionally be given when older victims are affected). With regard to victims under 21, the requirements for criminal liability are therefore less stringent.

Because of their specific vulnerability, particular attention is devoted to minor victims of human trafficking. The 356 investigations into human trafficking for sexual exploitation identified a total of 68 minor victims.(2017:65).

Chapter 2.6.1. sets out the details about minor victims of human trafficking for the purpose of sexual exploitation and also takes a look at other investigations into commercial sexual exploitation of minors.

Victim recruitment / contact initiation⁸

In the investigations conducted for sexual exploitation in the year under review the perpetrators were often found to have used the modus operandi of deception, in order to prompt the victims to engage in prostitution (127 victims; 29.5%). For example, such deception may be characterised by false promises misleading future victims about the actual circumstances of their work.

The so-called loverboy method⁹ was applied to prompt about every sixth victim of human trafficking for sexual exploitation (72 victims; 16.7 %) to engage in prostitution. During the year before, this modus operandi was identified significantly more often (2017: 127 victims; 26.0%).

A total of 65 victims (15.1%) stated that they had consented to working as prostitutes. Experience has shown, however, that these victims are also often deceived about the true conditions, such as the nature and scope of the work as a prostitute.

In 2018, contact with / recruitment of 49 victims (11.4%; 2017: 78 victims) was initiated through the Internet. Social networks were of great significance in this connection. 29 victims were contacted through such networks. While a total of 15 victims were recruited through advertising portals on the Internet, five victims were recruited in other ways using the Internet.

The family environment of 48 identified victims (11.2 %) played an essential role for their becoming engaged in prostitution. For example, next of kin prompted the victims to do so.

⁸Multiple listings possible.

⁹ Pretending to be in love with them, "loverboys" manipulate female minors and young women into emotional dependency and subsequently push them into prostitution for exploitative purposes.

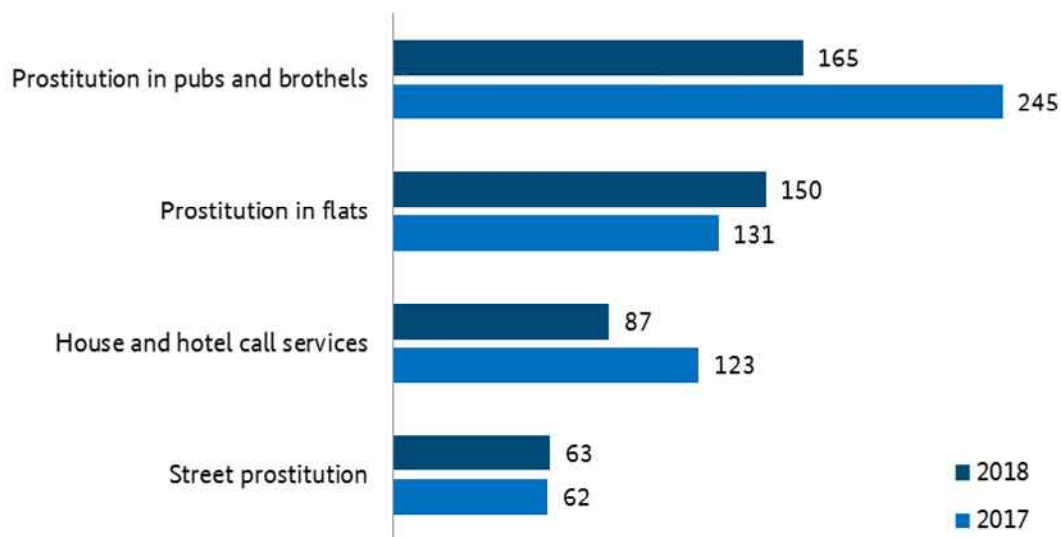
47 victims (10.9 %) were recruited professionally, e.g. via alleged model and artist agencies, newspaper advertisements or persons specialising in the recruitment of prostitutes abroad (2016: 10.2 %).

Fewer victims were found to have been forced into prostitution by means of psychological violence (54 victims; 12.6 %) or physical violence (42 victims, 9.8 %).

Circumstances surrounding prostitution

As in previous years, the victims of human trafficking recorded in 2018 were frequently exploited as prostitutes in pubs and brothels (165 victims, 38.4 %). Every third victim practised prostitution in rented apartments (150 victims; 34.9%). Nearly every fifth victim offered house and hotel call services (87 victims; 20.2 %). 63 victims (14.7 %) were recorded for street prostitution.¹⁰

Prostitution activities of the victims (extract)¹¹



In comparison to the previous year, the pub / brothel prostitution decreased by 32.7 %; house and hotel call services dropped by 29.3 %. By contrast, prostitution in rented apartments slightly rose by 14.5 %.

It remains to be seen if the emerging declining trend in the field of pub / brothel prostitution will continue. On the basis of the information gathered so far it cannot yet be reliably assessed in how far the law on the regulation of the prostitution business and the protection of persons working in prostitution (Prostitute Protection Act), applicable since mid-2017, will have an impact on the red-light scene.

¹⁰Multiple listings possible.

¹¹Multiple listings possible.

Registered activity

Only about every 10th of the victims identified by the police in 2018 carried out a registered activity (41 victims; 9.5%). By far the largest share of victims was not registered in accordance with the Prostitute Protection Act (311 victims; 72.3 %). The reasons for this included the victim's illegal residence, prostitution activities in the illegal scene, the circumstance that the criminal act was still at a stage of attempt and the fact that the registration was not yet possible/necessary since the Prostitute Protection Act was not yet in force at Länder level.

Prostitute Protection Act



With effect from 01 July 2017, the Prostitute Protection Act came into force. This law establishes clear rules for improving the situation of persons working as prostitutes, improves the regulatory instruments for monitoring the prostitution business and is thus, in addition to criminal and police law, another important element for the prevention of crime typical of the scene and, in particular, the protection of persons working as prostitutes. The law aims at reducing the possibilities of exploitation in the red-light scene and at facilitating the identification of victims of human trafficking and forced prostitution.

Core elements of the law are the introduction of compulsory registration and mandatory health counselling for prostitutes as well as the introduction of an obligation to obtain a licence for running a prostitution business.

The obligation to register is linked with 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.

To obtain a licence for running a prostitution business, the person responsible is required to meet minimum legal standards and to prove reliability.

