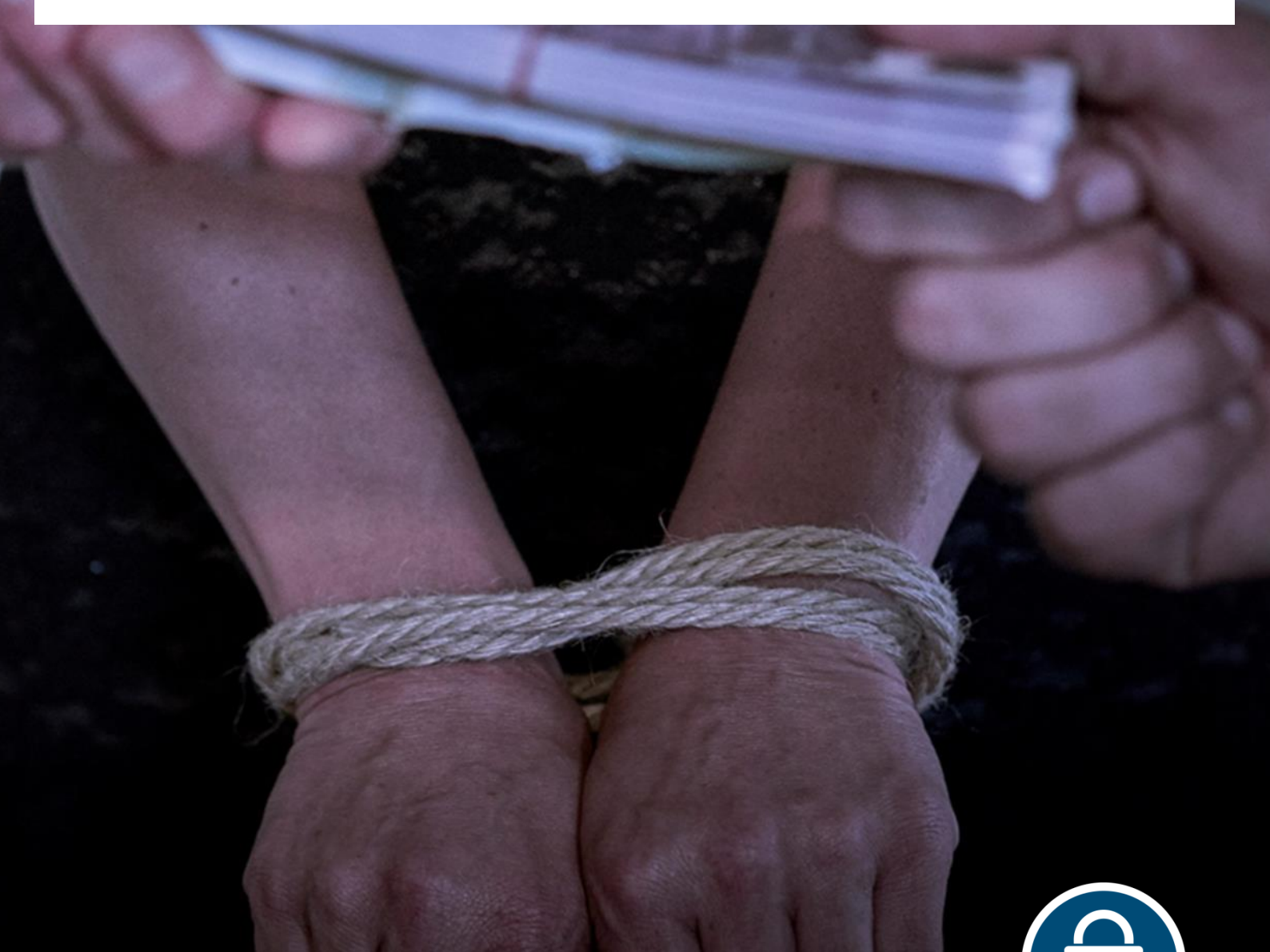




Bundeskriminalamt

BKA



Human Trafficking and Exploitation

National Situation Report 2021

Human Trafficking and Exploitation 2021

Areas of exploitation



Sexual exploitation:
291 investigations ($\pm 0\%$)

Labour exploitation:
28 investigations
(+27.3%)



EXPLOITATION OF MINORS



237 investigations (+22.8); 283 victims (+5.2 %)
Separate presentation due to their special need
for protection

DEVELOPMENTS



Prostitution in apartments continues to gain significance.



The number of investigations into exploitation of minors has increased strongly.



New responsibilities of the Financial Control of Undeclared Work unit of the customs administration in the area of labour exploitation have led to an increase in the investigations into this field of crime.

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1 Preliminary note

The National Situation Report on Human Trafficking and Exploitation 2021 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), the Federal Police and the Financial Control of Undeclared Work unit about investigations into the relevant fields of crime which were completed during the year under review and featured crime scenes in Germany.

In addition to an examination of sexual exploitation and labour exploitation, the National Situation Report also presents the cases of exploitation of forced begging, trafficking in human beings for the purpose of committing criminal offences and forced marriage which have become known in Germany.

Due to their special need for protection, particular attention is devoted to underage victims. Therefore, chapter 2.6 of the Situation Report deals separately with the individual forms of exploitation of underage victims.

2 Presentation and evaluation of the crime situation

Breakdown by type of authority

| Type of authority | Number in 2021 | Percentage in 2021 | Percentage in 2020 |
|---|----------------|--------------------|--------------------|
| Department specialised in human trafficking | 259 | 50.8 % | 50.7 % |
| Other authority ¹ | 204 | 40.0 % | 43.7 % |
| Department specialised in OC ² | 36 | 7.1 % | 5.2 % |

¹ e.g. police station, detective squad.

² OC = Organized Crime

| | | | |
|---|----|-------|-------|
| Joint investigation team³ | 11 | 2.1 % | 0.4 % |
|---|----|-------|-------|

In 2021, the police and customs authorities at Länder and

federal level completed a total of **510 investigations in the field of human trafficking and exploitation (2020: 465 investigations; +9.7 %)**. As in the year before, a little more than half of the investigations were conducted by departments specialised in human trafficking.

2.1 SEXUAL EXPLOITATION

Overview of sexual exploitation⁴

- **291 investigations (± 0 %)**
- 417 victims (+2.7 %)
- 391 suspects (-7.1 %)
- further shift of street and brothel prostitution to apartments



Penal provisions under review

- *Human trafficking (section 232 of the German Criminal Code)*
- *Forced prostitution/ Criminal liability of clients (section 232a of the German Criminal Code)*
- *Exploitation in the context of false imprisonment (section 233a of the German Criminal Code)*
- *Exploitation of prostitutes (section 180a of the German Criminal Code)*
- *Pimping (section 181a of the German Criminal Code)*



2.1.1 Investigations

As in the previous year, 291 investigations⁵ into human trafficking for the purpose of sexual exploitation⁶ were concluded in 2021, so that the case figure has dropped slightly below the average value of the past five years.

