



Office of the Special Representative and  
Co-ordinator for Combating Trafficking  
in Human Beings



# ANALYSING THE BUSINESS MODEL OF TRAFFICKING IN HUMAN BEINGS TO BETTER PREVENT THE CRIME

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# FOREWORD

Trafficking in Human Beings (THB) is a transnational threat to all OSCE participating States which shows no signs of diminishing. Modern slavery in the 21<sup>st</sup> century continues to be a challenge to the international community despite our best efforts to eradicate this crime against humanity, to guarantee the safety and well-being of women, men and children and ensure that they are free from exploitation and torture. It is our common responsibility and our mission to achieve this goal of a secure society free from products and services produced through exploitation.

THB is a gross violation of human rights. The OSCE has reiterated that: it is an abhorrent human rights abuse (OSCE Ministerial Decision MC(8).DEC/1 ); an abhorrent violation of the dignity and rights of human beings (MC(10).JOUR/2); it violates human dignity and undermines the enjoyment of human rights and fundamental freedoms (MC.DEC/13/05; MC.DEC/14/06). In January 2010, this notion of human trafficking was confirmed by the European Court on Human Rights, which recognized THB, in line with Article 4 of the European Convention on Human Rights, as a form of slavery and forced labour.

The OSCE addresses human trafficking as part and parcel of our efforts to ensure common and comprehensive security, as an issue encompassing all three OSCE dimensions – even though, protecting the rights of trafficked persons, their interests, their rehabilitation and reintegration have always been at the centre of our activities and our ongoing dialogue with the participating States. The OSCE has provided the participating States with advanced and comprehensive recommendations on what can (and should) be done to ensure adequate protection and assistance to the victims of this horrendous crime.

Still, another critical side of tackling human trafficking is not adequately studied, the criminal component. This lacuna of knowledge has posed a serious challenge to the effective identification of trafficking cases and equally to efficient prosecution. In comparison with the huge amount of persons estimated to be trafficked annually across borders, which amount to more than 500,000, as well as those trafficked internally, the 5,000 cases of actual prosecutions make a mockery of the plight of the victims, their broken destinies, and hinder the process of recovery from their suffering and trauma, as well as the restoration of their dignity.

This is why the OSCE proposed to implement an Expert Group Initiative under the United Nations Global Initiative to Fight Human Trafficking and undertook an exploratory research “Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime” – an innovative study carried out by a team of internationally recognized experts, Ms. Alexis Aronowitz (the main author/consultant), Mag. Gerda Theuermann (consultant, international expert on migration and THB issues), and Dr. Elena Tyuryukanova (consultant, Director of Centre for Migration Studies). Led by Ms. Aronowitz, known in the anti-trafficking community for her book “Human Trafficking. Human Misery. The Global Trade in Human Beings”, the team produced evidence-based research revealing criminal gangs and their modus operandi, thus helping to confront and dismantle the criminal business. The expression “Trafficking pays!” is an apt statement of the *raison d’être* behind all criminal networks and those facilitating this heinous crime. How can one undermine this profit motive along with the seemingly zero risk of the undertaking? The study provides some possible answers for serious consideration. It is a timely and significant step forward in the joint efforts of the international community to stamp out THB – a crime and a violation of the whole spectrum of human rights and fundamental freedoms.

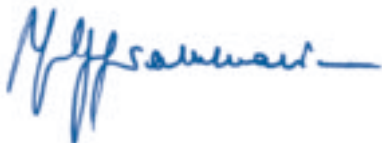
# ACKNOWLEDGEMENTS

This study is the result of the dedicated work of many people. First and foremost, the main author of the research, Ms. Alexis Aronowitz and her team, consultants Gerda Theuermann and Elena Tyuryukanova. They have done their utmost to collect reliable data, to validate theoretical frameworks, and to share their conclusions with practitioners and researchers, while overcoming technical obstacles, time constraints, language barriers with inspired professionalism. We must also extend our sincere gratitude to Dr. Louise Shelley, an anti-trafficking expert of global level and a reviewer, whose advice and guidance were of great help and value for the team. We would like to sincerely commend Mr. Joachim Delventhal whose dedication and tremendous support enabled the team to achieve this meaningful result.

This publication is a true reflection of the significant contributions provided to the authors by a large group of experts from the OSCE participating States, including state officials and NGOs from Austria, Netherlands, Russian Federation, United Kingdom, Belgium, and Tajikistan. Some initial ideas for the outline for this research were provided by Prof. Nikos Passas (USA), known for his Anomie Theory and publications on criminology. The list of experts (Appendix 3) who contributed to this research is hard to complete – we are gladly adding the names of Dr. John Picarelli (International Center, National Institute of Justice, USA), Ms. Sheila Coutts, Ms. Narue Shiki and Ms. Albina Yabukova (UNODC), Ms. Regina Rusz (National Co-ordinator on THB, Austria), Mr. Gerhard Joszt (Colonel, Bundeskriminalamt, Austria), Mr. Stef Janssens (Centre for Equal Opportunities and Opposition to Racism, Belgium), Mr. Hannes Snijder (Bureau of National Rapporteur on Trafficking in Human Beings, Netherlands), Ms. Katie Rogers and Mr. Pier Rossi-Longhi (IOM-Vienna), Ms. Elisabeth Duban (independent expert, United Kingdom), as well as the OSCE colleagues – Mr. Dimitar Jalnev (Anti-Terrorism Unit) and Ms. Freya Von Groote (Adviser on Gender Issues).

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And last but not least, I want to thank Ms. Vera Gracheva, my Senior Advisor, who tirelessly led the efforts of my team throughout the entire process, convening and corresponding with the authors and experts, reading each draft and providing expert insights from her long experience on this issue with the OSCE. I would also like to thank my Deputy, Ms. Ruth Pojman, who had the idea and developed the initial concept for this research, and also provided substantive inputs and support to this paper throughout the process; and all my staff – advisers, secretaries and interns – whose invaluable teamwork and support made this important paper possible.



*Maria Grazia Giammarinaro*  
*Special Representative and Co-ordinator for Combating Trafficking in Human Beings*

Vienna, March 2010

# EXECUTIVE SUMMARY

## Introduction

The purpose of this project is to assist the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings to identify theoretical underpinnings which may explain the business and socio-economic factors contributing to human trafficking in a wide context. This will facilitate the implementation of a holistic preventive strategy and help identify knowledge gaps that will need to be addressed in the very near future. In keeping with the OSCE Action Plan to Combat Trafficking in Human Beings and the United Nations Global Initiative to Fight Human Trafficking, it is anticipated that this exploratory research will pave the ground for a well-informed debate and assist in the further development of a comprehensive counter-trafficking policy. A second major objective is to provide recommendations, next steps and guidelines for decision makers, civil society and other concerned actors on the effective prevention of human trafficking.

This study was implemented as part of the UN.GIFT Expert Group Initiative, as it seeks to produce guidance toward both short- and long-term results that will contribute to more effective prevention of human trafficking.

## Understanding the Phenomenon

Human trafficking is a complex process during which the victims pass through a number of different stages or nodes (recruitment, transportation, exploitation and disposal), possibly in different countries. Trafficking is a human rights violation which places persons at risk of being victimized at each of these nodes or stages, at which point a number of human rights violations and crimes are perpetrated against the individual victims. Human rights violations include deprivation of liberty, safety and security, lack of access to health care or medical services, sanitary conditions, education or contact with their families. Labour violations during the trafficking exploitation include the non-payment of wages, violation of safety measures and failure to respect the maximum number of working hours. Additionally, crimes perpetrated against the victims during the trafficking process include threats, theft of documents or property, illegal deprivation of liberty, aggravated and/or sexual assault, forced prostitution, rape or even death.

Trafficking may be facilitated by legitimate businesses or individuals working for or with trafficking enterprises along or during this trafficking process. Businesses may knowingly or unknowingly purchase the products produced or harvested by trafficked victims; customers may use the services of women and children forced into prostitution. Corrupt border guards, police or embassy personnel may facilitate trafficking practices. The degree to which these underworld figures are involved, may determine how long and how successfully trafficking organizations are able to operate.

Trafficking organizations can vary from single individuals or soloists, to complex networks involving numerous individuals. Organizations can be flat with little division of labour, while others can be hierarchical with multiple tasks carried out by different individuals. Group members can be related by blood, tribal or clan affiliations, or can be brought together by nothing more than their expertise or knowledge of a particular market and interest in making money.

A deep understanding of how trafficking enterprises work – their members, roles, modus operandi and the markets in which they exploit their victims – will allow governments to take measures to prevent and successfully intervene in trafficking operations.

## Theoretical Framework

This exploratory research aimed to understand what makes the THB market profitable, considering the demand, costs, risks, revenues, and profit margins and – consequently – to remove a powerful incentive and disrupt the trade. In order to accomplish this goal, the project focused on trafficking at both the individual level (Rational Choice Theory and Neutralization Theory), explaining decisions individuals take while conducting a cost-benefit analysis and justifying their actions, and at the organizational level (Routine Activities Theory). For the latter, the study focused on a comprehensive description of the economic and social organization of human trafficking, its modus operandi, aspects of its business model, the ways in which it interfaces with other criminal enterprises, other types of crimes and the nexus between human trafficking and legal enterprises and professionals (in other words, the environments conducive to organized criminal activity). Process analysis looks at the links in the supply chain, while Strategy analysis helps to understand factors that influence an organization's choices based on rationality – necessary for the application of all business theory.

## Research Methodology

This innovative study is based upon a literature review, field research in a few participating States, and an analysis of 25 cases, expert interviews and other material obtained from criminal justice experts, through governmental and non-governmental reports, or from the media.

For the purpose of the analysis, a number of tools were developed including an interview protocol (Appendix 2), a checklist for the analysis of case files (Appendix 4) and a checklist of measures taken by trafficking organizations to increase profits, and reduce costs and risks (Appendix 5).

## Data Analysis and Research Findings

Chapter 5 presents an assessment of trafficking cases included in this study and examines the traffickers, their organizations and their modus operandi – including the means they use to recruit, transport, exploit and control their victims. The cases included in this study cover a wide array of situations, from individual traffickers to loose networks built on family or friendship ties, to more highly organized and sophisticated international operations. It is important for law enforcement to recognize the involvement of individuals in trafficking. The larger and more sophisticated the organization, the greater the likelihood that police are able to identify different roles within the organization. The roles are often fluid and chauffeurs, escorts and guides can easily take on other roles such as pimps and brothel owners.

Traffickers are a heterogeneous group about whom only limited information is available. They vary from former ‘trafficked-victims-turned-traffickers’ to housewives, business owners and pimps – and share few common characteristics. A trend observed is the increasing involvement of women in trafficking, not just as recruiters, but also playing a more prominent role in both the organization and the trafficking process (although particularly in the case of trafficking for sexual exploitation, many of them are former victims, forced into these activities by their traffickers. They may become easy targets for law enforcement). Victims, too, differ on a number of demographic variables such as age, gender, marital status and educational level and work experience. As a group, however, they share a common trait. They may be vulnerable or they find themselves in vulnerable situations in which they, at some point, lose control over their self-determination and become victims of trafficking.

This study has shown that domestic trafficking is a problem in certain countries. While the number of domestic trafficking cases reviewed in this research is small, it is a serious problem in most countries that to date has been overlooked. This may have to do with the fact that the indicators and methodologies/mechanisms that have thus far been developed to identify trafficked victims are more helpful and reliable for international trafficking with foreign victims, than for the identification of domestic victims. Markets of exploitation differ between and within countries, and may be influenced by the local conditions. The local conditions may favour or support particular forms of trafficking – for domestic servitude, fishing, agriculture, construction or prostitution. Trafficking into certain markets may be more prevalent in one city in a country than in another city in the same country. Not only do the markets of exploitation differ, but so do the means that traffickers use to exploit their victims. The coercion used to maintain control over victims varies from the subtle pressure to repay debts, to debt bondage, manipulating the victims into falling in love with their traffickers, constant supervision, the use of guards, threats, actual violence and voodoo practices or a combination of any of the above.

Globalization, open borders and visa-free travel between Schengen or EU countries and between CIS countries have decreased the reliance of traffickers upon false documents and smuggling to bring individuals illegally into destination countries while also necessitating new approaches for the identification of victims with legal residency in destination countries. Border controls present an opportunity for governments to identify the movement of potential victims into a destination country and intervene even before these potential victims are exploited. The international nature of trafficking clearly points to the fact that dismantling a trafficking organization requires focusing also on the recruitment phase in the country of origin as well as on the transit routes, and demands international co-operation between government agencies in countries of origin, transit and destination. At the same time, domestic trafficking is a serious problem in many countries and new indicators must be developed to identify these victims.

The area least explored and understood in the trafficking process is the profit generated by trafficking and the financial investments of traffickers. It is not clear whether profits are re-invested to increase the trafficking business, whether the profit is spent in maintaining a luxurious lifestyle (the latter was more prevalent in the cases included in this study where this information was available) or whether profit is invested in legitimate businesses in the trafficker’s home country – or a combination of any of these. It remains one of the most important aspects in controlling trafficking as the seizure of assets of traffickers and trafficking profits will increase the cost to traffickers.

Corrupt government officials and legitimate actors facilitate trafficking in human beings and protect traffickers. Their role must be examined in terms of their involvement and the degree to which they can be held accountable in trafficking prosecutions. This is particularly true in politically sensitive cases involving individuals with ties to high-level officials or involving huge profits and money laundering schemes.

Trafficking has been linked to other crimes, some of which are instrumental in instances of human trafficking – smuggling, document fraud, corruption, money laundering, and crimes against the victims – kidnapping, assault, illegal detention, theft of documents, rape and murder. Trafficking organizations have been linked to drug trafficking, people smuggling, trafficking in illegal arms, stolen vehicles and organized burglary. Traffickers have been known to force their victims to commit crimes which include forced begging, theft and drug smuggling. It is essential that law enforcement investigating these and other crimes are alert to signals indicating the involvement of these same criminals in human trafficking.

Governments are responding with different measures to eradicate trafficking as a transnational threat. These include awareness raising through training of front line staff and campaigns to raise awareness of customers of prostitutes who may come into contact with trafficked victims. Other awareness raising campaigns are aimed at the general public to purchase products responsibly and support fair trade companies which can guarantee that no slave or trafficked labour was used in the supply chain producing their products. The Netherlands, the U.K. and the U.S. have established centres to bundle expertise from different organizations (police, prosecution, border control, military police, NGOs) and to provide expertise to police in local investigations. Governments are expanding their reach by taking executive measures to withdraw licences and refusing to issue licences to businesses suspected of using slave labour or trafficked persons.

Cost and risk reduction are directly tied to increasing profits generated through trafficking. It is important to understand which measures are used by traffickers to protect their operation as preventive measures can be taken by governments to counter these.

## Policy Implications & a Comprehensive Approach to Combating Human Trafficking

A number of policy measures were introduced in this research. These must be undertaken if governments are to be successful at combating trafficking and protecting victims. It is essential to raise awareness among the general population as well as other allies such as private industry. A comprehensive approach must address the supply and demand side of human trafficking, increase the cost and risk to traffickers while reducing the profits generated as a result of this crime. Victim protection and upholding the rights of victims should be at the centre of any investigation.

Most of this can be accomplished through a number of tools that are described in the second part of Chapter 6. Risk assessment should help identify which markets are at greatest risk to trafficking. This may depend upon local conditions, residents, seasonal employment or other factors. Risk assessment examines the variables of supply, demand, competition and regulation. The Market Reduction Approach explains why and how the focus of investigation should be the market which supports trafficking, rather than the individual crime or criminal (network). The Barrier Model examines trafficking in all of its phases and identifies barriers which can be constructed at each of the phases by network partners to interrupt the trafficking process. Together these three tools strengthen stakeholders' efforts in preventing, intervening in or obstructing human trafficking practices.

## Recommendations (to Governments and Other Stakeholders to Combat Trafficking)

### A. General Recommendations

- 1) To have comprehensive trafficking legislation in place and enforced; this includes increasing prosecutions and handing down prison sentences to all involved in the trafficking chain and ensuring that the sentences are also served;
- 2) To address all forms of human trafficking – including domestic trafficking; special attention should be paid to child trafficking;
- 3) To make anti-trafficking responses comprehensive, human rights-based and victim-centred; protection of victims and their human rights, including the right to obtain compensation for the harm suffered, should be at the core of anti-trafficking efforts;
- 4) To establish and/or strengthen the co-ordination of anti-trafficking efforts and the position of the National Rapporteur or equivalent mechanism to monitor and constantly improve anti-trafficking responses;
- 5) To tackle corrupt practices if trafficking measures are to be successful;

## *B. Recommendations Related to Prevention and Protection*

- 6) To enhance prevention as the cornerstone of all anti-trafficking efforts;
- 7) To involve all relevant stakeholders including government agencies, civil society actors, NGOs, the private/corporate sector, religious institutions and the media in the fight against human trafficking;
- 8) Self-regulation including codes of conducts, fair trade practices and supply chain management to be introduced by private industry to ensure that trafficked persons and slave labour are not involved in the production of the company's products and services;
- 9) To establish National and Transnational Referral Mechanisms (NRMs and TRMs) for the protection of victims' rights, including identifying all trafficked persons and to ensure their referral to and support/protection by appropriate services;
- 10) To develop a systematic approach to identifying the phases of trafficking and by which stakeholders could make the greatest impact (the basis of the Barrier Model);

## *C. Recommendations Related to the Business Model and Market Analysis of Human Trafficking*

- 11) To focus on the business side of trafficking and the markets which support its existence with a view to achieve a more long-term impact;
- 12) To address both supply and demand factors aiming at eradicating human trafficking;
- 13) To take measures aimed at increasing the cost and risk to human traffickers which in turn should reduce profits;

## *D. Recommendations Related to the Investigation of Human Trafficking*

- 14) Trafficking modus operandi constantly change – therefore, in line with the Market Reduction Approach, to conduct regular risk assessments regarding persons and markets most at risk at the national and local levels;
- 15) To ensure collection of evidence-based, reliable data which is essential to risk assessments and monitoring high risk victims and markets;
- 16) To establish interdisciplinary national expertise centres on human trafficking to foster interagency co-operation and involve civil society partners;
- 17) To ensure that investigations are proactive, intelligence-led and victim-centred;
- 18) To strengthen international operational co-operation which is essential for successful investigations into human trafficking and money laundering and investments of criminal proceeds, and prosecutions;
- 19) To ensure that investigations into human trafficking include financial investigations;
- 20) To conduct successful seizure and confiscation of assets as a key factor in tackling the 'business' of human trafficking.

## *E. Recommendations for Future Targeted Research*

Governments are strongly encouraged to support targeted research on the 'crime side of trafficking'. This should include examining trafficking at the individual level using the Rational Choice Theory and Neutralization theories as well as examining the phenomenon at an organizational level utilizing business models and market selection. A deep understanding of how trafficking enterprises work – their members, roles, modus operandi and the markets in which they exploit their victims – will allow governments to take measures to prevent and successfully intervene in trafficking operations. To this end, it is the key recommendation that governments should support targeted research on the 'crime side of trafficking'.

More research is needed on the theoretical approaches to human trafficking as outlined in this report. These include testing rational choice and neutralization theories to explain the behaviour and beliefs, motivations and rationalizations of individual traffickers. Interviews with traffickers or close examination of police or court records would provide the insight needed. Information should be obtained from both convicted criminals and from those still involved in trafficking, and research should focus on all of those involved in the trafficking chain, including those who aid and abet trafficking. Co-operation with investigative journalists utilizing verifiable information could provide a greater understanding of how traffickers operate.

Answers to these and related questions will assist stakeholders in planning strategic and targeted preventive interventions, including demand-reduction approaches and measures. Governments can benefit from pilot innovative policy approaches, based on these research findings, accompanied by impact evaluations to ensure that these measures are effective while minimizing the risks of unintended harmful consequences.

The report includes a number of concrete recommendations for targeted future research.





# CHAPTER 1

## PURPOSE OF THE STUDY

### Introduction and Problem Analysis

The business of human trafficking cannot be regarded in isolation from its root causes and the individual actors or organizations with whom and with which it interfaces. Offenders are most often opportunistic, abuse their position of power, are motivated by profits, and participate in various illegal activities and markets to further their financial gain. Within the course of their activities, traffickers often interact with both legal and illegal individuals and entities, who and which willingly or unknowingly benefit from or support this illicit business. Understanding market factors and focusing on the business aspects of trafficking organizations and interactions between formal and informal economic activities will allow measures to be taken to disrupt the market forces which allow trafficking to thrive.

At the local, national and international levels, it is necessary to understand and address the environment and market factors that cause vulnerabilities to human trafficking, make it profitable or play a facilitative role. Additionally, it is necessary to bring into the analysis the ways in which legal and illegal market participants, economic conditions and the political environment and cultural context combine to facilitate, enhance or generate vulnerabilities and demand for the services provided by victims of human trafficking. To fully understand the mechanisms of human trafficking, it is necessary to focus not only on the environment or situations which make potential victims more vulnerable to trafficking, but also on those factors that facilitate the traffickers and those who participate or aid in the crime of trafficking,<sup>1</sup> to include customers and clients who purchase the services or goods produced by trafficked persons.<sup>2</sup> This is especially important as most of the focus of research on human trafficking has traditionally been on the victims and not the perpetrators or others who form a part of the trafficking chain.

### Objectives

The purpose of this Expert Group Initiative project is to assist the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings to identify theoretical underpinnings which may explain the business organization factors contributing to human trafficking in a wider context. This will facilitate the implementation of a holistic preventive strategy and help identify knowledge gaps that will need to be addressed in the very near future. In keeping with the OSCE Action Plan to Combat Trafficking in Human Beings and the United Nations Global Initiative to Fight Human Trafficking, it is anticipated that this exploratory research will pave the ground for a well informed debate and assist in the further development of a comprehensive counter-trafficking policy.

A second major objective is to provide recommendations, next steps and guidelines for decision makers, civil society and other concerned actors on the effective prevention of human trafficking.

This study aims to assist policy makers in better appreciating the market and business variables as well as the interconnections between human trafficking and other illegal enterprises and legal actors, so that they can fine-tune prevention efforts by focusing more on the economic, social, cultural and criminal aspects in order to disrupt the traffickers and to undermine this market. An objective of these counter-trafficking recommendations will be to pave the ground for future efforts to maximize synergies with other security, development and crime control policies currently contemplated or implemented (especially with respect to cross-border organized crime and corruption).

This study was implemented as part of the UN.GIFT Expert Group Initiative, as it seeks to produce guidance toward both short- and long-term results that will contribute to more effective prevention of human trafficking.

### Scope and Analytical Framework

This exploratory study involved a critical and focused literature review combined with field research in Austria, the Russian Federation, the Netherlands and the United Kingdom over a period of three months. The study analyses

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1 Included in this group are those legal and illicit actors who facilitate the crime by providing visas, false documentation, turning a blind eye or accepting/demanding bribes.

2 For more information, see the IOM campaign "Buy Responsibly".

cases<sup>3</sup>, expert interviews and other material in order to identify the most important contextual and contributing factors. Cases used for the analysis were obtained through criminal justice experts in the participating countries or through governmental and non-governmental reports, or from the press.

The objective of the research is to identify *the factors that make human trafficking thrive*. In order to accomplish this goal, the project focuses upon trafficking at both the individual and organizational level. For each of these levels of assessment, a theoretical framework was selected to help understand the process of human trafficking.

At the individual level, traffickers or their cohorts make a decision to become involved in the trade. Rational Choice Theory seeks to explain decisions individuals take while conducting a cost-benefit analysis. This theory sees criminals as reasoning beings who choose to commit a crime after weighing its costs, benefits and risk of identification and prosecution. This includes the immediate need for criminal gain, the risk of apprehension, the severity of punishment if caught and the (potential) value of the criminal enterprise. Additionally, Neutralization Theory may serve to further our understanding of the justifications or rationalizations traffickers use to explain their participation in human trafficking.

At the mezzo-level, the unit of analysis will be the individuals working together to form the trafficking organization. The study focuses on a comprehensive description of the economic and social organization of human trafficking, its modus operandi, aspects of its business model, components and the ways in which it interfaces with other criminal enterprises, other types of crimes and the nexus between human trafficking and legal enterprises and professionals. The theoretical frameworks used to understand trafficking at this level are Routine Activities Theory, as well as principles of business, in particular, examining market variables and process and strategy analysis. Routine Activities Theory concentrates on individual actors and their motivations as well as situations or criminal settings – in other words, the environments conducive to organized criminal activity – that contribute to crime. Process analysis looks at the links in the supply chain with an eye toward possible interventions to disrupt the human trafficking supply chain. Strategy analysis, examining the environmental influences on the organizational strategy by examining the external constraints, tries to understand the multitude of factors that influence an organization's choices, always presupposing that they are based on rationality as is necessary for the application of all business theory.

It is important to understand what makes this illegal market profitable, considering the demand, costs, risks, revenues, and profit margins with an aim toward understanding how to remove a powerful incentive and disrupt the trade. This will allow governmental and non-governmental stakeholders as well as those from private industry to prevent and interrupt trafficking practices and assist victims in their recovery.

## Data and Analysis

This study is based upon the analysis of 25 cases obtained from various sources to include published reports by the police, courts and government agencies as well as the press. All countries included in the study are participating States of the OSCE. Trafficking cases within, into or from Belgium, Germany, France/Italy, the Netherlands, the Russian Federation, Tajikistan, the United Kingdom, the United States and Uzbekistan have been included in the study. Additionally, extensive interviews were held with experts in Austria.<sup>4</sup>

## Policy Implications and Recommendations

The collected data on the business model of human trafficking and contextual analysis offers the empirical basis and conceptual tools necessary for a detailed discussion of policy implications and recommendations with a view to provide elements of a prevention strategy and make recommendations for policy makers and practitioners. These are recommendations for state and non-state actions that could not only reduce victim vulnerability but also the business profitability of human trafficking, ease of its illicit operations, vulnerability to corruption, and disrupt as many illicit markets as possible.

Further, recognizing that data are not always available or reliable, the study aims at identifying critical knowledge gaps that will need to be filled in the near future. The study clarifies what we do not know about the problem, what we need to find out and what next steps are necessary for a more effective and fully informed preventive strategy. This comprehensive strategy must reach further than governmental agencies and must involve the commitment from the inter-governmental and non-governmental sector as well as civil society and private industry. While this study has focused on cases in participating States of the OSCE, recommendations are clearly applicable to anti-trafficking stakeholders in States outside of this region.

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3 Cases from countries other than those listed above were also included in the study. See Appendix 1 for a description of the cases included in this study.

4 For more detail on the selection of countries and methodology, see Chapter 4.

# CHAPTER 2

## UNDERSTANDING THE PHENOMENON

### Definition of Trafficking in Human Beings

In line with Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the OSCE defines trafficking as "... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".<sup>5</sup>

In accordance with this definition, the crime of trafficking in persons has three constituent elements, listed below,<sup>6</sup> and the United Nations Trafficking in Persons Protocol requires that the crime of trafficking be defined through a combination of these three components:<sup>7</sup>

1. *An act* (what is done): recruitment, transportation, transfer, harbouring or receipt of persons;
2. *The means* (how it is done): threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; and
3. *An exploitative purpose* (why it is done): this includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Human trafficking differs from the smuggling of migrants. Article 3 of the United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime defines smuggling of migrants to mean "... the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident".<sup>8</sup> The Smuggling Protocol requires the transportation of individuals across State borders. The essential element in the Trafficking Protocol is an action taken for the purpose of exploitation. Trafficking does not require transportation (across borders) and under this definition, persons may be victims of trafficking within their own countries.

### Analysing Human Trafficking: A Process

It has been suggested that "... crimes follow 'scripts' which permit them to be broken down into a series of constituent acts regardless of the identity of the particular criminal".<sup>9</sup> This is clearly the case in human trafficking, which

5 United Nations, *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, Article 3, <[http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf)>, accessed 31 March 2010; OSCE Action Plan to Combat Trafficking in Human Beings, PC.DEC/557, <[http://www.osce.org/documents/pc/2003/07/724\\_en.pdf](http://www.osce.org/documents/pc/2003/07/724_en.pdf)>, accessed 31 March 2010.

