



Bundeskriminalamt

Trafficking in Human Beings

Helga Gayer

Federal Criminal Police Office Germany

- Introduction
- Tasks of the German Federal Criminal Police in Trafficking in Human Beings (THB)
- Legal situation
- National situation report
- EMPACT THB
- Cooperation

Bundeskriminalamt

German Federal Criminal Police Office

LS Management-level staff

LS 1 LS 2 LS 3 LS 4 LS 5

Management Level

President
2 Vice-Presidents

Equal Opportunities Officer

Data Protection Officer

Occupational health/safety management service
Senior Company Doctor
Senior Job Safety Specialist

ST

State
Security

SO

Serious
and
Organised
Crime

SG

Personal
Protection

ZI

Central
information
management

OE

Operational
and
investigative
support

IZ

International
Coordination,
Education and
Research
Centre

KT

Forensic
Science
Institute

IT

Information
Technology

ZV

Central
and
Administrative
Affairs

Responsibilities in the fight against THB

Federal States (Länder):

- Criminal investigations
- Prevention



Bundeskriminalamt (BKA):

- Central Office for police information and communications
- National Central Bureau of the Federal Republic of Germany for Interpol, Europol and Schengen
- Collect, evaluate and analyze information
- Support for the Federal States
- Criminal prosecution upon request
- Policy advice

- Responsible for THB and also for cases of Child Trafficking
- Collection and analysis of information and investigations
- Multidisciplinary cooperation on national and international level e.g. EMPACT THB (Action Lead ETUTU Network, Participant China THB)
- Crime Situation Report
- Training
- Policy counselling
- Research



Trafficking in Human Beings



Legal Situation (until Oct. 2016)

- Trafficking in Human Beings for the purpose of sexual exploitation
- Trafficking in Human Beings for the purpose of labour exploitation
- Since 2002 prostitution in Germany is allowed as a legalized profession. Before it was tolerated but the legal situation for prostitutes was weak.
- Pay taxes, social insurance, civil action for the salary
- 99% of the THB sexual exploitation takes place in prostitution

Legal Situation (until Oct. 2016)

- Prostitution Law led to a regulatory deficit
- THB can be connected with People Smuggling (Facilitation of Illegal Immigration)
- Since the accession of several Eastern European Countries in 2007 most victims of THB are EU Citizens, the connection with people smuggling decreased



New Laws since 15.10.2016

Prostitute Protection Act – (ProstSchG – came into force on 1.7.2017)

- New Law with about 40 individual norms
- Comprehensive rules for the whole milieu
- Each operator of a brothel must register
- Each prostitute must register
- The authorities verify the charge, impose conditions and monitor the business

Controlled and self-regulating industry with few options for exploitation

New wording - Section 232 ff German criminal code

- § 232 StGB Trafficking in Human Beings
- § 232 a StGB Forced Prostitution
- § 232 b StGB Forced Labour
- § 233 StGB Exploitation of Labour
- § 233 a StGB Exploitation with deprivation of liberty

Intensive law enforcement



Victims

- Fear of the perpetrators and the police
- Fear for the well-being of relatives in the country of origin
- Shame
- Debt owed towards perpetrators
- Traumatization
- Deficient / absence of the perception of being victims

- Crime with international dimensions
- Problems of interpretation
- Personnel- and cost-intensive, time-consuming
- Multi-disciplinary cooperation is essential
- Victim compensation
- Financial investigation and asset recovery