Example of a specific case: Investigations for controlling prostitution and forced prostitution

In an investigation conducted in Schleswig-Holstein for controlling prostitution and forced prostitution, the police interviewed a 19-year-old female victim who described the circumstances of her exploitation by the perpetrator as follows: She had met him in a discotheque. By using the loverboy method, the perpetrator established a relationship with the young woman. It was only a few weeks after they had met, that the perpetrator for the first time wanted her to engage in prostitution. Initially, she refused to do so, but later on, she showed an interest in getting trained in a brothel. Subsequently, the perpetrator forced her to engage in prostitution on his behalf by using physical violence and threatening her. The victim worked at the brothel, engaged in street prostitution and worked in her own flat as well as during gang bang events and private parties. The perpetrator fixed the prices which clients had to pay for the services rendered. The victim had to hand all earnings over to the perpetrator who alleged that he needed them to settle his debts. Moreover, the victim had to take up a loan on behalf of the perpetrator. He administered narcotic drugs to the woman and threatened to send photographs and videos of her to friends/acquaintances.

Upon arrest the perpetrator was sentenced to a compounded prison sentence of seven years with final and binding effect.

Brief assessment:

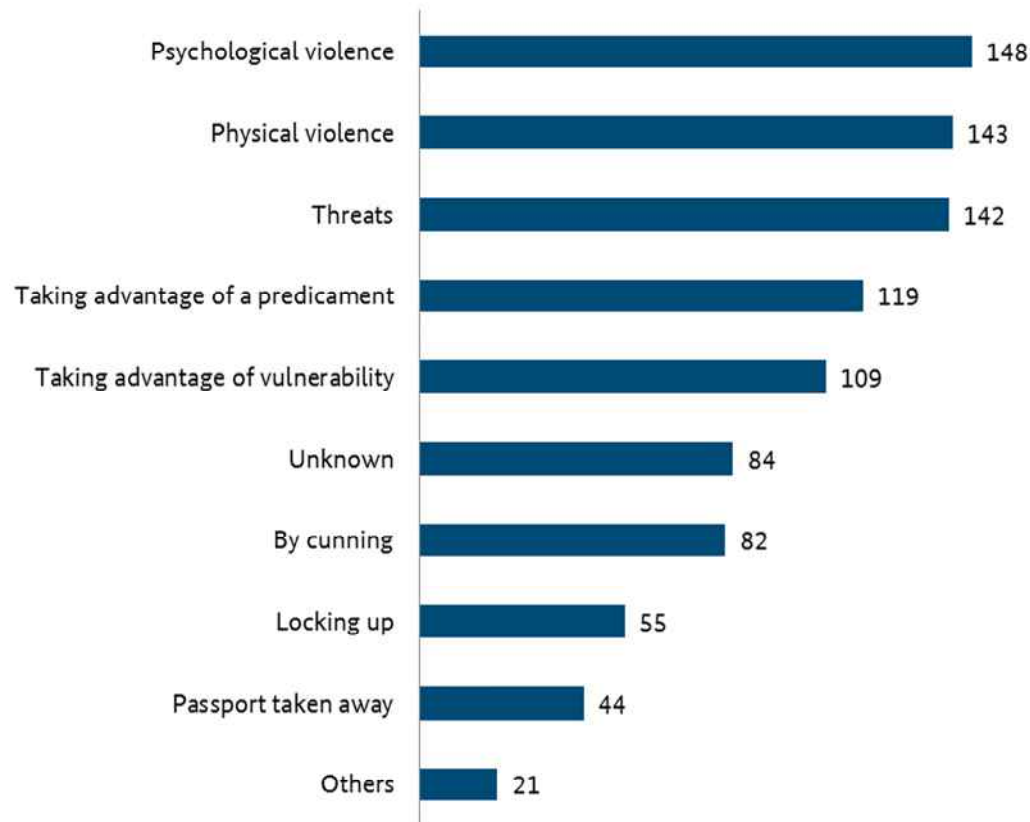
The case describes the typical modus operandi of the loverboy method. Pretending to be in love with them, the "loverboys" manipulate female minors and young women into emotional dependency to subsequently push them into prostitution and exploit them.

Influence exerted on the victims

Apart from the modus operandi concerning the recruitment of victims, as described under number 2.1.2 (page 10) of the National Situation Report we will now take a look at the elements influencing victims in connection with prostitution activities. It becomes evident that the perpetrators exert massive influence on their victims, e.g. to prompt them to continue prostitution and keep them under control. Perpetrators exerted influence on every third victim by using psychological and/or physical violence (148 and 143 victims respectively) as well as by uttering threats (142 victims). One form of psychological violence is, for example, permanent supervision by the offenders. They threaten to inform the victims' families about their work as prostitutes or to use violence against the them or their next of kin.

The perpetrators also frequently took advantage of an economic or personal predicament, such as the victim's illegal residence in Germany (119 victims; 27.7 %). In some cases, the perpetrators used the victims' helplessness in a foreign country, for example due to the lack of language skills, as a basis for exerting influence on them (109 victims; 25.3 %).

Forms of exerting influence on the victims (2018)¹²



Victims' willingness to testify

An important factor in getting the victim to make a statement and preventing his/her return to the red-light scene, is to build trust in the police, and - in the case of foreign victims - in specialist counselling services and interpreters as well. Particularly for proving an offence in court proceedings, a victim's readiness to give evidence is of paramount importance.

Of the total number of 430 identified victims of human trafficking for the purpose of sexual exploitation, approximately three quarters (328 victims; 76.3 %) provided a statement to the police. With regard to 58 victims (13.5 %), the police information gathered allowed the conclusion that the perpetrators and/or their circle of associates had exerted influence on the victims in order to prompt them to remain silent during police interviews or, e.g., to describe the actual circumstances of their activities in a different light.¹³ The figures remained at the same level as the year before.

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 comprehensive counselling from advisory centres during or after police investigations.

¹²Multiple listings possible.

¹³The term "exerting influence" refers to any kind of direct or indirect influencing of either the victims themselves or their family

In the course of the investigations, 157 out of the 430 victims (36.5%, 2017: 33.1%) were supported by advisory centres, and 16 victims (3.7%, 2017: 2.7 %) received help from youth care institutions. It has been observed for several years that almost every second victim does not receive special care from these entities (2018: 194 victims; 45.1 %; 2017: 47.0 %). The reasons for this are manifold, including the victims' return to the scene, their lack of interest in receiving counselling, relocation to an unknown place and therefore missing contact details or the victims' return to their home country.

2.1.3 Suspects

In the course of investigations concluded by the police in 2018 for human trafficking for the purpose of sexual exploitation, 552 suspects were recorded, i.e. nearly 5.5 % more than the previous year. (2017: 523 suspects).

