

Crime prevention policy	
EU- priority	Trafficking in Human Beings
Country	Germany
Year	2018

1. Overview of the field

Definition of the crime

§232 StGB:

(1) Whosoever recruits, transports, transfers, harbours or receives another person, either under twenty-one years of age or by taking advantage of that person's personal or financial predicament or helplessness arising from being in a foreign country, shall be liable to imprisonment from six months to five years, if

1. that person is to be exploited by

a) engaging them in prostitution or performing sexual acts on or in the presence of the offender or a third person, or suffering sexual acts on their person by the offender or a third person,

b) working,

c) begging, or

d) committing criminal offences,

2. that person is to be held in slavery, servitude, bonded labour, or under corresponding or similar conditions, or

3. that an organ is to be illegally removed from that person. Exploitation by working within the meaning of the 1st sentence No 1 b) above occurs if the work, in serving the ruthless pursuit of profit, takes place under working conditions that are in clear discrepancy to those of other workers performing the same or a similar activity (exploitative work).

(2) Whosoever, with respect to another person who is to be exploited in the manner indicated in subsection (1) 1st sentence Nos 1 to 3 above, 1. recruits, transports, transfers, harbours or receives that person by force, by threat of serious harm or by deception, or 2. abducts that person or gains physical control over him or encourages a third person to gain physical control over him, shall be liable to imprisonment from six months to ten years.

(3) In cases under subsection (1) above the penalty shall be imprisonment from six months to ten years, if

1. the victim is under eighteen years of age at the time of the offence,

2. the offender seriously physically abuses the victim or, through the offence or an act committed during the offence, at least with gross negligence places the victim in danger of death or serious injury, or

3. the offender acts on a commercial basis or as a member of a gang whose purpose is the continued commission of such offences. In cases under subsection (2) above the penalty shall be imprisonment from one year to ten years if the offence

(4) An attempt to commit an offence shall be punishable in the cases covered by subsection 1, no. 2 and sub-section 3, no. 1, letter a."

Assessment of trends and developments

The Internet plays an increasingly important role in the process of approaching and recruiting potential victims. In addition, the Internet serves as a marketing platform for prostitution.

- In 2016, traditional brothel prostitution was replaced by prostitution in private homes/rented apartments and hotels. This has made controls by law enforcement authorities very difficult. The Internet plays an increasingly important role for initiating contacts between clients (“johns”) and prostitutes.
- Via the Internet, offenders can easily reach a great number of potential victims at the same time, without having to contact them directly. **Usually, they use social networks to find young women and get in touch with them. They pretend to be interested in a romantic relationship and try to make their victims become emotionally dependant in order to force them into prostitution.**
- Moreover, the Internet gives clients and prostitutes the possibility to get in contact outside the traditional milieu. Human traffickers use the Internet to search for possible victims; they no longer have to approach them on the streets or in brothels.
- At the same time, there is a growing risk that criminals who force women or children into prostitution remain under the radar of law enforcement. **The flood of Internet advertising for prostitution makes it hard to differentiate between prostitutes who offer their services on a voluntary basis and victims of human trafficking.**
- Still, the number of reported crimes in Germany is relatively high because here people trust in the state and therefore report to the police more often.

According to GRETA, as at February 2018 for Germany and federal situation report on human trafficking 2016

- Another trend: African women, many from Nigeria, are forced into an abusive relationship by Nigerian Juju priests
- The increase in the number of asylum applications has led to an increase in human trafficking in connection with refugee migration (mainly from Western African countries)

New criminal offences (Act to Protect Persons Engaged in Prostitution in October 2016 and Sections 232 and 233 of the Criminal Code), pending evaluation

Recent overview of statistics and research

2016 Federal situation report on human trafficking

- Investigations on human trafficking for the purpose of sexual exploitation: 363 investigation proceedings: 524 suspects and 488 victims The great majority (95%) of the victims were women, mostly originating from Europe. Human trafficking for the purpose of labour exploitation: 12 investigative proceedings: 27 suspects, 48 victims one third of whom were men.
- Every second investigation led during the reporting period (2016) also looked into related offences. Compared with 2015, there was a decline in the number of related offences.
- For the first time, the situation report addresses the commercial sexual exploitation of children: a total of 145 investigative proceedings, 214 victims; a 25-per-cent increase compared with 2015.
- The report does not yet take account of the amended criminal law provisions on human trafficking.
- A previously existing relationship between offender and victim increases the dependency: shared ethnic, cultural and language background

Selected research results (e.g. German-Austrian project PRISMA – Human trafficking for the purpose of sexual exploitation – Prevention and intervention, 2018)

On the offenders:

- Research into the level of organization, strategies and the gender of offenders;

- criminal prosecution and conviction rate of offenders involved in human trafficking
- Strategies of offenders are characterized by threatening behaviour, use of force/violence, unlawful deprivation of liberty, abuse of power, “Loverboy method”, financial dependency of victims (“debt trap”)
 - Recruitment of victims: emotional dependence, false promises, Voodoo rituals, exploitation of relationships and abuse
 - Offenders are often organized in small groups of two to five persons; only one in six offenders is convicted for human trafficking.
 - Human trafficking can affect every area, from street prostitution to sauna clubs or escort services. The women usually have a great preparedness for mobility.
 - Only very few of them were recruited against their will.

On the victims:

- It is often difficult to assess the testimony from victims, because in many cases they make contradictory statements or completely refuse to testify. This can have various reasons. Many victims are frightened or traumatized, are less educated and have a different cultural background. Also, there are often no witnesses.
- A lot of research is done in the field of traumatization of victims. Researchers also analyse the testimony of victims to identify typical strategies of offenders.