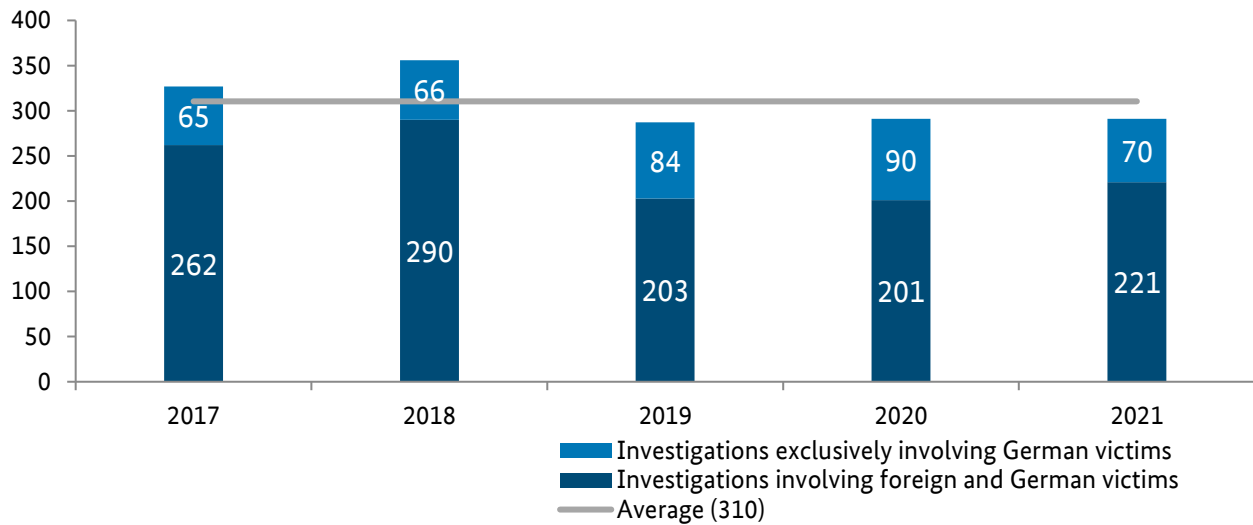
³ Joint investigation teams (JITs) are created for the purpose of handling a specific case for a limited period of time.

⁴ Change compared to the previous year in brackets.

⁵ In some cases involving underage victims, investigations were conducted in combination with further penal provisions relating to commercial sexual exploitation (cf. chapter 2.6.1).

⁶ "Offences in the area of human trafficking for sexual exploitation" in the sense of this situation report do not only comprise human trafficking pursuant to section 232 of the German Criminal Code but also the other penal provisions mentioned (forced prostitution, exploitation in the context of false imprisonment, exploitation of prostitutes and pimping).

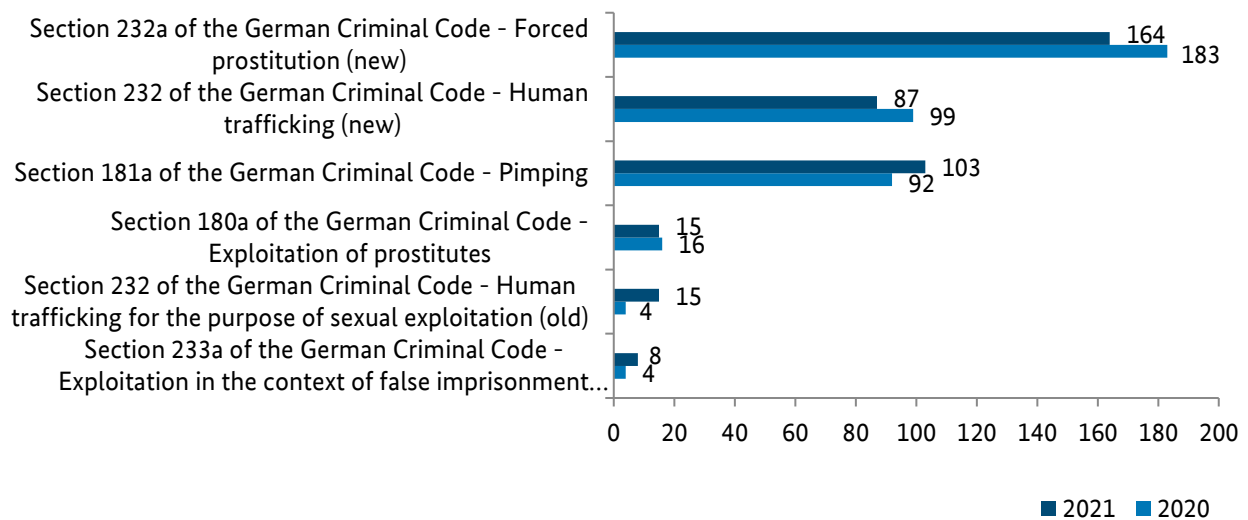
Completed investigations into sexual exploitation (2017 - 2021)



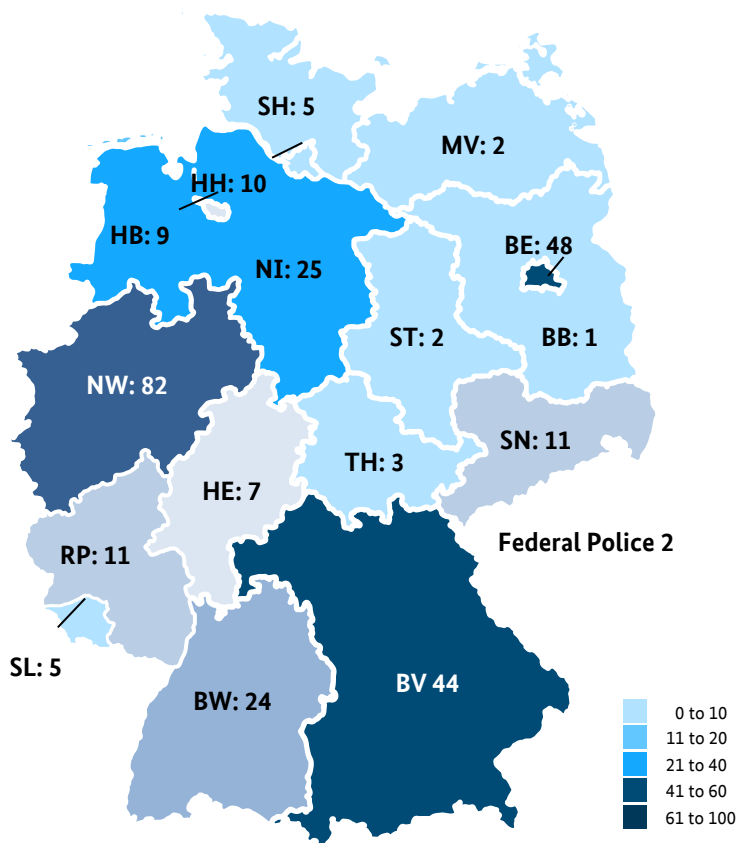
Distribution of the investigations by field of crime

The 291 investigations into sexual exploitation concluded in 2021 were partly based on more than one criminal offence (such as those covered by sections 232 -human trafficking and 181a - forced prostitution of the German Criminal Code). Adding up the number of investigations relating to the different penal provisions therefore leads to over-counting when broken down into the penal provisions relevant to the investigations.

Breakdown by penal provision relevant to investigations⁷



⁷ Multiple listings possible. The diagram does not contain any further criminal offences of sexual exploitation of minors on a commercial basis (see chapter 2.6.1).



Breakdown of investigations by Land (federal state)

The Länder distribution of the 291 investigations into human trafficking for sexual exploitation corresponds largely to the one of the previous year. A good two thirds (199) of all investigations were conducted in North Rhine-Westphalia, Berlin, Bavaria and Lower Saxony.

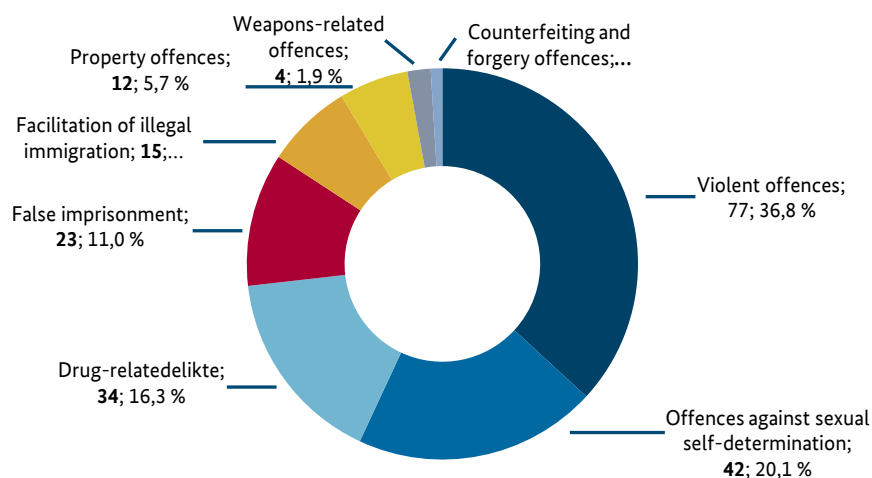
The case figures of the Länder are influenced by various factors. These include, above all, the dimension of the red-light scene usually found in big cities, the frequency of checks with regard to red-light scene-related offences and the presence of specialised police offices dealing with the scene.