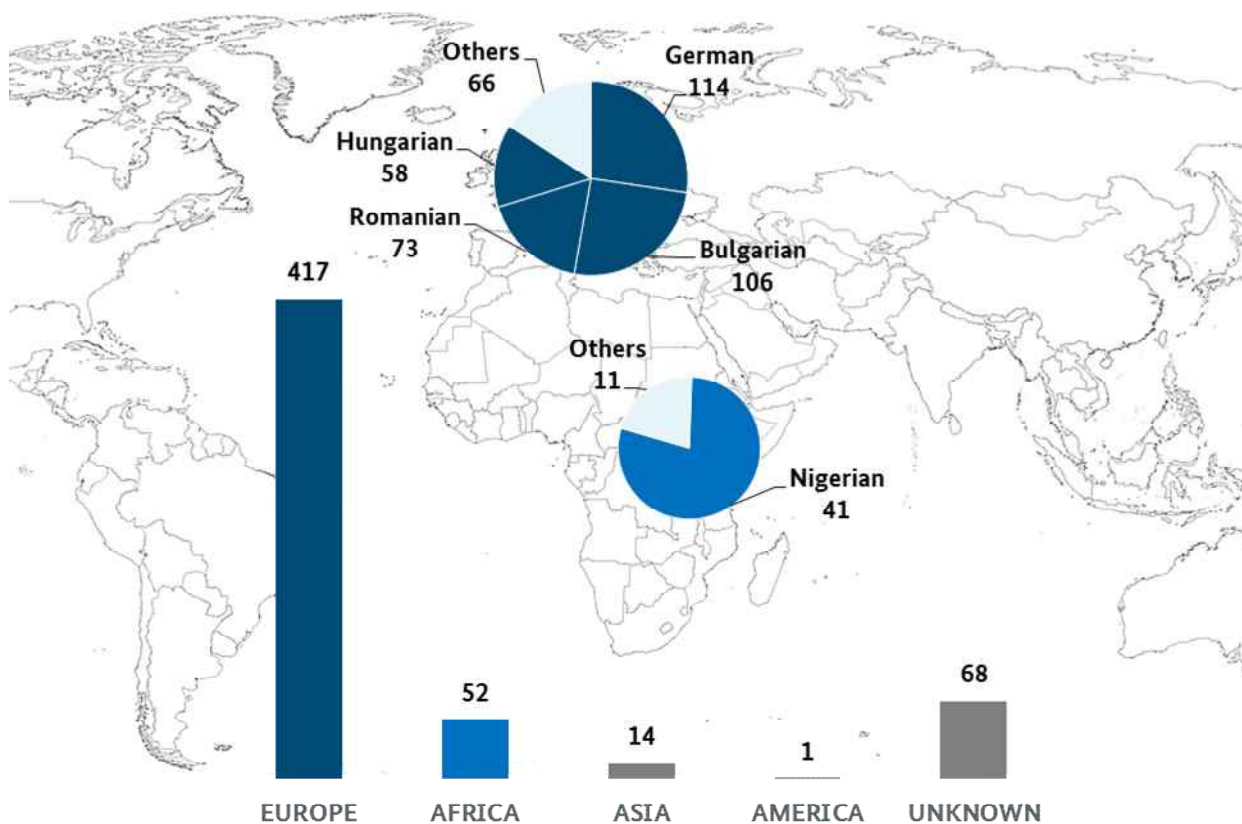
Approximately three quarters of all suspects were male (406 suspects; 73.6%) and one quarter was female (135 suspects; 24.5 %). No information was available on the gender of the other suspects. The average age of the suspects was 34 years (2017: 33 years). 8 suspects were underage (2017: 7).¹⁴

Most of the identified suspects were Germans (114 suspects; 20.7 %), followed by Bulgarians (106 suspects; 19.2 %) and Romanians (73 suspects; 13.2 %). Already in the previous year had these nationalities been identified most frequently. In 2018, however, the absolute number of suspects fell with regard to all three nationalities.

The situation was different in the case of suspects with Hungarian and Nigerian nationality (ranking in 4th and 5th place of the nationalities of suspects in 2017 and 2018). Compared with the previous year, their absolute number increased. In all, 58 Hungarian (2017: 33, +75.8 %) and 41 Nigerian suspects (2017: 29, +41.4 %) were identified in the year under review. Thus, the increase in the number of suspects corresponds to the rise in the number of identified Hungarian and Nigerian victims. The share of Hungarian nationals in the total number of suspects amounted to 10.5 %. Nigerian nationals accounted for 7.4 % of all suspects.

¹⁴The age of 451 out of the 552 identified suspects was known (81.7 %).

Nationalities of suspects



	2018		2017	
	Number	%	Number	%
EUROPE	417	75.5%	430	82.2%
German	114	20.7%	131	25.0%
Bulgarian	106	19.2%	116	22.2%
Romanian	73	13.2%	92	17.6%
Hungarian	58	10.5%	33	6.3%
AFRICA	52	9.4%	40	7.6%
Nigerian	41	7.4%	29	5.5%
ASIA	14	2.5%	10	1.9%
AMERICA	1	0.2%	1	0.2%
UNKNOWN	68	12.3%	42	8.0%

Previous offender-victim relationship

A large number of the suspects identified in 2018 had already been acquainted with their victims prior to the commission of the crime (228 suspects, 41.3 %; 2017: 44.0 %), and 25 suspects (4.5 %) were akin to them (2017: 5.0 %).

This emphasises how significant the personal ties of the victim to the perpetrator are when it comes to the commencement of the exploitative activity (prostitution). 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 that 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.

Size and degree of organisation of the groups of perpetrators

Individual investigations conducted in 2018 show that complex perpetrator structures commit human trafficking for sexual exploitation. The information obtained on the different roles played by the acting perpetrators sheds light on the high degree of organisation of some groups of perpetrators. Apart from playing the typical role as pimp and exploiter, individual perpetrators acted as logisticians in 2018. They placed advertisements for their victims on erotic portals, made agreements with clients on prices and appointments and/or took the victims to the places where prostitution was practiced. Other perpetrators acted as money collectors, or the pimps tasked them with guarding the victims while these were working as street prostitutes.

2.2 LABOUR EXPLOITATION

Overview of labour exploitation¹⁵

- 21 investigations (+90.9 %)
- 63 victims (-65.0 %)
- 30 suspects (+11.1 %)
- Sectors: Construction and catering industries



Relevant penal provisions



Since the criminal law reform in the autumn of 2016, 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. Since the reform, all provisions contain protection age limits, i.e. the respective act is punishable even without the exploitation of a predicament if the persons affected are below the age of 21.

As concerns 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 victim's 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. poor payment, excessive working hours, excessive commission fees or rental payments, perilous working conditions and withholding remuneration).