THB-National Situation Report 2016



THB-National Situation Report 2016

THB for Sexual exploitation



363 Investigations
524 Suspects

488 Victims
95 % female

85% Victims from Europe

THB for Labour exploitation



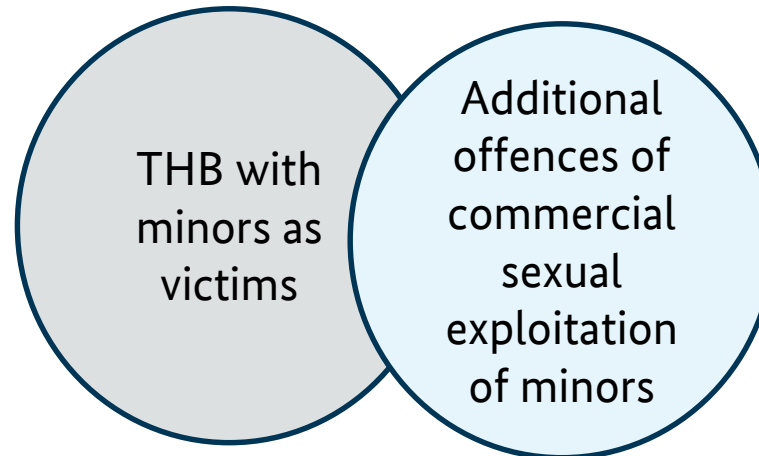
12 Investigations
27 Suspects

48 Victims
71 % male

75% Victims from Europe



Special focus: Exploitation of minors



145 Investigations in total
214 minors as victims

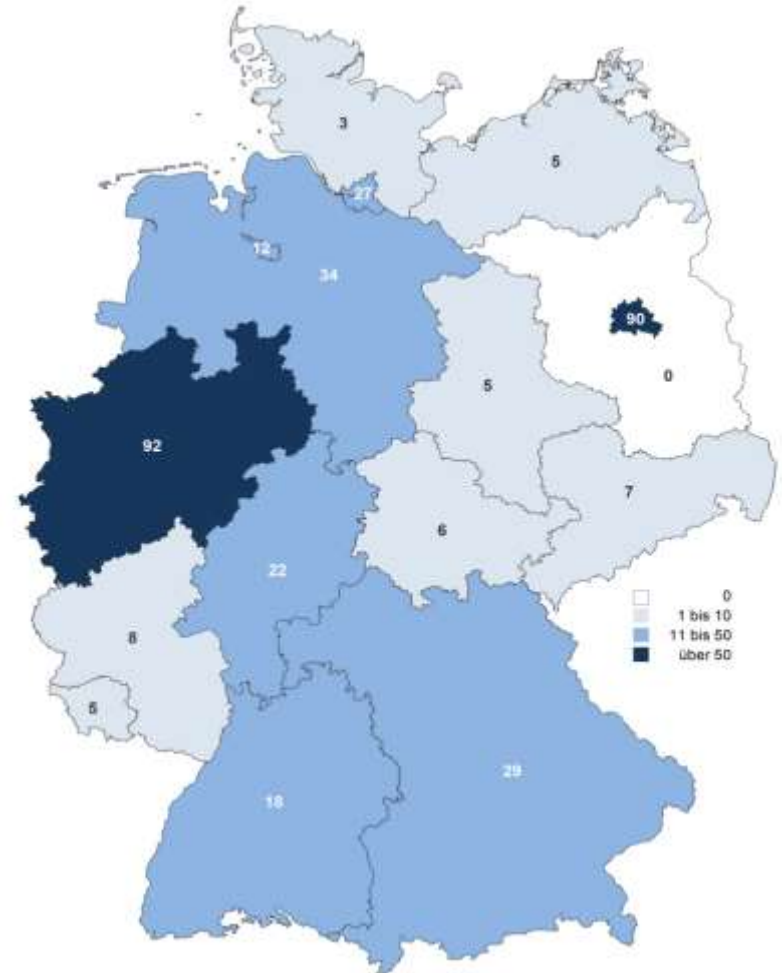
Significant Developments

- Number of investigations in the area of THB for sexual exploitation is nearly constant
- New focus on offences of commercial sexual exploitation of minors
- Internet gains importance for the recruitment of victims and contact offers of prostitutes
- Reform of the criminal provisions specific to THB on 15.10.16
new forms of exploitations (e.g. exploitation of begging, criminal offences, organ harvest)