Related offences

In the context of police investigations into offences of human trafficking for sexual exploitation, further fields of crime, i.e. so-called related offences, are often identified. In 145 of the overall 291 investigations conducted in 2021 into sexual exploitation, other offences were under investigation as well (49.8 %; 2020: 51.5 %).

Compared to the previous year (222), the number of related offences sank by 5.9 % (to 209) with violent offences representing the largest group once again. The percentages of the other fields of crime largely corresponded to those of the previous year.

Offences related to human trafficking for sexual exploitation⁸



⁸ Multiple listings possible.

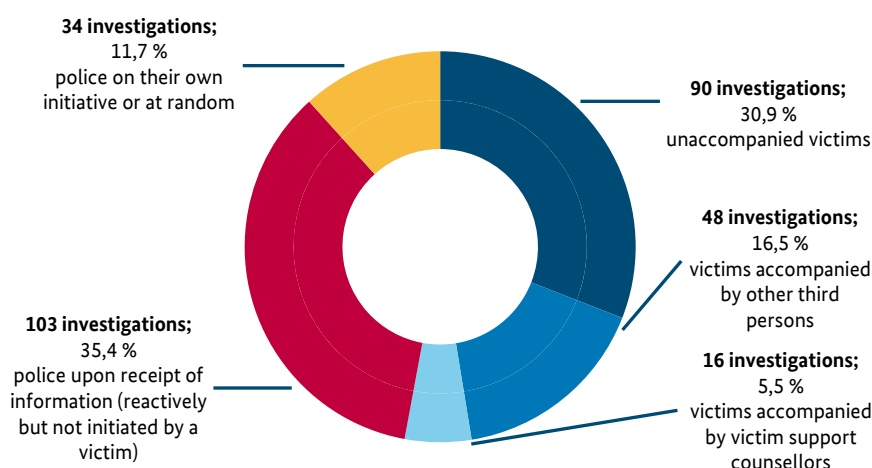
Initiation of investigations

The way in which contact is established between the victims of human trafficking and the police has a significant impact on the course and success of an investigation.

The field of human trafficking can mainly be assigned to what is known as crime revealed by controls⁹. Investigations initiated on the basis of a complaint not lodged by the victims themselves were on the decrease during the period under review (47.1 %, 2020: 55.4 %). Therefore, proactive (police) action in the field of sexual exploitation (above all, checks in the red-light community and focused search measures on the Internet) continues to be important for the initiation of investigations. Only through these activities, offenders and victims can be identified and individual contributions to offences can be clarified and linked successfully and on a regular basis.

⁹ Crime revealed by controls concerns areas of crime where investigations are typically initiated by police action or checks and not by victims lodging complaints on their own initiative.

Initiation of contact between police and victims



2.1.2 Victims

The investigations into human trafficking for sexual exploitation, which were completed in 2021, identified 417 victims (2020: 409 victims; +2.0 %). As in the year before, an average number of 1.4 victims per investigation was established.

With 92.8 %, the percentage of female victims (387) remained nearly constant (2020: 93.8 %). As in 2020, 23 male victims were identified (percentage of 5.5 %; 2020: 5.7 %). In addition, three victims of unknown sex and four victims of diverse sex were reported.

The percentage of European victims sank from 78.8 % to 71.7 %. Nearly every fifth victim was of Asian origin (18.7 %; 2020: 12.0 %). 20 victims stemmed from Africa (4.8 %) and ten victims each were of South-American or unknown origin (2.4 % each).

Most frequent nationalities of victims¹⁰

| Country | Number in 2021 | Number in 2020 |
|----------|----------------|----------------|
| Germany | 95 | 131 |
| Bulgaria | 70 | 56 |
| Romania | 67 | 68 |
| China | 36 | 6 |
| Hungary | 29 | 28 |
| Thailand | 23 | 11 |

The percentage of German victims dropped to 22.8 % (2020: 32.3 %). 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, the probability that they report the exploitative nature of their employment to the police is generally higher than in the case of foreign victims most of whom are of an Eastern-European or Asian nationality.

Young people from Eastern Europe frequently stem from poor families and therefore fall victim to human trafficking relatively often, especially as they are no longer held back by any travel restrictions since the

EU was enlarged to the East.

Due to the existing obstacles to the entry into our country, human trafficking offences involving victims from Asian countries are, on the contrary, often linked to acts of people smuggling. The

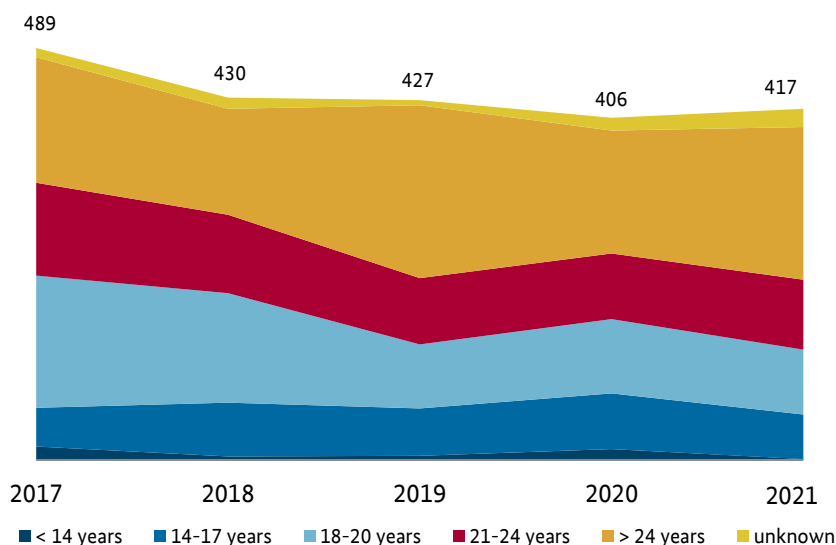
¹⁰ Only the six most frequent nationalities of victims are indicated.

sharp increase in Chinese victims is due to the completion of a large-scale investigation conducted by the Federal Police in 2021. In this investigation, a total of 20 Chinese victims had been identified.

Age structure of the victims

The average age of the victims of sexual exploitation identified in 2021 was 27 years and has thus risen in comparison to the previous year (2020: 24 years). Roughly every third victim whose age was identified (131 out of 395) was below 21 years of age (2020: 42.7 %).

Age structure of the victims (2017 - 2021)



Victim recruitment / contact initiation (modus operandi)¹¹

In the investigations into sexual exploitation, which were completed during the year under review, 85 victims (20.4 %) were driven into prostitution by means of the so-called loverboy method (2020: 24.4 %). When applying this frequently identified modus operandi, the offender manipulates a mostly young female victim into emotional dependency by pretending to be in love with her and subsequently introduces her to prostitution and exploits her financially.

The loverboy method continues to represent the most frequent modus operandi

66 victims (15.8 %) at first consented to working as prostitutes (2020: 24.1 %). Police experience has shown, however, that these victims are often deceived about the exact circumstances of their later activity, such as the nature and extent of the prostitution.

67 victims (16.1 %) stated that the offender had deceived them into working as prostitutes in the first place. In most of these cases, the offenders promise totally different jobs to the victims, e.g. in the hotel or food service sector.

55 victims (13.2 %), were contacted via the Internet. For this purpose, both social networks and messenger services as well as (relevant) advertising portals were used. Sometimes the use of fake

¹¹ Multiple listings possible.

accounts or pseudonyms renders the identification of persons involved in the offence more difficult.

50 victims (12.0 %) were recruited professionally, for example by alleged model and talent agencies or through advertisements.