Use of modern technology for age estimation

In many cases, the victims of human trafficking, prostitution and forced labour are under age. **Within the framework of the PRISMA project a hand scanner was developed which uses ultrasound for age estimation based on skeletal maturation. In females, wrist joint ossification is not completed before the age of 18.**

2. Crime strategy and coordination

Objectives of the crime strategy

Despite the fact that Germany has no special plan of action or strategy for fighting the trafficking in human beings, there are various platforms and policies to fight human trafficking:

- cooperation agreements between special consultation services, police and other relevant institutions and actors;
- Joint project of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, ECPAT e.V. Germany and KOK e.V. to draw up a federal concept for the “Protection of and assistance to children who have become victims of human trafficking and exploitation”. The concept encompasses recommendations for cooperation between youth welfare offices, the police, special consultation services etc. to identify victims of trafficking in children and to provide assistance.
- Networking meetings
- “Round tables” at state level, often coordinated by state ministries, and at local level.

Role of prevention in the crime strategy on state/regional/local level

In Germany, there is no specific plan of action or strategy dedicated to fighting human trafficking.

Implementation of the policy (which level is responsible for the implementation and how is the implementation coordinated?)

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is the competent federal authority responsible for all matters related to human trafficking. The ministry coordinates legislative initiatives and programmes to fight human trafficking at federal level. At state level, there are independent coordinating authorities and strategies to fight human trafficking.

Stakeholders (working groups, specialised agencies, partners, etc)

Germany's federal structure with responsibilities divided between federal and state levels is at the bottom of why many responsibilities, including in the field of fighting human trafficking, are shared. To facilitate coordination of activities between the various stakeholders involved, special working groups have been set up.

- Since 1997, the joint federal-state working group on trafficking in women has played a coordinating role. Originally, its main area of responsibility was related to sexual exploitation. The intention was to shed light on the complexity of the issue. In view of the growing dimension of the issues, the working group was renamed the “Federal-state working group on human trafficking” in 2012. It meets at least twice a year under the leadership of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. It comprises representatives from the competent ministries, the Federal Criminal Police Office, the Federal Office for Migration and Refugees, one representative each from the expert conferences of the state ministries for the interior, justice, social matters and gender equality and representatives from relevant non-governmental organizations.
- **Special consultation services play a vital role in helping victims of human trafficking overcome their traumas and take a grip on their lives.** Thanks to the trusting relationship these institutions build up with their clients, victims are more prepared to testify in court, and thus these institutions help the police bring offenders to justice and fight human trafficking. This is one of the reasons why these special consultation services are cooperation partners of police authorities responsible for human trafficking.
- **As the umbrella organization, the nationwide coordinating group against human trafficking (*Koordinierungskreis gegen Menschenhandel e. V.*) facilitates the networking of the various special consultation services and serves as a central contact point for people engaged in the fight against human trafficking.**

Participation in European/ international networks, working groups, etc.

- Also in the current policy cycle (2018-2021), the fight against human trafficking has utmost priority in the EU. Specifically, Germany is engaged in the EMPACT project “Trafficking in Human Beings”. The Federal Criminal Police Office (BKA) plays the role of the “driver” in the ETUTU sub-project dedicated to fighting trafficking of human beings from Nigeria. The BKA is also involved in all remaining initiatives within the EMPACT project.
- Participation in the “Santa-Marta-Group” launched by Pope Francis in April 2014: a high-ranking group for cooperation between the Catholic church and law enforcement authorities dedicated to fighting human trafficking and modern forms of slavery worldwide.
- Participation in a BENELUX seminar on child trafficking and the exploitation of children in Brussels in November 2017.
- Attendance of the 5th INTERPOL Global Conference on Trafficking in Human Beings and Smuggling of Migrants in Doha in December 2017.
- Participation in an IOM workshop on human trafficking in China in January 2018.

3. Good practices

Overview of recent good practices, prevention programs, etc.

- On the website of the criminal police at www.polizeibaratung.de, under the heading “Information for victims”, there are information on human trafficking (e.g. What is human trafficking? How do offenders operate? Who are the victims?)
- In addition, information and awareness-raising campaigns targeted at female refugees, are intended as preventive education. Worth mentioning are also the nationwide helpline for female victims of violence (“Hilfetelefon Gewalt gegen Frauen“), the national networking agencies for women’s shelters and the national association of women’s counselling centres and the nation-wide network to combat the trafficking of women and violence against women in the migration process (KOK)).
- Handbook of best practices of multidisciplinary cooperation against trafficking in human beings (based on the conference Putting Rantsev into Practice 16-18 April 2013, Amsterdam; 2014)
- Handbook on trafficking in human beings - indicators for the investigating police forces (published by the Law Enforcement Working Party (LEWP) of the Council of the European Union; 2015)
- Handbook to fight Trafficking in Human Beings from Nigeria and Modern Slavery (aims: to support law enforcement authorities in identifying Nigerian victims of human trafficking based on certain modi operandi of offender and Juju rituals by spiritual priests; context EMPACT sub-project ETUTU; 2016)
- Handbook on Risk Profiles on Trafficking in Human Beings (FRONTEX; 2017)
- Handbook on strengthening of financial investigations in preliminary proceedings with criminal charges of human trafficking (published by the Association of Law Enforcement Forensic Accountants ALEFA; announced for autumn 2018)
- Chinese THB – handbook for operational law enforcement officers (EMPACT sub-project China; ongoing)
- There are several opportunities for sharing best practices, such as seminars, administrative officer conferences, cooperation within the EMPACT project and the EXTRAPOL closed user group.