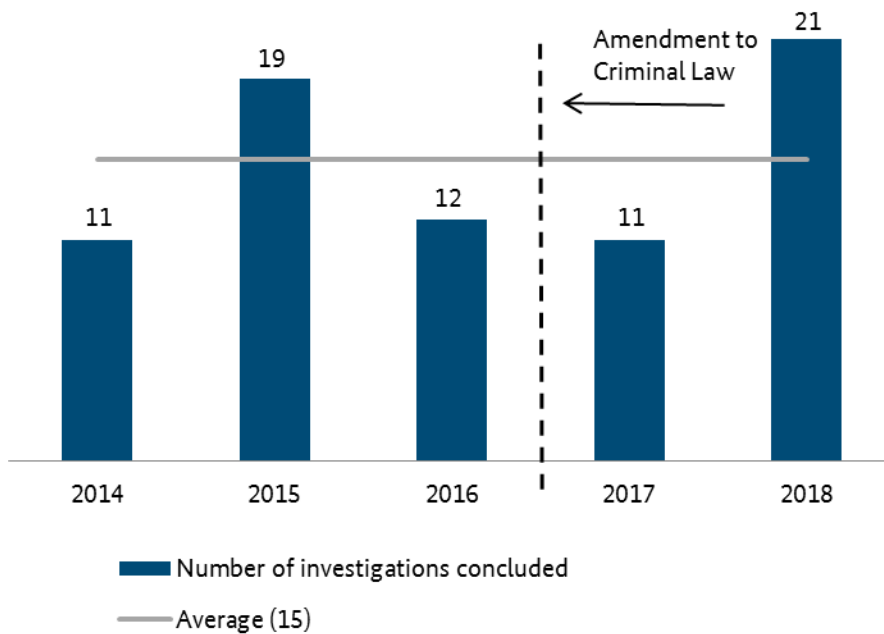
2.2.1 Investigations

In 2018, the police concluded a total of 21 investigations for labour exploitation; this means that almost twice as many investigations were conducted as in the previous year (2017: 11 investigations).

The increased number of investigations comes along with a heightened law enforcement sensitivity for this form of exploitation. To properly respond to the phenomenon of labour exploitation the police held action days throughout Europe in 2018 (for the fourth time already) with a view to identifying victims.

¹⁵ Change compared with the previous year in brackets.

Investigations concluded (2014 - 2018)



The 21 investigations into labour exploitation were distributed among 8 Länder (federal states) and city states with the focus lying on Berlin with 9 investigations concluded.

In the field labour exploitation, experts assume that there is a great deal of unreported crime. The reason for this is that such offences are primarily detected through checks and that the identification of victims of labour exploitation poses great challenges to law enforcement authorities. Victims of human trafficking and labour exploitation frequently do not come forward. Apart from being afraid of the authorities and the pressure to work off debts, victims frequently do not feel like victims.

The complex nature of suppressing labour exploitation



Although offences involving labour exploitation fall within the jurisdiction of the police they are frequently detected in the course of checks made by the financial control illicit work unit of the customs authorities. Within the scope of section 2 subsection 1 of the Act to Combat Clandestine Employment, they make checks to determine whether working conditions are fulfilled in accordance with the Minimum Wage Act, the Posting of Workers Act and the Act on Temporary Employment Businesses.

Moreover, local administrative authorities (inter alia, authorities responsible for the maintenance of law and order, trade offices, health offices, building authorities and housing offices) are particularly involved in checks of accommodation for foreign workers. Such accommodations are usually provided by the employer, who may be suspected of labour exploitation themselves.

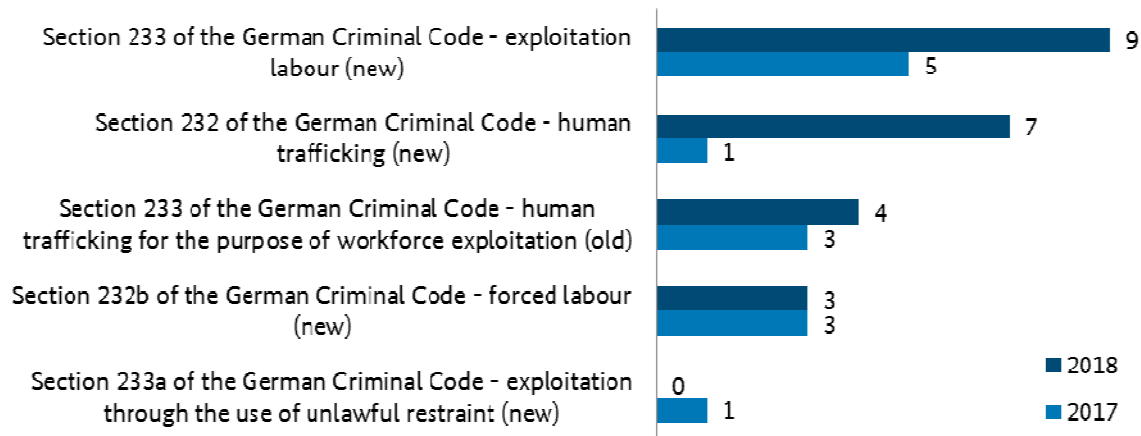
Moreover, tax authorities are also interested in cases of labour exploitation because suspicious facts arise regularly, e.g. in connection with the evasion of wage tax.

The interaction of this variety of authorities with different jurisdictions and overlaps illustrates the complex nature of investigations into labour exploitation.

Breakdown by offences

Depending on the date of their initiation, the investigations were conducted pursuant to the old or the new criminal code. While a total of nine investigations were focussed on the suspicion of labour exploitation (section 233 of the German Criminal Code, new); two of these dealt with the additional suspicion of human trafficking (section 232 of the German Penal Code, new).

Distribution of the investigations according to fields of crime¹⁶



In the majority of investigations, contact between law enforcement authorities and victims was initiated by the police (15 investigations; 71.4 %; 2017: 7 investigations (63.6 %). Only in six investigations did the victims contact the police on their own or were accompanied by staff of counselling services (2017: 4).

2.2.2 Victims

The 21 investigations conducted into labour exploitation identified a total of 63 victims (2017: 180 victims; -65 %). The clear decrease in the number of victims in comparison to the previous year results, above all, from two comprehensive investigations concluded by the police in 2017. Long-term monitoring allows for the conclusion that the number of victims was on an average level in the year under review (2014 - 2018; an average of 74 victims identified annually).

The majority of the victims identified was male (54 victims; 85.7 %); 8 victims were female (13.7 %). In one case, the gender of the victim was not recorded.

The majority of victims identified were Ukrainian nationals (27 victims), followed by Vietnamese nationals (9 victims) and Hungarian nationals (8 victims). Victims with German nationality were not identified within the scope of investigations into labour exploitation concluded in the year under review 2018 (2017: 1).