Number of investigations 2016

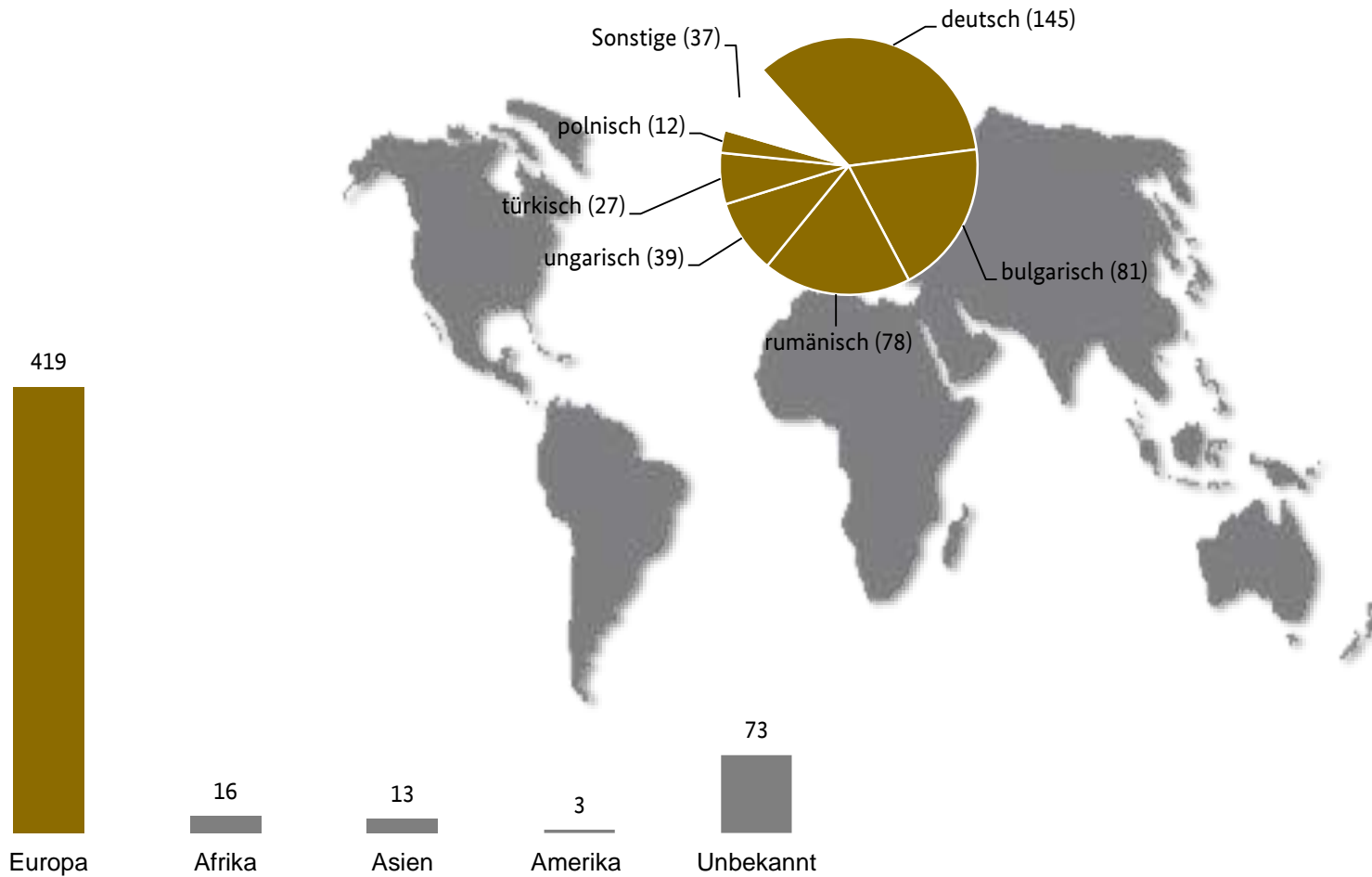
363 investigations concluded

Investigations concluded (2012-2016)