6 UNODC, UN.GIFT and Inter-Parliamentary Union, *Combating Human Trafficking: A Handbook for Parliamentarians* (2009), pp. 13-14, <[http://www.ungift.org/docs/ungift/pdf/knowledge/Publications/UN\\_Handbook\\_engl\\_core\\_low.pdf](http://www.ungift.org/docs/ungift/pdf/knowledge/Publications/UN_Handbook_engl_core_low.pdf)>, accessed 31 March 2010.

7 In some cases, these individual elements will constitute criminal offences independently. For example, abduction or the non-consensual application of force (assault) would be likely to constitute separate criminal offences under domestic criminal legislation.

8 United Nations, *United Nations Protocol to Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*, Article 3, p. 2, <[http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_smug\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_smug_eng.pdf)>, accessed 31 March 2010.

9 R. Naylor, 'Towards a General Theory of Profit-Driven Crimes', *British Journal of Criminology*, 43 (2003), p. 81: The scripts approach was developed by Derek Cornish.

can be described as a process rather than a single offence<sup>10</sup>, a process<sup>11</sup> involving different stages or nodes<sup>12</sup> through which victims pass and involving different persons at each stage of the process. The first stage involves deception, or the abduction, or recruitment of a person followed by the transportation and entry of the individual into another country (in the case of transborder trafficking, but not in the case of domestic trafficking). The third phase is the exploitation phase during which the victim is coerced or forced into sexual or labour servitude or is trafficked for the purpose of organ removal, forced begging or other crimes. Pennington, et. al (2009) introduces a phase which they call “victim disposal”. At this stage, the victim, whose value has declined, is then ‘disposed of’ by the final owner.<sup>13</sup> An additional phase may occur, one which involves the offender and is common to any large-scale criminal organization: the laundering of criminal proceeds, and even investment in other criminal activities. From the perspective of law enforcement, there may be further links to other criminal offences such as the smuggling of weapons or drugs.<sup>14</sup>

Numerous crimes are committed when human trafficking occurs. These may be instrumental criminal activities which are perpetrated *in direct furtherance* of the trafficking activity or the crimes may be secondary and occur as a result of the trafficking activity.<sup>15</sup> Examples of instrumental criminal activities are falsification of documents, forced prostitution<sup>16</sup> or other forms of sexual or labour exploitation, violence associated with maintaining control over victims, and corruption of government officials. Examples of secondary crimes are money laundering and tax evasion.

To further refine our understanding of trafficking, it is necessary to also understand the ‘victim’ against whom the crime is being perpetrated – the individual victim or the State. It can be questioned whether or not the State can be viewed as a victim. Corruption of government officials leads to the moral and legal deterioration of a government which could result in additional criminal activities on the part of corrupt officials. Furthermore, States may actually be complicit in situations where structures or officials facilitate trafficking, turn a blind eye or create obstacles to improving or passing legislation, or arresting and prosecuting traffickers. In this sense, the State violates victims’ rights and becomes an offender rather than a victim. Allegedly, there are countries where the family members of heads of State engage in trafficking for profit.<sup>17</sup>

In addition to crimes being perpetrated against the victim, trafficking in human beings is a human rights violation at every stage of the process. During the trafficking process, crimes perpetrated against the victims include illegal deprivation of liberty, threats, cruel and/or degrading treatment, theft of documents or property, aggravated and/or sexual assault, forced prostitution, rape or even death. Labour violations occur as well and include the non-payment of wages, violation of safety measures and failure to respect the maximum number of working hours. Offences committed against the State include document forgery, violation of immigration and labour laws, corruption of government officials, smuggling of migrants, money laundering and tax evasion.<sup>18</sup>

The number and types of offences perpetrated may be dictated by the sophistication of the criminal groups involved and the nature of the trafficking operation. The operations can be as simple as the trafficking of a single victim by an individual over a border without proper documentation by vehicle or foot, to highly sophisticated operations moving large numbers of persons, using forged documents, corrupting government officials and generating huge profits which must subsequently be laundered.<sup>19</sup>

Diagram 1 illustrates the trafficking process through which victims pass as well as the different offences<sup>20</sup> perpetrated against victims (the individual victim or the State) at the various stages.<sup>21</sup> The diagram shows crimes that occur during

10 Trafficking does not require the transportation or crossing of international borders and the prevalence of internal or domestic trafficking may be greater in some countries than international trafficking.

11 Alexis Aronowitz, *Coalitions Against Trafficking in Human Beings in the Philippines* (Vienna: United Nations Office on Drugs and Crime and the United Nations Interregional Crime and Justice Research Institute, 2003), <[http://www.unodc.org/pdf/crime/human\\_trafficking/coalitions\\_trafficking.pdf](http://www.unodc.org/pdf/crime/human_trafficking/coalitions_trafficking.pdf)>, accessed 31 March 2010.

12 J. Pennington et al., “The Cross-National Market in Human Beings”, *Journal of Macromarketing*, Volume 29 Number 2 (2009).

13 It should be noted that there can be, but not necessarily, a different person involved at each stage.

14 Aronowitz, Op. Cit.

15 Europol, *General Situation Report on T.H.B. 1999*, File No. 2565-35 (The Hague, 2000).

16 The concepts of “force, coercion and forced prostitution” are complex. It is possible that victims of trafficking are working voluntarily in prostitution, but do so because they are under the control of the traffickers. They may be psychologically manipulated or subjected to poor working and living conditions, controlled through threats or pressure to comply. All of these point toward situations of human trafficking where “forced prostitution” may be lacking.

17 Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010 forthcoming).

18 Alexis Aronowitz, *Coalitions Against Trafficking in Human Beings in the Philippines* (Vienna: United Nations Office on Drugs and Crime and the United Nations Interregional Crime and Justice Research Institute, 2003), <[http://www.unodc.org/pdf/crime/human\\_trafficking/coalitions\\_trafficking.pdf](http://www.unodc.org/pdf/crime/human_trafficking/coalitions_trafficking.pdf)>, accessed 31 March 2010.

19 Alexis Aronowitz, “Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it”, *European Journal on Criminal Policy and Research*, Volume 9 (2001); Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009).

20 This diagram includes only criminal offences and does not include human rights or labour violations.

21 Alexis Aronowitz, *Coalitions Against Trafficking in Human Beings in the Philippines* (Vienna: United Nations Office on Drugs and Crime and the United Nations Interregional Crime and Justice Research Institute, 2003), <[http://www.unodc.org/pdf/crime/human\\_trafficking/coalitions\\_trafficking.pdf](http://www.unodc.org/pdf/crime/human_trafficking/coalitions_trafficking.pdf)>, accessed 31 March 2010: The original diagram did not include the phase of Victim Disposal.

each of the stages or nodes of trafficking. While they may not be defined as crimes in the penal or criminal code, human rights violations occur as well. These include failure to provide medical service to sick victims, forcing them to travel or live in poor conditions, and failing to provide for their basic necessities such as clean clothes, a safe working environment, allowing them to have contact with family members or friends. These human rights abuses can occur anywhere along the trafficking chain, but it happens most frequently in the transportation and exploitation phase.

Diagram 1: Trafficking in Human Beings as a Process and Other Related Crimes

Recruitment/Entry	Transportation	Exploitation <sup>22</sup>	Victim Disposal	Criminal Proceeds
<ul style="list-style-type: none"> <li>• <i>Fraudulent promises</i></li> <li>• <i>Kidnapping</i></li> </ul> Document forgery Illegal adoption (for purpose of exploiting child) Corruption of government officials	<ul style="list-style-type: none"> <li>• <i>Assault</i></li> <li>• <i>Illegal deprivation of liberty</i></li> <li>• <i>Rape</i></li> <li>• <i>Forced Prostitution</i></li> </ul> Corruption of government officials Document forgery Abuse of immigration laws	<ul style="list-style-type: none"> <li>• <i>Unlawful coercion</i></li> <li>• <i>Threat</i></li> <li>• <i>Extortion</i></li> <li>• <i>Sex or Labour exploitation</i></li> <li>• <i>Illegal deprivation of liberty</i></li> <li>• <i>Theft of documents</i></li> <li>• <i>Sexual Assault</i></li> <li>• <i>Aggravated Assault (cruel and degrading treatment)</i></li> <li>• <i>Forced participation in crimes (forced begging, transportation of drugs, organized theft)</i></li> <li>• <i>Rape</i></li> <li>• <i>Murder</i></li> <li>• <i>Removal of organs</i></li> </ul> Corruption of government officials	<ul style="list-style-type: none"> <li>• <i>Assault</i></li> <li>• <i>Abandonment</i></li> <li>• <i>Murder</i></li> <li>• <i>Victim sold to another trafficker</i></li> </ul>	Money Laundering Tax Evasion Corruption of government officials

Offences in italics preceded by an asterisk indicate that the offences are perpetrated against the individual victim.

There are similarities in this process for most victims. Seldom is violence perpetrated against the victim during the recruitment phase<sup>23</sup> – except in the case of kidnapping, which rarely occurs. Victims are generally recruited through deception and promises of a better life, an education, job skills training, a viable or good job or marriage. For victims of domestic trafficking, there may be no transportation phase, or they may be moved within a city or their country. In the case of international trafficking, victims will be transported across borders. This may necessitate the production and use of forged documents or corruption of government officials to facilitate the activity.<sup>24</sup> In this phase, the victims may be exposed to violence (or even exploitation, in the case of victims who may be travelling for months overland in Africa before reaching a European Union Member State). During the transportation phase, the traffickers may seize the victims' documents or restrict their movement.<sup>25</sup> While crimes and violence may be perpetrated against the victim at various stages of the process, it is clearly the case when the victim arrives at the destination and enters the exploitation phase and victim disposal phase.

There are a number of ways in which victims leave their trafficking situation. They may escape, be 'rescued' in a police raid, purchased (and subsequently freed by a customer – in the case of trafficking for prostitution), 'discarded' or disposed of by the trafficker when they are no longer of any value to the trafficker – they may have become too sick to work, a trafficked victim in prostitution may become pregnant or a child has become too old to appeal any longer to pedophiles.<sup>26</sup> Alternatively, a victim may be sold to another trafficker (in which case the victim has only changed owners, but has not left the trafficking situation), die or be killed.

22 Here, exploitation includes all forms of exploitation: sexual exploitation, labour exploitation, organ removal, forced begging and forced participation in other crimes.

23 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report, Summary* (The Hague, 2009), <<http://english.bnr.nl/reports/7th%2Dreport/>>, accessed 31 March 2010: There are, of course, exceptions to this general rule. In the Netherlands, a trend has been observed in which young girls are recruited by loveboys/pimps. Rather than using charm, affection and showering their young victims with gifts during the recruitment stage, recruiters are using violence to force their victims into prostitution.

24 False documents and corruption of border guards is no longer necessary in trafficking between Member States of the EU or the Commonwealth of Independent States (CIS).

25 Transportation within EU Member States (from Bulgaria and Romania to Belgium) occurs voluntarily and is being arranged by chauffeurs who serve as recruiters and transporters (written communication from S. Janssens, CEOOR, Belgium).

26 J. Pennington et al., "The Cross-National Market in Human Beings", *Journal of Macromarketing*, Volume 29 Number 2 (2009).

Throughout the trafficking process, but in particular during the exploitation and victim disposal phase, the trafficking victim runs the risk of becoming involved in criminal offences as a perpetrator.<sup>27</sup> Exploitation may involve forcing the victim into begging, stealing, transporting drugs or other contraband, or other crimes. During the victim disposal stage, the victim may be set free, but unable to return home without money, enters the underground economy as an irregular migrant and labourer or free-lance sex worker. Alternatively, released victims may return to their home countries and work, under the control of traffickers, as recruiters for the organizations which trafficked them.<sup>28</sup> This has been referred to as “second wave recruitment”.<sup>29</sup> Alternately, they may, as *Madames*, start up their own trafficking business, as has often been observed in the case of trafficking from Nigeria to Europe.<sup>30</sup> It is during the stage when victims become recruiters – and the criminal proceeds stage (where money is reinvested into the criminal enterprise), that the process forms a circle and begins all over again.

During the criminal proceeds stage, crimes are perpetrated against the State – money laundering, tax evasion and possibly corruption of government officials. However, it is also at this stage that we may see investments in legitimate businesses so that there is a symbiotic relationship between upper- and underworld activities, a topic that will be covered later in this chapter.

## Individual Traffickers

Research on individual traffickers is limited and when data is available, it usually applies only to demographic information such as the age, gender, ethnic background or place of birth of traffickers. Beyond this information, little is known, particularly about the motivation or personality of human traffickers.

A study in the Netherlands on a population of nine traffickers examined characteristics of their personalities.<sup>31</sup> Data to rate traffickers on the *Five Factor Personality Inventory*<sup>32</sup> (FFPI) in Hare’s *Psychopathy Checklist Revised* (PCL-R), was obtained from victims, police investigators and an independent researcher. One third of the perpetrators were found to have psychopathic tendencies. According to the leading expert on psychopathy, “[o]n the interpersonal level, psychopaths are grandiose, arrogant, callous, dominant, superficial, and manipulative.” On an emotional level, “... they are short-tempered, unable to form strong emotional bonds with others, and lacking in guilt or anxiety. These interpersonal and affective features are associated with a socially deviant lifestyle that includes irresponsible and impulsive behaviour, and a tendency to ignore or violate social conventions and mores”.<sup>33</sup> Psychopaths are characterized as exhibiting the following behaviours: glibness/superficial charm, grandiose sense of self-worth, pathological lying, cunning/manipulative behaviour, and lack of remorse, guilt or empathy, callousness, failure to accept responsibility for actions, lack of realistic long term goals, promiscuous sexual behaviour, poor behavioural controls, irresponsibility and high need for stimulation.<sup>34</sup> Psychopaths are rational actors. Psychopathy has been linked with instrumental violence and is an important predictor of recidivism.<sup>35</sup>

When the traffickers’ scores on personality were compared to the ‘non-criminal’ population, the traffickers scored lower on agreeableness and conscientiousness, but not on the other factors. In line with these personality traits, the traffickers in the study were described as “bossy, dictatorial, egocentric, authoritarian personalities”<sup>36</sup> who dominated and controlled their victims, and used them for their own purpose.

While a third of the sample was rated as having psychopathic tendencies, and this figure is high (it is estimated that one per cent of the general population is diagnosed as psychopathic), it should be kept in mind that the population of traffickers in the study is small and possibly not representative.

27 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report, Summary* (The Hague, 2009), p. 9, <<http://english.bnrm.nl/reports/7th%2Dreport/>>, accessed 31 March 2010: The principle of non-punishment/non-criminalization of trafficked persons should be recognized and upheld. When trafficked victims, under threat, force or psychological coercion commit crimes, the State should recognize these individuals as victims and not offenders. According to the Dutch National Rapporteur on Human Trafficking, “... the risk of prosecution can cause victims of human trafficking who are suspected of offences to think of themselves more as offenders than victims and so not make a complaint. Victims convicted of criminal offences run the risk of being declared undesirable aliens and consequently detained and deported.

28 Pennington et al., Op. Cit: see contributions by Phongpaichit (1999) and Sulaimanova (2006).

29 S. Sulaimanova, “Migration Trends in Central Asia and the Case of Trafficking of Women”, in Dan Burghart and Theresa Sabonis-Helf (eds.), *In the Tracks of Tamerlane: Central Asia’s Path to the 21st Century* (Washington D.C.: NDU, 2004).

30 M. Kreutzer and C. Milborn, *Ware Frau. Auf den Spuren moderner Sklaverei von Afrika nach Europa*, Econwin, Salzburg (2008).

31 M. Hoozeboom, *Daders Binnen Mensenhandel*, Masters Thesis (2009): research conducted at the Expertise Center Human Trafficking and Human Smuggling, Zwolle.

32 The “Five Factor Model” identifies the traits of extraversion (talkative, energetic, and assertive), agreeableness (sympathetic, kind and affectionate, trusting, altruistic), conscientiousness (organized and thorough), neuroticism (tense, moody, and anxious) and openness to experience (wide interests, and being imaginative and insightful).

33 R. Hare, “Psychopathy As a Risk Factor for Violence”, *Psychiatric Quarterly*, Vol. 70 No. 3 (1999), p. 183.

34 C. Bartol and A. Bartol, *Criminal Behavior: A Psychosocial Approach* (New Jersey: Pearson/Prentice Hall, 2008), p. 191: see Table 6-1, Psychopathic Behaviors Identified by Hare and Cleckly.

35 Hoozeboom, Op. Cit.: citing other research.

36 Hoozeboom, Op. Cit. p. 21.

The question arises whether these characteristics are representative of all traffickers or whether they apply only to some traffickers. Clearly a distinction could be made between criminal traffickers – those who are deeply embedded in a criminal lifestyle and may be involved in other criminal offences, and ‘non-criminal’ traffickers, for instance, victims who have been forced to recruit others, or otherwise law-abiding individuals who are involved in a trafficking situation involving a domestic servant. More research into individual motivations and criminal antecedents of traffickers could shed light on this question.

## Trafficking Organizations

In order to better understand who is behind human trafficking, one should examine the organizational structure of those participating in the trafficking business. This would entail understanding the division of labour. Naylor (2003; 83) stipulates that “... profit-driven crime is not an isolated act, but a complex series of interrelated actions in which various participants perform a host of different roles that have different degrees of importance and show different degrees of awareness and involvement”.

While the degree to which traffickers are organized differs from one case to the next, trafficking operations can fall on a continuum ranging from 1) soloists, or individuals traffickers; 2) to loose networks of organized criminals; to 3) highly structured international trafficking networks. Networks are defined as a group of people with similar interests or concerns who interact and remain in informal contact for mutual assistance or support.<sup>37</sup> Networks are characterized by specialization, flexibility and segmentation.

At the far end of the continuum are individual traffickers, also described as soloists or amateur traffickers, who are involved in the entire trafficking operation from recruitment, transportation and exploitation of their victim(s).<sup>38</sup>

The second type of trafficking organization is characterized by small groups of organized criminals. They may be involved in domestic trafficking or small-scale international trafficking. Members are often described as criminal entrepreneurs in loose confederations or enterprises. These criminal networks are highly flexible and may be comprised of family members or friends.<sup>39</sup> Smaller networks will not be characterized by specialization due to the limited number of members who may be required to fulfil various roles.

Another level of organization involves middle-size, more sophisticated groups which are involved in the provision of victims for (the sex) markets<sup>40</sup> in foreign countries. They sell their victims to brothel owners in the destination country and may organize the rotation of victims between cities and countries. There is limited specialization and these criminal networks are less sophisticated than the international criminal organizations.

At the end of the continuum are the highly structured criminal organizations controlling the entire trafficking process from recruitment and transportation through exploitation and victim disposal. This group provides the full set of services throughout the entire trafficking chain and which may also include such things as documentation forgery, safe houses and maintaining relationships with corrupt government officials (or corrupting them where necessary). These criminal networks are characterized as horizontal and decentralized. Their flexibility allows for co-operation with other criminal groups, a rapid response to law enforcement activity and legislative changes, and the ability to adapt to fluctuating supply and demand in different markets.<sup>41</sup> Based on research on trafficking organizations in Belgium, researchers conclude that “[c]riminal networks are ... able to develop and adapt to changing circumstances: they are able to learn from previous mistakes<sup>42</sup> or make fundamental shifts in their conceptual paradigm of thinking and operating. This has important consequences for their own structural evolution and the evolution of the phenomenon of human trafficking.<sup>43</sup> Because these organizations often operate internationally, members may be located in origin, transit and destination countries providing transportation and safe houses along the route. Larger organizations may be divided into smaller subunits which contract criminal specialists to provide particular services and expertise that

37 <<http://www.thefreedictionary.com/networking>>, accessed 31 March 2010.

38 The case of two Filipino doctors who brought a 19 year old Filipina to their home to become a domestic servant and then enslaved her for 19 years is a case in point (see United States vs. Calimlim, U.S. Department of Justice, 2007A). Albanian men who date their young victims, promise them marriage and then force them into prostitution in Italy, or ‘lover-boys’ who use the same modus operandi to traffic their young Dutch victims into prostitution in the Netherlands, are examples of soloists.

39 P. Monzini, “Trafficking in Women and Girls and the Involvement of Organized Crime, with Reference to the Situation in Central and Eastern Europe”, Paper presented at the first Annual Conference of the European Society of Criminology (6-8 September 2001), <[http://www.essex.ac.uk/ecpr/standinggroups/crime/members\\_files/monzini.PDF](http://www.essex.ac.uk/ecpr/standinggroups/crime/members_files/monzini.PDF)>, accessed 31 March 2010.

40 Monzini, Op. Cit.: typology discussed based upon trafficking in forced prostitution.

41 Networks are becoming more professional, flexible and specialized. They are becoming market-driven and are able to establish schemes to hide their involvement in trafficking. One aspect of this in Belgium is the trafficking of victims “who are willing to accept inhuman conditions and even a little violence when they can keep a relevant part of the prostitution profits” (written communication from S. Janssens, CEOOR, Belgium).

42 J. Leman and S. Janssens, “The Albanian and Post-Soviet Business of Trafficking Women for Prostitution: Structural Developments and Financial Modus Operandi”, *European Journal of Criminology*, Volume 5 (2008).

43 As an example of this in Belgium, S. Janssens reports that there is less “forced prostitution”. Professional human trafficking networks realize that it is more profitable to collaborate with motivated victims who work voluntarily and are happy with a small salary. It is a so called “win-win” situation. These victims are still working under the control of the exploiters but the coercion is more subtle. They are motivated because they can keep a part of the profits. Other examples include using figureheads – often people collecting social security payments – to run bars where trafficked women work (written communication from S. Janssens, CEOOR, Belgium).

might otherwise be outside of the scope of the criminal organization itself (procurement of visas or false documentation). This enables the organization to rapidly adjust to new market opportunities.<sup>44</sup>

Within both the theoretical and police operational study of organized crime, network analysis is gaining importance. The most important dimensions in analysing networks are the degree of *dominance* and *influence* exercised by some members of the network over others, as well as the degree to which there is *explicit co-ordination* between members of the organization.<sup>45</sup> Characteristics such as the degree of specialization or division of tasks within the organization should be considered: is the organization highly specialized with numerous individuals only responsible for a limited number of assigned tasks or are there a limited number of persons responsible for carrying out a large number of tasks?

In network analysis looking specifically at trafficking organizations, researchers also examine the nature of underlying social relationships – or the degree to which members of the organization are related to one another – through familial, relationship, clan or ethnic ties. Are the organizations ethnically homogenous or heterogeneous and are members of the organization related to one another through family or tribal ties?<sup>46</sup> Understanding the structure and nature of social relationships within trafficking organizations may provide governmental agencies with knowledge to successfully intervene and prevent or disrupt the business of trafficking.

## Roles within Trafficking Organizations

In larger trafficking organizations there is often a division into smaller subunits which may specialize in a particular task or sequence of the operation (recruitment, providing shelter, manufacturing false documents, transporting victims to and from their work, exploitation, or rotation of victims to different destinations). The management unit which maintains a vertical structure supervises and controls all of the subunits.<sup>47</sup> While the complexity and number of specific tasks differ from one trafficking organization to the next, trafficking enterprises have been characterized by a number of specific roles that individuals take on within the organization to provide specific services. These roles include, but are not limited to:<sup>48</sup>

- *investors*: those who put forward funding for the operation, and oversee the entire operation. These people are unlikely to be known by the everyday employees of the operation, as they are sheltered by an organizational pyramid structure that protects their anonymity; they may be separate from the organization;
- *recruiters*: seek out potential migrants and secure their financial commitment. These people may be members of the culture and the community from which migrants are drawn;<sup>49</sup>
- *transporters*: assist the migrants/potential victims in leaving their country/place of origin, either by land, sea or air;
- *corrupt public officials or protectors*: may occur throughout the trafficking process; officials may assist in obtaining travel documents, or accept bribes to enable migrants to enter/exit illegally,<sup>50</sup> or to cover up any investigation and obstruct any prosecution;
- *informers*: gather information on matters such as border surveillance, immigration and transit procedures, asylum systems, law enforcement activities;<sup>51</sup>
- *guides and crew members*: are responsible for moving trafficked persons from one transit point to the other or helping them to enter the destination country;
- *enforcers*: are primarily responsible for policing staff and trafficked persons, and for maintaining order;
- *debt collectors*: are in the destination country to collect fees;

44 Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009); S. Adamoli, A. Di Nicoli, E. Savona and P. Zoffi, *Organized Crime Around the World* (Helsinki: European Institute for Crime Prevention and Control (HEUNI), 1998); A. Schloenhardt, "Organized Crime and the Business of Migrant Trafficking", *Crime, Law and Social Change*, 32 (1999).

45 R. Staring, "Handelaars in vrouwen: achtergronden en werkwijze", *Justitiële Verkenningen*, Jrg. 33 No. 7 (2007).

46 Aronowitz, Op. Cit.

47 A. Bajrektarevic, *Trafficking in and Smuggling of Human Beings – linkages to Organized Crime – International Legal Measures*, Statement Digest (Vienna: International Centre for Migration Policy Development, 2000a); A. Bajrektarevic, *Trafficking in and Smuggling of Human Beings – linkages to Organized Crime – International Legal Measures*, Presentation Outline (Vienna: International Centre for Migration Policy Development, 2000b).

48 Alexis Aronowitz, "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", *European Journal on Criminal Policy and Research*, Volume 9 (2001); Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009); Europol, *Trafficking Human Beings in the European Union: A Europol Perspective* (2007), <[http://s3.amazonaws.com/rcpp/assets/attachments/644\\_665\\_EN\\_original.pdf](http://s3.amazonaws.com/rcpp/assets/attachments/644_665_EN_original.pdf)>, accessed 31 March 2010; A. Schloenhardt, "Organized Crime and the Business of Migrant Trafficking", *Crime, Law and Social Change*, 32 (1999).

49 In the case of internal trafficking, recruiters prey on vulnerable persons.

50 They may also be involved in organizing and managing the network.

51 Undercover reporter Chris Rogers identifies another function which he calls the "gatekeeper". This individual is responsible for checking the legitimacy of an organization wishing to do business with/ purchasing women from the gang selling/ renting them. Undercover film and interview with Chris Rogers on CNN International, aired on 31 January 2008. The video clips can be accessed at <<http://edition.cnn.com/video/#/video/world/2008/01/30/rogers.czech.sex.trafficking.part3.itn.itn?ref=24hours>>, accessed 31 March 2010.



- *money launderers*: launder the proceeds of crime, disguising their origin through a series of transactions or investing them in legitimate businesses;
- *supporting personnel and specialists*: may include local people at transit points who might provide accommodation and other assistance.

Individuals may take on one or more roles within the network. Recruiters, for example, may also work as transporters or exploiters. Other supporting roles may involve computer experts who run cyber recruitment centres (offering jobs or recruiting escorts or mail-order brides), those “breaking in the women” to prepare them to work as prostitutes or individuals running safe houses.

## Trafficking as a Market

Human trafficking is a market in which victims are treated like commodities and are bought, sold, traded and used. Worldwide demand has always existed for prostitution and cheap labour. This demand has grown with increased wages in highly developed nations, particularly in the unskilled labour market – domestic service, home health care, the agricultural sector, food processing, and construction.<sup>52</sup>

With respect to the demand side of trafficking, the booming sex industry is fueled by males purchasing the sexual services of women and children. Men have also abused male victims trafficked into sexual exploitation and children of both genders are abused in online child pornography. The sex industry is expanding from traditional brothels and street prostitution to escort services, ‘private clubs’ and residences, massage parlours, advertisements through the Internet and child pornography (on the Internet). The illegal sex industry, serviced by trafficked victims, may be particularly interesting for customers. Trafficked victims can be forced to have unprotected sexual intercourse.

Outside of the sex industry, women are in high demand. This is particularly true in the domestic service, the nursing (care provider) sectors, fast food, service and low-wage manufacturing sectors. Educational and skills requirements are usually lower for women than for men migrating to numerous destinations and according to one expert, migration is often both cheaper and easier for women and children than for men.<sup>53</sup> Women’s access to regulated and legal migration is often restricted and their “... work in unregulated unskilled sectors leaves them more vulnerable to trafficking and exploitation”.<sup>54</sup> The OSCE called for gender-sensitive migration policies which could help ensure that female migrants are protected and do not fall prey to human traffickers.<sup>55</sup>

According to Hughes (2005), there are four components that make up the demand side of trafficking (for sexual exploitation). These are

1. the men who buy commercial sex acts;<sup>56</sup>
2. the exploiters who make up the sex industry – those who ‘order’ or purchase women for their brothels and clubs; while this is not specifically mentioned by Hughes, one could think also of exploiters who use children, women and men in the production of pornography;
3. the destination countries – their laws and policies toward exploited labour and prostitution;<sup>57</sup>
4. the culture that condones or promotes (sexual) exploitation.