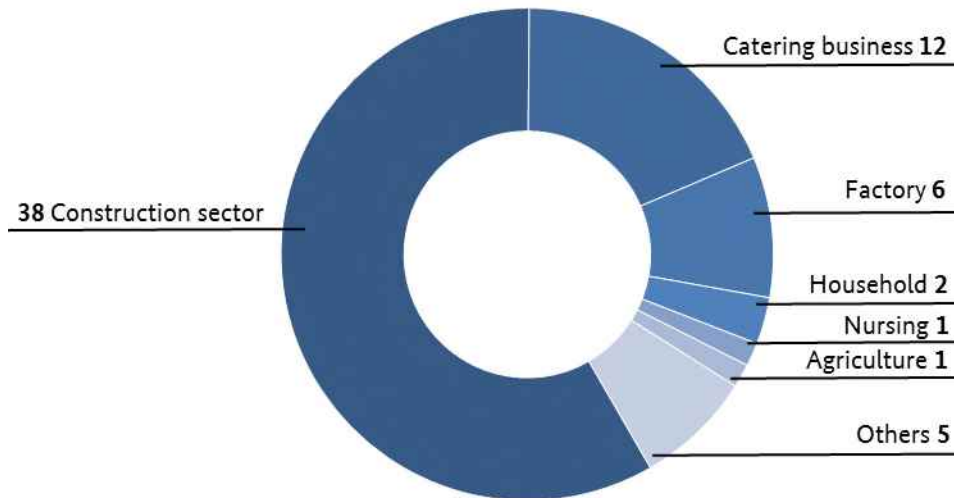
Types of employment

As in the previous year, most victims were exploited in the construction sector (38 victims; 2017: 116 victims) and the catering business (12 victims; 2017: 54 victims). The number of the victims identified in these two business sectors was substantially higher in the previous year. However, this was due to two comprehensive investigations conducted at that time, which led to an increase in the number of victims (one investigation in the construction sector and one in the catering business).

All victims identified in the construction sector were male; most of the victims identified in the catering business were male as well (7). Furthermore, 4 of the total number of 8 female victims were identified in the catering business.

¹⁶Multiple listings possible.

Types of employment (2018)



Example of a specific case: Exploitation of labour in the construction industry

An investigation conducted in Baden-Württemberg for labour exploitation involving a group of perpetrators from the construction sector has revealed that the owners of a construction company employed more than 30 foreign workers, primarily EU third-country nationals, on 26 construction sites for about four years. The victims received contracts for work and services, which had fictitiously been concluded with foreign companies. In the course of investigations the suspicion arose that the workers' wages were far below the guaranteed minimum. The illegal revenues resulting from the difference between the hourly wages paid by the building contractor and the hourly wages paid out to the workers and the improper payment of social contributions produced a great economic advantage for the group of perpetrators. To cover them up, the group of perpetrators arranged for the illegal revenues to flow from the construction company to a company renting out construction machinery, which was run by an accomplice.

Brief assessment:

This case is an example of the professionalism shown by groups of perpetrators involved in labour exploitation with losses being caused to the business community and the state. For this reason, this field of criminal activity is of great importance. Raising awareness of all parties actively involved is therefore indispensable.

2.2.3 Suspects

21 investigations conducted for labour exploitation identified a total of 30 suspects (2017: 27 suspects). In total, 22 suspects were male, five were female. The gender of three further suspects was not recorded.

Among the individuals identified, German nationals (7 suspects) were again found to be topping the list of suspects. Moreover, four Vietnamese nationals as well as three Russian and Romanian nationals respectively were investigated.

The suspects identified in the year under review frequently acted as employers and/or exploiters. But investigations were also conducted into persons acting behind the scenes, such as recruiters and persons providing accommodation.

2.3 EXPLOITATION OF FORCED BEGGING

Overview of exploitation of forced begging¹⁷

- 2 investigations (2)
- 2 victims (2)
- 10 suspects (2)



Relevant penal provisions



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. 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 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).

In 2018, police authorities concluded two investigations, which were conducted for suspected exploitation of forced begging (2017: also two investigations). The investigations, conducted in Bavaria and Hesse, identified two female Romanian victims of age (one victim per investigation) (2017: also two). They were forced into begging by the use of physical violence, threats and taking advantage of their vulnerability and predicament. Subsequently, they were kept in an exploitative relationship.

In both investigations, a total of 10 suspects (2017: 2 suspects) were identified. 7 suspects were male, 3 were female. The majority of suspects were also Romanian nationals (8 persons).

In one of these cases, a female Romanian national was exploited by a Romanian criminal clan in Germany previously known to the victim. She had to surrender all the money obtained by begging. The alleged life companion of the victim was the principal offender further clan members acted as accomplices.

¹⁷ Figures of the previous year in brackets.

2.4 EXPLOITATION OF FORCED CRIMINALITY

Overview of exploitation of forced criminality¹⁸

- 7 investigations (0)
- 8 victims (0)
- 10 suspects (0)



Relevant penal provisions



According to the EU Directive 2011/36 for the suppression of human trafficking, the term "exploitation of criminal activities", i.e. forced criminality shall be understood as the exploitation of a person to commit, inter alia, pickpocketing, shoplifting, drug trafficking and similar activities which are punishable and whose commission implies financial gain. The penal provisions of this form of exploitation are subject to sections 232, 233 and 233a of the German Criminal Code.

In 2018, police authorities concluded seven investigations into exploitation of forced criminality (2017: no investigation). The investigations were conducted in Bavaria, Berlin and in Saarland.

In the cases cleared up, perpetrators were found to have prompted the victims, some of them minors, to commit shoplifting, thefts by breaking and entering or pickpocketing offences / thefts by trickery. Subsequently, the stolen property had to be handed over to the perpetrators. These exerted influence on the victims by using physical violence and threats in order to ensure the continued commission of offences.

The investigations identified a total of 8 victims, who were German (3), Romanian (3) and Belarusian nationals (2). The majority of the victims (5 persons) was male. While the oldest victim was 20 years old, five victims were still underage.

The investigations led to the identification of a total of 10 suspects, all of them males. Except for two persons, they had the same nationalities as their victims. Five suspects were acquainted with the victim; one perpetrator was linked with the victim by family ties.

¹⁸ Figures of the previous year in brackets.

Example of a specific case: Organised shoplifting involving exploitation of what is referred to as shoplift boys

Enquiries made by Berlin police led to the detection of a gang of thieves from Belarus, organised hierarchically and dividing tasks when engaging in shoplifting activities in Germany. Those actually committing the offences were adolescents with a child-like appearance, known as shoplift boys. The criminal organisation in Belarus recruited them, provided them with Schengen visa and took them to Germany where they were to commit the crimes. They worked for so-called "instructors", usually elder Belarusian men, who made them familiar with shoplifting methods and in some cases, urged them to actually commit such offences. The "instructors" prepared the theft activities by spying out the shops beforehand. In some cases, they strategically placed the items to be stolen and took photographs of them for the thieves. Furthermore, they took precautions to ensure the success of the offences and subsequent escape. A German accomplice of Russian descent was responsible for providing accommodation to the individuals involved in the offences and for storing the stolen property.