The family environment of 47 identified victims (11.3 %) played a decisive role for their becoming engaged in prostitution. The victims were for example persuaded by family members to do so. 31 victims (7.4 %) were driven into prostitution by means of physical violence and 34 victims (8.2 %) by means of psychological violence. Experience has shown, though, that violence is much more frequently used to keep the victims under exploitative control than to prompt potential victims to take up prostitution.

Circumstances of prostitution¹²

In recent years, fewer and fewer victims have been found to be exploited within the context of traditional bar and brothel prostitution as well as street prostitution. The clear trend to an exploitation within the context of prostitution in apartments has continued, as the below-listed example shows. The shutdown of official prostitution establishments for several months as a result of the COVID-19 pandemic has probably favoured this development during the year under review as well.

Investigations into aggravated trafficking in human beings, forced prostitution and pimping

Two Italian nationals from the outlaw motorcycle scene as well as the life companion of one of them associated for the purpose of applying the loverboy method so as to make young women work as prostitutes on a commercial basis.

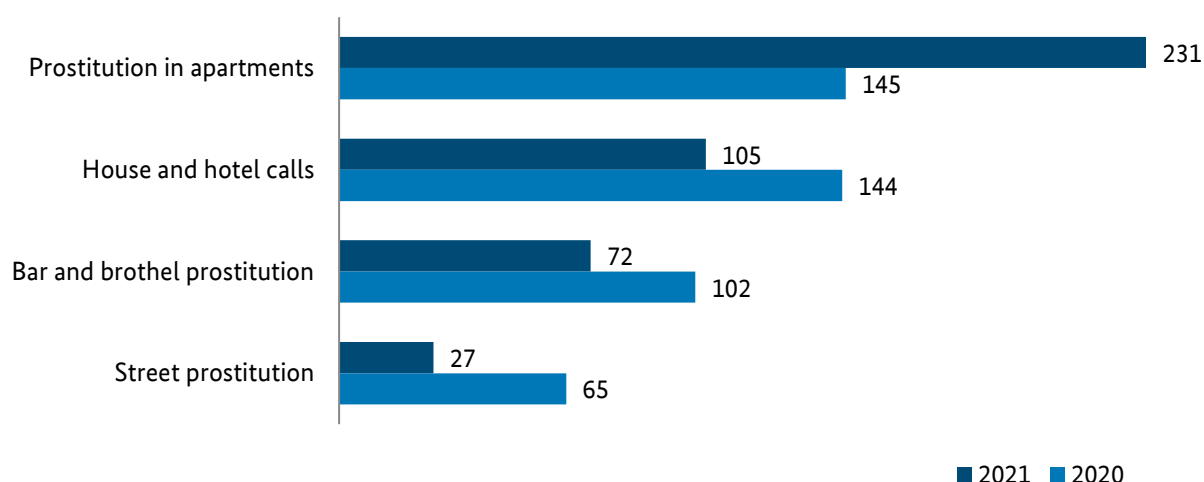
One of the suspects established contact with the women via social networks and subsequently pretended to each woman that he wanted to start a relationship with her. Then, by taking advantage of their emotional and economic predicament, they urged the women to practise prostitution and put them under full control. The suspects created accounts on relevant platforms for the victims so as to be able to establish contact with varying clients. For a better "commercialisation" of the victims, corresponding photo shootings were organized.

The victims practised prostitution at prostitution establishments in Switzerland and Germany but as a result of the lockdowns and closures of the establishments, the activities were then transferred to private apartments and clandestine locations.

All in all, eight female victims were identified in the investigations conducted in Germany, including some who were not yet 21 years old. They had to pass on all their earnings to the suspects. Sometimes the victims were intimidated by physical violence.

¹² Multiple listings possible.

Prostitution activities of the victims (extract)



Obligations pursuant to the German Prostitution Protection Act¹³

Among the victims of sexual exploitation identified by the police in 2021, only every tenth had registered an activity pursuant to the Prostitution Protection Act (42 victims, 10.1 %, 2020: 19.0 %). Hence, the non-registered victims practised prostitution illegally, e.g. because of their illegal stay in Germany or the fact that they were underage or because their activity was performed at illegal establishments or despite a (temporary) ban on the rendering of sexual services that was imposed as one of the measures taken to contain COVID-19 (295 victims, 70.7 %; 2020: 65.0 %).

In the remaining cases, it was unknown whether or not the required registration had been made (80 victims, 19.2 %, 2020: 16.0 %).

Influence exerted on the victims

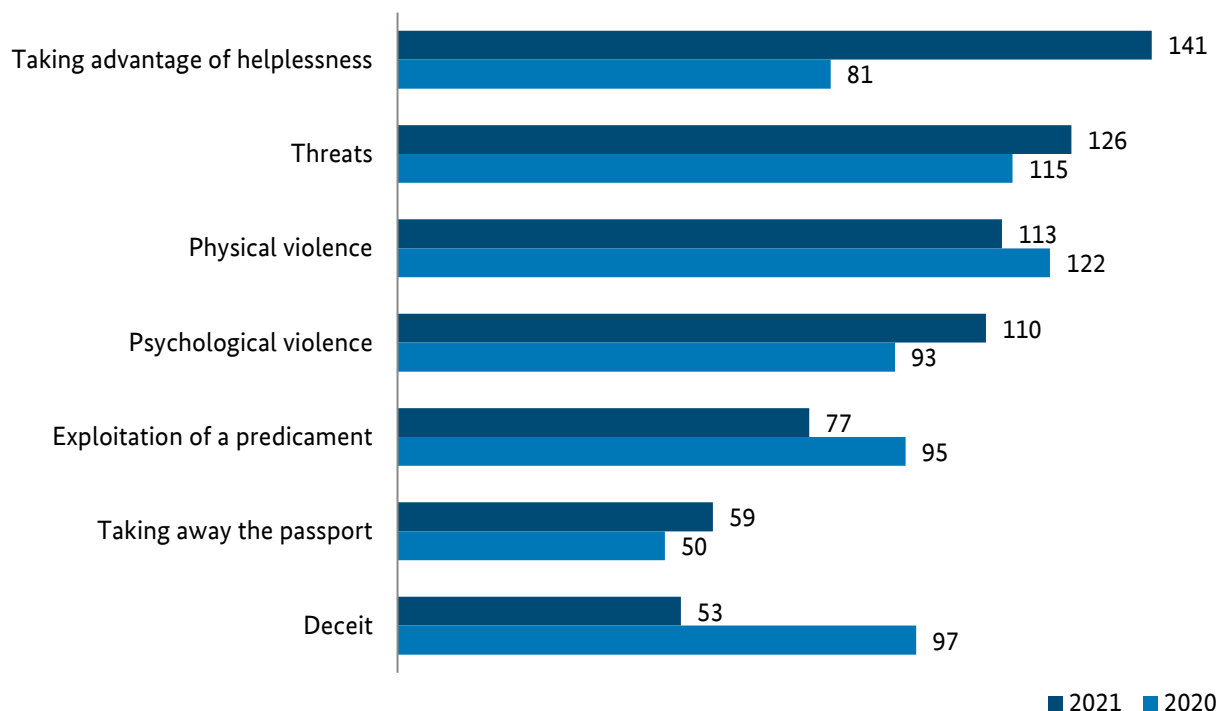
The offenders regularly exert massive pressure on the victims in order to keep them under exploitative control. In addition to resorting to physical violence, they threaten for example to tell the victims' families about their work as prostitutes or to use violence against their next of kin.

While the modus operandi "deceit"¹⁴ was applied much less frequently than in the year before, the number of victims whose helplessness was exploited increased significantly. This trend results from two large-scale investigations involving numerous Chinese or Thai victims which were completed by the Federal Police.

¹³ Act on the protection of individuals practising prostitution.

¹⁴ This includes the false promise of a job as a kitchen help for example.

Forms of exerting influence on victims (extract)¹⁵



Victims' willingness to testify

In 2021, 247 of the 417 identified victims of human trafficking for sexual exploitation made a statement to the police (59.2 %; 2020: 67.7 %). By contrast, 16.3 % (2020: 17.2 %) of the victims were verifiably manipulated by the suspect/s into not making a statement to the police or into describing the actual circumstances of the influence exerted on the victims in a different light¹⁶.