While the laws, policies and culture in destination countries are not direct measures of demand, they may inadvertently work as facilitators which allow trafficking markets to flourish.

With respect to the supply side of the trafficking, “eternal human yearning for improving one’s life make people vulnerable to the lures of trafficking”.<sup>58</sup> The steady supply of persons trying to improve their lives, or those of their children, is created by a climate of (relative) poverty and political and/or social exclusion; lack of educational or employment opportunities; discrimination and violence against women, children or ethnic minorities; government corruption; natural disasters and war.<sup>59</sup> Cultural practices of child fosterage in certain societies may facilitate the illegal adoption or exploitation of child domestic workers.<sup>60</sup>

52 N. Heyzer, “Combating Trafficking in Women and Children: A Gender and Human Rights Framework”, paper presented at the conference “The Human Rights Challenge of Globalization: Asia-Pacific-U.S”, Honolulu, Hawaii (UNIFEM, 2002), <[http://www.hawaii.edu/global/projects\\_activities/Trafficking/Noeleen.pdf](http://www.hawaii.edu/global/projects_activities/Trafficking/Noeleen.pdf)>, accessed 31 March 2010.

53 Heyzer, Op. Cit.

54 European Commission, Directorate-General Justice, Freedom and Security, *Report of the Experts Group on Trafficking in Human Beings* (Brussels, 2004), p. 147, <<http://www.europa.eu.int>>, accessed 31 March 2010.

55 Organization for Security and Co-operation in Europe, *Guide on Gender-Sensitive Labour Migration Policies* (Vienna, 2009).

56 Demand for child pornography is also created by those who purchase the image.

57 D. Hughes, *The Demand for Victims of Sex Trafficking* (2005), p. 8, <<http://www.ashanet.org/focusgroups/sanctuary/articles/Demand%20for%20Victims%20of%20Sex%20Trafficking.doc>>, accessed 31 March 2010: argues that “[b]y tolerating or legalizing prostitution, the state, at least passively, is contributing to the demand for victims. The more states regulate prostitution and derive tax revenue from it, the more actively they become part of the demand for victims.”

58 U.S. Department of State (2005), *Trafficking in Persons Report* (Washington D.C., 2005), p. 8, <<http://www.state.gov/documents/organization/47255.pdf>>, accessed 31 March 2010.

59 Ibid.

60 A. Aronowitz, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo* (United Nations Office on Drugs and Crime: Vienna, 2006), <[http://www.unodc.org/documents/human-trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/documents/human-trafficking/ht_research_report_nigeria.pdf)>, accessed 31 March 2010. .

The relationship between supply and demand are complex and they are intricately interwoven. While traditional market theory operates on the presumption that demand creates supply, a steady *supply* of unskilled (migrant) workers willing to accept jobs or provide services, can sometimes generate the demand for such services and labour – rather than vice versa.<sup>61</sup> Supply and demand are shaped “... by a complex and interlocking set of political, social, institutional and economic factors.”<sup>62</sup> Anderson and O’Connell Davidson (2002; 26) provide the following as an example to support their argument:

*For example, in the poor and developing world, many children work as “shoe-shine boys”, whereas few do so in the affluent world. The absence of this form of child labour in affluent countries and its presence in poorer nations cannot be explained through reference to different levels of absolute demand for shoe-shiners’ labour. Here, as elsewhere, the relationship between supply and demand is mediated by a range of economic and social factors, as well as by government policies on employment (including child labour), immigration, education, and welfare.*

It is clear that each (trafficking) market must be studied within the specific context of a given country and at a given time.<sup>63</sup>

In a study of the market side of human trafficking, researchers report that in more developed countries, the most common markets for trafficked persons are prostitution, domestic servitude, tourism and travel business, food processing, organized begging, construction, among others, whereas in less developed countries with a lower Gross Domestic Product per capita, agriculture, factory labour, sweatshop work, brick making, or other local markets may be the exploitation market of choice.<sup>64</sup>

In an empirical econometric analysis of supply and demand determinants of sex trafficking, the ILO identified the two most important factors contributing to human trafficking. Supply is influenced by youth unemployment or under-employment, especially for females, in a country; there is a statistical correlation between the level of female youth unemployment and the number of victims trafficked out of a country. Another important factor influencing supply in source countries is the presence of organized crime.<sup>65</sup> Furthermore, demand for trafficked victims is higher in countries that are more open to globalization and that have more prostitution.<sup>66</sup>

While markets may be driven by supply and demand, it is argued that they are influenced by the ‘institutional framework’ or responses to the trafficking market within a society, which include cultural variables as well as the existence and enforcement of laws and the success of prosecutions and punishments.

## Trafficking as a Business

Legitimate as well as criminal businesses are profit-driven. Crime, as a business, is a rational choice to increase profits. Economic studies of crime assume that “... crime can be considered as illegal economic activity and that the perpetrators are “rationally and normally calculating people maximizing their preferences subject to given constraints ... like the rest of us”.<sup>67</sup> In other words, individuals calculate opportunities, profit, risks and costs and then make decisions. *Opportunities* are generated by individuals willing to migrate from source countries and a demand for their services in destination countries. In the case of internal trafficking, migration often occurs from poor, rural areas to more affluent urban areas. It is the search for economic security and the desire to improve one’s life that often provides a large pool of potential victims. In the case of (domestic or international) trafficking of young women who are promised love, marriage and a secure future, it is often a desire to seek economic security which places them at risk. *Profit* is generated for criminal organizations through exploitation. Returns are high and costs are low – exploited victims are paid little or no wages. *Risks* are limited. Women in prostitution are stigmatized in both countries where prostitution is legal and tolerated, or illegal. Where prostitution is illegal and the victim is also an irregular migrant, the chances are minimal that he or she will seek police assistance. Victims are afraid of violence and reprisals against themselves and their family

61 B. Anderson and J. O’Connell Davidson, *Trafficking – a demand led problem?* (Save the Children: Stockholm, 2002); G. Newman, *The Exploitation of Trafficked Women* (U.S. Department of Justice Office of Community Oriented Policing Services, 2006), <<http://www.cops.usdoj.gov/RIC/ResourceDetail.aspx?RID=88>>, accessed 31 March 2010.

62 B. Anderson and J. O’Connell Davidson, *Trafficking – a demand led problem?* (Save the Children: Stockholm, 2002), p. 54.

63 Trafficking operations are flexible and change – recruitment, transportation, trafficking and smuggling routes and types of victims can shift with response to market supply, demand and criminal justice responses.

64 J. Pennington et al., “The Cross-National Market in Human Beings”, *Journal of Macromarketing*, Volume 29 Number 2 (2009): As examples, Pennington et al. identify exploitation in charcoal making in Brazil, agricultural labour in India and brick production in Pakistan (information based on the book *Disposable People* by Kevin Bales (1999)). These markets are fluid and vary from one country to the next. In Italy and the US, for example, exploitation in the agricultural sector has been identified in numerous investigations. Exploitation in the construction industry can also occur in both source and destination countries.

65 Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010 forthcoming).

66 G. Danailova-Trainor and P. Belsler, *Globalization and the illicit market for human trafficking: an empirical analysis of supply and demand* (Geneva: International Labour Organization, 2006), <[http://www.ungift.org/docs/ungift/pdf/knowledge/ilo\\_wcms\\_081931.pdf](http://www.ungift.org/docs/ungift/pdf/knowledge/ilo_wcms_081931.pdf)>, accessed 31 March 2010.

67 G. Becker (1968), “Crime and Punishment: An Economic Approach”, *The Journal of Political Economy*, Vol. 76, No. 3, 169-217, as cited in Schoelenhardt, 1999, p. 204.

members. In many countries if (illegal migrant) women are found in forced prostitution, they are arrested, detained and deported. The probability of traffickers being detected, arrested, convicted and punished in many countries is low. The market, not the clients or customers, may create demand.

... [I]t is the market – the trafficking in women – that creates the demand, not the customers. If there is a plentiful supply of vulnerable women and girls, a profitable business plan follows: offer the services of young women that cater to any customer preference at a competitive price and pay the women little or nothing.<sup>68</sup>

Similar to legitimate businesses, human trafficking is “driven by profit” and traffickers also look at market forces and adapt their methodology according to the environments in which they work and the markets that exist for forced labour.<sup>69</sup> Shelley, an expert on international organized crime, compares trafficking organizations to criminal enterprises or business models, each of which reflects geographical positions, market forces and historical and cultural influences of the group. The groups differ from each other based upon the types of people they transport, the reasons for transportation (smuggling versus trafficking), use of force or violence, human rights abuses and the investment of profits generated from trafficking.<sup>70</sup> The criminal enterprises involved in human trafficking are not a uniform business, but operate differently in diverse cultural and political contexts.<sup>71</sup>

Criminal organizations, unlike legitimate businesses, “... make their profits by providing illegal goods and services in illegal markets” which Schloenhardt refers to as the “underground economy”<sup>72</sup>. He examines criminal organizations from the context of organized crime and the provision of illegal goods and services (drugs, migrant smuggling). In the case of human trafficking, however, exploitation often occurs in legitimate markets – agriculture, construction, domestic service, the transport sector<sup>73</sup> and the food service industry. Therefore, it is essential to examine human trafficking and exploitation within the context of legitimate economic activity and to focus on the economic conditions (including market opportunities and regulations) that govern business in general, and illicit businesses (human trafficking) in particular.<sup>74</sup> Human trafficking is a particularly lucrative business. Victims can be made to work longer hours than regular employees. In the case of those trafficked into prostitution, they can be forced to take on more customers and provide services (such as unprotected sexual intercourse) for which clients pay more money. Additionally, trafficked victims in prostitution can be rented out or sold to other pimps or brothel owners. Victims in forced labour are also forced to work in less safe conditions generating a greater profit for their exploiters. Profits will vary depending upon the market into which a victim is trafficked. Studies show that prostitution can result in a return on investment ranging from 100 per cent to 1,000 per cent and even in less profitable markets (e.g., agricultural labour in India), an enslaved labourer can produce over 50 per cent profit.<sup>75</sup>

In an attempt to calculate the profits generated by criminals trafficking humans, the ILO made the following calculations: Based upon an estimate of 1.1 million victims of human trafficking for forced economic exploitation, the total profits<sup>76</sup> amounted to USD 3.8 billion. The majority (USD 2.2 billion) was generated in industrial countries.<sup>77</sup> When restricting the assessment to profits from forced commercial sexual exploitation as a result of trafficking, the ILO found “... that the global profits made from trafficking into forced commercial sexual exploitation amounted to USD 27.8 billion. Almost half of all profits – USD 13.3 billion – are made with people trafficked into or within industrial countries. Second highest profits are in Asia (USD 9.5 billion), followed by transition economies (USD 3.2 billion), Middle-East and North Africa (USD 1.0 billion), Latin America (USD 0.6 billion) and Sub-Saharan Africa (USD 0.1 billion).”<sup>78</sup> According to the study, each woman in forced sexual servitude was estimated to generate approximately USD 100,000 in profit per year.<sup>79</sup>

68 G. Newman, *The Exploitation of Trafficked Women* (U.S. Department of Justice Office of Community Oriented Policing Services, 2006), p. 16, <<http://www.cops.usdoj.gov/RIC/ResourceDetail.aspx?RID=88>>, accessed 31 March 2010.

69 Europol, *Trafficking Human Beings in the European Union: A Europol Perspective* (2007), <[http://s3.amazonaws.com/rcpp/assets/attachments/644\\_665\\_EN\\_original.pdf](http://s3.amazonaws.com/rcpp/assets/attachments/644_665_EN_original.pdf)>, accessed 31 March 2010.

70 Louise Shelley, “Trafficking in Women: The Business Model Approach”, *The Brown Journal of World Affairs*, Vol. X No. 1 (2003).

71 Ibid.; Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009).

72 A. Schloenhardt, “Organized Crime and the Business of Migrant Trafficking”, *Crime, Law and Social Change*, 32 (1999), p. 206.

73 The transport sector has been identified as a trafficking market in Belgium. According to the CEOOR, truck drivers in one case were not paid wages and were threatened. The trucks were being used for the organized international transportation of drugs. In another case, there are strong indications that the transport firm involved was a cover for the Italian Mafia in Naples (written communication from S. Janssens, CEOOR, Belgium).

74 Schloenhardt, Op. Cit.

75 J. Pennington et al., “The Cross-National Market in Human Beings”, *Journal of Macromarketing*, Volume 29 Number 2 (2009); K. Bales, *Disposable People: New Slavery in the Global Economy* (Berkeley: University of California Press, 1999).

76 Profits were calculated by taking the total economic value-added minus total wage payments.

77 Profits in other regions varied between USD 40 million in Sub-Saharan Africa and USD 776 million in Latin America.

78 P. Belser, *Forced Labour and Human Trafficking: Estimating the Profits* (Geneva: International Labour Organization, 2005), p. 15, <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_081971.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_081971.pdf)>, accessed 31 March 2010.

79 For other estimates of profits, see J. Pennington et al., “The Cross-National Market in Human Beings”, *Journal of Macromarketing*, Volume 29 Number 2 (2009) and Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009).

## Overlap between Upper- and Underworld Activities

Criminals or their organizations can operate completely in the illegal sphere – as in the production and distribution of illegal narcotics or trafficking in weapons. Trafficking into prostitution occurs in most countries solely in the illegal sector.<sup>80</sup> At the other end of the continuum is trafficking into markets in which legitimate businesses operate within the legitimate sphere – such as the exploitation of victims of trafficking in the agricultural or transport sector or domestic service industry.<sup>81</sup> The distinction between legal and illegal actors is often diffuse, particularly in the case where legitimate businesses profit from the low-cost goods produced by trafficked and enslaved workers. Almost a decade ago, the building trade and textile industries in Europe were benefiting from trafficked migrants. Reports surfaced of a Chinese organized crime group in Milan forcing dozens of immigrants, under inhumane conditions, to manufacture clothes, handbags and belts which were bought by leading companies operating in the renowned Italian fashion world.<sup>82</sup> When the legitimate economy, which often subcontracts with these smaller operations also benefits financially from the use of exploited labour, there exists a symbiotic relationship between the legal and illegal economies in this type of labour market. It was estimated at the time, that in Italy, the underground economy accounted for 28 per cent of the GDP.<sup>83</sup> Almost the same estimate regarding the shadow economy can be found in the Russian Federation – 25 per cent of the GDP as an average. At the same time such estimates increase up to 40 per cent for small businesses, where labour exploitation is much more widespread, and up to 60 per cent in particular regions and economic sectors (food production, public catering, trade, construction, agriculture, among others).<sup>84</sup> In most of these sectors, cases of trafficking for labour exploitation were found in the Russian Federation. In other countries, the remittances from labour migrants make up huge percentages of the GDP. In Tajikistan and Moldova, remittances make up over 50 per cent of the GDP for Tajikistan and 30-40 per cent in Moldova. If this is not regulated by the State, it also forms part of the informal economy.

In addition to the fact that products and labour extracted from trafficked victims are generated at low costs resulting in unfair business competition, other dangers exist. The Belgian anti-money laundering task force *Cel voor Financiële Informatieverwerking* (CFI) has warned of the danger of ‘grey’ and illicit economies where trade union rights and honest competition do not exist. In its last report, the task force states that “human trafficking and trade in clandestine workers are increasingly significant in the reported money laundering cases. Together with cases related to the operation of prostitution, these represented 15.6 per cent of the money laundering reports in 2008.” This presents an upward trend that can also be found at the international level. An example of this is the Asian restaurant sector which is involved in human trafficking and where a link exists with Chinese triads. This practice involves the abuse of “... multiple legal procedures ... such as short-term visas for Schengen countries, business visas, the student charter and fictitious marriages for the purpose of family reunions. False documents are also being used” according to the CFI report.<sup>85</sup>

The CFI report also refers to other sensitive sectors such as the cleaning and construction industry where, through fictitious companies, fictitious self-employment, recruitment and labour subcontracting, various criminal schemes are being devised. In Belgium, this practice has been witnessed in other sectors as well, such as the transport industry, night shops, the textile industry, and others. It is obvious that such criminal infiltration into the economy poses a threat to the Belgian social and economic system and in time this could even disrupt the entire social order.<sup>86</sup>

Knowingly or unknowingly, legitimate businesses (and customers) can aid in the trafficking process. This can begin with the recruitment process, where illicit or legitimate travel, employment or marriage agencies may be used to facilitate the recruitment and movement of victims. Secondly, others may service and profit from the illegal sex trafficking industry – these include businesses that provide support services such as hotels, night clubs, taxi services and restaurants, or those who knowingly rent apartments to traffickers or trafficked victims.<sup>87</sup>

The links between legal-illegal actors will vary in frequency, duration and intensity.<sup>88</sup> The co-operation between legitimate actors and traffickers can take place before the trafficking occurs (e.g., embassy officials can knowingly procure visas for persons to be taken into destination countries), during the trafficking process (e.g., border guards

80 In countries where prostitution is legal and controlled, trafficking can take place within the legal prostitution market or into the unregulated prostitution/escort sector.

81 Trafficking into the domestic service industry is particularly problematic. The practice has been linked to diplomats (diplomatic immunity protects offenders from being criminally prosecuted). Furthermore, young women trafficked into domestic service have often been the victims of sexual assault by those who exploit their labour (written communication S. Janssens, CEOOR, Belgium).

82 Alexis Aronowitz, “Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it”, *European Journal on Criminal Policy and Research*, Volume 9 (2001): Information obtained from an article in the Italian newspaper La Stampa, 22 September 1994; cited in Ruggiero (1996; 1997).

83 G. Edmondson et al., “Workers in Bondage”, *Business Week*, 27 November 2000, <[http://www.businessweek.com/2000/00\\_48/b3709037.htm](http://www.businessweek.com/2000/00_48/b3709037.htm)>, accessed 31 March 2010.

84 Estimate of Rosstat (Russian Statistical Agency) and Higher School of Economics (<<http://www.hse.ru/news/9732165.html>>, accessed 31 March 2010).

85 Information taken almost verbatim from a written communication (S. Janssens, CEOOR, Belgium).

86 Information taken verbatim from a written communication (S. Janssens, CEOOR, Belgium).

87 D. Hughes, *The Demand for Victims of Sex Trafficking* (2005), <<http://www.ashanet.org/focusgroups/sanctuary/articles/Demand%20for%20Victims%20of%20Sex%20Trafficking.doc>>, accessed 31 March 2010.

88 N. Passas, “Cross-Border Crime and the Interface between Legal and Illegal Actors”, *Security Journal*, Vol. 16 (2003).

may facilitate the movement of individuals from one country to the next) or after the exploitation has occurred (e.g., police facilitate the trafficking operation by knowingly failing to shut it down, rescue victims and investigate and arrest perpetrators). The relationship between upperworld and underworld actors can be examined from the degree with which these actors co-operate: do legal actors work *with* illegal actors or *for* them? In other words, is the 'legitimate' individual working solely for the criminal enterprise (as in the case of a home owner who provides housing solely to shelter trafficked victims) or does the individual/business operate predominantly in the legitimate world and provide services on an irregular basis (e.g., banks laundering illegal proceeds)?

A distinction should be drawn between individuals/businesses providing services to trafficking enterprises, and individuals within government organizations providing these same services. Official corruption<sup>89</sup>, particularly in the form of police, border guards, prosecutors, judges, labour and immigration officials' collusion with traffickers undermines the population's trust in these institutions. This is particularly true of victims and further reduces the likelihood that they will co-operate in the investigation and prosecution of their traffickers.

## Trafficking and Other Crimes

Criminal groups develop "horizontal interdependencies"<sup>90</sup> "... which refers to the connections established among different activities by the same criminal organization and indicates a pattern of diversification. Criminal enterprises make use of the skills, routes, existing contacts and corrupt networks developed in certain markets in specific countries and expand into other illicit markets."<sup>91</sup> Human traffickers have been linked to more traditional criminal activities such as migrant smuggling,<sup>92</sup> document fraud and forgery,<sup>93</sup> vehicle theft and drug trafficking<sup>94</sup> and trafficking in arms.<sup>95</sup> Young men and women as well as children of both genders have been trafficked for terrorist acts<sup>96</sup> and boys and girls have been trafficked as child soldiers.<sup>97</sup> Traffickers have been linked to physical violence, extortion for protection money, money lending to repay debts and money laundering.<sup>98</sup>

Additionally, trafficking organizations have been known to force their victims into perpetrating crimes. These include stealing, begging, pickpocketing and drug trafficking.<sup>99</sup> Victims have also been coerced into smuggling and selling drugs.<sup>100</sup>

## Concluding Remarks

Trafficking organizations can vary from single individuals or soloists, to complex networks involving numerous individuals. Organizations can be flat with little division of labour, while others can be hierarchical with multiple tasks carried out by different individuals. Group members can be related by blood, tribal or clan affiliations, or can be brought together by nothing more than their expertise or knowledge of a particular market and interest in making money.

Human trafficking is a complex process during which the victims pass through a number of different stages or nodes (recruitment, transportation, exploitation and disposal), possibly in different countries. Trafficking is a human rights violation which places persons at risk of being victimized at each of these nodes or stages, at which point a number of human rights violations occur and crimes are perpetrated against the individual victims. Human rights violations

89 Corruption is operationally defined as the abuse of entrusted power for private gain (Transparency International, no publication date).

90 S. Adamoli, A. Di Nicoli, E. Savona and P. Zoffi, *Organized Crime Around the World* (Helsinki: European Institute for Crime Prevention and Control (HEUNI), 1998), p. 17.

91 Alexis Aronowitz, "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", *European Journal on Criminal Policy and Research*, Volume 9 (2001), p. 174.

92 A. Schloenhardt, "Organized Crime and the Business of Migrant Trafficking", *Crime, Law and Social Change*, 32 (1999); Bales and Lize (2005).

93 K. Bales and S. Lize, *Trafficking in Persons in the United States* (Washington D.C.: U. S. Department of Justice, 2005), <<http://www.ncjrs.gov/pdffiles1/nij/grants/211980.pdf>>, accessed 31 March 2010.

94 R. Kendall, "Recent trends in international investigations of trafficking in human beings", paper presented at the "International Conference on New Frontiers of Crime: Trafficking in Human Beings and New Forms of Slavery" (Verona, 22-23 October 1999).

95 E. Savona et al., *Organized Crime Across the Border* (Helsinki: European Institute of Crime Prevention and Control, 1995); H. Jantsch, "Law Enforcement: Germany's Perspective", Report of the U.S.-EU Trafficking in Women Seminar, L'viv, Ukraine (9-10 July 1998).

96 One was linked to the Madrid bombers.

97 Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009).

98 Alexis Aronowitz, "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", *European Journal on Criminal Policy and Research*, Volume 9 (2001).

99 Kendall, Op. Cit.

100 G. Gunnatilleke, *Summary of the Report of the Rapporteur, International cooperation in fighting illegal immigration networks*, Seminar on International Responses to Trafficking in Migrants and the Safeguarding of Migrant Rights, Geneva (International Organization for Migration, 26-28 October 1994), reprinted in *Trends in Organized Crime* (Winter 1996); A. O. Richard, *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*, (Center for the Study of Intelligence, State Department Bureau of Intelligence, U.S. State Department, 1999).

include deprivation of self-determination, education, sanitary conditions, access to medical care or contact with their families. Additionally, crimes perpetrated against the victims include threats, theft of documents or property, illegal deprivation of liberty, aggravated and/or sexual assault, forced prostitution, rape or even death.

Trafficking may be facilitated by legitimate businesses or individuals working for or with trafficking enterprises along or during this trafficking process. The degree to which these upperworld figures are involved, may determine how long and how successfully trafficking organizations are able to operate.

A deeper understanding of how trafficking enterprises work – their members, roles, modus operandi and the markets in which they exploit their victims – will allow governments to take measures to prevent and successfully intervene in trafficking operations.

# CHAPTER 3

## THEORETICAL FRAMEWORK

Human rights and labour violations perpetrated against trafficked persons have been documented in reports issued by numerous NGOs and intergovernmental organizations. The business implications of human trafficking, however, are less clear. In the previous chapter, the section on the Overlap between Upper- and Underworld Activities provided limited insight into the impact that organized criminal activities can have on the legitimate economy. Unfair business practices generate unfair market competition allowing businesses which use trafficked persons or exploitative labour and practices to undercut the cost of legal competitors. Furthermore, corrupt practices by government officials undermine the trust of society in those who are supposed to protect them.<sup>101</sup> CFI, the Belgian anti-money laundering task force has gone as far as to state that “[i]t is obvious that such criminal infiltration into the economy poses a threat to the Belgian social and economic system and in time could even disrupt the entire social order.”

If in fact trafficking organizations operate as businesses, with the objective of reducing overhead costs while increasing profits, it is important to understand how these decisions are reached. This chapter draws upon criminological and business theories which allow for an alternative perspective on human traffickers’ motivation and rationale, to explain the decision-making processes of human traffickers.

### Explaining Trafficking at the Individual Level

#### *Rational Choice*

Rational choice theory became popular in the 1970s and developed from Classical Criminology.<sup>102</sup> According to rational choice theory, criminals are reasoning beings who choose to commit a crime after weighing the costs, benefits and risk of committing these crimes.<sup>103</sup> These include the immediate need for criminal gain, the risk of apprehension, the severity of punishment if caught and the (potential) value of the criminal enterprise.<sup>104</sup> Rational choice theory has most often been used to explain predatory economic crimes, and in particular, burglaries. It is, however, a useful theory in attempting to understand the crime of human trafficking.

Unlike other criminological theories, rational choice theory is both offender and offence specific and differentiates between crime as an event and criminality as a personal trait.<sup>105</sup> In that sense, the theory explains both the involvement of professional criminals in trafficking enterprises as well as otherwise ‘law-abiding’ citizens exploiting and enslaving a domestic worker.<sup>106</sup> With regard to *offence-specific* acts, the offender reacts to the characteristics of a particular offence. Every criminal act has certain payoffs and risks. In trafficking, this may involve the likelihood that there is a ready supply of potential victims, a market willing to absorb the trafficked victims, high yield profit and a low likelihood of being caught and prosecuted. *Offender-specific* implies that the individual considers whether or not he or she possesses the “prerequisites to commit a successful criminal act, including the proper skills, motives, needs and fears”.<sup>107</sup>

Offender and offence characteristics are interactive. This interaction is referred to as *choice structuring*. Each offender has a unique set of skills and needs, while each offence has its own risks and payoffs. The interaction between the

101 This distrust of the police is a weapon used by many traffickers to ensure that their victims will not escape and seek help from the local police.

102 Classical criminology is a utilitarian approach to the study of crime and its control. The premises of Classical criminology argue that people choose behaviour; their choices can be influenced by fear of punishment and that for punishment to act as an adequate deterrent, it must be certain, swift and severe.

103 For more on rational choice theory, see Gary Becker’s groundbreaking analysis of crime and rational choice (G. Becker, “Crime and Punishment, an Economic Approach”, *Journal of Political Economy*, 76 (1968), pp. 169-217).

104 L. Siegel, *Criminology: Theories, Patterns and Typologies* (8th edn.; Belmont: Wadsworth, 2004).

105 D. Cornish and R. Clarke, “Understanding Crime Displacement: An Application of Rational Choice Theory”, *Criminology*, Vol. 25 (1987) and Siegel, Op. Cit.

106 F. Klopott, “State Department adds restrictions to diplomats bringing servants into the U.S.”, *Washington Examiner*, 20 November 2009, <[http://www.washingtonexaminer.com/local/crime/State-Department-adds-restrictions-to-diplomats-bringing-servants-into-the-U\\_S\\_-8559119-70570032.html#ixzz0errpdYpn](http://www.washingtonexaminer.com/local/crime/State-Department-adds-restrictions-to-diplomats-bringing-servants-into-the-U_S_-8559119-70570032.html#ixzz0errpdYpn)>, accessed 31 March 2010: At least 42 allegations of diplomats engaged in the trafficking and exploitation of their domestics servants have been documented in the United States since 2000 (Klopott, 2009).