Whenever those tasked with a theft failed to act successfully they had to face punishment, specifically acts of violence, sanctioning and financial exploitation. Due to the authority the "instructors" represented, the adolescents' willingness to testify was very low, which, in turn, rendered it difficult to prove the offence of exploitation.

Ultimately, several suspects, ranking higher in the gang's hierarchy than those actually committing the offences, were sentenced to more than three years imprisonment each for gang-type theft on a repetitive and gainful basis as well as handling stolen goods.

Brief assessment:

The case-specific details described illustrate the significance of statements obtained from victims. Without them, it is difficult to shed light on the background of punishable acts involving exploitation. For crime suppression, it is important to be aware or be made aware of such forms of exploitation that may be applied in various fields of crime (shoplifting, trafficking in narcotic drugs etc.).

2.5 HUMAN TRAFFICKING FOR THE PURPOSE OF ORGAN HARVESTING

Overview of human trafficking for the purpose of organ harvesting

- No investigation in 2018
- No investigation in 2017 either



Relevant penal provisions



Human trafficking for the purpose of unlawful organ harvesting is covered by section 232 of the German Criminal Code. Under this section it is punishable to recruit, transport, refer, harbour or shelter a person exploiting his/her personal or financial predicament or helplessness arising from being in a foreign country or persons under twenty-one years of age with a view to unlawful organ harvesting.

In 2018, as already in the previous year, the German authorities received no reports on cases of human trafficking for the purpose of unlawful organ harvesting.

2.6 EXPLOITATION OF MINORS

Overview of exploitation of minors¹⁹

- 149 investigations involving minor victims, (2017: 134; +11.2 %) of which
 - 142 investigations were conducted into commercial sexual exploitation,
 - five investigations into exploitation of minors involving forced criminality,
 - one investigation into exploitation of labour to the detriment of minors, and
 - one investigation for trafficking in children.
- 172 minor victims (+0.6 %)
- 201 suspects (+3.1 %)



The fight against human trafficking requires the police to focus on the exploitation of minors because they are in need for special protection. Therefore, the data on cases involving minor victims are presented separately at this point.

Apart from the investigations involving minor victims, which are already outlined as a subset in chapters 2.1 and 2.5, further relevant forms of exploitation to the detriment of minors are included here. In particular, these are offences of commercial sexual exploitation of minors²⁰ but also offences²¹ which do not necessarily comprise a sexual component.²²

In 2018, police concluded a total of 149 investigations into different forms of labour exploitation involving minor victims (2017: 134 investigations; +11.2 %). The lion's share of these investigations referred to commercial sexual exploitation (142 investigations; 2017: 128 investigations). Furthermore, police conducted five investigations into exploitation of forced criminality (2017: 0) as

¹⁹ Change compared with the previous year in brackets.

²⁰ Cf. info box under 2.6.1

²¹ Abduction of minors for material gain, child trafficking

²² The criminal offences were selected in 2013 by a 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.

well as one investigation into labour exploitation (2017: 1) and one into child trafficking (2017: 4). There were no reported cases about minor victims of human trafficking exploited through forced begging and unlawful organ harvesting (2017: one investigation into begging).

When contact is established with minor victims for the first time, it is usually difficult to recognise links with exploitation because the persons concerned either do not see themselves as victims of exploitation or have been intimidated by the perpetrators or feel ashamed about what is happening to them. Frequently, victims are not willing or able to file a complaint for fear of the police or state action, or experience with psychological or physical violence prevent them from doing so.

2.6.1 Commercial sexual exploitation of minors

Relevant penal provisions



*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.*²³

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 2.1), further criminal offences of sexual exploitation of minors have, since 2016 been considered in the situation report on human trafficking and exploitation provided that they are 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

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

Investigations

A total of 142 investigations into commercial sexual exploitation of minors were reported in 2018. Compared to the previous year (128 investigations), this was an increase by 10.9%.

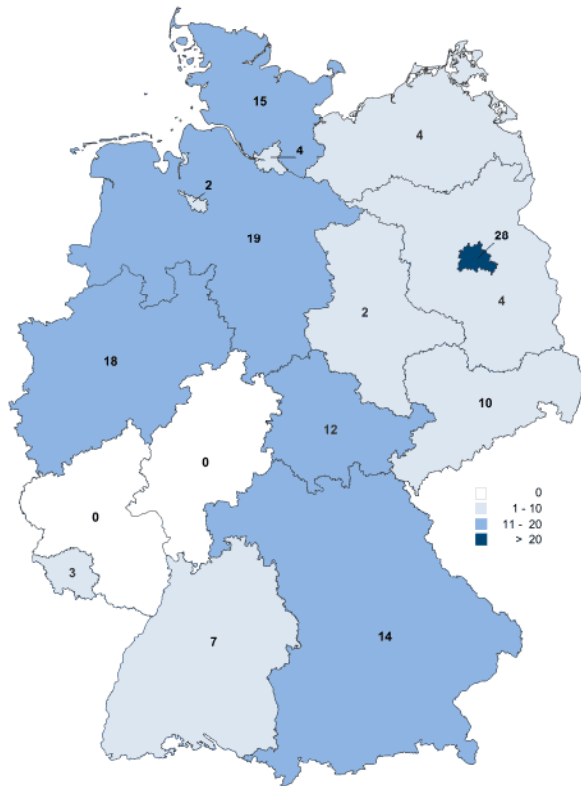
49 of the 142 investigations pursuant to section 232 ff. of the old and new German Criminal Code as well as sections 180a/181a of the German Criminal Code, already referred to in chapter 2.1, feature at least one recorded minor victim. 83 of these 142 investigations exclusively concerned further offences of commercial sexual exploitation. A total of 10 out of the 142 investigations were conducted for sexual exploitation and other offences of commercial sexual exploitation.

Investigations into sexual exploitation of minors (2018)



Most of the cases were reported by Berlin (28 investigations), Lower Saxony (19 investigations) and North Rhine-Westphalia (18 investigations).