Victim counselling by counselling services

In 2021, 113 victims (27.1 %, 2020: 22.7 %) were supported by counselling services, and 16 victims (3.8 %, 2020: 9.4 %) received help from youth welfare services. Counselling services also play an important role for both police work and the identification of and support to the victims of human trafficking. Their significance mainly results from their intensive counselling and care services, especially because some victims only dare to lodge a complaint if accompanied by staff members of a counselling service.

2.1.3 Suspects

In 2021, 391 suspects were identified in the investigations into human trafficking for the purpose of sexual exploitation which were concluded by the police. This corresponds to a 7.1 % decrease on the previous year.

312 suspects were male (79.8 %; 2020: 78.4 %), 65 female (16.6 %; 2020: 19.5 %). Furthermore, two suspects of diverse sex were recorded for the first time.¹⁷ The average age of the identified suspects was 34 years (2020: 33 years). Only one suspect was underage (2020: 11).

¹⁵ Multiple listings possible.

¹⁶ The term "to exert influence" refers to any direct or indirect way in which the victims or their families are influenced.

¹⁷ No information was available on the sex of the twelve remaining suspects.

Predominant nationalities of the suspects¹⁸

| Country | Number in 2021 | Number in 2020 |
|----------|----------------|----------------|
| Germany | 98 | 112 |
| Bulgaria | 73 | 66 |
| Romania | 57 | 78 |
| Hungary | 36 | 22 |
| China | 10 | 1 |
| Turkey | 8 | 28 |

Similar to the year before, most of the suspects were German (25.1 %), Bulgarian (18.7 %) and Romanian (14.6 %) nationals.

The striking changes in Chinese and Turkish nationals can be explained by individual investigations in which a relatively large number of suspects having these nationalities were identified.

Previous offender-victim relationship

191 of the suspects identified in 2021 were acquainted with their victims prior to committing the offences (48.8 %; 2020: 40.4 %). 86 suspects (22.0 %; 2020: 27.1 %) did not know their victims

beforehand. 12 suspects (3.1 %) were related to their victim (2020: 4.8 %); for 102 suspects (26.1 %; 2020: 27.8 %), it remained unknown whether or not the suspect had had a previous relationship with the victim.

These figures illustrate the great importance of the victim-offender bond for the exploitative activities. A common ethnic, cultural and/or national background of offenders and victims favours the development of an exploitative relationship as does a common native language. If the victims only speak the language of the offenders and not the one spoken in the country they are staying in, it is much more likely that the offenders will be able to create a state of dependency. In addition, it is, in that case, easier for the offenders to evoke "fears of contact" with the local authorities. Therefore, the nationalities of the victims and the suspects are identical in many investigations.

Links to organised crime (OC)

Individual investigations conducted into suspected human trafficking for sexual exploitation in 2021 were directed against offender structures ascribed to organised crime. Some of them were internationally operating OC groups who showed a high degree of division of tasks at all stages, from the recruitment of the victims to their sexual exploitation.

All in all, 16 OC groups whose main field of crime was human trafficking and exploitation were identified in the year under review. Ten of these groups were active in the field of sexual exploitation and six in the field of labour exploitation.

Human trafficking for sexual exploitation continues to represent a lucrative field of activity for organised groups of offenders.

¹⁸ Only the six most frequent offender nationalities are indicated.

2.2 LABOUR EXPLOITATION

Overview of labour exploitation¹⁹

- 28 investigations (+27.3 %)
- 147 victims (+101.4 %)
- 52 suspects (+20.9 %)
- Nursing/Care sector most strongly affected



Penal provisions under review

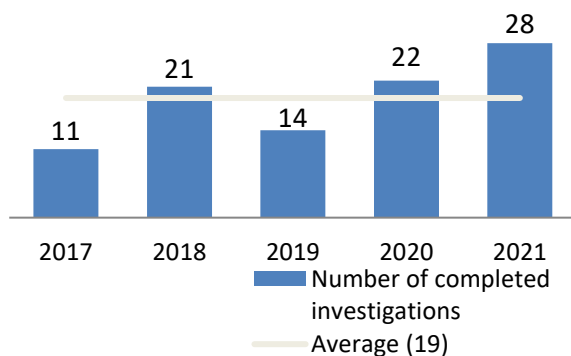
- Human trafficking (section 232 of the German Criminal Code)
- Forced labour (section 232b of the German Criminal Code)
- Labour exploitation (sections 233, 233a of the German Criminal Code)



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 victim's will. The prerequisites are already met if the female or male offender is aware of the victim's economic plight and takes advantage of it by employing the victim under exploitative conditions. These include poor payment, excessive working hours, excessive commission fees and rental payments, perilous working conditions and withholding remuneration.

2.2.1 Investigations

Completed investigations - labour exploitation (2017 - 2021)



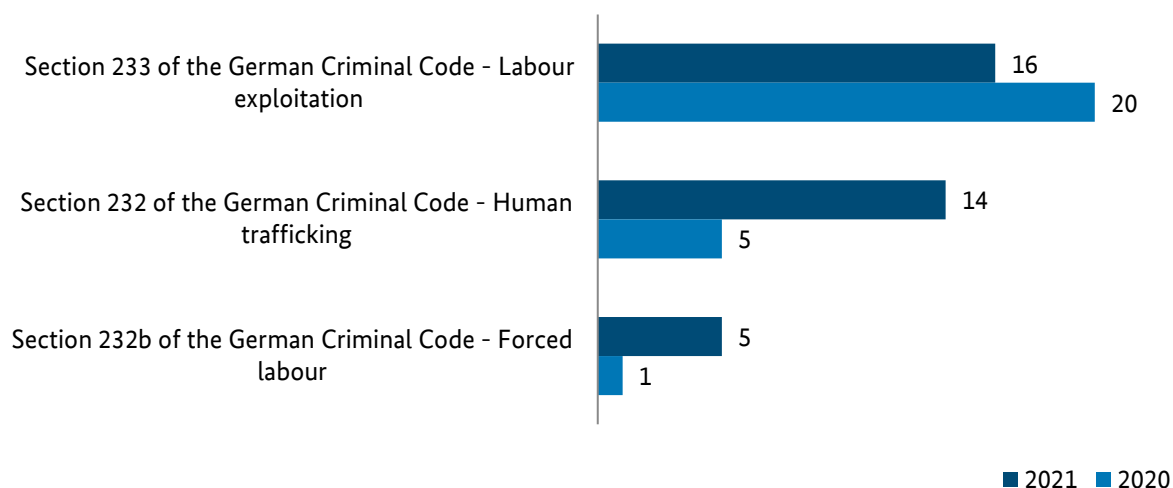
In 2021, labour exploitation reached a record high in the five-year comparison.

In particular, this boost can be traced back to eight investigations conducted by the Financial Control of Undeclared Work unit (2020: 1). Since 2019, offences of labour exploitation have also fallen within the responsibility of the Financial Control of Undeclared Work unit.

Above all, investigations into suspected labour exploitation were conducted in 2021, with the numbers of investigations into human trafficking and forced labour having risen.

¹⁹ Change compared to the previous year in brackets.

Distribution of the investigations by field of crime²⁰



2.2.2 Victims

In 2021, 147 victims (2020: 73 victims; +101.4 %) were recorded in the 28 investigations into labour exploitation. The significant increase can be explained by the completion of several large-scale investigations during the year under review. In one single investigation conducted by the Financial Control of Undeclared Work unit, 70 victims, most of whom stemmed from Bosnia-Herzegovina, were recorded. Accordingly, most of the victims were of Bosnian-Herzegovinian (68) and Romanian (24) nationality. As opposed to sexual exploitation, hardly any German victims (3) were identified here.

In the majority of the cases, contact between law enforcement authorities and victims was established on the initiative of the police or the customs authorities (22 investigations, 78.6 %; 2020: 63.6 %). Therefore, the cross-cutting cooperation between police and customs authorities is of paramount importance for the suppression of labour exploitation. In this way, synergy effects can be exploited and information can be exchanged more efficiently and quickly with a view to a successful outcome of the investigations.