107 L. Siegel, *Criminology: Theories, Patterns and Typologies* (8th edn.; Belmont: Wadsworth, 2004), p. 109.

offender and offence structures the offender's choice of behaviour allowing the offender to choose between alternative courses of action.<sup>108</sup>

In the study of their involvement in crime (drug dealing, burglary), criminals have been shown to rationally choose the *type of crime* in which to become involved as well as their target and the time and place of the crime. The type of crime "... may be dictated by a rational analysis of market conditions". In the case of trafficking, traffickers may choose to increase their financial gain by moving victims from rural to urban areas within a country or from transitional to industrialized nations; to move trafficked victims into brothels near army barracks or supply victims to customers during international sporting events; or to traffic victims into the construction industry when large-scale projects have begun.

Criminals have also been known to *select the target* of crime. Traffickers either prey on an economic crisis facing a family – such as a medical emergency or condition requiring cash – or select victims that they think will be most compliant. Traffickers also prey upon families in poverty, families in which parents are alcoholic and administrators of orphanages.<sup>109</sup> Other targets of prey for traffickers are children who are victims of child abuse, who may be runaways or may have been forced into prostitution by a family member. An emerging pattern involves the recruitment of women working in prostitution (in their home cities and countries) before being recruited and exploited in trafficking abroad. This deliberate selection of women already having worked in prostitution before being trafficked ensures that the transition is 'easier' for the trafficked person and proves to be "... a strategic way for traffickers to mitigate some of the resistance of unwilling victims"<sup>110</sup>.

Rational choice theory also examines criminals' choice of *time and place*<sup>111</sup> of the crime and target locations. The concept of time is less relevant in trafficking for forced commercial sexual exploitation, but may prove to be more relevant for trafficking in labour exploitation. Crop harvesting and the need for seasonal workers at particular times of the year may generate a demand for cheap labour which can easily be filled with trafficked victims. Target locations are important in the prostitution sector and traffickers can choose to move prostitution from more visible places (the streets, brothels, massage parlours) to locations which are more difficult for authorities to monitor and control (escort services and private apartments). This move can be in reaction to proactive police controls in the more visible prostitution sector.

Individuals must first decide to initially become involved in crime – or that the initial involvement, often for the purpose of generating profit, is acceptable (the *initial involvement model*), and crime may be one alternative to fulfilling their needs. Their previous learning and experience – the values and norms around them, their moral code, their personal and vicarious experience with crime, their view of themselves and the degree to which they are able to plan and exercise foresight – will determine the degree to which individuals are willing and able to become involved in crime.<sup>112</sup> The previous learning experiences may be influenced by such things as demographic characteristics, their family upbringing and individual traits.<sup>113</sup>

The decision to engage in crime is followed by the decision to commit a particular offence – the *criminal event model*. Once the person has decided to commit the offence, the next step is target selection based on a cost/benefit analysis. "The factors that individuals consider may differ dramatically from one type of crime to another, which is why rational choice theories argue that 'crime specific' models of decision making are necessary for different types of crime."<sup>114</sup> Target selection for human trafficking may include purposely targeting street children or runaways knowing that no one will miss the children and notify the authorities. A burglar selects a target, for example, which will provide maximum coverage – a house at the end of a 'cul-de-sac' or burglarizing a home while the occupants are on vacation.

Crime (trafficking) continues to be profitable and this strengthens the determination to continue involvement in these activities. With the successful completion of each new crime,<sup>115</sup> the criminal becomes increasingly professional, and changes in lifestyle and values as well as changes in peer group can be identified. *Increased professionalism* is a result of improved skills and knowledge through planning and careful selection of targets, increasing professional contacts (with other traffickers or others who supply services such as document forgery) and developing and maintaining contacts with (and possibly corrupting) migration, law enforcement and other government officials. All of this increases profits while reducing risks. *Changes in lifestyles and values* are a result of the increasing dependency

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108 L. Siegel, *Criminology* (St. Paul, Minnesota: West Publishing Company, 1983).

109 Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010 forthcoming).

110 R. Surtees, "Traffickers and Trafficking in Southern and Eastern Europe: Considering the Other Side of Human Trafficking", *European Journal of Criminology*, 5 (1) (2008), p. 51.

111 Research has focused on burglars' selection of time and place before committing a burglary – e.g., which time of day and day of the week as well as the location of a house to be burglarized will least likely result in being caught during the burglary.

112 In countries where corruption is prevalent, many children learn that it does not pay to be honest, but that corruption pays. They have experienced corruption ranging from payment for grades at school to judges being paid off at modeling contests or sports games. The well-off children of corrupt (government) officials only strengthen the belief that being honest does not pay. This leads to an erosion of trust in institutions and may be the first step towards making the decision to becoming involved in crime.

113 D. Cornish and R.V. Clarke, "Crime as Rational Choice", in F. T. Cullen and R. Agnew, *Criminological Theory* (Los Angeles: Roxbury Publishing Company, 2003).

114 *Ibid.*, p. 278.

115 *Ibid.*, Figure 26-3: provides a model of continuing involvement in crime using residential burglary in a middle-class suburb as an example.



upon crime as an income-generating activity. The criminal may enjoy life “in the fast lane” and begins justifying his/her involvement in crime.<sup>116</sup> Neutralization techniques, described later in this chapter, explain the mechanisms and rationalizations that individuals use to justify their involvement in crime. As a result of their involvement in crime, criminals *change peer groups*, becoming friendly with other criminals or those who share the same values. This may also be the result of the need for services that will facilitate the trafficking organization (the production of false documents or corruption of officials) or to increase profits (buying and selling victims), which will be further examined in relation to *process analysis*.

According to the tenets of rational choice theory, criminals will desist from crime if they believe that their criminal activities will no longer generate a profit and that legal and attractive income-generating opportunities are available.<sup>117</sup> A further incentive to quit is that risks have outweighed profits and that there is a high probability of arrest, prosecution and punishment.

### Neutralization Theory

According to neutralization theory, individuals – otherwise law-abiding individuals – are able to engage in criminal activities by using techniques of neutralization. They believe that their acts are justified based upon a number of arguments, and research has shown that the more neutralization techniques are accepted by individuals, the more likely they are to engage in crime.<sup>118</sup> These arguments can be divided into five major types:

- 1) *Denial of responsibility* is used to place blame for a criminal act outside of the responsibility and beyond the forces of the actor. The actor argues that unemployment or poor upbringing was responsible for his involvement in crime;
- 2) *Denial of injury* is a technique used to minimize the criminal act by implying no one has been harmed by the act. This technique can easily be used – in particular by recruiters and transporters involved in trafficking – to argue that individuals want to leave a particular country and that the recruiters and transporters are only helping them to realize their dreams. The trafficking of domestic workers from poor countries into richer ones may be justified by arguing that their living conditions have been improved by taking them out of poverty in their own countries – and that they are now living (albeit in horrendous conditions) in a beautiful home rather than in a slum area. Closely related to this is the denial of victim;
- 3) *Denial of victim* may be used to argue that “injury is not wrong in light of the circumstances” – perhaps arguing that a victim is receiving more money than he or she would if performing the same services at home.<sup>119</sup> The offender may recognize the difference between appropriate and inappropriate targets. The fact that traffickers recruit women working in prostitution in their home countries, or tell women that they will be working in prostitution when they are recruited and brought into another country, may allow traffickers to falsely believe that the women trafficked are not victims;
- 4) *Condemnation of the condemners* refers to the attitude that those who condemn (in this case, the criminal justice system) are unjust, corrupt or deviant. This neutralization technique is an attack on the “condemners” and is perhaps the least important in relationship to human trafficking in countries where corruption is low or non-existent. In countries where corruption is widespread in the government and private sector, cynicism is widespread and condemnation of the condemners would play a more important role;
- 5) *Appeal to higher loyalties* proves to be an interesting neutralization technique. Originally used to explain delinquents’ appeal to the loyalties of friends, these loyalties among traffickers may be influenced more by threats of violence and harm, rather than friendships. Betrayal and violence are commonly found in relationships between traffickers. In the case of trafficking networks organized predominantly around family or friendship ties, this technique of neutralization may be used to justify participation in the trafficking operations. It may also explain how women – former trafficked victims – who have established a relationship with their trafficker, return to their hometown or village and recruit other victims. Research has found that “[r]ecruitment is particularly effective when traffickers rely on victims whom they have turned into loyal enforcers or recruiters”.<sup>120</sup>

116 This is true of some, but not all offenders involved in human trafficking. Shelley (forthcoming, 2010) reports that this pattern does not reflect the habits of the Chinese business type of offender.

117 L. Siegel (2004), citing Liliana Pezzine, “Earnings, Prospects, Matching Effects and the Decision to Terminate a Criminal Career”, *Journal of Quantitative Criminology*, 11 (1995), pp. 29-50.

118 G. Sykes and D. Matza, “Techniques of Neutralizations”, in F. T. Cullen and R. Agnew, *Criminological Theory* (Los Angeles: Roxbury Publishing Company, 2003).

119 This technique of neutralization is often used to argue that the victim got what he or she deserved. G. Sykes and D. Matza, *Op. Cit.*, p. 139: However, the techniques of neutralization put forth may be used differently in justifying human trafficking.

120 K. Bales and S. Lize, *Trafficking in Persons in the United States* (U. S. Department of Justice: Washington D.C, 2005), p. 26, <<http://www.ncjrs.gov/pdffiles1/nij/grants/211980.pdf>>, accessed 31 March 2010: It is not clear whether the relationship between the victim and the trafficker is an example of the “Stockholm Syndrome” in which the hostage (in this case the trafficked victim) becomes strongly attached to the hostage taker (trafficker) or whether these victim-traffickers have been socialized into this lifestyle.

## Explaining Trafficking at an Organizational Level: Business Models and Market Selection

Attempting to understand human trafficking from the perspective of a business requires an examination of business principles and an understanding of routine activities theory.

### *Routine Activities Theory*

Routine activities theory concentrates not on individual actors and their motivations, but on situations or criminal settings – in other words, the environments conducive to organized criminal activity.<sup>121</sup> Routine activities theory puts forth the idea that “... in order for a crime to occur, motivated offenders must converge with suitable targets in the absence of capable guardians”.<sup>122</sup> The likelihood that there is such a convergence is heightened by our routine activities including work, leisure time, friends and family. This theory takes the motivation of the offender as a given and studies the spatial and temporal organization of social activities to explain crime. Having capable guardians is instrumental in controlling or eradicating criminal activities.

According to this theory, crime can increase if there are more suitable targets and fewer capable guardians present.<sup>123</sup> This theory would call for awareness among suitable targets (victims or potential victims) and increased controls (by capable guardians)<sup>124</sup> to reduce the likelihood of motivated offenders coming into contact with the suitable target. Awareness-raising programmes – and particularly those targeted at high risk groups or potential victims – are examples of measures taken to reduce the likelihood that victims will come into contact with motivated offenders.

### *Market Variables*

A further attempt to understand human trafficking as a business requires one to understand market variables. The study of organized crime’s involvement in illicit markets has yielded the following market variables which are crucial to determining the markets at risk of infiltration by (organized) criminal groups: supply, demand, regulators and competition.<sup>125</sup> These market variables interact to increase the risk and likelihood of organized crime involvement in a particular market.

*Supply* refers to the source or objective availability of services. The supply of individuals willing to migrate and work is almost endless. Supply also includes the ease of movement of goods or persons. In regions where borders are porous, or where, for instance, the external borders of the European Union or the Commonwealth of Independent States have expanded and Member States’ citizens are allowed to travel legally and visa-free between countries, the ease with which victims can be moved around and brought into these areas has increased.

*Demand* refers to the level of demand for a service (prostitution or cheap labour) and whether or not it is elastic or inelastic. Elastic demand for a service rises or falls depending on the price of the good or service. Inelastic demand for a product or service means that consumers will pay almost any price because the object or service is in demand.<sup>126</sup> In the case of sex trafficking, the demand is highly elastic. A price increase will lead to a reduction in demand.<sup>126</sup> Conversely, greater availability of individuals providing services at lower prices will result in more customers, hence, greater demand. Demand can also be for a particular product. In business, this is referred to as the *unique selling point*. This is a specific feature that differentiates a product from similar products. In terms of trafficking, this might be the demand for women of a certain nationality (Russian), ethnic group (Asian) or age (particularly young children). Demand can be artificially created.

*Regulators* refer to the existing regulation, the effectiveness and capacity of law enforcement in a particular jurisdiction and government corruption levels. All of these combined will influence the ease with which an organization enters the market.

*Competition* refers to competition from other groups in the market, profitability and the impact of harm suffered.<sup>127</sup> Unlike in the drugs market, in the case of human trafficking, groups are not always in competition with one another, but may collaborate when such a relationship proves profitable to both sides.

Market systems “are complex, adaptive, social networks in which both structure and function are important and which purpose derives from a dynamic matching of goods and needs”.<sup>128</sup> This assessment can be clearly applied

121 J. Albanese, “Risk Assessment in Organized Crime”, *Journal of Contemporary Criminal Justice*, Vol. 24 Number 3 (2008).

122 L. Cohen and M. Felson, “Routine Activity Theory”, in F. T. Cullen and R. Agnew, *Criminological Theory* (Los Angeles: Roxbury Publishing Company, 2003), p. 284.

123 M. Felson and R. V. Clarke, *Opportunity Makes the Thief* (United Kingdom: Home Office, 1998), <<http://www.homeoffice.gov.uk/rds/prgpdfs/fprs98.pdf>>, accessed 31 March 2010.

124 Examples of capable guardians would include parents, teachers at school, but also more formal guardians such as immigration officials and border guards.

125 J. Albanese, “Risk Assessment in Organized Crime”, *Journal of Contemporary Criminal Justice*, Vol. 24 Number 3 (2008): citing other research.

126 S. Kara, *Sex Trafficking: Inside the Business of Modern Slavery*, (New York: Columbia University Press, 2009).

127 Albanese, Op. Cit.

128 R. Layton, “Marketing Systems: A Core Macromarketing Concept”, *Journal of Macromarketing*, Vol. 27 (2007), p. 228.

to trafficking where the goods are trafficked victims, the needs are the demand for cheap labour and commercial prostitution, the goods and needs are 'dynamically matched' and "... there is a complex social network operating to make this happen".<sup>129</sup>

## Process Analysis

Viewing the crime of trafficking in human beings from a business perspective allows for the visualization of its processes. While an analysis can be drawn between traffickers and service providers, the actual trafficking process can be compared to an international or national trade process, as is the case of any common transaction involving goods. The term 'goods' here refers to the reality of trafficking victims, as they are often bought, sold and used as commodities. Usage of this term is in no way meant to degrade the individual who finds him- or herself a victim of trafficking.

Unlike cargo, trafficking in human beings is more complex. They need to be cared for during 'shipment' and their travel is not always legal. They are forced to function in a certain way while being denied any kind of choice as to location and mode of performing that function<sup>130</sup>. Based on that assumption, the following will demonstrate how trafficking could be modelled from a business point of view. Further arguments are being presented as to why the business perspective not only helps to illustrate and understand trafficking but also how it can contribute valuable insights into combating this insidious crime.

In the classical *supply chain*, there are four major links: (1) Supplier; (2) Assembly/ Manufacturing; (3) Retailer/ Service Provider; (4) Customer.<sup>131</sup> The first link of the traditional supply chain – *the supplier* – is concerned with the issues of sourcing and transport and bringing the products to the market. Similar to the sourcing of raw materials, victims also have to be located and extracted from their original location. Per definition, this involves some kind of deception or coercion.<sup>132</sup> There are a number of different methods traffickers use to source or recruit their victims. They employ agencies (recruitment, marriage, travel), family members, friends, or so called 'loverboys' traffickers/pimps. Travel documents will be prepared and provided and victims are then transported willingly or unwillingly via legal or illicit means (such as smuggling). The transport can happen by various means and involve both additional actors like corrupt border officials as well as peripheral crimes like smuggling of irregular migrants and document fraud.<sup>133</sup>

At the second stage – *assembly/manufacturing* – goods are prepared for their intended commercial purpose. Similar to raw materials, the victims of trafficking need to be manipulated in order to make them function as intended. This process attempts to guarantee the following: (1) the victims need to be able to perform their tasks; (2) victims must understand that they must obey; (3) their will to object or refuse the traffickers' commands must be broken to the highest degree possible. During this stage, traffickers use an assortment of threats, physical punishments and psychological pressure to break and dehumanize victims and keep them in line. In order to ensure the satisfaction of their clients – be they other traffickers, businesses, or private customers – traffickers are likely to employ different mechanisms to test their products and victims. A trafficker who intends to sell a victim might, for example, exploit the victim him- or herself for a while in the same way that his or her client would be likely to do. The analysis of concrete cases can reveal the various mechanisms at work here.

At the following stage – the *retailer/service provider* – the victims of trafficking are offered up for exploitation. The retailer/service provider in legal business interactions presents goods or offers a service for customers to buy. Making their offers known to prospective customers necessitates a certain amount of marketing. They must decide how and to whom to market their product and how to make contact with customers. This could involve marketing trafficked victims to licit or illicit businesses which employ domestic servants, farm labourers or construction workers. Alternatively, the trafficker must decide how to market trafficked victims to clients who use the services of prostitutes. This can be done through newspaper advertisements, the Internet or informal channels.

It is these marketing activities that require traffickers to compromise one of their key aims, which is to cover their illegal actions in order to avoid identification, arrest and prosecution, as explained in more detail in the discussion of the rational choice approach. It is during the marketing phase and at this point of exploitation that the criminal agents

129 J. Pennington et al., "The Cross-National Market in Human Beings", *Journal of Macromarketing*, Volume 29 Number 2 (2009), p. 120: This is not always the case, however. In the context of the global economic downturn, foreign workers in UAE left on their own volition whereas in the Czech Republic the government repatriated them.

130 W. Chapkis, "Trafficking, Migration, and the Law", *Gender & Society*, Vol. 17 No. 6.

131 T. Skjøtt-Larsen et al., *Managing the Global Supply Chain* (3rd edn.; Copenhagen: Copenhagen Business School Press, 2007).

132 United Nations, *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, Article 3, <[http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf)>, accessed 31 March 2010: While it is generally true that some form of deception or coercion is used in the recruitment stage, this is not always the case. In Belgium, for example, the Centre for Equal Opportunity and Opposition to Racism (CEOOR) reports that EU members from Bulgaria and Romania have been transported by buses on a voluntary base. The chauffeurs of these buses are the recruiters of the potential victims. The drivers of these minibuses are also the proprietors of their own travel businesses. In Bulgarian cities like Plovdiv, they recruit workers for the construction business by spreading the rumour that one can become rich in Belgium. According to the police, the Bulgarian men who are transported from Plovdiv are accompanied by their wives who want to come and work in Belgium as prostitutes (written communication from S. Janssens, CEOOR).

133 A. O. Richard, *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime* (Center for the Study of Intelligence, State Department Bureau of Intelligence, U.S. State Department, 1999); K. Bales and S. Lize, *Trafficking in Persons in the United States* (Washington D.C.: U. S. Department of Justice, 2005), <<http://www.ncjrs.gov/pdffiles1/nij/grants/211980.pdf>>, accessed 31 March 2010.

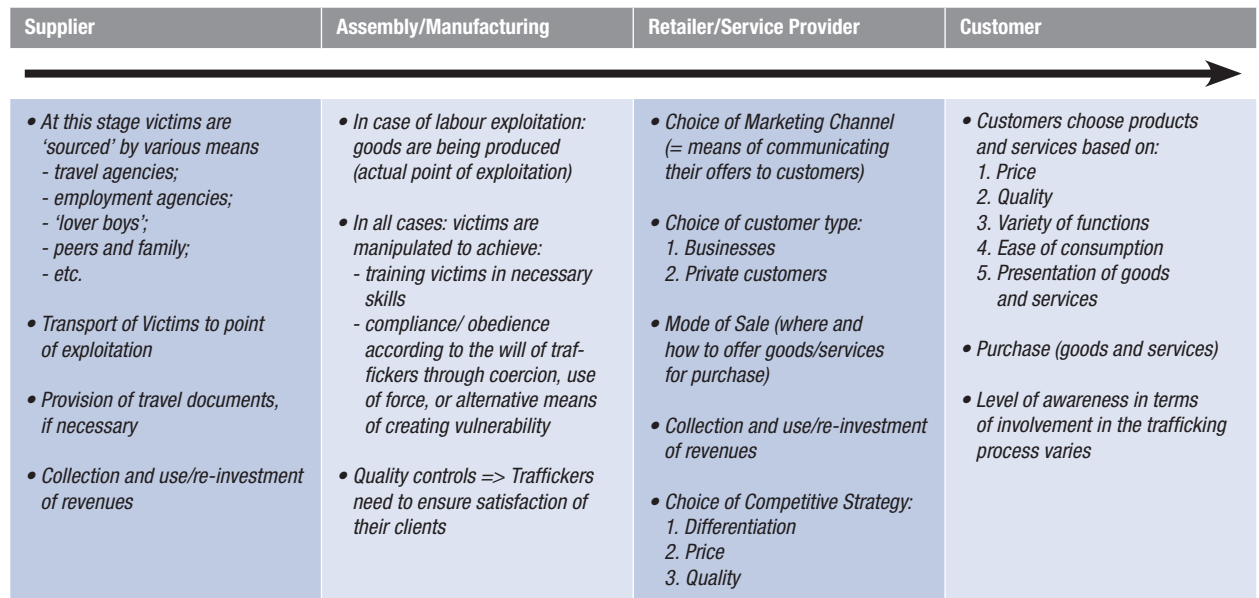
are forced to interact with agents who are outside their own organization. This point within the trafficking supply chain provides for an opportunity to uncover the criminal activity as those who combat trafficking arguably have the same opportunity as any prospective customer to access the traffickers' marketing information and services. It is also at this stage that the revenues are generated and therefore payments are received and financial transactions occur. These payments need to be stored, transferred or spent. The analysis of this aspect will help to understand better the behaviour of traffickers and also cast light on the financial transactions and structures of trafficking organizations.

The remaining stage of the classical supply chain can be translated almost directly into the supply chain of trafficking. *The customer* is the purchaser of sex or products provided or produced by the trafficked victim. Customers may or may not actually be aware of the fact that the services or goods they purchase are provided or produced by illegal means. If they are aware of this, then the customers become part of the criminal process themselves.<sup>134</sup> This is however arguably more often the case when it involves sexual exploitation than would be the case for labour exploitation.<sup>135</sup> Unchanged are the usual dynamics ruling customer behaviour like demand for a certain product or service, including variety, and motives like trying to obtain the highest possible quality at the lowest possible price. Based on these universal aspects that are also in effect for customers of trafficked victims or their labour, it is possible to analyse their prospective behaviour and it will possibly provide the grounds also for policy advice as customers might react predictably to the use of targeted disincentives.

Similar to viewing trafficking as a process during which crimes occur (Diagram 1 – Chapter 2), trafficking can be viewed from the perspective of a supply chain. Each phase or link in the supply chain allows for intervention and disruption through a number of means. At the supply and customer phases in the process, awareness-raising by government and civil society stakeholders could interrupt the supply of willing victims and alert customers purchasing sex from, or goods produced by, trafficked victims. Proactive, intelligence-led investigations by police and labour inspectorates (aimed at, among others, advertising and marketing) could uncover trafficking practices during the assembly/manufacturing and the retailer/service provider links of the trafficking business chain. Intervention, disruption and asset seizure and confiscation will make the business of human trafficking unprofitable.

The supply chain of trafficking in human beings is portrayed in Diagram 2 below.

Diagram 2: A Basic Supply Chain Model of Trafficking in Human Beings



134 This is not always the case. There have been cases of customers falling in love with a prostitute who is a victim of trafficking and helping her to escape or buy her freedom. Alternatively customers may become aware of the fact that a person working in prostitution is a trafficked victim and may aid in her rescue by alerting a shelter that works with trafficked victims (written communication from S. Janssens, CEOOR, Belgium).

135 In the case of sexual exploitation, the customer comes into direct contact with the trafficked victim and is thus more likely to realize that his or her participation in prostitution is unwilling. In the case of labour exploitation, customers may be unknowingly purchasing goods produced by trafficked persons. The customer in this case is so far removed from the production process that he or she may be unaware of the fact that slave labour was used in the production of the goods being purchased. Most buyers are interested in purchasing quality goods as cheaply as possible but would not do so if they realized slave or trafficked labour was involved. Fair Trade movements and IOM's Responsible Buyers programme encourage buyers to purchase goods that are guaranteed "slave-free" and for which farmers and labourers are paid fair prices for their services.

## Business Components

Another way of examining the business side of trafficking is to draw parallels between individuals within the trafficking process and business components. Trafficking, like any other business, has different components. These are (1) a wholesaler – the trafficker; (2) a retailer – the exploiter (pimp, brothel or factory owner); (3) a product – in this case, the trafficked victim; and (4) a customer – the consumer of the services of, or a product produced by a trafficked victim through exploited labour.<sup>136</sup> As in any business, consumers want quality for minimal price. In order to damage the business of trafficking, there must be a price increase in the product or service to offset the quality-price equilibrium. This can be done by reducing the supply, or number of available victims by increasing efforts to proactively locate, identify and remove victims of trafficking – whether from prostitution or forced labour in agriculture, fishing, domestic service, construction or other markets. Additionally, by reducing the supply of victims and increasing and successfully prosecuting, imprisoning and seizing the assets of traffickers, governments can increase the costs to traffickers while at the same time reducing the demand of clients. Asset seizure and confiscation, thus depriving traffickers of their ‘working capital’, can help prevent their ability to become once again involved in trafficking.

## Strategy Analysis: An Analysis of the Feasibility and Sensitivity on an Organization’s Operations

It is important to understand not only current processes of trafficking in order to interfere with them effectively but also to get an insight into traffickers’ strategies. This, if achieved to a sufficient degree, will enable the design of counter trafficking mechanisms that are able to anticipate and to a certain degree affect or control future actions and reactions of traffickers. For this study, two major types of strategy analysis, *feasibility* and *sensitivity analysis*, have been chosen to illustrate a possible application of the existing research in the field of business strategy for the purpose of gaining a more profound and applicable understanding of trafficking in human beings.

Generally *feasibility analysis* deals with the internal and external constraints of an organization. Internally an organization is constrained by: (1) Knowledge; (2) Organizational design; (3) Finances; (4) Fixed assets.<sup>137</sup> Any of these factors may influence the ability of the business to operate with certain objectives and react to environmental changes.<sup>138</sup>

There has, for example, been a documented change from open prostitution towards more hidden types in many countries. Using the concept of internal constraints, which are the operational constraints of an organization in terms of its limited material and knowledge-related resources like finances or specific know-how,<sup>139</sup> will provide an understanding of what it means for a trafficking organization to make such a strategic change and also the reasoning behind its initiation. As an example one could ask a number of questions like whether the organization had the expertise to switch its modus operandi or whether they consulted any kind of expert as facilitator. Further it would be important to determine how many people are needed to implement a certain strategy and whether certain material resources are required. The list of possible questions one could articulate is virtually unlimited and can be adjusted to the respective cases under observation.

*Feasibility analysis* incorporates also the environmental influences on the organizational strategy by examining the external constraints. These include customer acceptance, competitive reaction, supplier acceptance and ‘approval’ or lack of sufficient counter measures of government and other regulatory bodies. The same kind of questions as suggested for the internal constraints can be used to understand how various external factors affect strategic choices.

Similar to *feasibility analysis*, *sensitivity analysis* tries to understand first of all the multitude of factors that influence an organization’s choices, always presupposing that they are based on rationality as is necessary for the application of all business theory. These factors can be related to economic aspects but need not be constrained to that. It is the case that the more diverse the factors are that can be identified and incorporated into the sensitivity analysis, the more complex is the possible understanding of the respective strategy in question.

In order to obtain possible factors, one could use the results of a prior process analysis or examine various trafficking cases. There are generally a number of factors that can be immediately identified like the legal constraints that are in effect in a given country where exploitation takes place. After identifying a factor like this, one would now arbitrarily make theoretical changes to the respective factor to evaluate the prospective outcomes of such a change, one would ask the so-called *What if-Questions*. This method, while being formally arbitrary, has proven to provide valuable insights into the future actions of a multitude of organizations.<sup>140</sup> It is true, however, that the more informed the guesses are, the more reliable and useful they become. So, for example, incorporation of insights provided by

136 S. Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009).

137 While directly related to business principles, other constraints with respect to human trafficking include unclear or confusing definitions of human trafficking in legislation, the capacity, financial and political will to implement and enforce policies, laws and measures, corruption or a lack of awareness of the problem.