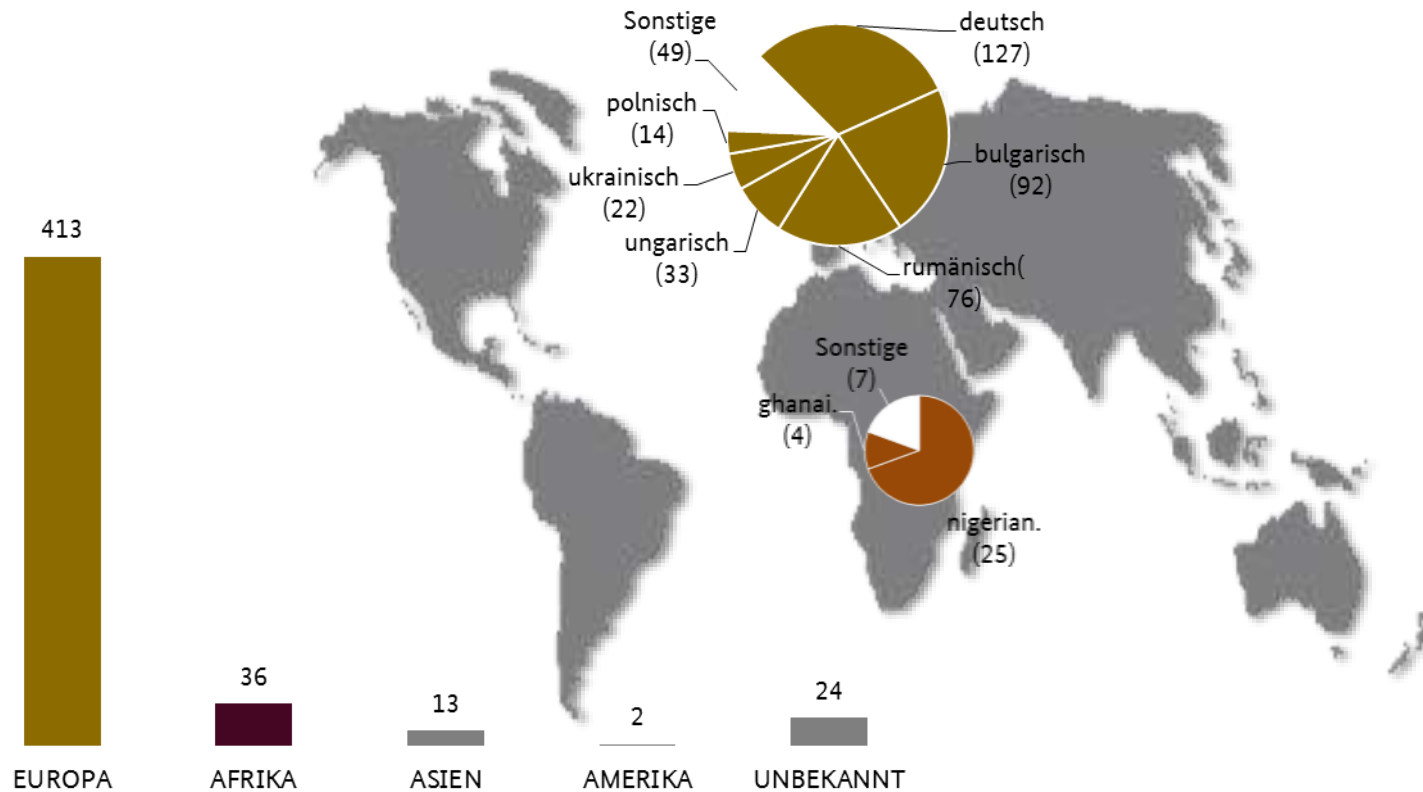
Nationality of suspects 2016

524 Suspects

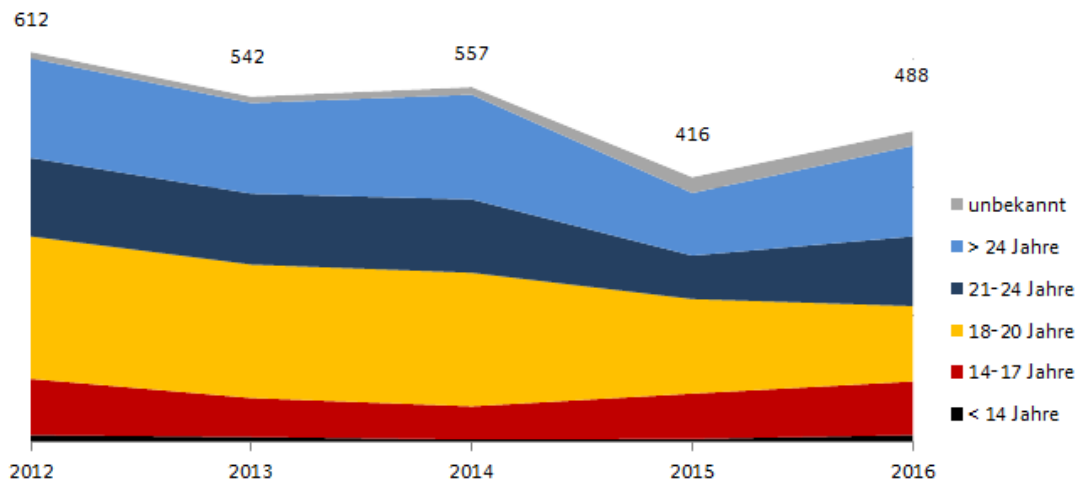


Nationality of victims 2016

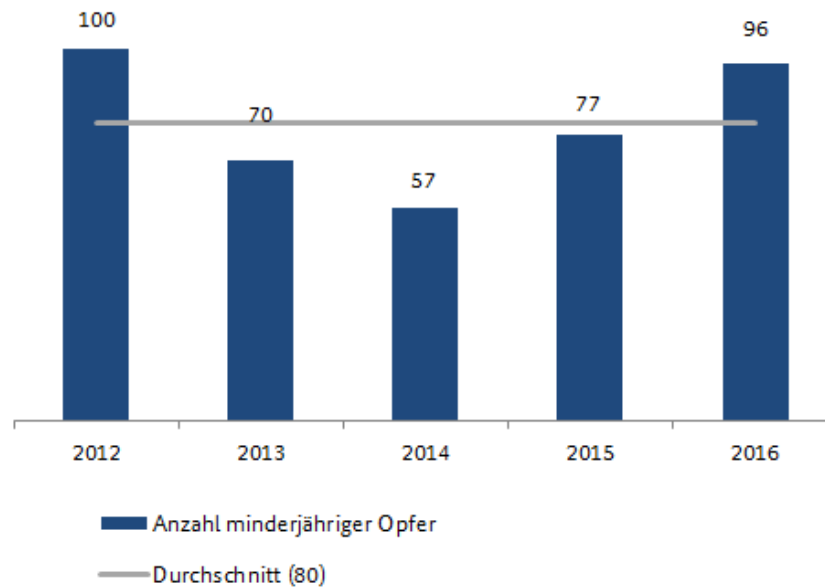
488 Victims (95% female)



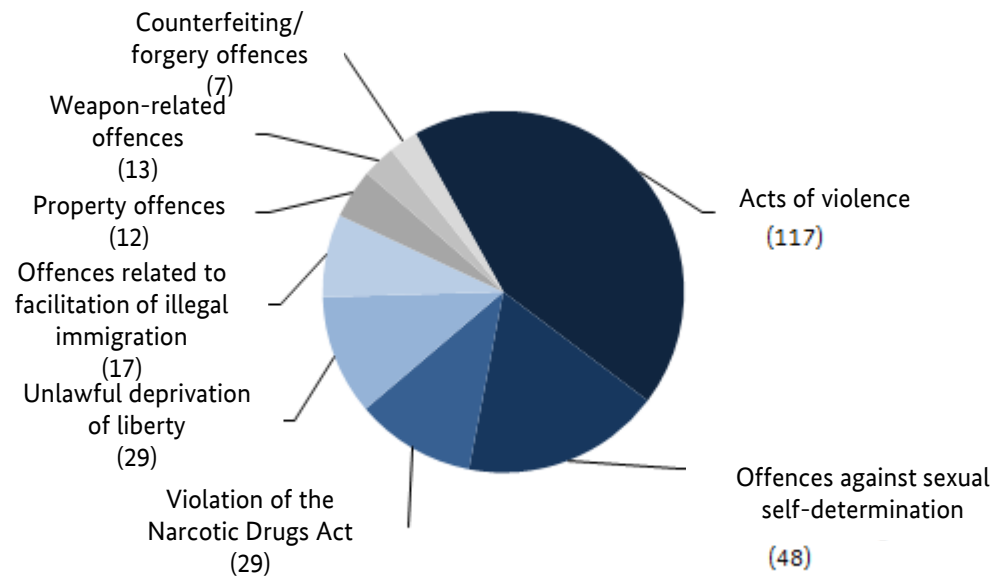
Age of the victims 2012-2016



Minors as victims (2012-2016)



Related offences



About 28% of the victims

had consented to working as prostitutes, **but**

- were deceived about the actual circumstances by
 - promises of good and serious prospects of earning
 - or under the pretence of a love affair “lover-boy-method”
- In 9% of the cases family environment played a decisive role
- 11% of the victims were recruited via Internet (social networks, dating sites and job-offers)