Länder breakdown of investigations (2018)²⁴

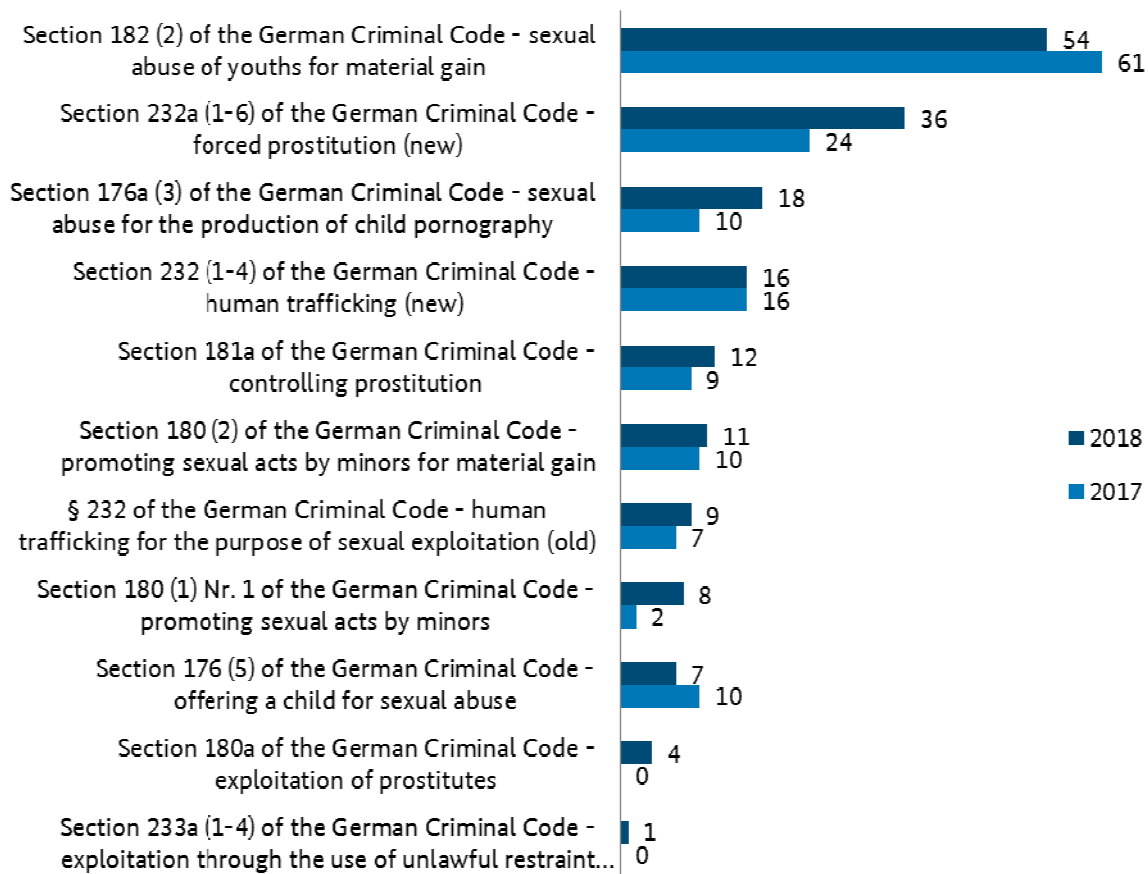


Breakdown by offences

The majority of the 142 investigations were conducted into suspected sexual abuse of youths for material gain (section 182 subsection 2 of the German Criminal Code) and forced prostitution (36 investigations). Moreover, in the field of commercial sexual exploitation 18 investigations were conducted into the sexual abuse of children for the production of child pornography (section 176a subsection 3 of the German Criminal Code, 11 investigations into promoting sexual acts by minors for material gain (section 180 subsection 2 of the German Criminal Code), 8 investigations into acting as an intermediary to encourage minors to engage in sexual activity (section 180 subsection 1, no 1 of the German Criminal Code) and 7 investigations into offering of a child for sexual abuse (section 176 subsection 5 of the German Criminal Code).

²⁴The Federal Police reported one investigation which is not shown in the chart.

Distribution of the investigations according to fields of crime²⁵



Victims

The 142 investigations into commercial sexual exploitation identified a total of 164 minor victims (2017: 163 victims; +0.6 %). Among them were 68 minor victims, from human trafficking investigations conducted pursuant to sections 232, 233a, 180a and 181a of the German Criminal Code.

130 of the 164 minor victims were between 14 and 17 years old; 34 victims were below the age of 14. Three quarters of the victims were female (123 victims; 75.0 %) and one quarter was male (41 victims).

With 72.0 % (118 victims), German nationals accounted for the largest percentage of victims in the field of commercial sexual exploitation of minors. Most of the non-German victims were underage nationals of Nigeria (9 victims) and Hungary (8 victims).

Contact with the victims was made in various ways. Approximately every fourth minor (40 victims; 24.4 %), was contacted via the Internet. In this context, 20 victims were contacted via social networks, 16 via advertising portals and other channels, for example messenger services playing a role for four victims.²⁶

²⁵Multiple listings possible.

²⁶Multiple selection possible.

30 of the 164 victims (18.3 %) 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 (what is known as loverboy method; 14 victims).

28 victims stated that they had consented to the sexual acts performed on them and thus did not consider themselves victims. The family environment was found to have promoted the sexual exploitation of 27 victims.

The reward that the victims received from the perpetrators in return for sexual acts was - apart from financial contributions - partially at a very low-threshold level. In individual cases, the perpetrators bought their victims' affection by providing them with access to game consoles, the Internet or narcotics.

Example of a specific case: 9-year-old boy offered in the darknet for sexual abuse

Investigations conducted in Baden-Württemberg in 2018 led to the dismantling of a paedophile ring and therefore protected a male victim, who was 9 years old at that time, from further sexual abuse. His mother and her life companion had sexually abused the victim for several years and subsequently offered him in the darknet for sexual abuse by third parties. The investigations revealed that several perpetrators had arrived from Germany and abroad to sexually abuse the boy. In return, the abusers paid large sums of money. A total of 8 suspects were arrested. Several men as well as the mother and her life companion were sentenced to long prison terms; for some of them the court also ordered subsequent preventive detention.

Brief assessment:

The facts of the case underline minors' need for special protection. Law enforcement authorities make great efforts to also eliminate the Internet-based commercial sexual exploitation of minors.

International project for combating human trafficking as well as exploitation of minors and adolescents



In 2018, the Bundeskriminalamt (Federal Criminal Police Office) initiated the project for "Combating Human Trafficking and Exploitation of Children, Juveniles and Adolescents in Germany and Europe - THB LIBERI 2018 - 2021". The objective of the project is to combat and prevent the exploitation of persons of these age groups by organised criminal groups as sustainably as possible at inter-agency level and through close national and international co-operation.

The focus of the project lies on the disruption of organised structures across the whole spectrum of this crime phenomenon (sexual exploitation, exploitation of labour, exploitation of forced begging, exploitation of forced criminality, exploitation through organ harvesting).

The THB LIBERI project is promoted by the EU Internal Security Fund (ISF). Apart from national police authorities, the Bundeskriminalamt in Vienna is involved in this project as international partner.

Suspects

In the 142 investigations into commercial sexual exploitation of minors, 193 suspects were identified (2017: 181 suspects; +6.6 %), 100 of whom were identified in investigations conducted pursuant to sections 232 ff., 180a or 181a of the German Criminal Code.

Of the altogether 193 suspects, three quarters were male (147 suspects; 76.2 %) and 42 were female (21.8 %). No information was provided on the gender of four suspects. The average age of the suspects was 34 (2017: 34 as well), 10 suspects were underage (2017: 18).