138 R. Lynch, *Corporate Strategy*, Third Edition, Financial Times (Prentice Hall, 2003).

139 Ibid.

140 W. Stein, *Decision Making under Uncertainty: Is Sensitivity Analysis of Any Use?*, Operations Research, Vol. 48 No.1 (January-February 2000), p. 20.

*organizational behaviour*, a field of business research that tries to understand the way organizations and their individual agents interact, is certain to increase the value of an analysis.<sup>141</sup>

## Concluding Remarks

This chapter has introduced a number of theoretical frameworks and concepts in the field of criminology, business and marketing against which to analyse human trafficking. A number of individual theories attempt to explain the decisions people make in order to become involved in trafficking, and the rationalizations they may utilize to justify this behaviour.

Rational choice theory holds that criminals are reasoning beings who choose to commit a crime after weighing the costs, benefits and risk of committing these crimes. These include the immediate need for criminal gain, the risk of apprehension, the severity of punishment if caught and the (potential) value of the criminal enterprise. It is a useful theory in attempting to understand the crime of human trafficking. Rational choice theory is both offender and offence specific and focuses upon the offender's choice of time, place, target and target location. By understanding the decisions that traffickers make regarding their specific targets (victims), the places that they are recruited and exploited, and when this recruitment and exploitation take place, we are better able to design effective prevention programmes and introduce investigation measures to target (potential) victims and disrupt criminal activities.

Neutralization theory attempts to explain how (otherwise law-abiding) individuals are able to engage in criminal activities by using techniques of neutralization. They believe that their acts are justified based upon a number of arguments, and research has shown that the more neutralization techniques are accepted by individuals, the more likely they are to engage in crime. In order to test this theory, it would be necessary to interview individual traffickers and how they regard their active role in the crime.

Trafficking can also be viewed from the perspective of a supply chain, involving the supplier (recruiter, transporter), the assembly/manufacturing phase (trafficker), the retailer/service provider (brothel, factory or business owner) and the customer. It is important to understand each phase of the supply chain as these may provide opportunities for intervention and disruption of the business of human trafficking. Activities on the part of government and civil society stakeholders include awareness-raising to interrupt the supply and customer links. Further, proactive, intelligence-led investigations by police and labour inspectorates (aimed at, among others, the marketing and advertising practices of the trade) to uncover the assembly/manufacturing and the retailer/service provider links of the chain could prevent or disrupt human trafficking. These measures, in addition to asset seizure and confiscation will make the business of human trafficking unprofitable.

At the organizational level, business and market theories form the basis of our understanding of the human trafficking process. While these theories and frameworks will be used to analyse the data, a link will be made in Chapter 6 to the recommendations for combating human trafficking as a criminal business.

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141 D. Hellriegel et al., *Organizational Behaviour*, Seventh edition (West Publishing Company, 1995).

# CHAPTER 4

## RESEARCH METHODOLOGY AND DATA

### Introduction

Given the limitations and the exploratory nature of the project, as well as the lack of sufficient amount of cases from police and prosecutorial services for in-depth analysis, the decision was made to select cases from a wide variety of sources in a number of different countries aiming at exploring various forms of trafficking into different markets. The top priority was to collect cases with adequate information concerning the various aspects of human trafficking to include the modus operandi, the various relationships between criminals within the organization and the nexus between upper- and underworld activities. This chapter will elaborate on the data collected before turning to an analysis of the cases in the following chapter. A short description of the cases can be found in Appendix 1.

### Selection of Countries

Geographical coverage was a concern in the selection of cases. An attempt was made to examine cases from as many OSCE participating States as possible, given the limitation of contacts, time and fluency in the languages of the research team members. Researchers selected cases where enough detail was provided to allow an analysis of the structure of the organization as well as information on how the organization or individual traffickers operated. An attempt was made to examine cases from a number of OSCE participating States. This report contains cases from the following destination countries: Belgium, Germany, Netherlands, Russian Federation, Tajikistan, United Kingdom, United States and Uzbekistan.<sup>142</sup> These cases say nothing about the seriousness or prevalence of trafficking within particular countries. The selection of cases was, in part, determined by the researchers' access to and availability of texts in English, German, Russian and Dutch.

### Selection of Cases

In order to portray trafficking in all of its many facets, the decision was made to gather cases of trafficking in commercial sexual exploitation and labour exploitation in various markets – agricultural, construction, domestic service, food service and waste disposal. Table 4.1 provides information on the countries of destination and markets of exploitation.

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<sup>142</sup> In a number of cases in this study, other destination countries for trafficked victims were mentioned. These include Greece, Israel, Italy and the United Arab Emirates.

Table 4.1 Cases, Destination Countries and Markets of Exploitation

Case	Destination Country	Market of Exploitation
1 Belgium construction	Belgium	Construction
2 Belgium Chinese cooks	Belgium	Private Service Sector: Gastronomy
3 Germany Chinese cooks	Germany	Private Service Sector: Gastronomy
4 International trafficking	France and Italy	Commercial Prostitution
5 Netherlands (Operation Ablak)	Netherlands	Commercial Prostitution
6 Netherlands (Operation Sneep)	Netherlands	Commercial Prostitution
7 Netherlands (Operation Koolvis)	Netherlands	Commercial Prostitution
8 Russian-Moldovan-Israeli Criminal Group	Various	Commercial Prostitution
9 Krasnodar slave labour at public dump	Russian Federation	Public Service Sector: Waste disposal
10 Uzbek migrants' slave labour in vegetable cellar	Russian Federation	Private Service Sector: Food retailing
11 Slavery on farm in Omsk region	Russian Federation	Agriculture
12 Forced labour of psycho-neurological patients in Karelia	Russian Federation	Private Households
13 Tajikistan international prostitution	Various	Commercial Prostitution
14 UK (Maka)	United Kingdom	Commercial Prostitution
15 UK (Tavoraite)	United Kingdom	Commercial Prostitution
16 UK (Plakici)	United Kingdom	Commercial Prostitution
17 UK (Elezaj)	United Kingdom	Commercial Prostitution
18 UK (Operation Celsius)	United Kingdom	Commercial Prostitution
19 UK (Operation Ruby)	United Kingdom	Agriculture
20 San Antonio sex trafficking of minors	United States of America	Commercial Prostitution
21 California domestic slave	United States of America	Forced domestic labour in private household
22 Korean prostitution ring	United States of America	Commercial Prostitution
23 Forced labour in hair braiding salons	United States of America	Private Service Sector: Hair braiding salons
24 Family prostitution business	Uzbekistan	Commercial Prostitution
25 Forced work on a construction site	Uzbekistan	Construction site

## Sources

### Cases

Cases included in the study were obtained from experts in the field and official publications. These included publications from the Centre for Equal Opportunity and Opposition to Racism (*Centrum voor Gelijkheid van Kansen en voor Racismebestrijding*) in Belgium, the National Police in the Netherlands, and court documents obtained from the Human Trafficking Centre in the United Kingdom and the Investigative Committee of the Prosecutor's General Office of the Russian Federation. Press and media reports were utilized when they provided enough information suitable for the analysis.

Additional information used for this report, but not included in the list of cases, was obtained from Eurojust's 2007 Annual Report and a crime pattern analysis of human trafficking from the National Crime Squad of the Netherlands Police Agency. Both of these sources provided information on the criminal organizations involved in human trafficking and other crimes.

### Expert Interviews

Interviews with experts were held in Austria, the Netherlands, the United Kingdom, the Russian Federation and Tajikistan. In Austria, no cases were included in the study and information comes almost exclusively from interviews with experts. Experts were asked to provide information on human trafficking into or within their country looking at such factors as the typology and modus operandi of trafficking organizations, the roles of actors within the organizations, manipulation and control of victims, the markets of exploitation, links with other organized criminal activities and criminal groups as well as links to the legitimate business sector. Examining human trafficking



from a criminal business perspective, the researchers sought information on the mechanisms used by organizations to increase profits and reduce costs and risks as well as the money laundering process and investment of profits of the trafficking organizations. Successes and gaps in current responses to human trafficking were sought. The interview protocol as well as a list of experts interviewed can be found in Appendices 2 and 3 respectively.

## Checklists for the Analysis of Cases

A checklist was developed for the analysis of cases.<sup>143</sup> Items contained in the checklist include aspects of the *trafficking process* (whether the case was domestic or international, the countries involved, recruitment, transportation, markets of exploitation, coercion and economic investments of criminals); the *criminals* (the number, gender, nationality, legal residency and criminal antecedents); the *criminal organizations* (the structure, tasks, division of labour, involvement of women as traffickers, co-operation or competition with other criminal organizations); *secondary activities* (other crimes in addition to human trafficking); and intersection with the *upperworld* (intersection with legitimate markets and actors, government corruption). The checklist for the analysis of cases can be found in Appendix 4.

A second instrument was developed to analyse the measures that trafficking networks, operating as businesses, take to increase their profits while reducing risks and costs. Measures taken to *increase profits* might involve such things as trafficking victims into areas in which there is a high market demand and high prices paid for workers, in the case of prostitutes, forcing them to have unprotected sex, using children to fetch higher prices, rotating or selling victims to bring fresh faces on the market, selling or renting out victims to other traffickers, keeping all of the profits and forcing victims to work long hours and earn a specific amount of money before they can stop working. *Reducing costs* may include such practices as housing numerous victims in a single dwelling, subjecting them to inhuman conditions (failing to provide food or sanitary conditions), refusing to pay for medical services and recruiting/exploiting those residing legally in a country. *Risk reduction* would entail the use of fraudulent documents, recruiting women working as prostitutes in their own country, exploitation of vulnerable victims such as homeless persons, drug or alcohol addicts, or irregular migrants (no one will miss them and they are less likely to seek help), use of safe houses and bodyguards to escort victims to work, manipulation and violence to control victims, recruitment and exploitation of locals, forced prostitution in escort services (or less visible sectors), use of corrupt officials, use of aliases, replacement of telephones and talking in code to avoid police taps, use of legitimate businesses to aid the trafficking operation – legal services, banking, travel agencies, property management, and others. This checklist can be found in Appendix 5.

## Timeframe of Data Collection and Compilation

While initial interviews were held with experts in Austria in October and November 2008, data collection and the majority of interviews were held during a three month period between October and December 2009. While interviews were held and cases were collected by all members of the research team, the data were compiled using the checklist for the analysis of cases by a single member of the team. Data was collected between mid-September 2009 and mid-December 2009 and compiled between November and December 2009.

## Strengths and Challenges of the Research Methodology and Data

The methodology employed in this study allowed systematizing known cases of human trafficking along some basic criteria. Since the criteria variables (see checklist in Appendix 4) were chosen by researchers for this particular study focused on the business model of human trafficking, they would be insufficient or might not match the needs of studies focused, for example, on victims. At the same time, the indicators/variables in the checklist are fairly diverse and can be used in other studies of the involvement of criminal networks or organized criminal activities.

The research methodology was based on real trafficking cases from selected countries. This was the point of principal importance and at the same time the major challenge. Although a number of trafficking cases were successfully investigated and prosecuted in all countries selected for this study, due to the limited time available to collect original case material, the research relied heavily on secondary sources of data. In addition to time constraints, researchers were limited due to widely dispersed spatial allocation of cases,<sup>144</sup> and bureaucracy. Relying upon secondary sources

143 H.G. Van de Bunt and E.R. Kleemans, *Georganiseerde criminaliteit in Nederland* (Meppel: Boom Juridische Uitgevers, 2007), <[http://www.wodc.nl/images/ob252\\_vollledige\\_tekst\\_tcm44-81966.pdf](http://www.wodc.nl/images/ob252_vollledige_tekst_tcm44-81966.pdf)>, accessed 31 March 2010: Information was taken, in part, from the checklist to analyse case files for the Organized Crime Monitor of the Dutch Research and Documentation Centre of the Ministry of Justice.

144 For example, in Russia cases were selected in Moscow, Far East, Karelia (West) and Krasnodar (South).

and being unable to access complete police investigation or prosecution case files, the researchers utilized cases which sometimes lacked sufficient information for some indicators/variables from the checklist. The decision was made not to exclude the variables from the checklist, but to keep them in order to at least identify more precisely the gaps in data that need to be collected in further research.

It is impossible to conduct empirical research on markets, trafficking modus operandi and the involvement of criminals and criminal organizations in trafficking in all 56 OSCE participating States in this exploratory exercise. The strength of this methodology lies in the creation of tools (see the interview protocol and case-file checklist in Appendices 2 and 4) which researchers in OSCE countries can use to further their knowledge of the phenomenon in their own countries.

## Concluding Remarks

This chapter has provided insight into the data collection and has introduced the tools generated by this study for the analysis of cases of human trafficking included in this study. Some of the strengths and challenges of the study have been identified.

# CHAPTER 5

## DATA ANALYSIS AND RESEARCH FINDINGS

### Introduction

This chapter presents an analysis of the data collected during interviews of experts, access to international, governmental, non-governmental and other reports, and the analysis of cases described in the previous chapter. This study remains an exploratory study and the number of cases and countries included in the research as well as the data in the cases is limited. It should be made clear that the cases may not be representative of all types of human trafficking within the countries included in the study, and say nothing about the pattern of trafficking in other OSCE participating States not included in the research.

### Individual Traffickers

Individual or ‘soloist’ traffickers exploit victims in different markets. They are often those who import and exploit domestic servants. Another soloist trafficker is the “loverboy” who, through courtship, promises of love and marriage, recruits and then psychologically manipulates or forces his victim into prostitution. This pattern has been documented in the Netherlands<sup>145</sup> and the United States.

An analysis of criminal collaboration in the Netherlands (2000 – 2003) gleaned from police files, show that 12 per cent of the cases involved solo operators and the majority of these solo operators (66 per cent) were involved in domestic trafficking.<sup>146</sup> The lack of statistics on solo operators or domestic trafficking could easily be influenced by a refusal to observe the phenomenon or an over-emphasis upon linking trafficking with transnational organized crime and activities. While not recognized as a problem in all countries, domestic trafficking, in some countries, far outweighs international trafficking.<sup>147</sup>

Individual traffickers were identified in four of our cases. These varied from a U.S. real estate agent who imported and exploited a single domestic worker from Peru (case 21), to a West African woman who smuggled in and exploited young girls from Ghana and Togo as hairdressers in her businesses in the U.S. (case 23), to a Russian farmer who held workers under slave-like conditions (case 11) and the director of a psycho-neurological clinic in Karelia (Russia) who exploited his patients in forced labour and passed them on to his friends (case 12).

Individual traffickers who recruit and force a single victim or multiple victims into labour exploitation have been reported in Russia and other countries of the Commonwealth of Independent States (CIS) where farmers from remote areas recruited and exploited persons to do dirty and dangerous work on their farms. The victims were mostly domestics or migrants from CIS countries, often homeless and alcohol addicted persons.<sup>148</sup> Single individuals have also been known to traffic individuals into prostitution. This form of trafficking or pimping has been reported in the United Kingdom and the Netherlands,<sup>149</sup> but the pattern of a single trafficker recruiting and exploiting a single or small group of victims may be changing. The social service organization Humanitas in the Netherlands reports that a number of victims are trafficked by a number of “loverboys” who appear to now be working together in small, loose networks.<sup>150</sup> In the United Kingdom, the “loverboy” is often part of a network of abusers, especially in cases where the victims are children.<sup>151</sup>

145 See various reports from the Dutch National Rapporteur on Human Trafficking at <<http://www.bnrm.nl/>>, accessed 31 March 2010. For information on the grooming process and forced prostitution of minors in the U.S., see Human Smuggling and Trafficking Center (2008).

146 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Third Report, Summary* (The Hague, 2004), <<http://english.bnrm.nl/reports/third/>>, accessed 31 March 2010.

147 Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009); Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010 forthcoming); this is especially the case in the US.

148 Izmail Kitoboev, “Jail got slaveholder”, *Kommersant Sibir. Omsk*, No. 158 (2997), 27 August 2004, <<http://www.kommersant.ru/doc.aspx?DocID=500991>>, accessed 31 March 2010 (in Russian).

149 Interview with Head of Operations, Human Trafficking Centre, United Kingdom and BNRM (2009).

150 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report, Summary* (The Hague, 2009), <<http://english.bnrm.nl/reports/7th%2Dreport/>>, accessed 31 March 2010: The modus operandi of the loverboys is also changing. Where previously the (young) men courted their young female victims and won their allegiance based upon the relationship, reports are surfacing that the traffickers are more prone to use violence.

151 Head of Operations, Human Trafficking Centre, United Kingdom, in a written correspondence to the author (22 February 2010).

Demographic variables (age, gender, country of birth) of those suspected or convicted of trafficking are published by a number of organizations compiling such data.<sup>152</sup> Men continue to outnumber women as traffickers in most police and prosecution statistics.<sup>153</sup> According to Russian statistics, 65 per cent of those arrested for trafficking are men; most traffickers are in the age groups 18-24 (30 per cent) and 30-40 (30 per cent) and tend to be better educated than most offenders involved in crimes of violence.<sup>154</sup> According to one Russian expert, younger criminals involved in trafficking are more likely to use violence, while older ones prefer to use cunning and deceit.<sup>155</sup>

The largest single group of traffickers arrested and suspected of trafficking in Germany and the Netherlands are Germans (40 per cent) and Dutch (34 per cent) respectively.<sup>156</sup> This same pattern is also reported in Belgium.<sup>157</sup> This may be an indication that efforts to arrest and prosecute traffickers focus on the exploiters in the destination country and not on those involved in earlier phases of the trafficking process such as recruitment and transportation. Further, a word of caution<sup>158</sup> is in order concerning the nationality of traffickers. Nationality is often linked to the legal status of an individual living in country at a given period. Country of birth might be a more accurate measure, however, it still says nothing about the ethnic or cultural background of offenders. Cultural background, influencing attitudes towards gender relations and emancipation, is a powerful predictor of one's willingness to exploit women in prostitution.<sup>159</sup> With respect to criminal careers, Russian authorities report that the majority of traffickers are first-time offenders. Only 4.4 per cent of identified traffickers had previously been convicted of a crime.<sup>160</sup>

According to the Dutch National Rapporteur, suspects and those convicted of human trafficking rarely admit their direct involvement in human trafficking. Only 16 per cent of suspects and 23 per cent of convicted traffickers admitted to (partial) involvement in human trafficking. At best, they admit to certain activities which may be essential to aiding and abetting the process – purchasing tickets and arranging for the entry into the Netherlands or transporting the victims to and from their place of employment.<sup>161</sup>

Suspects and offenders may use various techniques to neutralize their responsibility or deny the existence of a victim. It has been reported that in most situations they deny that the victim was working against her will<sup>162</sup> or that the victim had a relationship with the traffickers and that the trafficker was not forcing the woman to do anything against her will.<sup>163</sup> Developing a relationship with the victim is also a method used by traffickers to ensure that the victim will not co-operate with the police.

## Women as Traffickers

The role of women in trafficking “appears to be predominant in the Eastern European and Central Asian region [...]”<sup>164</sup> In some countries, women's involvement in trafficking appears to be greater than their involvement in other types of crimes.<sup>165</sup> Countries which show a high proportion of females in convictions for human trafficking in Eastern Europe and Central Asia are Azerbaijan and Georgia (86 per cent of those convicted for trafficking are women), Tajikistan (78 per cent), Armenia (69 per cent), Kyrgyzstan (60 per cent), Uzbekistan (48 per cent) and Kazakhstan (34 per cent). In Eastern

152 For more information, see for example, the reports of the UK Human Trafficking Centre, the Bureau of the Dutch National Rapporteur on Human Trafficking and the annual report of the German Bundeskriminalamt.

153 Male traffickers outnumber female traffickers in Germany, the Netherlands and the United Kingdom. For more information, see for example, the reports of the UK Human Trafficking Centre, the Bureau of the Dutch National Rapporteur on Human Trafficking and the annual report of the German Federal Criminal Police (Bundeskriminalamt).

154 V. Ovchinsky and Ju. Torbin, *Fighting human trafficking in the Russian Federation*, Academic Report, edited by V. Ovchinsky and Ju. Torbin (Moscow: Norma, 2009), p. 75 (in Russian).

155 Ibid.

156 Bundeskriminalamt, *Menschenhandel: Bundeslagebild 2008*, <[http://www.bka.de/lageberichte/mh/2008/bundeslagebild\\_mh\\_2008.pdf](http://www.bka.de/lageberichte/mh/2008/bundeslagebild_mh_2008.pdf)>, accessed 31 March 2010; Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report*, Summary (The Hague, 2009), <<http://english.bnrm.nl/reports/7th%2Dreport/>>, accessed 31 March 2010.

157 Centre for Equal Opportunities and Opposition to Racism, *Menschenhandel- Smokkel Jaarverslag 2008* (Brussels, 2009), <[http://www.diversiteit.be/?action=publicatie\\_detail&id=108&thema=5](http://www.diversiteit.be/?action=publicatie_detail&id=108&thema=5)>, accessed 31 March 2010.

158 The Dutch National Rapporteur uses the country of birth of suspects and those convicted of trafficking, while the German Federal Criminal Police reports refers to the nationality of the offender (for German offenders, the nationality at birth is also provided).

159 Interview J.L. Hendriks, the Netherlands.

160 Ministry of Interior of the Russian Federation; V. Ovchinsky and Ju. Torbin. *Fighting human trafficking in the Russian Federation*, Academic Report, edited by V. Ovchinsky and Ju. Torbin (Moscow: Norma, 2009), pp. 75-76, 90-91 (in Russian).

161 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report*, Summary (The Hague, 2009), <<http://english.bnrm.nl/reports/7th%2Dreport/>>, accessed 31 March 2010: Table 9.9.

162 BNRM.

163 Ibid., Table 9.9: 22 per cent of suspects and 19 per cent of convicted traffickers claimed they had a relationship with their victim(s).

164 United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (Vienna, 2009a), p. 46, <[http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf)>, accessed 31 March 2010.

165 United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (Vienna, 2009a), p. 47, <[http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf)>, accessed 31 March 2010: In Figures 18 and 19, the data show that in Eastern Europe and Central Asia the percentage of women convicted of all crimes did not rise above 15 per cent during the period of reporting, but the percentage of women convicted of human trafficking, as a percentage of total convictions for human trafficking, rose above 50 per cent in a number of countries in the region.

Europe, only Latvia shows a higher percentage of women (53 per cent) than men convicted of trafficking.<sup>166</sup> It is not clear whether women are becoming more involved as traffickers or if these figures are reflecting a bias on the part of the police and the criminal justice system. Women may be easier targets for the police who, after having arrested a woman, do not delve deeper into others involved in the organization. An alternative explanation is that men may be 'using' female traffickers assuming that if caught, women will receive lighter punishment, particularly if they have children.

The role of Nigerian women involved as traffickers has been documented in research<sup>167</sup> and confirmed through expert interviews in Austria.<sup>168</sup> Nigerian women act as "madames" and sponsor young Nigerian victims, paying their fees, and then requiring that the women work for the *madame* to pay off their debts.<sup>169</sup> According to the Italian police, most of the *madames* were at one stage trafficked to Europe and have gradually taken on the job as pimps/exploiters.<sup>170</sup> The Austrian experts report that *madames* running entire exploitative networks in Italy, Germany and Austria are very well respected in the communities back home.<sup>171</sup>

Statistics show that in the Netherlands, a large percentage of Nigerian and Bulgarian women are involved in trafficking.<sup>172</sup> According to the United Nations Office on Drugs and Crime,<sup>173</sup> 60 per cent of Nigerians prosecuted (and 50 per cent of those convicted) for trafficking are women; in Slovakia, a quarter of those prosecuted in trafficking cases are women. Data collected between 1996 and 2003 in Italy shows the percentage of women who constitute the total number of traffickers from the following countries: Albania (7 per cent), Former Yugoslav Republic<sup>174</sup> (11 per cent), Italy (12 per cent), Romania (25 per cent), and Ukraine (79 per cent).<sup>175</sup> These may be women who were once trafficked victims and have worked their way up the trafficking ladder to become involved as traffickers. For example, analysis of human trafficking cases carried out by the Supreme Court of Kazakhstan has shown that "typically the majority of those who are engaged in recruitment are women who were once victims of trafficking since they are familiar with trafficking channels and know the right people".<sup>176</sup> It is not clear if these women are working under the control of traffickers and are forced to recruit other victims, or if they are working voluntarily as traffickers.

Within our study, almost a third of all traffickers were women, whereas women were involved in about half of the cases. Further, in about half of the cases, where at least one woman was involved, they played leading roles. There was one case where the woman was the only offender (see case 21 involving the trafficking of a Peruvian maid). In case 23 involving forced labour in hair braiding salons, the woman was the primary trafficker. In case 18, a mother and daughter trafficking team forced Thai women into prostitution in the United Kingdom and, in the same case, the female head of the trafficking organization in Thailand transported a victim into the United Kingdom via Ireland.<sup>177</sup>

If not playing a leading role, women were usually the ones who had close contact with the victims and would both control them and collect the revenue generated by the victims to turn over to the traffickers. In case 13, a woman adopted a minor female in Dushanbe, Tajikistan so as to traffic the minor into prostitution. The female suspect groomed her for the job, teaching her various sex acts and monitoring the girl's performance. Over the course of three years, the woman forced the young girl into commercial prostitution in Dubai, Iran and Turkey.<sup>178</sup>

This pattern is found in the Russian Federation and the United States as well. Women, though they participate in human trafficking in small numbers, still play an active role, sometimes as the leaders of the criminal groups. This could be seen in the case investigated by the prosecutor's office in Khabarovsk krai (Russian Far East) in 2006, where a woman was the leader of a criminal group recruiting women for sexual exploitation abroad. Cases in the United States have also involved women as the head of trafficking operations. In a case involving the sexual exploitation of Guatemalan women and minors, the majority of those arrested (five of the nine traffickers) were women themselves.<sup>179</sup>

166 *Ibid.*

167 D. Siegel, "Nigeriaanse madams in de mensenhandel in Nederland", *Justitiële Verkenning*, Jrg. 33, No. 7 (2007); Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009); M. Kreutzer and C. Milborne, *Ware Frau. Auf den Spuren moderner Sklaverei von Afrika nach Europa*, Econwin (Salzburg, 2008): also quoting further studies.

168 Interview Joana Reiterer, Austria.

169 Interview J. Reiterer, Austria.

170 Antonio Runci and Luigi Vetere of the Criminal Police in Turin, quoted in: Kreutzer/Milborne (2008; 45f).

171 As witnessed during a visit in Nigeria of the authors together with Ms. Joana Reiterer. In: Kreutzer/Milborne (2008; 47).

172 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report, Summary* (The Hague, 2009), p. 369, <<http://english.bnrm.nl/reports/7th%2Dreport/>>, accessed 31 March 2010.

173 K. Kangaspunta, "Women Traffickers", UNGIFT Forum, Vienna, 13-15 February 2008 (United Nations Office on Drugs and Crime, 2008).

174 *Ibid.*: This is quoted directly from the source.

175 *Ibid.*

176 "Protivodeistvovat' torgovlye ljudmi" (Combating human trafficking), 21 May 2009, available from the website of the Supreme Court of the Republic of Kazakhstan, <[http://www.supcourt.kz/news/index.php?ELEMENT\\_ID=12899](http://www.supcourt.kz/news/index.php?ELEMENT_ID=12899)>, accessed 31 March 2010.

177 This same Thai woman had been previously convicted and jailed for 16 years for false documentation and was wanted in the United States for having trafficked underage girls (case 18).

178 Materials of The Prosecutor's General Office of the Republic of Tajikistan presented at the OSCE training in Dushanbe on November 17-19, 2009 (in Russian).

179 U.S. Department of Justice, "Nine Charged in Sex-trafficking Ring Involving Minors", 9 August 2007b, <[http://www.justice.gov/opa/pr/2007/August/07\\_crt\\_597.html](http://www.justice.gov/opa/pr/2007/August/07_crt_597.html)>, accessed 31 March 2010.

This phenomenon has to be further explored, since the high numbers of women recognized as offenders in trafficking cases may be related to a number of reasons. These include, among others, a sort of transformation of their exploitation as former victims into traffickers themselves; the psychological impact of trauma and a quasi-liberation from their victim status; gaps and limitations in investigations resulting in the investigation terminating at the point when the first-line offender is identified and prosecuted; or shortages of and inadequate assistance and protection leading to a cycle of re-victimization and re-trafficking.