In the other investigations, the victims contacted the investigative authorities on their own or accompanied by staff members of the counselling services or other persons.

Most labour exploitation offences are detected as a result of checks. Therefore, this field of crime is believed to be significantly underreported, particularly as victims of human trafficking and labour exploitation often remain anonymous for fear of reprisals on the part of the offenders or of regulatory consequences. Therefore, the identification of the victims regularly presents a great challenge to the law enforcement authorities.

Types of employment²¹

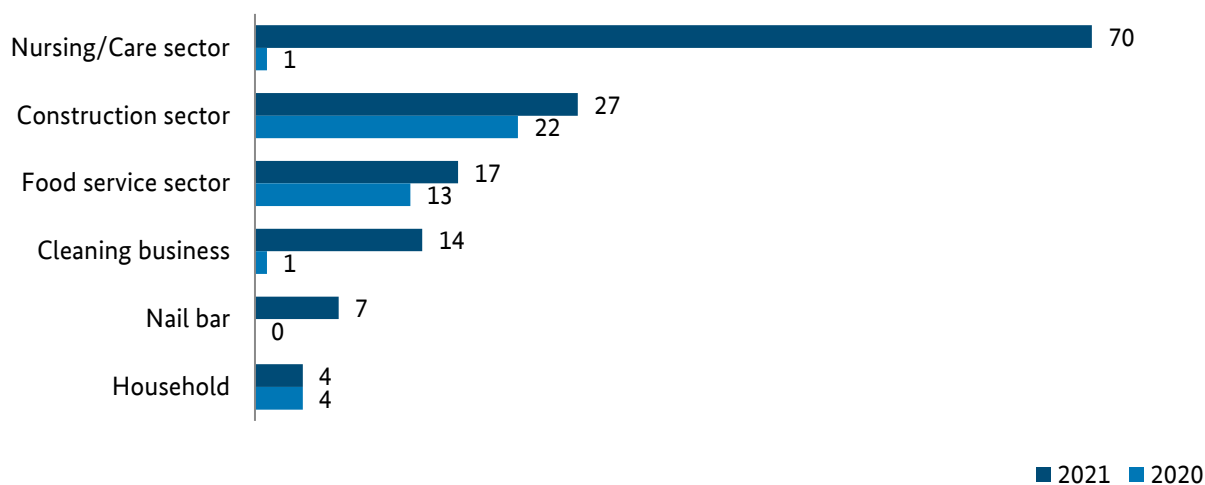
Most victims were exploited in the nursing and care sector in 2021 (70 victims; 47.6 %). The significant increase on the previous year is exclusively due to the aforementioned large-scale investigation completed by the Financial Control of Undeclared Work unit during the year under review, which involved 70 victims.

²⁰ Multiple listings possible.

²¹ Multiple listings possible.

As far as the cleaning business is concerned, the climb in victim numbers also results from individual investigations.

Most frequent types of employment



Investigations in the nursing/care sector

A nursing service recruited persons allegedly as trainees. The persons recruited were mainly Bosnian and Croatian nationals and only in isolated cases persons of other nationalities. These persons were recruited in cooperation with Bosnian and Croatian universities. As a rule, they were studying for a degree in nursing there. In some cases, it became known that, in reality, the persons were not studying at the respective university but had nevertheless been issued a certificate of enrolment there. Officially, the persons in question were to complete a three-month internship with a German nursing service within the framework of their university studies.

There, however, they were not treated as trainees but had to work as fully-fledged employees and to autonomously take over a set group of nursing home residents after a very short training period.

For this job, they were paid approximately three to four EUR per hour. An accommodation, which was not creditable against this wage, was made available to them.

Many of the persons concerned were under 21 years of age at the time of their employment.

2.2.3 Suspects

In the 28 investigations conducted into suspected labour exploitation, a total of 52 suspects (2020: 43), including 38 male and 14 female ones, were identified in 2021. The average age of the suspects whose age was known was 44 years (2020: 45 years).

As in the year before, most of the suspects (16) were German nationals followed by Romanian nationals (7). As in 2020; the suspects identified mostly acted as exploiters (32) and/or employers (30)

during the year under review as well. Besides this, recruiters (15) and lessors/landlords/landladies (12) were identified relatively often.²²

2.3 EXPLOITATION OF FORCED BEGGING

Overview of exploitation of forced begging

- 6 investigations (2020: 4)
- 6 victims (2020: 4)
- 10 suspects (2020:5)



Relevant penal provisions



As long as the beggars are not exploited, "organised begging" is not a criminal offence in Germany. "Exploitation of forced begging" was only defined as a separate criminal offence when the penal provisions on human trafficking were amended in the fall of 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 for the relevant activities falls under section 232 of the German Criminal Code (human trafficking); encouraging exploitative activity, i.e. influencing the victim to actually execute and/or continue the begging activity, is regulated by section 232b of the German Criminal Code (forced labour). The exploitation of begging is a form of labour exploitation pursuant to section 233 of the German Criminal Code. If the victim is additionally deprived of their liberty, this is covered by section 233a of the German Criminal Code (exploitation in the context of false imprisonment).

In the six investigations conducted into exploitation of forced begging in 2021, exclusively female victims aged 13 - 43 were identified. These were five Romanian nationals and one Italian national. During the year before, exclusively male victims had been identified in this field of crime.

The suspects included eight men and two women aged 20 - 50. These were Romanian nationals (8) as well as one Macedonian national and one person of unknown nationality.

²² Multiple listings possible.

2.4 EXPLOITATION OF FORCED CRIMINALITY

Overview of exploitation of forced criminality

- 10 investigations (2020: 8)
- 11 victims (2020: 11)
- 17 suspects (2020: 14)



Relevant penal provisions



According to the EU Directive 2011/36 on preventing and combating trafficking in human beings, the term "exploitation of criminal activities" shall be understood as the exploitation of a person to commit offences such as pick-pocketing, shop-lifting, drug trafficking and similar activities which are subject to penalties and imply financial gain. The penal provisions governing this form of exploitation are to be found in sections 232, 233 and 233a of the German Criminal Code.

Police investigations with a view to finding evidence that the offences were committed within exploitative structures are frequently time-consuming and laborious. Often, the suspicion of human trafficking cannot be substantiated in judicial proceedings due to the victims' lacking willingness to testify. This leads to a situation where the victims, who acted out of a predicament, are for example also convicted as members of a gang of thieves while the criminal structure behind them is not recognized.

During the year under review, ten investigations into exploitation of forced criminality were concluded (2020: 8). The focus of these investigations was on property crime (7). In this context, the offenders prompted their victims - often by threatening to use violence or actually using it or locking them up - to continually commit various kinds of thefts. Four investigations were conducted pursuant to section 232 of the German Criminal Code (human trafficking) and three each pursuant to section 233a of the German Criminal Code (exploitation in the context of false imprisonment) and section 233 of the German Criminal Code (labour exploitation). In two investigations, links to forced marriage or forced labour²³ were established as well.

Seven victims were male, four were female. The average age was 21 years. Among them, there were Romanian (3), Macedonian and Ukrainian (2 each) as well as Algerian, Bosnian-Herzegovinian, German and Polish nationals (1 each).

The suspects included 13 male and four female persons and their average age was 36 years. They were Romanian and Serbian (3 each), German (2) as well as Algerian, Macedonian, Dutch and Polish nationals (1 each). The nationality of five persons could not be clarified.

Six of the identified suspects already knew their victim beforehand. As in the year before, five further offenders were related to their victims by blood or marriage. In three further individual cases, the type of previous relationship remained unknown or there was no previous relationship to the victim.

²³ See chapter 2.5 forced marriage or 2.2 labour exploitation.