Among the suspects, the largest group consisted again of German nationals (117 suspects; 60.6 %; 2017: 56.4 %) followed by Hungarian (14 persons) and Nigerian (10 persons) nationals.

More than one third of the suspects had no previous relationship with the victims (71 suspects; 36.8 %) or were not acquainted with them (72 suspects; 37.3 %). A total of 16 suspects were akin to the victim (8.3 %).

2.6.2 Exploitation of labour to the detriment of minors

In 2018, one investigation (2017: one investigation as well) was conducted into labour exploitation to the detriment of two minors. There was reason to suspect that the two juveniles worked in the catering business without being remunerated. The victims were illegally staying in Germany. The police located them in the course of random checks but they were able to evade further enquiries.

2.6.3 Exploitation of forced begging to the detriment of minors

In 2018, police authorities concluded no investigations into exploitation of forced begging to the detriment of minors (2017: one investigation).

2.6.4 Exploitation of forced criminality to the detriment of minors

During the year under review, five investigations were conducted (2017: 0 investigations), in which minors were found to have been forced to commit punishable acts and had thus been exploited. By using threats and physical violence the perpetrators had prompted the altogether five minors to engage in shoplifting .

In practice, it is difficult to determine facts hinting to 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. It is therefore important to make law enforcement authorities aware of this form of exploitation of minors.

2.6.5 Human trafficking for the purpose of unlawful organ harvesting to the detriment of minors

In 2018 - as in the previous year - the police did not conclude any investigation into human trafficking for unlawful organ harvesting to the detriment of minors.

2.6.6 Other forms of commercial exploitation of minors

Relevant penal provisions



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 or with the intention of enrichment; section 236 of the German Criminal Code- child trafficking for material gain or with the intention of enrichment

Typical of trafficking in children is 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.

In the year under review there was no reported case concerning - abduction of minors for material gain (similar to 2017) However, one investigation was recorded concerning child trafficking pursuant to section 236 of the German Criminal Code (2017: 4 investigations). In this investigation dealing with a one-year old victim, the suspect was found to have offered a larger sum of money to the child's mother, if she agreed to the child's adoption.

3 Links to organised crime (OC)

In 2018, no organised crime investigations were conducted into human trafficking for the purpose of labour exploitation (2017: two investigations). However, law enforcement authorities investigated 16 organised crime groups, whose main activity was human trafficking for sexual exploitation, exploitation of prostitutes or controlling prostitution (2017: 24 investigations; -33.3 %). Five Nigerian, four Bulgarian and three Hungarian organised crime groups were found to have been active in these investigations. Moreover, one organised group respectively dominated by German, Romanian, Chinese and Ghanaian nationals was the subject of investigations.

Example of a specific case: Organised crime investigations into a Nigerian human trafficker ring.

Since early 2017, extensive organised crime investigations by the authorities of Rhineland-Palatinate and the United Kingdom were targeted at an international gang for suspected human trafficking for the purpose of sexual exploitation and forced prostitution. A British human trafficker (known as "Madam") of Nigerian descent and her network recruited their victims in Nigeria with false promises. Subsequently, the victims took a "voodoo oath" as part of a traditional oath ceremony, which bound them to absolute obedience towards the "Madam" and secrecy towards third persons. After that, they were smuggled from Nigerian to Italy and later on to Germany, where they were forced to work as prostitutes in brothels. The victims and their families in Nigeria were repeatedly threatened in order to ensure obedience towards the "Madam". Until the settlement of their travel expenses to the amount of EUR 38,000, the victims had to surrender the complete revenues obtained from prostitution. The funds from human trafficking were transferred to Nigeria where part of them was re-invested into real estate. The investigations identified five female victims/witnesses. The "Madam" was arrested in the United Kingdom. Despite massive threats against the families of the victims/witnesses with the intent to exert influence on their testimonies, the witnesses provided comprehensive statements before a British court and contributed to the female human trafficker, i.e. the main defendant, being sentenced to 18 years' imprisonment in mid-2018.

Brief assessment:

The victims' histories of suffering and the high degree of criminal energy of the human trafficker ring is exemplary for Nigerian groups of perpetrators acting in the field of human trafficking. The investigations jointly co-ordinated by the law enforcement authorities in Germany, United Kingdom and Nigeria and with the support of Europol, resulted in appropriate evidence. Providing intensive and comprehensive care to the victims/witnesses enabled the police to obtain a detailed testimony against the main defendant and her accomplices.

It appears likely that human trafficking and exploitation are going to remain a lucrative illegal business segment for OC groups. This circumstance inter alia contributed to determining this field of crime as a focal point for the joint suppression of Serious and Organised Crime at European level.

4 Overall Assessment

Both in Germany and at European level, human trafficking is one of the critical issues of crime suppression. Organised groups of perpetrators are often internationally networked. The only way to counter them effectively is through inter-agency and transnational law enforcement co-operation.

Human trafficking for sexual exploitation (including exploitation of prostitutes / controlling prostitution) has essentially been characterised for years by forced prostitution of primarily European victims, who worked as prostitutes in bars, brothels and flats.

Even if the dominating nationalities of victims and suspects are similar to those in the previous years, individual developments are recognisable, such as the increased number of victims and suspects of Nigerian and Hungarian citizenship.

Increased checks contributed to a rise in the number of investigations in the field of labour exploitation. Exploitation primarily took place in the construction sector and the catering business in the year under review as well.

Following the criminal law reform (2016), further forms of exploitation, such as the exploitation of forced begging and the exploitation of forced criminality were set out for the second time in the present situation report. After forced begging had already become a relevant form of exploitation in the year before, it began to emerge in the year under review that further exploitation offences in other fields of crime, such as organised shoplifting, are also of significance in Germany. Due to the increased awareness among the law enforcement authorities, it remains to be seen what trends the case figures will show in the forthcoming years.

Special importance has still to be attached to the exploitation of minors, since the number of the corresponding investigations rose in the year under review 2018. Children and juveniles are especially vulnerable and therefore deserve special protection. Often, perpetrators take advantage of the lacking sexual self-determination, naivety, the lack of life experience and state of education yet under development of this group of young victims to deceive them by cunning and lure them into exploitative situations.

In particular, the group of victims consisting of minors and adolescents must be protected from exploitation by taking suppressive and preventive measures on an inter-agency level. The modi operandi and circumstances perpetrators take advantage of in order to exploit minors in different ways are important connecting factors for an effective suppression of this phenomenon. For this reason, great importance is to be attributed to the project for combating the exploitation of minors and adolescents. Initiatives, such as the federal co-operation concept on "Protection and Assistance in the Fight against Trafficking in, and Exploitation of, Children" jointly developed with the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth are further important components to build on.

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