## Trafficking Patterns

In the United Nations *Global Report on Trafficking in Persons*, domestic trafficking was only reported in 32 nations. This phenomenon is likely to be under-detected “[...] due to restrictive definitions of trafficking or greater visibility of foreign victims”.<sup>180</sup> It may also be due to a refusal to recognize the problem as a domestic one. The common indicators to identify foreign victims (illegal migration status, lack of documents, no knowledge of local language or customs, ignorance of surroundings or the country in which they are residing) are not applicable to domestic victims of human trafficking. Additionally, the U.N. reports that the countermeasures that are usually implemented to address trafficking (e.g., customs and border control, training of consulate and embassy personnel regarding visa applications) are not able to address or identify forms of domestic trafficking.<sup>181</sup>

There are, however, countries which have recognized the problem of domestic trafficking. While foreign women still constitute a larger percentage of total victims found in forced prostitution in many countries, in Germany and the Netherlands, the largest *single* group of victims is German and Dutch respectively. The U.N. reports that nationals also accounted for a large percentage of the victim population in France, Italy and Romania, and that victims of domestic trafficking were recorded in Azerbaijan, Georgia, Kazakhstan and Moldova.<sup>182</sup> The United Kingdom is beginning to focus on internal trafficking as well.<sup>183</sup> While no statistics are available in the United States, the country does recognize the problem of domestic trafficking.<sup>184</sup> One trafficking expert estimates the number of United States citizens trafficked within the United States at between 100,000 and 300,000, and most of these young sex workers are teenage runaways.<sup>185</sup> According to one organization, “[e]vidence suggests that children under the age of 18 now constitute the largest group of trafficking victims in the United States”.<sup>186</sup>

There are clear differences between domestic and international trafficking. Domestic trafficking is easier to perpetrate. It requires no false documents, little if any transportation, no crossing or bribing government officials at borders. Domestic trafficking is said to occur in “a more simple, but rude way”.<sup>187</sup> According to one Russian expert, in the case of domestic, local trafficking, traffickers usually recruit victims on the streets, in market places or train stations, and more often use physical violence to overcome the victim’s resistance. The opposite may be found in cases of international trafficking where the process is similar to methods used by commercial businesses – recruitment occurs via ads in the mass media, or the establishment of fake tourist, employment, model or other agencies. International trafficking employs more deceit than ‘open’ violence.<sup>188</sup>

The majority of cases (80 per cent) that were analysed in the study were either international or a mixture of both international and domestic trafficking.

## Traffickers and Their Organizations

In addition to individual traffickers, loose networks and more highly organized structures involved in human trafficking have been identified by various Government agencies. United Kingdom police, after Operation Pentameter, identi-

180 United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (Vienna, 2009), p. 11, <[http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf)>, accessed 31 March 2010.

181 United Nations Office on Drugs and Crime, *Trafficking in Persons: Analysis on Europe* (Vienna, 2009).

182 Ibid.

183 Interview Head of Operations, UKHTC. See also the UKHTC website at <<http://www.ukhtc.org/news/internal-trafficking-what-it->>, accessed 31 March 2010.

184 Human Smuggling and Trafficking Center, *Domestic Trafficking: An Internal Issue December 2008* (2008), <<http://www.state.gov/documents/organization/113612.pdf>>, accessed 31 March 2010.

185 A. Tully, “Experts Say Human Trafficking A Major Problem In U.S.”, *Radio Free/Europe Radio Liberty*, 11 July 2008, <<http://www.rferl.org/articleprintview/1183179.html>>, accessed 31 March 2010 citing Louise Shelley; Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010 forthcoming): for more information on domestic trafficking within the United States.

186 Shared Hope International, *Demand: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands and the United States* (2007), <<https://www.sharedhope.org/files/demand.pdf>>, accessed 31 March 2010, citing R. Estes and N. Weiner, “The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico” (University of Pennsylvania School of Social Work: Philadelphia). According to Shelley (forthcoming, 2010), the US may be the only developed country with such a huge domestic trafficking problem.

187 Interview with Vladimir Ovchinsky (Russia), Advisor to the Chairman of the Constitutional Court of the Russian Federation.

188 V. Ovchinsky and Ju. Torbin, *Fighting human trafficking in the Russian Federation*, Academic Report, edited by V. Ovchinsky and Ju. Torbin (Moscow: Norma, 2009), pp. 62-63 (in Russian).

fied three different levels of organization amongst traffickers. The “loners” operate without a formal network and recruit and sell victims themselves. The second group is categorized as “market traders” who seize opportunities in the most profitable markets. They may rotate their victims around the U.K. and sell them to other traffickers. More sophisticated gangs and networks maintain well established relationships with interconnecting groups. They control the whole supply chain and most facets of the sex industry in which victims are exploited.<sup>189</sup> The Dutch National Rapporteur, in an in-depth analysis of police files involving 156 cases of trafficking identified similar organizational patterns – in 41 cases (26 per cent), the criminal organization form was classified as a soloist operation; slightly fewer cases (35 or 22 per cent) involved isolated criminal groups.<sup>190</sup> More than half of the cases (51 per cent) were classified as criminal networks – an undefined criminal infrastructure, in which members are bound together and in which membership and clear clusters are based on geographical proximity, family relationships, friendships, trade relations and related activities.<sup>191</sup>

According to Russian experts, 80 per cent of all convicted traffickers committed the crime in a group;<sup>192</sup> however only 10 per cent of these cases were officially recognized as organized criminal groups by the court. Thus, the majority of trafficking cases (70 per cent) in the Russian Federation involve criminal networks, which is the most flexible form of (criminal) organization.<sup>193</sup> It should be noted, however, that these statistics may not reflect the real structure of trafficking organizations, but may only be reflecting the existing bias of law enforcement practices or registration.

In a more recent study of criminals and their organizations carried out by the National Crime Squad of the Dutch National Police (in the period 2005-2006), 75 per cent of the cases sent to the prosecutors office involved a single suspect.<sup>194</sup> Of the 65 cases involving more than one suspect, 36 of the cases involved an ethnically heterogeneous criminal partnership.<sup>195</sup>

## Criminal Networks

Networks are characterized by their flexibility, segmentation and specialization. Unlike rigid, hierarchical structures, networks are flat, more fluid and can adapt to changes in legislation, law enforcement and government responses, and shifts in market supply and demand.

Research in the Netherlands on organized criminal groups indicates that they are built on social relations, such as family (case 24) or friendship ties. These ties serve to cement the relationships between members of the group, but also serve as a bridge between criminals in different countries.<sup>196</sup> This pattern was confirmed by Austrian authorities. According to the Austrian Federal Criminal Police (*Bundeskriminalamt*), the criminal networks active in Austria are organized along ethnic lines, mainly Hungarian, Bulgarian, Ukrainian, Romanian and Moldovan. With the exception of Romanian and Moldovan groups, these separate ethnic groups do not co-operate. The rationale for the organized criminal groups is to make money. There is therefore competition for market shares.<sup>197</sup> However, co-operation tends to occur on occasions when it appears profitable to do so. In that case, groups tend to be more heterogeneous with respect to ethnic or religious backgrounds.<sup>198</sup> Russian officials also confirm this pattern.

Criminal networks tend to be organized along hierarchical or horizontal lines. Within this study, hierarchical and horizontal structures were identified. Organizations that had a hierarchical structure generally had a single person taking the role of the investor; this person planned and controlled the criminal operations (see case 6). This study also revealed that a number of independently functioning hierarchical organizations could be linked in a horizontal network (case 5) that exchanges victims in order to provide their clients with ‘fresh’ faces (case 18). This seems to be the pattern for forced sexual exploitation, but not for labour exploitation.

According to research carried out by Austrian experts, sex trafficking from Nigeria to Europe is in the hands of the *madames*, who act in a loose, low-profile, ‘cluster’ network, which does not mix with other crimes such as drug trafficking.<sup>199</sup>

189 G. Maxwell and B. Skelly, *Pentameter Final Conference 21 June 2006 Speech* (United Kingdom Human Trafficking Centre, 2006).

190 The isolated criminal group with a minimum of two and a maximum of five members is responsible for the entire range of activities from recruitment to forcing women into prostitution.

191 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Third Report, Summary* (The Hague, 2009), <<http://english.bnrm.nl/reports/third/>>, accessed 31 March 2010.

192 A sole perpetrator was involved in only 20 per cent of trafficking cases in the Russian Federation.

193 Interview with Vladimir Ovchinsky (Russia), Advisor to the Chairman of the Constitutional Court of the Russian Federation; Interview with Alexander Krasnov (Russia), Head of the Department of Drugs, Human Trafficking and Ethnic Crimes of the Investigative Committee, Ministry of Interior of the Russian Federation.

194 This could be due to the fact that either the trafficker was operating as a soloist, or that no one else in the criminal network was arrested. This is not clear from the police report and would involve more detailed analysis of the cases to reach an accurate picture.

195 Netherlands Police Agency (Korps Landelijke Politiediensten), *Trafficking in Human Beings: Crime Pattern Analysis 2007* (Driebergen, Netherlands, 2008a).

196 E. Kleemans et al, *Georganiseerde criminaliteit in Nederland; rapportage op basis van de WODC-monitor* (The Hague: Ministry of Justice, 1998), <<http://www.wodc.nl/onderzoeksdatabase/w00173-georganiseerde-criminaliteit-in-nederland-rapportage-op-basis-van-de-wodc-monitor.aspx>>, accessed 31 March 2010.

197 Interview G. Joszt/R. Idinger.

198 Interview G. Joszt/R. Idinger.

199 M. Kreutzer and C. Milborn, *Ware Frau. Auf den Spuren moderner Sklaverei von Afrika nach Europa*, Econwin (Salzburg, 2008), p. 45f.

## Transnational Organized Crime Groups

While experts in Austria, the Netherlands and the United Kingdom believe trafficking organizations are mainly characterized as loosely operating networks,<sup>200</sup> large scale international organized crime groups have been uncovered in human trafficking cases. They tend to be involved in trafficking for commercial sexual exploitation (see cases 4, 7 and 8) and other crimes (see a later section in this chapter on trafficking and other crimes). In one case (8), traffickers were of different nationalities (Russian, Israeli and Moldovan) and the gang trafficking women into numerous countries were said to be in close contact with 'Israeli', 'Albanian', 'Dutch', 'German', 'Greek', 'Arabic', 'Belarussian', 'Egyptian', 'Uzbek', 'Moldovan' and 'Ukrainian' organized crime groups. In the case of labour exploitation in the agricultural sector (case 19), 13 members of the organization were arrested, among them, two women. The traffickers' nationalities were Indian, Polish, Portuguese and British. These multi-ethnic groups, however, appear to be the exception rather than the rule in the cases included in this study. In the other two cases, the criminal organizations appear to be ethnically homogeneous (cases 4 and 7 involving, respectively, a Bulgarian and a Nigerian criminal network).

In an international trafficking operation involving 100 Bulgarian women forced by Bulgarian nationals into prostitution in France and Italy (case 4), intelligence sources report that the criminal group was organized in a hierarchical structure with family connections among members. The main organization was devoted to human trafficking but had links to another organization in Albania that was involved in money laundering.<sup>201</sup>

A high profile case in Russia involving a highly sophisticated criminal group is the "Pasko case" investigated in Nakhodka in 2006. The criminal group, created for the purpose of sexually exploiting women, was organized along hierarchical lines. The head of the organization divided the whole team into two sub-teams, so that they could work almost 24 hours a day. He established (criminal) rules of behaviour and procedure, responsibilities of each member, a reporting system and an order for the distribution of money. Each sub-team included a driver, a pimp and 6-7 prostitutes. Operators and pimps drafted daily financial reports to the chief. Pimps also were responsible for recruiting new prostitutes, mainly from remote places of the region. They also maintained a database of clients, identifying and labelling so called "bad clients" who mistreated the women. For one hour a client paid Roubles 500 – 600 (about USD 20-25). Of this, the trafficked prostitute received approximately Roubles 120-150 (USD 5-7). Women were only allowed to leave the organization if they either paid a large sum of money or if they brought two girls into the organization themselves. For even minor transgressions, the women were harshly punished or penalized.<sup>202</sup>

According to experts in Austria, there are separate and independent national organized crime groups in origin, transit and destination countries. All have only partial information and there are a limited number of individuals or masterminds that keep the entire operation together. In that way, the risk and likelihood of convictions (and thus disruption of the criminal network) is also minimized, since often only a part of the charges can be upheld.<sup>203</sup> It was impossible, based upon the limited descriptions provided in the press and government reports to which the researchers had access, to verify this information. More information on the organization of the criminal networks would require a detailed investigation into police and prosecution case files.<sup>204</sup>

## Roles within Trafficking Organizations

Chapter 2 identified a number of roles within criminal organizations. These include the following roles: investors; recruiters; transporters; corrupt public officials or protectors; informers; guides and crew members; enforcers; money-launderers; supporting personnel and specialists. The smaller the organization, the fewer separate roles one is able to identify. Supporting roles or "facilitators" were identified in a number of our cases. Due to the limited data available for analysis in many of these cases, it is difficult to provide much detail concerning the specific roles within the organizations or to determine which persons played which roles. An in-depth study of police and prosecution case files would be necessary for this.

According to the Dutch police, "driving and accommodating victims are apparently key tasks within trafficking in human beings organizations". Roles may be combined so that pimps/exploiters also serve as drivers and perform other odd jobs.<sup>205</sup> The roles, and the degree of criminal liability linked to these roles are not always apparent. According to one expert in Austria, the brothel managers or owners of the premises are not always, or not gene-

200 Head of Operations, UKHTC, Austrian police, Hendrikson and Nuijten, Netherlands.

201 Eurojust, *Annual Report 2007* (The Hague, 2008), <[http://www.eurojust.europa.eu/press\\_releases/annual\\_reports/2007/Annual\\_Report\\_2007\\_EN.pdf](http://www.eurojust.europa.eu/press_releases/annual_reports/2007/Annual_Report_2007_EN.pdf)>, accessed 31 March 2010; See case 4 – Trafficking in Human Beings.

202 "Pasko case", Nakhodka, Russia, 2006; Materials from the training on "Counter-trafficking measures on national and regional level", conducted in UVD (Mol) of Nakhodka 30 March 2007 by the Vladivostok Center for Organized Crime Studies associated with TraCCC (Washington DC) (<<http://www.crime.vl.ru/index.php?blog=4&p=1510&more=1&c=1&tb=1&b=1#more%201510>>, accessed 31 March 2010); interview with Ludmila Erokhina, senior researcher in Vladivostok Center for Organized Crime Studies.

203 Interview G. Joszt, Austria.

204 J. Leman and S. Janssens, "The Albanian and Post-Soviet Business of Trafficking Women for Prostitution: Structural Developments and Financial Modus Operandi", *European Journal of Criminology*, Volume 5 (4) (2008): study of criminal networks in Belgium.

205 Netherlands Police Agency (Korps Landelijke Politiediensten), *Trafficking in Human Beings: Crime Pattern Analysis 2007* (Driebergen, 2008).



rally, the perpetrators. The situation is more complex; the traffickers are often middle men, frequently from the same country/region of origin as the victims, who threaten, blackmail and actually exploit the women. These middle men have only limited connection to the brothel, but reside with the women, transport them to the brothels, fully isolate them and keep them under constant surveillance.<sup>206</sup> This pattern could be observed in case 6 in the Netherlands, where the two main traffickers refused to appear in the Red Light District where their victims were working behind windows, but left other pimps in charge of controlling the victims.

The roles that traffickers assume are illustrated in the conviction data from the Dutch Public Prosecution Office. According to the most recent report of the Dutch National Rapporteur, “[...] most of the judgments in 2007 involved human trafficking cases in which victims were forced to work in prostitution in the Netherlands. Almost three-quarters of the convicted perpetrators were pimps. Half were involved in recruiting victims and 35 per cent escorted victims to the Netherlands from other countries. Roughly a quarter had to guard the victims and slightly less than a fifth was responsible for transporting the victims to and from the workplace. A minority of the perpetrators, 5 per cent, operated a sex business. These perpetrators often performed several different roles.”<sup>207</sup>

In one case in the United Kingdom (case 18), the head of the trafficking gang in Thailand acted as a transporter/guide (possibly also recruiter) and accompanied one of the victims into the United Kingdom, where she was then left to be sold to and exploited by others.

Traffickers/pimps may serve as facilitators, but this is not always the case and not all facilitators are traffickers/pimps or exploiters. In case 5, in addition to the trafficker/pimps, there were at least four other facilitators who organized things for the victims and the traffickers such as housing, registering cars, organizing a translator for the traffickers when they were interrogated by the police, registering the women at the Chamber of Commerce, renting rooms for the prostitutes to work and driving the victims to and from work.

In case 6, two Turkish brothers were at the head of the organization along with a third suspect, who at times worked for the brothers and then split off to begin his own business. In addition to these three “heads of the operation”, there were 20 pimps. The pimps were followed by one or two prostitutes who enjoyed more freedom and responsibility than the other women. They were followed by 11 active bodyguards, three permanent “chauffeurs”<sup>208</sup> and others who had previously worked for the brothers.<sup>209</sup>

Guarding the trafficked victims to prevent their escape – the role of the enforcer – is also a role that was seen in a number of cases. In the case involving the exploitation of Uzbek migrants in Russia (case 10), the trafficker employed “security guards” to prevent the escape of his victims.

In a case (22) involving the trafficking of Korean women into the United States for forced prostitution, investigators uncovered an elaborate network of recruiters (in the United States and Korea), brothel owners, money remitters and drivers.

Diversification appears to be tied to the size of the trafficking operation, but without more detailed information on the individual cases, it is impossible to determine how closely individual roles are linked to size.

## Modus Operandi

### Recruitment

The modus operandi of traffickers continues to change based upon markets, opportunities, changes in government responses, loopholes in the law, and new technology. Traffickers creatively look for new ways to recruit victims or ensure their (legal) entry into a destination country. In Austria and the United Kingdom, for example, traffickers applied for visas for dancers or training for dancers to bring trafficked victims into the country.<sup>210</sup> Traffickers also skillfully exploit legal loopholes and have brought trafficked victims into Austria and the Netherlands as unaccompanied minor asylum seekers who then seek legal remedies to remain in the country (case 7). After the young girls (often Nigerians) were placed in open centres awaiting legal proceedings, they disappeared. Only a few were found. They had been trafficked into prostitution in other European countries.<sup>211</sup>

206 Interview with G. Jozsz, Austria.

207 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report, Summary* (The Hague, 2009), p. 16, <<http://english.bnrm.nl/reports/7th%2Dreport/>>, accessed 31 March 2010.

208 These were unlicensed taxi drivers.

209 In the 10 years that the organization was operational, it had expanded to 35 pimps, bodyguards and other accomplices.

210 One expert quoted a recent example, i.e., 120 women were recruited for training as dancers in Bavaria, and a contract was signed for this purpose, but they ended up in prostitution (Interview C. Weidel, Austria). The ‘artistic visa’ has since been suspended in Austria (interview with C. Weidel, Austria). The same pattern has been observed in the UK (Glynn Rankin, UHKT).

211 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report, Summary* (The Hague, 2009): This modus operandi has also been observed in the United Kingdom (Interview with Head of Operations, UKHTC).

Recruitment is increasingly occurring through the Internet.<sup>212</sup> Reports have surfaced in the Netherlands that “lover-boys” (pimps) have come into contact and recruited their victims through such popular network sites as “Hyves” and “Sugarbabes”.<sup>213</sup> Internet sites in the United States have been used to advertise trafficked victims and minors.<sup>214</sup>

Recruitment frequently involves deception. Many victims are offered jobs with high salaries in legitimate industries or agriculture. An emerging pattern is also occurring with the recruitment of women already working in prostitution (see case 5). One expert in Austria explains that trafficked victims are better informed than was previously the case, although their expectations are unrealistic. The nightclub/brothel ‘Babylon’, for instance, is one of the ‘high-end’ luxury brothels in Vienna where women can earn very well. Many trafficked women are told that they will be going there to work, but usually they are taken to work in another exploitative setting. The traffickers, however, keep luring them with the promise of eventually being able to make big money at ‘Babylon’. Women are told they are on the waiting list to go there and that they have to perform well to qualify to work at Babylon. While women may be willing to work in the Red Light District or sex industry in countries in Western Europe, they do not understand the conditions that await them – isolation, punishment, strict and high financial/income targets to be reached, mounting debts, resulting in debt bondage that can last as long as ten years. Some can never pay off the debts.<sup>215</sup>

The practices used to recruit victims in the cases examined in this study include the following: false promises regarding working conditions and payment, personal recruitment based on friendships, family ties and fake romantic relationships as well as adoption, the use of employment agencies, and forced labour to repay prior debt. In one case (8), an organized criminal group established a chain of fake/front employment agencies which promised women well-paid jobs abroad as waitresses, dancers or nurses/care workers and promised at the same time to cover all travel costs. Workers in case 1 were promised good working conditions and a salary. Another case (9) involved recruitment on the streets of socially unprotected persons (usually the homeless or mentally impaired) for slave labour at a garbage disposal site in Anapa (Krasnodarskiy krai, Russian Federation), while a farmer recruited workers at train and bus stations for forced labour on the farm (case 11).

Recruitment can occur by the same person who is also the sole exploiter, by a person who is part of a criminal network but is also involved in the exploitation of the victim, or by an individual who is only one of many persons within the trafficking network but is not involved at all in the exploitation phase. All three patterns emerged in this study. In case 21, the accused went to Peru to recruit a domestic servant who she smuggled into the US and then exploited in her home. In case 13, the female trafficker, as part of a trafficking network, went to Tajikistan to adopt a young girl whom she groomed and forced into prostitution. In cases involving the large scale recruitment and exploitation of Chinese migrants (cases 2 and 3) or women for prostitution in different countries (case 8), the recruiter is only one of a number of roles within the organization. This clearly points to the fact that dismantling a trafficking organization requires focusing also on the recruitment phase in the country of origin and demands international co-operation between government agencies in countries of origin, transit and destination.

## Transportation

The transportation of victims seemed to be chosen based on the possibilities of the traffickers and the distance to be travelled. In many cases, the plane, as the most direct means, was chosen, but also private cars were used when the traffickers were themselves travelling that way. Routes may also be chosen based upon the presence of corrupt officials along the route to facilitate travel. Both licit and illicit travel and employment agencies may be involved in arranging the transportation of trafficked victims into countries, as was found in different cases in this study (cases 2, 3, 8).<sup>216</sup> Smuggling will occur when documents are unavailable; however when documents (whether licit or illicit) are available, countries can be entered via airports or other controlled border crossings. In case 18 it was impossible for the escort and trafficked victim to enter the United Kingdom as the United Kingdom had refused to issue a visa. With an Irish visa based on false documentation, the trafficker flew with the victim to Dublin, took a train to Belfast and flew to Gatwick on a domestic flight where visa and passports are unnecessary. Another method of entering the country (legally) involves the abuse of asylum laws, where trafficked minors enter a country, apply for asylum and, while awaiting a decision, are taken by the traffickers and forced into prostitution, as was the case with Nigerian minors entering the Netherlands (case 7).

According to experts, trafficking into Austria and Belgium takes place by way of legal transportation/travel agencies, e.g., bus transport from Bulgaria to Brussels. This has been reported in Austria as well.<sup>217</sup> Travel agencies can

212 This phenomenon has been observed in the Netherlands and Austria (Joszt/Ildinger).

213 C. Huisman, “*Loverboy zoekt via Internet*”, *de Volkskrant*, 9 September 2008.

214 Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009); Katherine Chon, “*Children for Sale Online*”, *Global Eye on Human Trafficking*, Issue 1 (International Organization for Migration, December 2007): The Internet site, Craigslist, has since taken positive measures to prevent sex trafficking on its Internet site; however there are still problems associated with the online advertising agency against which legal action has been taken.

215 Interview G. Joszt, Austria and Stef Janssens, Belgium.

216 A number of cases in the annual reports of the CEOOR (2006, 2008) show the link between trafficking and travel and employment agencies.

217 Interview G. Joszt, Austria.

also be part of the criminal organization.<sup>218</sup> Based upon a report by the Belgian Senate on visa fraud, the Minister of the Interior in that country repeatedly sent staff members to several foreign countries to study the problem of travel agencies and their involvement in human trafficking.

## Documentation

With the fall of internal borders in the European Union and the increase in the number of Member States joining the Union, and the ease with which nationals of the EU and members of CIS countries travel visa-free across respective borders, the need for false documentation is becoming less. However, for international trafficking of citizens not entitled to enter the EU or individual countries “visa-free”, smuggling or the use of fraudulent documents may be the only way to ensure entry and employment. In fact, fraud involving travel related documents occurred mostly in cases that involved international trafficking of victims from outside the Schengen area.

Traffickers were involved in document fraud in a number of cases in this study. In large scale, sophisticated trafficking operations (cases 7 and 8), highly organized document forgery occurred. Traffickers forged documents related to visas and identification documents but also in relation to employment. In the case of the Chinese cooks in Germany (case 3) for example, traffickers used two working contracts. One was to regulate the actual employment relationship between the Chinese victims and their ‘masters’, while the other contract was given to the German authorities in order to create the facade of legal employment.

Another form of documentation fraud involves the buying of passports and visas through corrupt officials in embassies. While this was not documented in any of the cases in this study, reports have surfaced in the past involving corrupt embassy officials supplying visas and passports to individuals thus facilitating human trafficking. According to the Programme against Corruption and Organised Crime (PACO), corrupt members of staff at Western embassies are also sometimes involved. For instance, cases involving irregularities and abuse of power at Embassies and Consulates in several Western European countries, including the Austrian consulates in Lagos, Bucharest, Budapest and Belgrade, were reported. While not linked to human trafficking *per se*, these instances of visa fraud may have indirectly facilitated it.<sup>219</sup> Owing to “visa scandals” in several European countries, States have taken a set of measures to counter the danger of irregularities and corruption at Embassies. As a consequence, Austria took a series of countermeasures, including the rigorous prosecution of the consular staff concerned, leading to a number of convictions. Preventive measures have also been introduced. These include frequent personnel rotations, specialized training for consular staff and heads of mission, an electronic appointment system for visa applicants, the handling of the visa procedure by at least two different staff members, the raising of awareness at all levels and the introduction of rigorous controls.<sup>220</sup> Belgium has also reported cases of visa fraud and rigid countermeasures. Corruption therefore goes hand in hand with document trafficking.<sup>221</sup>

## Markets of Exploitation

Exploitation will occur in any market in which there is a demand for cheap labour and service, and in unattractive markets in which jobs have traditionally been referred to as the 3 D’s: dirty, dangerous and difficult (or demanding). The markets in which trafficked victims are exploited will vary from one city or country to the next. The U.S. State Department’s 2009 *Trafficking in Persons Report* documents the markets of exploitation in 175 countries around the world.

Trafficking patterns and markets of exploitation will differ from one city, country or region to the next. In the United States and Canada, both commercial sexual exploitation and labour exploitation have been reported. In Western Europe, the predominant market of exploitation is commercial sexual exploitation, although cases of labour exploitation have been documented.<sup>222</sup> Countries within Eastern Europe and the Commonwealth of Independent States (Belarus, Moldova, the Russian Federation and Ukraine) serve as source countries for sexual exploitation into Europe. Other Southeastern European and CIS countries in Central Asia and the Caucasus serve as source countries for

218 Centre for Equal Opportunities and Opposition to Racism, *Mensenhandel- Smokkel Jaarverslag 2008* (Brussels, 2009), <[http://www.diversiteit.be/?action=publicatie\\_detail&id=108&thema=5](http://www.diversiteit.be/?action=publicatie_detail&id=108&thema=5)>, accessed 31 March 2010: Sometimes these travel agencies are part of the criminal organization. In one case in Belgium, the travel agency was linked to the Chinese Triads.

219 M. Kreutzer and C. Milborn, *Ware Frau. Auf den Spuren moderner Sklaverei von Afrika nach Europa*, Econwin (Salzburg, 2008), p. 169: A former trafficker in Lagos named Ben, stated that it was well known back then within the community and trafficking networks, that visas could be bought at the Austrian Embassy at fixed rates.