2.5 FORCED MARRIAGE

Overview of forced marriage

- 10 investigations (2020: 13)
- 10 victims (2020: 14)
- 18 suspects (2020: 16)



Forced marriage as a form of human trafficking

According to recital 11 of the EU directive 2011/36 on preventing and combating trafficking in human beings of 5 April 2011, forced marriage constitutes an exploitative form of human trafficking under the following circumstances:



*"The expression "exploitation of criminal activities" should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain. The definition also covers trafficking in human beings for the purpose of the removal of organs, which constitutes a serious violation of human dignity and physical integrity, as well as, for instance, other behaviour such as illegal adoption or **forced marriage** in so far as they fulfil the constitutive elements of trafficking in human beings."*

In German criminal law, forced marriage is governed by section 237 subsection 1 of the German Criminal Code:

"Whoever unlawfully, by force or threat of serious harm causes a person to enter into a marriage incurs a penalty of imprisonment for a term of between six months and five years. The act is unlawful if the use of force or the threat of harm is deemed reprehensible in respect of the desired objective."

Forced marriage is an offence frequently following child trafficking.

During the year under review, ten investigations into suspected forced marriage were conducted. Seven of these were conducted in North Rhine-Westphalia, two in the Saarland and one in Lower Saxony.

The ten victims included three German nationals while the further victims stemmed from Southeastern Europe, Afghanistan and Syria (1 each). **Only female victims are affected by forced marriage** As in the year before, all victims were female and four of them underage. The youngest victim was 14 and the oldest was 23 years of age. Their average age was barely 19 years.

In seven cases, physical violence was used against the victims of forced marriage, in six cases, they were threatened and in four cases, they had to endure psychological violence.²⁴

Among the 18 suspects, German and Turkish nationals (4 each) dominated and were followed by Afghan and Serbian nationals (3 each). They consisted of 15 men and three women aged 22 - 61 (average age: 39 years).

24 List not exhaustive. Multiple listings possible.

Eleven of the 18 suspects were related to their victim, mostly by a parent-child constellation. In six cases, no previous offender-victim relationship was identified or this circumstance remained unknown. In one case, the offender previously knew his victim from the family environment.

2.6 EXPLOITATION OF MINORS

Overview of exploitation of minors²⁵

- 237 investigations²⁶ involving underage victims (+22.8 %), including
 - 220 investigations into commercial sexual exploitation (+23.6 %),
 - 5 investigations into labour exploitation (2020:2),
 - 6 investigations into exploitation of forced criminality (2020: 4),
 - 5 investigations into forced marriage (2020:7),
 - 1 investigation into child trafficking (2020:2), and
 - 1 investigation into exploitation of forced begging (2020:0).
- 283 underage victims (+5.2 %)
- 279 suspects (+10.3 %)



In their endeavours to fight human trafficking, the police focus especially on the exploitation of minors who are particularly vulnerable. Apart from the investigations involving underage victims already outlined as a subset in chapters 2.1 to 2.5, further relevant forms of exploitation to the detriment of minors are considered here. Above all, these are offences of commercial sexual exploitation of minors but also other criminal offences committed without sexual motivation.²⁷

When contact is established with underage victims for the first time, it is usually difficult to recognise an exploitation case because the children or adolescents concerned either do not see themselves as victims of exploitation or have been intimidated by the offenders or feel ashamed about what has happened to them. Often, the victims are not ready to lodge a complaint because they fear the police and state measures. This is particularly true when they have committed punishable acts themselves or when experiences of psychological and/or physical violence prevent them from doing so.

In 2021, the police concluded a total of 237 investigations into different forms of exploitation involving underage victims (2020: 193 investigations; +22.8 %). The lion's share of these investigations (220; 92.8 %) concerned cases of commercial sexual exploitation (2020: 92.2 %). Five further investigations were conducted into suspected labour exploitation to the detriment of minors.

It should be noted, however, that in many investigations, adults were exploited in addition to minors.

²⁵ Change compared to the previous year in brackets.

²⁶ One investigation was conducted into both forced labour and forced marriage which leads to over-counting when the number of investigations into the indicated fields of crime is added up. Each of the victims and suspects mentioned in this overview was only counted once.

²⁷ What is meant here is the abduction of children against payment (section 235 of the German Criminal Code) and child trafficking (section 236 of the German Criminal Code). 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.

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.*²⁸

In addition to the traditional offences of sexual exploitation, such as sections 232 et seq. former and amended version (human trafficking) as well as sections 180a (exploitation of prostitutes) and 181a (pimping) of the German Criminal Code, which concern underage victims (cf. chapter 2.1), further criminal offences of sexual exploitation of minors are presented in this situation report, in so far as individual cases were found to be of a commercial nature. These are the following criminal offences:

*Section 176 subsection 1 no. 3 of the German Criminal Code: Sexual abuse of children (new)*²⁹

Section 176 subsection 5 of the German Criminal Code: Offering a child for sexual abuse

Section 176a subsection 1-2 of the German Criminal Code: Sexual abuse of children without physical contact with the child (new)

Section 176a subsection 3 of the German Criminal Code: Sexual abuse for the production of child pornography

Section 180 of the German Penal Code : Promotion of sexual acts by minors (new)

Section 180 subsection 1 no. 1 of the German Criminal Code: Acting as an intermediary to promote sexual acts by minors

Section 180 subsection 2 of the German Criminal Code: Promotion of sexual acts by minors against payment

Section 182 subsection 2 of the German Criminal Code: Sexual abuse of juveniles against payment

Investigations

For 2021, a total of 220 investigations linked to the commercial sexual exploitation of minors were reported (2020: 178 investigations; +23.6 %).

- Chapter 2.1 has addressed 55 of these 220 investigations conducted pursuant to sections 232 et seqq. of the German Criminal Code and pursuant to sections 180a, 181a of the German Criminal Code, in which at least one underage victim was recorded.

²⁸ Art. 5 of the Stockholm „Declaration and Agenda for Action; 1st World Congress against Sexual Exploitation of Children“, Stockholm 1996

²⁹ The penal provisions that have been marked as (new) were introduced together with the act on the suppression of sexual violence against children. This law came into force on 22/06/2021. Since many investigations were still conducted or completed pursuant to the former provisions on acts constituting offences, the information about the newly defined sections is partly overlapping with them.

- 166 of these 220 investigations exclusively concerned further criminal offences of commercial sexual exploitation (see info box "Relevant penal provisions" in this chapter).
- 12 out of the 220 investigations were conducted into both suspected sexual exploitation and other offences of commercial sexual exploitation (so-called mixed cases).

Breakdown of investigations by Land (federal state) (extract)

Most of the investigations involving underage victims of sexual exploitation were conducted in North Rhine-Westphalia, Lower Saxony and Berlin.

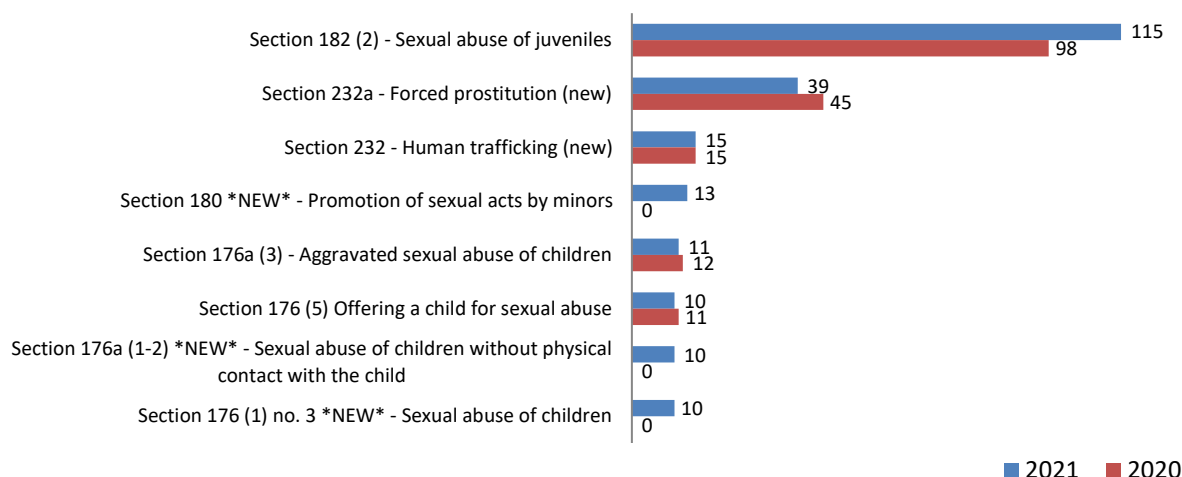
| Country | Number in 2021 | Number in 2020 |
|------------------------|----------------|----------------|
| North Rhine-Westphalia | 54 | 22 |
| Lower Saxony | 37 | 32 |
| Berlin | 34 | 23 |
| Bavaria | 19 | 28 |
| Saxony | 18 | 19 |
| Schleswig-Holstein | 15 | 8 |

Breakdown by offence

In the 220 investigations into suspected commercial sexual exploitation of minors, most of the enquiries were, as in the previous year, conducted into suspected sexual abuse of juveniles against payment pursuant to section 182 subsection 2 of the German Criminal Code (115 cases, 52.3 %; 2020: 55.1 %).