- 12 investigations (19 in 2015)
- 27 suspects (24 in 2015)
- 48 victims (24 in 2015)
- 34 men and 13 women
- 25 victims were Ukrainian
- Exploitation sectors were mainly construction, restaurants, housekeeping

- Estimated proceeds in the EU 25 Billion EURO (2015)
- In 2016 approximately 2,5 Million EUR were provisionally secured in Germany
in course of 16 investigations (2015 512.000EUR)



Nigerian Trafficking in Human Beings



Sub-project ETUTU

- EMPACT THB (European Multidisciplinary Platform against Criminal Threats)

History:

June 2012 to October 2016

Finished because the ISEC-Funding was finished

ETUTU-Networking since January 2017

Funded by a national German ISF Fund 2017-2019

Modus operandi of Nigerian THB in General



- Recruitment and provision of accommodation in Nigeria
- Preparation of the victims (language courses, behavioural training and especially Voodoo/Juju ritual)
- Procurement of passports





Nigerian Girls are in brothels or appartements, not on the streets



EMPACT *Chinese THB*



- Austria
- Belgium
- Cyprus
- Denmark
- France
- Germany
- Italy
- Netherlands
- Slovenia
- Spain
- Switzerland

- 4 Associate partners:

Europol, Eurojust, Interpol and Frontex

1. Chinese victims of THB in the top 2 of non-EU countries
2. Organised Crime Groups with cross-border characteristics
3. EU approach in cooperation with China (strategy)

Multidisciplinary approach

- Competent public authorities and NGOs should share information, exchange views, coordinate action, confirm findings with the purpose of recognising situations of trafficking, identifying and assisting victims, and protecting their rights
- NGOs, social services, labour inspectorates, trade unions etc. should engage in outreach work. When they recognize persons who may be trafficked, they should inform them about their rights and options. And with their consent inform the competent authorities and refer the persons to appropriate channels of protection.

- 1999 first concept for cooperation between counselling services and the police for the protection of witnessing victims
- 2006 revision due to factual and legal changes
- The present concept is a recommendation of the Federation-State Working Group on Trafficking in Women and is to serve as a basis for the individual German *Länder* (federal states) to develop their own concepts or to revise existing ones.

- It is the aim of this cooperation concept to contribute to the adequate protection of, and help for, the potential victims/witnesses of human trafficking for the purpose of sexual exploitation and, thus, to a much more efficient fight against this crime phenomenon.
- The implementation of cooperation concepts requires handling of the criminal offence by particularly specialized, qualified and sensitized police officers in specialized departments as well as reliable human and logistical resources within the police and a nationwide establishment and permanent financing of the counselling services.

Description of the problems

- Controlled Crime
- Difficulties to recognize cases of trafficking in human beings
- The victims often are not willing or not able to give evidence
- Importance of personal evidence
- Police need the support of the counselling services for handling the victim
- Counselling services need the police for protection of the victim and for persuing the perpetrators

- Public order and crime control measures in redlight-districts and investigations in THB cases
- Inform the potential victim about the possibility of receiving support from an independent counselling service
- Hand out multilingual information material from the counselling service
- Establish contact with the counselling service
- The police carry out the necessary measures for protecting the victim before, during and after the crime scene inspections, interviews and court hearings
- Support the counselling services in security issues with regard to the return of the victims to their countries of origin

Role of the specialised counselling units

- Secure, secluded accommodation for the victim
- Provisioning with food, clothing, and hygiene items
- Psychological care within the context of victim-protection
- Social and medical support and care
- Help with alternative livelihood

Role of the specialised counselling units

- Accompanying the victim during the criminal procedure
- Rehabilitation and prevention
- Multi-lingual teams provide counselling on:
 - Health issues
 - Workers rights
 - Right of residence
 - Coming out of prostitution
 - Assistance in returning to the home country
 - Taxes

- Female counsellors may participate in police checks and raids in the redlight district
- Where this does not appear to be useful, it is important to inform the counselling services at an early stage so that they can get prepared.
- Regular information exchange on local, regional and federal level
- Training (reciprocally)
- Research