220 Interview R. Ruzs, Austria.

221 PACO [Programme against Corruption and Organised Crime in South-Eastern Europe], Council of Europe, *Trafficking in Human Beings and Corruption*, Report on the regional seminar in Portoroz, Slovenia (19-22 June 2002), <<http://www.belgium.iom.int/STOPConference/Conference%20Papers/24.%20Segeer%20-%20Council%20of%20Europe%20PC-PACO%20TP28%20THBCORR%20provisional.doc>>, accessed 31 March 2010.

222 Fewer cases of labour exploitation than cases of sexual exploitation have been documented in many European countries but this may reflect less experience in investigating such cases than the fact that fewer cases actually occur.

labour exploitation into Azerbaijan,<sup>223</sup> Kazakhstan, the Russian Federation,<sup>224</sup> China, Korea, Middle East, Turkey and other destinations.

In the Netherlands, sectors most at risk are agriculture, greenhouses, ports, markets and both the legal and illicit prostitution sectors; however cases of trafficking have been uncovered in other sectors as well.<sup>225</sup> In the United Kingdom, trafficked victims have been found in the prostitution sector as well as in agriculture and the fishing (cockle) industry. Both the United Kingdom and the Netherlands have uncovered cases of human trafficking for forced labour in the cannabis cultivation sector and both countries report cases of organized pick-pocketing and theft involving large numbers of trafficked Roma children.<sup>226</sup> The predominant market for trafficking in Austria is commercial prostitution.<sup>227</sup> The cases in Russia and Tajikistan provided information on various markets of exploitation to include the domestic service market, a garbage disposal site, agriculture and commercial prostitution. Table 4.1 (Chapter 4) provided a breakdown of the markets of exploitation and destination countries included in this study. For more detail, a summary of all cases can be found in Appendix 1.

Exploitation in commercial prostitution is moving from the more open to the more closed sector – in escort services and private homes. This phenomenon has been reported in Austria, the Netherlands and the United Kingdom.<sup>228</sup> In the United Kingdom, police have uncovered a system which has come to be known as the “Chinese Chicken Houses”. Advertisements are placed in newspapers advertising ‘services’ by Asian women. The customer dials a mobile phone number and is given the address of an apartment, home or a landmark where he is met. At the home there are one or two Chinese women working in prostitution and a housekeeper. The customer agrees upon a service and price and pays the woman or the housekeeper the agreed upon amount. Every week the women are given train tickets and travel either alone or are accompanied by the housekeeper to a new location or even a new city. This system has been linked to organized prostitution, but it is unclear to what degree individuals involved are trafficked victims.<sup>229</sup>

The expert on human trafficking in the Netherlands Police Agency<sup>230</sup> calls the trafficker “Homo Economicus”, because (s)he is motivated by profit. Traffickers continuously find new ways to exploit victims. In one country, traffickers were found to have imported workers for the purpose of registering them for social benefits. The workers were entitled to benefits; however, having been told by the traffickers that their claim was denied, they were sent back home. The traffickers then collected the government payments. Another new market for exploitation has been identified in the Netherlands. Young women are ‘encouraged’ by their trafficker boyfriends to take out large loans. He takes the money and she is left with the debt.<sup>231</sup> Traffickers have also forced their victims to work as drug couriers.<sup>232</sup>

### *Maintaining Control over the Victims*

Traditional means of exerting control over victims through force, violence, threats of violence against the victims and their families still exist. In two cases in Belgium (not included in this study), orders were given to kill trafficked victims. One involved the order by a Nigerian *madame* to have a young Nigerian woman killed because she became pregnant during the smuggling trip and ran away. In a second case in Belgium, a Bulgarian trafficker offered EUR 5,000 to criminals to assassinate a victim who had testified against him to the Belgian authorities.<sup>233</sup> In case 6, the traffickers were accused of having beaten victims with baseball bats and then submerging them in cold water to prevent bruising. Other means of binding the victims to the trafficking group and their pimps was through winning the

223 A major alleged case of trafficking for labour exploitation was uncovered involving hundreds of men from the Balkans in construction projects in Azerbaijan. Under false promises of high salaries they were lured and then forced to work for meager pay and live in abominable conditions (AzerNews, 20 October 2009, <http://www.azer-newspaper.blogspot.com/>).

224 E. Tyuryukanova, *Human Trafficking in the Russian Federation*, Inventory and analysis of the current situation and responses, Report conducted by E.V. Tyuryukanova and the Institute for Urban Economics for the UN/IOM Working Group on Trafficking in Human Beings (Moscow: UNICEF, ILO, CIDA, 2006), <[http://www.no2slavery.ru/files/Unicef\\_EnglishBook.pdf](http://www.no2slavery.ru/files/Unicef_EnglishBook.pdf)>, accessed 31 March 2010.

225 Interview J.L.Hendriks.

226 Netherlands Police Agency (Korps Landelijke Politiediensten), *Looks can be Deceiving: The Identification of Human Trafficking in the Licenced Prostitution Sector* (Driebergen, Netherlands, 2008); Interviews with G. Rankin, United Kingdom; Head of Operations, UKHTC, UK; Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report, Summary* (The Hague, 2009), <<http://english.bnrm.nl/reports/7th%2Dreport/>>, accessed 31 March 2010; Netherlands Police Agency (Korps Landelijke Politiediensten), *Trafficking in Human Beings: Crime Pattern Analysis 2007* (Driebergen, Netherlands, 2008).

227 There have been few cases of labour exploitation prosecuted in Austria. This may have to do with the fact that it has been difficult to prove labour exploitation in court. Also there may be insufficient political will to investigate labour exploitation trafficking due to the demand for cheap labour. Interview with G. Tatzgern, Austria.

228 Interviews with G. Joszt and R. Idinger in Austria, S. Titterton in the United Kingdom, and J.L.Hendriks in the Netherlands.

229 Interview S. Titterton in the United Kingdom; Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010 forthcoming): This form of “mobile prostitution” is characteristic of patterns in the United States as well.

230 Interview J.L. Hendriks, Netherlands.

231 Interview J.L.Hendriks, Netherlands.

232 Interview J.L.Hendriks, Netherlands; Centre for Equal Opportunities and Opposition to Racism, *Mensenhandel - Smokkel Jaarverslag 2008* (Brussels, 2009), <[http://www.diversiteit.be/?action=publicatie\\_detail&id=108&theme=5](http://www.diversiteit.be/?action=publicatie_detail&id=108&theme=5)>, accessed 31 March 2010: this has also been reported in Belgium.

233 Written communication from S. Janssens, CEOOR, Belgium (based upon case D in CEOOR's annual report, 2007).

allegiance of the women through intimate relationships, constant monitoring, confiscation of passports and imposing “buy-out” fees. For a fee ranging from EUR 30,000 to EUR 240,000, a woman could buy her freedom.<sup>234</sup> Vacillating back and forth between affection and violence is a method of controlling victims that has been reported in numerous cases in the Netherlands.

Measures used to keep victims under control are not always openly coercive. Force and coercion are at times more subtle or completely lacking – making it difficult to distinguish between freelance prostitution and trafficking, or violations of migration laws and contractual fraud and trafficking. According to experts in Austria, most women trafficked into prostitution are currently (as opposed to the past) earning a small salary which provides hope in paying off their debts.<sup>235</sup> In the case of trafficked Nigerians, a contract frequently is signed between the trafficker and the victim regulating the repayment of debt. Since the victim earns some money – and possibly more than she would be making at home – she may not see herself as being exploited or a victim of trafficking. Dutch police report this same phenomenon, also pointing out the fact that with some trafficked victims, supervision is minimal, they are now given small payments and are living in their own apartments, provided ‘courtesy’ of their trafficker/pimps.<sup>236</sup> This is an attempt to “buy the victim’s silence and ensure that victims do not denounce their traffickers”.<sup>237</sup> In Belgium the same pattern has emerged. This small salary, despite conditions of exploitation, appears to be enough to bind the victims to their trafficker.<sup>238</sup>

Sometimes no force or threat is necessary to maintain control over victims. In the Russian Federation, for example, labourers are often exploited until they are physically exhausted, rendering the use of force or threats of harm unnecessary. This is the case of males trafficked to Russia for forced labour from other countries. Traffickers often bring them to isolated places forcing them to work on construction sites or in agriculture. Victims are unfamiliar with the territory and often don’t know the language so even if they place calls for help, it is difficult for them to explain where they are. Hotline numbers established in the Russian Federation and abroad by international organizations and NGOs received calls for help from trafficked victims, but without sufficient information to identify the location of the exploitation, were unable to assist the victims.<sup>239</sup>

Culture may play a determining role in controlling victims. According to one expert in the United Kingdom, force is not necessary to control Chinese trafficked victims. Victims have often paid huge sums to be brought into the country and their culture of honour prohibits them from trying to escape before the debt has been repaid.<sup>240</sup>

This strong culture of honour (perhaps combined with subtle threats) is also evident in cases involving Chinese victims of trafficking in Belgium. In one case involving Chinese victims of trafficking for labour exploitation, several letters with victims’ ‘promises’ were retrieved. The contents typify the power and control that the ‘criminal network leader’ exercised over his victims. One of the letters stated: ‘Proof of promise: I (name) am family of X and Y. I feel myself honoured, privileged and very grateful to X who although very busy, has firstly chosen me from so many family members to help me to go abroad. I will remember this kind gesture always in my heart. I will be always grateful that they both have helped me to get a better life from and escape poverty. For this reason I want to voluntarily pay USD 10,000 as a thanks (the plane ticket and other costs are included). I realise completely that with that amount of money I cannot thank enough those two people for the aid which they have offered. I promise here voluntarily, from the bottom of my heart, that when I am abroad, I will always listen to X and Y. If I must work in the restaurant or assist the family, I will work always hard and I will never complain. I will do that of my own free will. I will do my work as good as possible and I will never be tired or afraid of difficulties. I will also never say bad things about X and Y to a third person. I will remember their kind gesture and all my future generations will be grateful as well. If I don’t respect my word and do not do as I promise to do, then my family will always live in unhappiness. All the consequences will be carried out by me and my family. I confirm my promise solemnly! This is promised by (name).’<sup>241</sup>

In the case of West Africans, in particular Nigerians, a more subtle form of control has been identified. Young women are subjected to voodoo or “juju” practices (case 7)<sup>242</sup> before leaving their country. This practice binds them to the

234 Netherlands Police Agency (Korps Landelijke Politiediensten), *Looks can be Deceiving: The Identification of Human Trafficking in the Licenced Prostitution Sector* (Driebergen, Netherlands, 2008b).

235 Interview G. Jozst and R. Idinger, Austria.

236 R. Surtees, *Trafficking Victims in SEE – what we know, what we need to know*, *Mensenhandel: achtergrond en aanpak*, Conference, Vrije Universiteit Amsterdam, 31 October 2007a.

237 Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009).

238 A Belgian expert on human trafficking refers to this as a win-win situation (communication from S. Janssens, CEOOR, Belgium).

239 Alberto Andreani, Expert, OSCE.

240 Interview S. Titterton, United Kingdom. There may also be a concern on the part of the victims that family members at home will be forced to repay the debt if they are unable to do so.

241 Taken verbatim from a written communication from S. Janssens, CEOOR, Belgium.

242 E. Aghatise, “Women Trafficking from West Africa to Europe: Cultural Dimensions and Strategies”, *Mozaik* (2005), <<http://www.koed.hu/mozaik15/esohe.pdf>>, accessed 31 March 2010: Young women are forced to swear an oath, while a piece of their (intimate) clothing, a fingernail clipping or lock of hair is used in a voodoo ritual. Failure to respect the oath results in misfortune befalling the girls or their families. It is alleged that the trafficked women are so fearful of these oaths that Italian police note that, compared to other foreign women trafficked into prostitution into Italy, Nigerian women are subjected to much less physical supervision and control.

traffickers and ensures that they will not escape or co-operate with the police.<sup>243</sup> In the case involving the trafficking of young Togolese and Ghanaian women forced to work in hair braiding salons in the United States (case 23), the young victims were coerced and manipulated with threats of voodoo curses as well as fierce beatings and draconian rules.

In a study of 23 cases of human trafficking in the Netherlands, police identified the following coercive measures: violence or threat of violence against the victim, violence or threats of violence against family members, taking advantage of a vulnerable position, taking the victim's passport, imposing a debt on the victim, winning the trust of the victim (with gifts or pretending to be in love), imprisonment, supervision and monitoring, creating a drug dependency of the victim, socially isolating the victim, making it publicly known (or threatening to alert the victim's family that she is working as a prostitute), tattooing the trafficker's name on the victim,<sup>244</sup> fraud, voodoo, ransom for release, imposing fines, threatening to sell the victim to another trafficker/pimp.<sup>245</sup>

A new modus operandi in Austria involves victims leaving one organization with which they have a debt because another organization is 'taking them over' and offering them 'protection'. Even though the first organization is still looking for them, the victims no longer feel like victims.<sup>246</sup>

The cases included in this study identified various methods of maintaining control over the victims of trafficking. This violence can be placed on a continuum from psychological to mild physical violence to more severe forms of threats and violence. Among the least serious forms of control was the practice of frequently moving victims within the country of destination in order to disorientate them and thus create a psychological barrier against any attempts to escape (case 18). Traffickers also made use of the victims' vulnerability to exploit them. This included forcing mentally disabled patients from a medical clinic into domestic labour (case 12) or taking advantage of the economic vulnerability of a victim's financial debt (cases 16 and 18), or offering a summer job to a young girl living in a children's home (case 15). In one case (11), the trafficker, a farmer, seized the victims' identification and removed their clothes to prevent them from escaping. The victims were also put in chains.

Further, within the study the threat or actual use of violence was reported as a means of keeping control in 60 per cent of the cases. Often these threats were also directed against the victim's family in order to make sure that victims would not run away or report their cases to the authorities. In cases 3 and 20, there were open threats to kill the victims if the victim failed to comply with the traffickers' orders.<sup>247</sup> In a case involving extreme violence (case 6), the traffickers used baseball bats to beat non-compliant victims.

Violence is used not only to maintain control over victims, but also over the members of the group. This was reported in only one case included in this study (case 4) in an international human trafficking case involving Bulgarians who trafficked women into prostitution in France and Italy. Leaders of the organization reportedly "[...] used threats against witnesses as well as violence against group members, including murder and grievous bodily harm [...] to maintain their position".<sup>248</sup>

### Debt Bondage

Debt bondage is a way to ensure that the victim will remain enslaved in the trafficking situation. Nigerians are said to incur a debt of approximately EUR 50,000 which must be paid off before they can be released by their traffickers (case 7).<sup>249</sup> The same pattern is found with Chinese victims who are forced to repay large debts for being smuggled into the destination country. A Thai victim (case 18) who was brought illegally into the United Kingdom was told she had incurred a debt of GBP 30,000 but that she would have to gross GBP 60,000 working as a prostitute to pay off the debt. In the case of Chinese victims trafficked into Chinese restaurants in Germany (case 3), an upfront fee of EUR 10,000 was charged "... to cover agency fees, paperwork and travel costs." Money lenders, often from the same organization, charge exorbitant interest rates placing the victim further in debt. This is similar to the situation in Austria involving Romanians. They come to Western Europe to visit relatives, and owing to a lack of money, they end up in a situation of financial dependency and exploitation and thus debt bondage.<sup>250</sup> A similar pattern was found in case 2 when the victim incurred debts for her transportation from China but that she could never repay with her meager EUR 100 per month salary.

243 In a high profile case in the Netherlands, Operation Koolvis, police used the services of a Nigerian parson and former trafficked victims to "break the spell" and convince victims in the investigation that they could talk with the police and that they would be safe.

244 Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010 forthcoming): reports that the practice of 'tattooing' their victims is also common in the United States.

245 Netherlands Police Agency (Korps Landelijke Politiediensten), *Trafficking in Human Beings: Crime Pattern Analysis 2007* (Driebergen, Netherlands, 2008), p. 86.

246 Interview G. Joszt, Austria.

247 There was no account of a killing related to any of the cases.

248 Eurojust, *Annual Report 2007* (The Hague, 2008), p. 25, <[http://www.eurojust.europa.eu/press\\_releases/annual\\_reports/2007/Annual\\_Report\\_2007\\_EN.pdf](http://www.eurojust.europa.eu/press_releases/annual_reports/2007/Annual_Report_2007_EN.pdf)>, accessed 31 March 2010.

249 Korps Landelijke Politiediensten, *Met Onbekende Bestemming* (Driebergen, Netherlands, 2009).

250 Interview G. Joszt, Austria.

For some victims it is impossible to erase the debt and buy their freedom, particularly in the case where a victim has repaid the debt, but is then sold to another trafficker, incurring a new debt. A number of cases involving forced prostitution in this study involved the sale of victims from one trafficker to another (cases 14, 15 and 18), but this generally occurred before the debt had been repaid. The sale price continuously increases with each transfer, placing the victim in yet more debt. This practice of selling women from one trafficker to the next seems to be pervasive with some Eastern European groups selling women to the West.<sup>251</sup>

### Financial Gains

This is the area of trafficking about which the least is known. As regards financial gains of criminals, typically traffickers operate smartly and minimize risk by splitting their financial gains into differing investments. Transfer of funds may occur by way of bank transfers, but for the most part it is done through informal channels, via personal transfers or couriers – persons travelling back to the home country may take the criminal proceeds as cash.<sup>252</sup> Profits are huge and in the case of an international trafficking ring operating in Italy and France between 2002 and 2006 (see case 4), Eurojust estimates profits at approximately EUR 10 million.<sup>253</sup>

Three patterns emerge – either 1) money is sent back to the country of origin of the traffickers where it is often invested in legal businesses such as restaurants, bars, or property such as apartments or houses;<sup>254</sup> 2) the money is used to support a lavish lifestyle; or 3) it is (re-)invested in other criminal or legitimate activities in the destination country. While there is only limited information on the financial gains and investments from the cases analysed in this study,<sup>255</sup> examples of all three patterns can be found.

In case 5, investigators in the Netherlands were able to calculate the profit generated by two traffickers (pimps) from a number of victims. One of the traffickers earned EUR 13,480 in profits per month on four victims (for a total of EUR 94,361), while the second trafficker earned EUR 219,707 in the 14 months during which three women worked in prostitution. The money was spent on themselves and the victims, often for membership in gyms, on drugs and gambling. Some of the money was allegedly transferred to a Hungarian account. In case 6, profits were spent on expensive watches, cars, restaurants and gambling and maintaining a luxurious life style. Money was sent back to Germany to the father of two of the suspects. Investigators suspect other money was sent directly to Turkey and invested in houses and tourist complexes. In case 16, officers in the United Kingdom were able to trace bank deposits from the trafficker between June 1999 and October 2002 amounting to GBP 204,396. Large amounts were transferred abroad through Western Union and through the offender's own account. Limited amounts were transferred back to the families of a number of the victims. The offender maintained a lavish lifestyle travelling extensively, purchasing designer clothes and expensive cars.<sup>256</sup> In case 1, profits generated by the trafficked victims were used by the trafficker to purchase property in Belgium. Nigerians (case 7) are believed to have made a minimum of EUR 4 million from the 80 Nigerian victims who were forced into prostitution and required to pay EUR 50,000 for their trip to Europe.

The traffickers in case 6 are believed by Dutch officials to have generated a profit of EUR 19 million in forcing over 100 women into prostitution. Assets of over EUR 900,000 belonging to the main trafficker have been seized in Turkey. Further, Turkish authorities are co-operating with Dutch authorities in carrying out a financial investigation into the profits generated through the trafficking business in a effort to seize and confiscate the criminal proceeds.<sup>257</sup>

While forced prostitution generates profit for the traffickers, forced labour saves costs (which in turn generates profits). In case 3, Chinese workers were paid approximately EUR 600 for a 78-hour work week. If, according to German law, a cook was entitled to earn EUR 1,900 for a 39-hour work week, the restaurant owner/exploiter saves EUR 3,200 per worker per month.<sup>258</sup>

In all of these cases above, proceeds of the crime were invested in the legitimate economy. This, however, is not always the case. In case 18, a mother and daughter trafficker-team made so much money running brothels over a four month period that they decided to expand their operations, setting up brothels in another city.

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251 Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010 forthcoming).

252 Interview G. Jozst, Austria.

253 Eurojust, *Annual Report 2007* (The Hague, 2008), p. 35, <[http://www.eurojust.europa.eu/press\\_releases/annual\\_reports/2007/Annual\\_Report\\_2007\\_EN.pdf](http://www.eurojust.europa.eu/press_releases/annual_reports/2007/Annual_Report_2007_EN.pdf)>, accessed 31 March 2010.

254 Interview G. Jozst and R. Idinger, Austria. Nigerian traffickers (madames) often invest the money back home, e.g., in property. Interview J. Reiterer, Austria.

255 It is possible that more information is available in the police or prosecution case files but was not available in the materials used for this study.

256 Regina v Luan Plakici, Court of Appeal, United Kingdom.

257 M. Van Dongen, "Saban B. leeft in luxe in Turkije", *de Volkskrant*, 16 January 2010, p. 3.

258 Andreas Ulrich, "Chinese Restaurants Accused of Human Trafficking", *der Spiegel Online* (20 August 2009), <<http://www.spiegel.de/international/germany/0,1518,643945,00.html>>, accessed 31 March 2010.

## Victims

A number of push factors contribute to the large number of potential victims. These include push factors such as relative poverty, lack of legitimate or viable opportunities, underemployment and unemployment, regional conflicts, socio-economic dislocation, dysfunctional families, child abuse or abandonment as a result of one or more parents migrating, discrimination on ethnic or gender lines, changing community values and practices, the role of the media in advertising and promoting false opportunities, and the involvement of organized criminal groups ready to take advantage of these misfortunes. This large supply of potential victims – often desperate to improve their lives – generally has no realistic picture of the life that awaits them as a trafficked victim. According to one expert in Austria, Nigerian women often do not have a realistic assessment of what it is like to work as a prostitute in Europe. Movies showing the red light district and night clubs tend to paint an unrealistic picture of the sex industry. Despite awareness raising campaigns in Nigeria by the head of one NGO,<sup>259</sup> people tend not to believe her, and to simply hope that they themselves might be luckier. Remittances from Nigerians living abroad help convince some victims that they may be lucky and successful – that another fate is possible. A lack of opportunities and no access to jobs or money drives many victims into the hands of traffickers in Nigeria and other parts of the world. This was very clearly portrayed in the documentary “Sex Slaves”, where a trafficked victim from Eastern Europe, having been beaten, raped and forced into prostitution in Turkey – where she is arrested and repatriated – vows to never return to Turkey knowing what awaits her, while her sister, also aware of the danger, insists on going to Turkey to work in the hope that she will not suffer the same fate.<sup>260</sup>

Victims may not consider themselves victims. According to one expert in Austria, Nigerian women rarely consider themselves victims, due to cultural beliefs, social background, certain myths, fear and intimidation.<sup>261</sup> In case 6, in spite of police wiretaps indicating the extreme violence and manipulation that the traffickers used against their victims, victims were hesitant to testify. When claims of abuse arose, one woman even went so far as to claim that “[t]his scenario is more like a Hollywood film than reality”.<sup>262</sup>

Victims are often vulnerable, or find themselves in a vulnerable position.<sup>263</sup> In this study, they were homeless persons (case 9), patients from a mental institution (case 12), a children’s home (case 15), an orphanage (case 13), minors (cases 7, 10, 14, 16, 17 and 20), children and minors placed in the care of the trafficker by their parents (case 23).

For many victims of trafficking, there is a general mistrust of the police. This may be due to police corruption (particularly in their home country), or even participation of police officers (as well as other officials) either indirectly or directly in human trafficking. According to one expert in Austria, this mistrust of the police is particularly true for victims of trafficking from countries in Africa and Asia. This mistrust is also transferred to the Austrian police (and police in other destination countries) and is influenced by a fear of criminalization, punishment and deportation.<sup>264</sup> Austrian police have reported an incident where women were raped by traffickers/pimps dressed up as Austrian police officers, in order to discourage women from contacting the police.<sup>265</sup> In order to protect victims of trafficking, it is essential that police and other government agencies are seen as organizations to which a victim can turn for protection. This can be accomplished through close collaboration with NGOs.

In the majority of cases analysed for this study, the victims were either exclusively female or at least girls/women were among the victims (over 80 per cent) in groups of male and female victims. Exceptions to this pattern occurred in cases of exploitation that involved hard physical labour (cases 1, 2, 3, 9, 10, 12 and 19).<sup>266</sup>

Rational choice theory may be used to explain this pattern. The theory suggests that traffickers will weigh their potential revenues against the risks involved in their operations. Women and children, irregular migrants or vulnerable persons, are more easily manipulated and controlled.<sup>267</sup>

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259 Ms. Reiterer conducts awareness raising campaigns herself in Nigeria. Interview J. Reiterer, Austria. This picture was confirmed by Mr. Joszt, Austria.

260 This phenomenon was clearly visible in the documentary *Sex Slaves* (<<http://freedocumentaries.org/film.php?id=161>>, accessed 31 March 2010) where one repatriated trafficked victim was driven by poverty to return and enter into prostitution again.

261 Interview G. Joszt, Austria.

262 J.W. Navis, “Spong: Rechtbank partijdig”, *Spits* (29 May 2008).

263 R. Surtees, *Listening to Victims: Experiences of identification, return and assistance in South-Eastern Europe* (Vienna: ICMPD, 2007), <<http://www.nexusinstitute.net/publications/pdfs/Listening%20to%20victims.pdf>>, accessed 31 March 2010: Not all victims are vulnerable. In a study, “Listening to Victims” conducted by the Nexus Institute and the International Centre for Migration Policy Development (ICMPD), the research shows that victims have much more agency than was previously believed. Many victims who are identified and who accept assistance may also be the vulnerable ones. Those less vulnerable may not identify themselves as victims or accept assistance, and therefore may not fall into the statistics on backgrounds of victims of trafficking.

264 Interview G. Joszt, Austria.

265 E. Blassnig, P. Mayring, K. Ottomeyer, “Biographien von gehandelten Frauen: Leidenswege”, in Nautz, J. and B. Sauer (ed.) *Frauenhandel. Diskurse und Praktiken* (Goettingen: V&R Unipress, 2008), p. 168.

266 It is possible that women were among the victims in these cases as well but this information was not available in the case description.

267 E. B. Skinner, *A Crime So Monstrous. Face to Face with Modern-Day Slavery*, 1st Edition (New York: Free Press, 2008): This kind of rationality can also be observed in the case of the Haitian Restaveks, where 90 per cent of families place a child with another family for domestic service. This is not necessarily, but may result in slavery. Those children are generally abandoned by their owners before they develop the physical strength to rebel against them.



## Trafficking as a Business – Profit, Costs and Risks

The criminal business of human trafficking – and the profits generated as a result thereof – is huge. Estimates by the ILO place the profit generated by trafficking for labour exploitation and sexual exploitation at around USD 31.6 billion a year.<sup>268</sup>

In line with rational choice theory, another ILO study on the economic perspective of human trafficking in Europe found that organized crime groups calculate “[...] risk [...], reward and effort involved, both in absolute terms and in comparison with other activities.”<sup>269</sup> A successful business aims to increase profits while also reducing risks and costs. Legitimate businesses may do this through advertising, marketing and taking measures to keep overhead costs to a minimum. Their goal is to attract attention. Trafficking organizations operate in much the same way; however, they often take steps to divert attention away from their activities, rather than *drawing attention to* the business.

There are a number of actual costs involved in operating a sex trafficking business. These are the costs of acquiring the victims (victims may be bought and sold between traffickers) and operating costs (rental or purchase of premises, clothes, and advertising costs). Additionally, traffickers may incur other expenses such as paying bribes. If the trafficker is caught, additional costs may include attorneys, fines, prison time, restitution to the victim and forfeiture of assets.<sup>270</sup> To avoid the risk of getting caught and keeping overhead costs down – and thus profits high – traffickers take a number of measures. These include:

*Cost reduction:* numerous victims housed in a single apartment/unit; refusal to pay for medical services; recruitment/exploitation of locals or those allowed to enter and reside legally in country;

*Risk reduction:* use of fraudulent documents; recruiting women working as prostitutes in their own country; use of safe houses; use of bodyguards to escort victims into the country and to/from work; manipulation/violence to control victims and ensure they will not escape; recruitment/exploitation of locals; forced prostitution in escort service; exploitation of persons allowed to legally reside and work in a country; rotation of victims to other destinations; use of corrupt officials; use of aliases; constant replacement of mobile phones to avoid taps; talking in code; investments, cars, apartments in name of other persons; use of underworld businesses or intermediary figures to aid in travel arrangements, legal assistance, banking, rental of property;

*Profit enhancement:* trafficking in areas in which there is high market demand and high prices paid for prostitutes; rotating victims – fresh faces bring in more money; selling/renting out trafficked persons to other traffickers/pimps; keeping all profits and refusing to give any money to the victims; forcing women to have unprotected sex; forcing victims to work long hours and 7 days a week; pressuring victims to work until they earn a specific amount of money.