The noticeable increase in this area can inter alia be explained by the fact that three new penal provisions were introduced in the year under review and that 33 pertinent investigations were reported.

Criminal offences related to commercial sexual exploitation of minors³⁰



Victims

The 220 investigations into suspected commercial sexual exploitation of minors identified a total of 265 victims (2020: 251 victims; +5.6 %).

Again, there were more underage victims than in the year before

201 of the underage victims were between 14 and 17 years old and 52 victims were younger than 14. The age of the twelve remaining victims remained unknown. As in the two previous years, the average age was 15 years. 193 victims were female (72.8 %; 2020: 58.6 %), 64 were male (24.2 %; 2020: 40.6 %), seven were of unknown sex (2020: 2) and one was of diverse sex (2020: 0).

With 72.1 % (191 victims), German nationals once again accounted for the largest percentage of victims in the field of commercial sexual exploitation of minors (2020: 81.3 %). Among the 74 non-German victims, there were many Romanian nationals (20, 2020: 14).

The contact between the suspects and the later victims was established in various ways.³¹ In just over a third of the cases concerning underage victims (95; 35.8 %), initial contact was established via the Internet and, in particular, via relevant platforms, chats, online games and social media. Numerous victims (49 minors, 18.5 %) agreed to the establishment of contact. The family environment played a role in 29 cases (10.9 %).

Suspects

The 220 investigations conducted into suspected commercial sexual exploitation of minors identified a total of 249 suspects (2020: 218; +14.2 %).

Most of the suspects were male (215, 86,3 %) and, as in the two previous years, 22 were female (8.8 %)

³⁰ All sections mentioned refer to the German Criminal Code; multiple listings possible. Only two-digit investigation numbers were taken into account.

³¹ Multiple listings possible. Only the most frequent modi operandi were taken into account.

while the sex of twelve suspects remained unknown. The average age of the suspects was 37 years (2020: 35 years) and thus 22 years above the average age of the victims.³²

As in the year before, German nationals made up the largest percentage of suspects (155; 62.2 %). Further suspects were inter alia of Afghan (3.2 %) and of Iraqi (2.8 %) nationality. The nationality of 39 suspects (15.7 %) could not be identified.

Most suspects (107; 43.0 %) did not know their victim prior to the offence. Almost every third suspect (80; 32.1 %) had already become acquainted with the victim beforehand while 20 suspects (8.0 %) were related to the victim. In 42 cases (16.9 %) it remained unknown whether or not the suspect had had a previous relationship with the victim.

2.6.2 Labour exploitation of minors

In 2021, five investigations involving underage victims were conducted in the field of labour exploitation (2020: 2). The six victims came from Romania, Vietnam (2 each) as well as Belarus and Serbia (1 each). The investigations were directed against eleven suspects including three German and three Serbian nationals.

2.6.3 Exploitation of forced criminality to the detriment of minors

In 2021, six investigations into this field of crime were reported (2020: 4). In most of these cases, older compatriots instructed and prompted children or juveniles to commit property offences. Among the suspects, there were seven men and one woman with an average age of 36 years. The victims were four boys and two girls aged 13 to 17.

In practice, the detection of such exploitative circumstances is difficult because minors, who are for example forced to commit thefts, are often exclusively perceived as offenders and not as victims, so that the offender structure behind them is frequently not recognized.

2.6.4 Other forms of commercial exploitation of minors

As in the two previous years, no investigations were conducted into suspected child abduction against payment during the year under review either. One investigation was conducted into suspected trafficking in children and five investigations into suspected forced marriage.

³² It has to be taken into account, however, that in individual investigations, adult victims were additionally identified. Therefore, it is not possible to clearly link the suspects exclusively to underage victims.

Child abduction, child trafficking and forced marriage



Other forms of commercial exploitation of minors include the following offences:

- *Section 235 of the German Criminal Code (Child abduction against payment)*
- *Section 236 of the German Criminal Code (Child trafficking)*
- *Section 237 of the German Criminal Code (Forced marriage)*

Typical of child trafficking is either the massive limitation of the children's personal freedom or their exploitation, which aims primarily at the suspects' or third parties' intention to enrich themselves.

Forced marriage is an offence frequently following child trafficking and features numerous parallels to the phenomenon of human trafficking. Underage girls are often treated as commodities that can be commercialised for considerable profit. In such a marriage, the offenders usually restrict their victims' rights to freedom on a permanent basis. Moreover, police experience has shown that victims of these offences are often massively intimidated by the offenders, which is why they are only very rarely willing to testify.

In the investigation conducted into suspected child trafficking, a one-year-old girl of Ukrainian nationality was the victim.

The five underage and exclusively female victims of forced marriage, who were aged 14 to 17, had German (2), Albanian, Macedonian or Montenegrin (1 each) nationality.

Only in three cases, the nationality of the eleven suspects in the six investigations conducted into suspected child trafficking or forced marriage corresponded to the nationality of the respective victims. The age of the suspects was between 25 and 61 years (average age: 44 years). In six cases, there was no previous relationship or this circumstance remained unknown. In three further cases, the victim was related to the offender, and in the remaining two cases, they were acquainted with each other in a different way.

Another investigation was conducted into suspected exploitation of forced begging. In this case, the 40-year-old mother of a 13-year-old child was suspected. Both of them were Romanian nationals.

3 Overall evaluation

The total number of completed investigations into suspected human trafficking and exploitation rose again, as in the previous year.

In the field of human trafficking for sexual exploitation, the number of investigations remained constant in comparison to the year before. In Germany, the significance of prostitution in apartments continues to grow. For years, this phenomenon has mainly featured (Eastern-)European and Southeast-Asian victims. In contrast to prostitution in apartments, house and hotel calls as well as traditional bar, brothel and street prostitution appear to have continued to decline in importance as is shown by the downward trend of the figures.

All in all, this development reflects the restrictive measures taken as a result of the COVID-19 pandemic and, above all, the closure of prostitution sites for a relatively long period of time as well as the temporary ban on the practice of prostitution.

In the area of labour exploitation, the number of completed investigations increased again. This can, among other things, be attributed to the new responsibilities assumed by the Financial Control of Undeclared Work unit and the related increase in investigations conducted there. During the year under review, the nursing/care and the construction sector were found to represent the most frequent areas of exploitation.

The year 2021, too, saw a significant increase in the investigations conducted into offences to the detriment of underage victims of exploitation, especially in the field of commercial sexual exploitation of children and juveniles. This increase was accompanied by a rise in the numbers of identified suspects and victims.

A high number of unreported cases still has to be assumed in the area of human trafficking and exploitation. As it is a crime that is mainly revealed by controls, different levels of control can have considerable influence on the case figures.

Therefore, targeted and internationally coordinated police control activities in the context of so-called "Joint Action Days", where exploitative offences to the detriment of children and juveniles were detected, contributed to another increase in identified underage victims in Germany. Considering that suspects mainly operate at international level in this field of crime as well, criminal offences in the area of human trafficking and exploitation can only be suppressed successfully if international police cooperation is further expanded.

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