### Increasing Profit

Human trafficking is a highly lucrative business. Unlike other commodities such as drugs or stolen goods, trafficked persons can be used over and over again; they can be rented out, or sold and resold. They are indebted and forced to repay sums of money far above the actual cost of their transportation, employment and housing costs. They may be exploited for years and even victims who have been rescued and repatriated can be easily re-trafficked.<sup>271</sup> In addition to purchasing and selling victims, they can also be rotated to different destinations. The provision of new faces provides variety for customers and increases profits for the trafficking organization.

This phenomenon was observed in a number of cases in this study. In case 14, a 15 year old Lithuanian victim was tricked into going to the United Kingdom for a good job. The young victim was sold five times to numerous pimps, raped and forced into prostitution.<sup>272</sup> Victims forced into prostitution were also sold to other trafficker/pimps in cases 15 and 18. When a prostitute did not generate enough money for the traffickers in case 5, she was moved to another area where she was expected to bring in more money. In case 6, trafficked victims were expected to bring in EUR 1,000 per day.

Trafficking of men into prostitution is a way to increase profits. In Austria, one expert told of a father who forced his son to work on the homosexual prostitution market (*Homostrich*), because he knew that this brings in more money than prostituting a woman.<sup>273</sup>

268 P. Belser, *Forced Labour and Human Trafficking: Estimating the Profits* (Geneva: International Labour Organization, 2005), <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_081971.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_081971.pdf)> accessed 31 March 2010.

269 G. Van Liemt, *Human Trafficking in Europe: an Economic Perspective* (Geneva: International Labour Organization, 2004), p. 17, <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_081992.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_081992.pdf)>, accessed 31 March 2010.

270 S. Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009).

271 This phenomenon was clearly visible in the documentary *Sex Slaves*. The problem of re-trafficking is most acute where dishonour has been brought upon the victim's family as a result of the woman having (been forced to) work(ed) in prostitution and there is no possibility of reintegration.

272 Regina v. Shaban Maka, Court of Appeal, 2005.

273 Interview G. Jozsz, Austria. It is unclear if this larger profit is linked to the fact that fewer men work as prostitutes.

## Reducing Costs

Any time a business uses trafficked victims for forced labour, they necessarily reduce their operating costs which is intricately interwoven with increasing profits. The longer an organization operates, the greater the profits (in the case of forced prostitution) and the lower the operating costs (in the case of forced labour) and thus, the greater the profits. In the case of exploiting domestic victims, there are no upfront transportation costs to the traffickers (cases 9 and 12).<sup>274</sup> Other operating costs are held low by housing trafficked victims in crowded, poor housing or on the premises where they work (cases 1, 2, 9, 10, 11, 12, 19, 21 and 23).

## Reducing Risk

In the cases included in the study which provided a certain degree of detail, measures taken by traffickers to protect their operation were observed. Some of the most common were the use of nicknames (cases 6 and 18), the constant changing of telephones or sim cards (cases 5 and 6),<sup>275</sup> and the refusal to appear in the red light district or prostitution areas where their victims were working (cases 5 and 6).

Rotation of victims reduces risks (as well as increases profits) for the trafficking organization. This prevents the victim from establishing a trusting relationship with her client. Bringing victims abroad where they are isolated and ignorant of the local culture and language reduces the likelihood that they will escape and co-operate with the police. Rotation of victims to different cities within a country or to different countries occurred in cases 7, 13, 14, 15 and 22. Constant supervision of the victim to prevent his or her escape was another measure used by the traffickers to reduce risk (cases 1, 2, 3, 5, 6, 13, 15, 17). Other more forceful means were used to reduce the risk that victims would escape or turn to the police for assistance. These include the use of guards (cases 10 and 19) or physically detaining the individuals on the premises (cases 9, 11, 21 and 23).

Many of these measures were used in combination in case 5 (see above). Additionally, the traffickers used physical as well as psychological violence against the victims and threatened to harm their families. The police report that the victims were entirely dependent upon the traffickers to regulate everything – from their housing to their registration with the Chamber of Commerce and tax forms. As a result of this dependency, many of the women developed a strong emotional relationship with their trafficker/pimps and a number of the victims fell in love with their traffickers.

In order to avoid the risk of getting caught attempting to smuggle their victims into a country, traffickers may turn to using fraudulent documents or legal means to bring them into the country. Traffickers in the Netherlands and Austria have been known to abuse the asylum laws to bring young women into the country legally and then force them into prostitution for the duration of the application procedure (case 7).<sup>276</sup>

## Corruption

In 2006, the OSCE reported that “there is a very strong correlation between trafficking and corruption” and “the trafficking of persons [...] flourishes in part through the corruption of public officials”.<sup>277</sup> Corruption is referred to in many studies but has not been the focus of many specific studies. Moreover, little has been published on corruption and human trafficking; references between corruption and human trafficking are usually anecdotal. It is difficult to obtain information, in part, because victims may not be aware of corruption and traffickers and corrupt officials are not likely to report the practice. Human trafficking could undoubtedly “not occur on the scale it does were it not for the complicity and collusion of corrupt officials with criminal gangs”.<sup>278</sup>

Cases in Belgium have pointed to corruption and collusion between traffickers and government officials. In one case in Belgium involving victims of sexual exploitation from an Eastern European country, the women reported their distrust of the police in their home country because they were all corrupt. The victims stated that the traffickers and exploiters from their home country had been preparing sex parties for policemen, magistrates, judges and politicians and that there were very strong links between the traffickers with state officials and policemen.<sup>279</sup> During an

274 This is really a moot point as transportation costs are always passed on to the trafficked victim.

275 Experts in Austria also report that escort services frequently change their telephone numbers as a way of minimizing risks (interviews with G. Joszt and R. Idinger, Austria).

276 M. Kreutzer and C. Milborn, *Ware Frau. Auf den Spuren moderner Sklaverei von Afrika nach Europa*, Econwin (Salzburg, 2008), p. 169: In Austria, non-EU nationals are immediately instructed by the traffickers to file an asylum application. During that time, they reside legally in Austria and are allowed to work in certain areas, including prostitution. This period can last for years. Traffickers exploit this situation.

277 L. Holmes, “Human Trafficking & Corruption: Triple Victimization?” (2009), citing L. Mann and I. Dolea, *OSCE Trial Observation Manual for the Republic of Moldova* (Chisinau: OSCE/ODIHR, 2006), 79; 182.

278 L. Holmes, “Human Trafficking & Corruption: Triple Victimization?”, in Cornelius Friesendorf (Ed.), *Strategies against Human Trafficking: The Role of the Security Sector*, National Defence Academy and Austrian Ministry of Defence and Sports (Vienna and Geneva, September 2009), p. 84.

279 Written communication from S. Janssens, CEOOR, Belgium.

investigation into another case by the Brussels Federal Police, corruption practices were discovered with regard to a trafficker obtaining a licence for a bar. Additionally, evidence showed that there was also dubious contact with an embassy.<sup>280</sup>

Corruption in human trafficking commonly involves local authorities and/or migration service officials and/or diplomats dealing with the issuance of travel documents. Consular staff at the Austrian Embassy in Lagos and several countries in South Eastern Europe, for instance, were accused of visa fraud.<sup>281</sup> As a response, as it was mentioned above, the Austrian Government implemented a set of rigorous countermeasures.<sup>282</sup> Corruption at the border also facilitates trafficking. As many victims are transported with fraudulent documents, the support of border officials is needed to secure safe passage. This could be seen in a case involving a lieutenant-colonel of one of the Russian special services who aided a criminal group which had been trafficking women from the Russian Federation and the CIS to the Near East and Western Europe for almost 10 years. The lieutenant-colonel also engaged a border control officer who controlled the 'window' at the border, which facilitated the human trafficking activities (case 8).<sup>283</sup> Other cases of police corruption involved in human trafficking in the Russian Federation have been documented.<sup>284</sup> In Kazakhstan, three police officials, including the former head of the Anti-Trafficking in Persons Unit in Almaty, were prosecuted for trafficking in 2007, resulting in a six and a half year sentence for one officer.<sup>285</sup> Following the World Bank definition of corruption – “the abuse of public office for private gain” – this study identified a number of cases where legitimate agents misused their position to facilitate or even initiate trafficking. One case (12) in the Russian Federation involved the director of a clinic who misused his patients by forcing them to work as domestic servants in private households. In case 9, an employee of a public waste disposal facility in the Russian Federation exploited homeless people.

## Overlap Between the Upper- and Underworld Activities

Partnerships are forged between the legal and the illegal world in order to create a legal facade.<sup>286</sup> Model and travel agencies may be used for the recruitment and transportation of victims, while other (semi-)legitimate businesses may be involved in renting property, obtaining licences or laundering money.<sup>287</sup> In case 19, victims of labour trafficking were recruited through advertisements and labour agencies in Eastern Europe to travel to and work in the United Kingdom.

Cases of labour and employment agencies have also been linked to human trafficking in Belgium. A Russian Employment agency, Eliteprof, trafficked women and organized an international prostitution network. It had local agencies in various Russian cities like Volgograd, Berdsk, Perm, Omsk, Novosibirsk and Zlatoüst. These agencies recruited women through job advertisements for work abroad in a Western country. Eliteprof had a licence for employment of Russians abroad and also for activities as a travel agency and a tourist operator. The organization was organizing the employment of Russian, Polish and Lithuanian women who were being sent to labour markets in Belgium, Japan and the Czech Republic.<sup>288</sup>

It is not always apparent to what degree individuals are knowingly exploiting victims of trafficking. According to one expert in Austria, where prostitution is not prohibited, the owners of brothels often run legally sanctioned businesses, complying with licence requirements and paying taxes. They may believe they are hiring a “freelance” prostitute and may not be aware of the trafficker/pimp who is exploiting her while she is working on their premises.<sup>289</sup>

There is no clearer instance of the successful merging and co-operation between the legal and the illegal sectors, than in cases of labour exploitation. In a case in the United Kingdom (19), recruitment agencies were sending legal migrants to the United Kingdom to work in the agricultural sector. Upon arrival, the victims were met by members of the organizations and trafficked to work on a farm. The farm, which profited from slave labour, sold goods produced or harvested by trafficked victims to large supermarket chains which then passed on their ‘savings’ to customers.<sup>290</sup>

280 Case material obtained from S. Janssens, CEOOR, Belgium.

281 M. Kreutzer and C. Milborn, Op. Cit., p. 165.

282 Please refer to the section ‘Documentation’ above.

283 V. Bogdanov, “Trafficking in persons under cover”, *Rossiiskaya gazeta, Bezopasnost*, 30 July 2009, <<http://www.rg.ru/2009/07/30/rabyni-site.html>>, accessed 31 March 2010.

284 E. Tyuryukanova, *Human Trafficking in the Russian Federation*, Inventory and analysis of the current situation and responses, Report conducted by E.V. Tyuryukanova and the Institute for Urban Economics for the UN/IOM Working Group on Trafficking in Human Beings (Moscow: UNICEF, ILO, CIDA, 2006), pp. 63-64, <[http://www.no2slavery.ru/files/Unicef\\_EnglishBook.pdf](http://www.no2slavery.ru/files/Unicef_EnglishBook.pdf)>, accessed 31 March 2010.

285 U.S. Department of State, *Trafficking in Persons Report* (Washington D.C., July 2008), <<http://www.state.gov/g/tip/rls/tiprpt/2008/105388.htm>>, accessed 31 March 2010.

286 Interviews with G. Joszt/R. Idinger. It is unclear if the legal businesses are aware of the illegal practices of trafficking networks and to what degree the collaboration occurs.

287 Interview C. Weidel, Austria.

288 Case information obtained from S. Janssens, CEOOR, Belgium.

289 Interview G. Joszt, Austria.

290 One Austrian expert commented on the fact that, for instance, the Austrian tourism industry and some others benefit from the availability of cheap labour, Interview G. Tatzgern, Austria.

The most complex and concrete example of an overlap between the criminal organizations and legitimate businesses within the scope of this study was the co-operation of Turkish-German traffickers in the Netherlands (case 6) with a number of primarily legitimate agents. Among others, the criminals used the services of a real estate agency that handled various organizational issues like housing and vehicles for them and also a consultancy firm that gave them advice on legal and bureaucratic issues. Apart from that, they worked together with a physician of an abortion clinic to ensure their victims could continue working without interruptions due to pregnancy. Breast enlargement operations were performed by a doctor on a number of the victims who were escorted to the clinic by a male companion/member of the criminal network who determined the size of the breast enlargement.

According to Austrian experts, organized crime groups trafficking persons have contacts with excellent lawyers, are very well informed concerning the changing legal context, and are fully apprised of legal changes and relevant Supreme Court decisions in Austria and at the European level. They have been known to be in possession of legal proceedings of earlier human trafficking court cases, and have other channels of information.<sup>291</sup>

At the “other end of the trafficking chain”, legitimate businesses with a high cash turnover – snack bars or restaurants – can be used to launder money. In case 4, the Bulgarian network was using business structures for the purpose of money laundering. Money laundering was also reported in case 22, but it is unclear if these were legitimate or illicit businesses established by the traffickers for the sole purpose of laundering their funds.

## Trafficking and Other Crimes

Trafficking and its relation to other crimes can take one of two forms. Either victims can be made to commit crimes for the traffickers (drug smuggling, drug dealing, forced begging, stealing or prostitution),<sup>292</sup> or the traffickers themselves are involved in parallel criminal activities. While both of these forms of criminal activities were uncovered in this study, this section will concentrate only upon crimes perpetrated by the criminals involved in human trafficking.

Traffickers have been linked to other offences, particularly in situations where organized criminal groups have already established travel routes, safe houses and employed corrupt officials. In a study of almost 2000 law enforcement agencies in the United States, almost 92 per cent reported a connection between human trafficking and other criminal networks involved in drug trafficking and prostitution.<sup>293</sup>

The European Union agency Eurojust provides an example of an international criminal organization involved in numerous offences, of which human trafficking was just one. An Albanian criminal network operating in Belgium, France, Germany, the Netherlands, Italy and the United Kingdom was involved in drug trafficking, trafficking in human beings, money laundering, trafficking of illegal arms and trafficking in stolen vehicles, document fraud and organized transnational burglary.<sup>294</sup> A Turkish criminal organization exploiting Polish victims in the transport sector in Belgium were also involved in, or in the past had been linked to value added tax fraud involving diesel, fencing stolen vehicles, an attempted murder, and the sale of drugs. They had also been involved in two cases involving human trafficking concerning economic exploitation, violating social legislation, theft of trucks, fraudulent bankruptcies, threats, bribing Romanian and Ukrainian customs officers, forgery, cigarette smuggling, drug dealing and money laundering practices. Co-defendants who spoke about this were threatened in jail. There was even a reward of EUR 300,000 offered for killing them.<sup>295</sup>

According to experts in Austria and the Netherlands, this pattern can also be found: organized criminal groups are typically also involved in other illegal activities and markets such as stolen goods, cigarettes or drugs.<sup>296</sup> The borders between markets are fluid (as opposed to the 1960s, when separate markets prevailed). Pimps/traffickers now offer forged documents, drugs, medication, stolen goods and other goods and services.<sup>297</sup>

A number of crimes may be perpetrated in aiding traffickers to move irregular migrants into a country for the purpose of exploitation (document forgery) or for the purpose of controlling victims (rape, illegal detention, assault). The use of forged documents is a frequently mentioned secondary crime in international trafficking cases and was found in a number of cases included in the study. This points to the need for law enforcement and other agencies investigating “parallel crimes” that could be linked to trafficking, to delve deeper into the investigation to determine whether a case involves human trafficking, and not ‘just’ migrant smuggling or fraudulent documentation. At the same

291 Interview with G. Joszt/R. Idinger, Austria.

292 Victims in the United Kingdom have been forced to transport and deal illegal drugs (UKHTC, <<http://www.ukhtc.org/news/internal-trafficking-what-it->>, accessed 31 March 2010).

293 A. Farrell, J. McDevitt and S. Fahy, *Understanding and Improving Law Enforcement Responses to Human Trafficking* (Washington D.C.: National Institute of Justice, 2008), <<http://www.ncjrs.gov/pdffiles1/nij/grants/222752.pdf>>, accessed 31 March 2010.

294 Eurojust, *Annual Report 2007* (The Hague, 2008), <[http://www.eurojust.europa.eu/press\\_releases/annual\\_reports/2007/Annual\\_Report\\_2007\\_EN.pdf](http://www.eurojust.europa.eu/press_releases/annual_reports/2007/Annual_Report_2007_EN.pdf)>, accessed 31 March 2010: Eurojust is a judicial co-operation body created to improve the fight against serious crime by facilitating the optimal co-ordination of action for investigations and prosecutions covering the territory of more than one Member State in the European Union.

295 Case material obtained and taken verbatim from S. Janssens, CEOOR, Belgium.

296 Interview, MWC Nuijten, Netherlands. Interview G. Joszt and R. Idinger, Austria.

297 Interviews with G. Joszt and R. Idinger, Austria and R. Nuijten, Netherlands.

time, investigators identifying (in particular) women involved in human trafficking or other crimes, should determine whether or not the woman is a victim of trafficking and is being forced to commit these crimes. In this case, the principle of non-punishment should be applied.

## Macro-Level Factors Enabling Trafficking

There are a number of factors facilitating or enabling human trafficking. First, there is an often seemingly unlimited supply of potential victims due to the lack of opportunities and perspectives in origin countries. A lack of social support systems requires young adults to support both their parents and their children. A lack of employment opportunities in many origin countries forces persons to seek employment abroad. This affects women in particular. The lack of legal migration possibilities drives migrants into the arms of smugglers and traffickers. Victims incur debts which puts them at risk of exploitation. Other factors which put migrants at risk of trafficking are abject and relative poverty, unemployment and underemployment, a desire to improve one's life, economic uncertainty and crisis in family situation, low educational level, widespread domestic violence and violence in the society, gender inequality, and the erosion of traditional values. According to one Austrian expert, "respect can be bought through money". If someone returns from Europe with money, the person is not asked how s/he earned it. If, however, a person is deported with nothing, this person, upon return to Nigeria, is stigmatized as a 'loser', HIV-positive, and 'a whore'. This, and the absence of any rehabilitation and reintegration programmes, psychological, economic and legal and support, often leads to re-trafficking of repatriated victims.<sup>298</sup>

Further, restrictive migration policies and the limited availability of legal migration and especially labour migration possibilities is considered another factor contributing to both smuggling and human trafficking.<sup>299</sup> This affects women in particular. The first European Commission's Expert Group on Human Trafficking asserted in its report of 2004 that "women's inability to access regulated migration and their propensity to work in unregulated unskilled sectors leaves them more vulnerable to trafficking and exploitation".<sup>300</sup>

Unregulated, informal and precarious working conditions in destination countries foster human trafficking and exploitation. These sectors include commercial sex industry/prostitution, household/domestic work, au pair, marriages, gastronomy and the construction industry. Women are more likely than men to end up in the unregulated and precarious sectors (domestic servitude including care for the elderly, child care, maid services and the sex industry).<sup>301</sup> Men are likely to end up in other unregulated sectors, among others, construction and agriculture. According to an Austrian expert, high labour costs may also be a factor contributing to both smuggling and human trafficking in that they are conducive to the existence and growth of informal and precarious labour markets.<sup>302</sup>

Another factor contributing to human trafficking is the lack of, or limited access to the labour market for asylum seekers. Three months after filing a request for asylum in Austria, asylum seekers are legally eligible for limited forms of self-employed work. Due to their lack of language and other skills, prostitution is one of the few opportunities for legal employment available to asylum seekers during the waiting process, actually pushing them into the sex industry and paving the way for their exploitation.<sup>303</sup>

## Government and Criminal Justice System Responses

This section provides a brief, non-comprehensive overview of some measures that have been taken by selected governments included in the study. The list is by no means exhaustive and it is beyond the scope of this study to examine local initiatives. These measures are provided only as an introduction to the kinds of actions which could be taken to address the problem.

Any time initiatives are taken to raise awareness of potential victims or customers of trafficked persons, this raises the cost and risk to traffickers. When expertise is developed among agencies investigating situations involving exploitation, this increases the risk to this business. Increased prosecution will raise the risk and increase costs to traffickers, while asset seizure and confiscation will reduce profits. Most of these measures, taken together, provide governments with tools to attack the business of human trafficking.

298 Interview J. Reiterer, Austria: While Reiterer discussed this specifically with Nigerian victims in mind, this applies as well to trafficked victims and the conditions that they face in many source countries.

299 Interview B. Sauer, Austria.

300 European Commission, Directorate-General Justice, Freedom and Security, *Report of the Experts Group on Trafficking in Human Beings* (Brussels, 2004), p. 147, <<http://www.europa.eu.int>>, accessed 31 March 2010.

301 Interview B. Sauer, Austria.

302 Interview R. Ruzs, Austria.

303 R. Ruzs, Austria.

## Prosecution and Conviction

Despite legislation against trafficking in most countries, the likelihood of arrest, prosecution and conviction for human trafficking remains low. Police do not always recognize cases of human trafficking.<sup>304</sup> Victims can make poor witnesses<sup>305</sup> – they are traumatized, their stories are inconsistent, they are in love with or afraid of their traffickers and refuse to testify against them,<sup>306</sup> and fail to recognize they are victims. It is often difficult to obtain evidence of coercion against the trafficker and often cases of trafficking, if they even go to court, result in convictions only for human smuggling.<sup>307</sup> It is therefore necessary that police rely upon measures other than victim testimony to gather evidence against traffickers. These include telephone taps, surveillance, asset investigation and financial analysis of bank accounts and transactions.

In its *Global Report on Trafficking in Persons*, the United Nations Office on Drugs and Crime collected data on 155 countries between 2007 and 2008. The UN reports the following in terms of convictions recorded for the specific offence of trafficking in persons during the reporting period.<sup>308</sup>

Table 5.1: Distribution of Countries According to the Number of Convictions for Specific Offence of Trafficking in Persons

Convictions	%
No convictions and offence in force	19 %
No convictions because no offence defined by law	22 %
One to ten convictions per year	17 %
At least 10 convictions per year	29 %
Data not available	14 %

Global criminal justice data on prosecutions and convictions for human trafficking provide a disturbing trend. Despite new or improved legislation on human trafficking in the 175 countries included in the U.S. State Department's *Trafficking in Persons Report 2009*, prosecutions have declined steadily since 2003. Convictions have fluctuated but remain around the 2003 level (see Table 5.2). Given the number of victims estimated to be trafficked worldwide, prosecution and conviction data show just how small the chances are of being caught, prosecuted and convicted for trafficking.<sup>309</sup> Rational choice theory would support the notion that this crime pays.

Table 5.2 Global Criminal Justice Data and Legislation<sup>310</sup>

Year	Prosecutions	Convictions	New or Amended Legislation
2003	7,992	2,815	24
2004	6,885	3,025	39
2005	6,618	4,766	41
2006	5,808	3,160	21
2007	5,682 (490)*	3,427 (326)	28
2008	5,212 (312)	2,983 (104)	26

\* Numbers in parentheses are those of labour trafficking prosecutions and convictions.  
Source: U.S. Department of State (2009, p. 47).

304 Berger tells of a woman who was trafficked to the US from Mexico and forced to work in prostitution. Her trafficker beat her. Failing to identify the situation properly, the police arrested the 'boyfriend' for simple assault in a domestic violence situation. The victim's lawyers are trying to get the prosecution to recharge the defendant for human trafficking.

305 There is a perception that exists in some police forces that children from troubled backgrounds will make poor witnesses, although in practice the reverse can be true. However, when looking to prove trafficking where the victims is a 14 year old girl who has previous convictions, high levels of truancy, thought to be sexually promiscuous etc., police and/or prosecutors can be reluctant to proceed. Correspondence from the Chief of Operations, U.K. Human Trafficking Centre.

306 Police in Austria also report that female victims often refuse to testify against their traffickers. Interview G. Joszt.

307 In spite of numerous successful convictions for human trafficking in the Netherlands, a recent high profile case, Operation Koolvis (case 7), involving Nigerians in an international trafficking ring resulted in convictions only for human smuggling.

308 United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (Vienna, 2009), p. 9, <[http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf)>, accessed 31 March 2010.

309 Tracking criminal justice responses and convictions improves in countries with National Rapporteurs where resources and systems are applied for data collection.

310 U.S. Department of State, *Trafficking in Persons Report* (Washington D.C., 2009), p. 47, <<http://www.state.gov/documents/organization/123357.pdf>>, accessed 31 March 2010.

Convictions for human trafficking in the United States have also been low. Since the enactment of the Victims of Trafficking and Violence Protection Act of 2000 in the United States, only 196 cases have been prosecuted resulting in convictions against 419 people.<sup>311</sup>

In the Russian Federation, in spite of anti-trafficking legislation introduced in 2003, the conviction rate for cases involving human trafficking remains low. This is true in many other CIS countries as well. Between 2004 and 2007, 287 criminal ‘episodes’ were investigated under Article 127.1 of the Criminal Code of the Russian Federation (Trafficking in Persons)<sup>312</sup>; 128 persons were identified as suspects in human trafficking, of which only 20 were convicted.<sup>313</sup> At the same time, the number of criminal cases and prosecutions for labour trafficking is much lower than for trafficking for sexual exploitation.

While it is difficult to successfully prosecute and obtain convictions in trafficking cases in general, cases of labour trafficking are reportedly even more difficult to successfully prosecute in some countries. Explaining this phenomenon in the United Kingdom, one expert refers to the perception that the trauma suffered by victims of labour trafficking might be significantly lower than that suffered by victims of sexual exploitation. Victims of labour trafficking might not fit the “stereotypical view” of a trafficked person; therefore it is difficult for juries to view the persons as victims of trafficking.<sup>314</sup>

Prosecution for human trafficking has been relatively successful in the Netherlands. In 2007, 73 (61 per cent) of the 120 cases brought before the court resulted in a conviction for human trafficking; in 24 (20 per cent) of the cases, conviction was obtained for other offences.<sup>315</sup> Most of the successful prosecutions have involved trafficking for sexual exploitation. It has proven more difficult to obtain convictions in labour trafficking cases. Prosecutors and judges have more experience with cases involving sexual exploitation and labour exploitation is not considered to have “damaged the integrity” of the victim.<sup>316</sup>

### *Establishing Specialized Expertise within Law Enforcement and the Criminal Justice System*

A number of police forces in the Netherlands have formed specialist teams to investigate human trafficking. Additionally, the public prosecution service is intensifying its policy on human trafficking and prosecutors have been appointed in the new regions that can devote 50 per cent of their time to human trafficking cases. The Office for Financial, Economic and Environmental Offences in the Netherlands recently assigned the human trafficking portfolio to a prosecutor and an advocate-general. Co-ordination on cases in the public prosecution service takes place in the “portfolio owners meeting”.<sup>317</sup>

In the Netherlands, the Social Intelligence and Investigation Service (SIOD) has made human trafficking and labour exploitation a priority and it recently established an internal “Programme to Improve Efforts to Tackle Human Trafficking”.<sup>318</sup> Co-ordinated investigation and a focused prosecution have resulted in the successful conviction in the Sneeep case (case 6 of this study).

Belgium has specialized units comprising police, the social inspection and magistrates which together take a multi-disciplinary approach to investigating human trafficking.<sup>319</sup>

The German Federal Police (*Bundeskriminalamt*) founded a special unit for combating trafficking. Its main purpose is to advance the international co-operation in prosecution efforts. It also provides two-week seminars for police and border control officials and publishes a yearly report on the status of human trafficking in Germany. The police organizes, in co-operation with NGOs, seminars for investigators, victim protection officers and prosecutors, seminars that aim at better victim care and strengthening of the network among officials.

While there are no specialist anti-trafficking police units in the Russian Federation at the local level, a Drug, Human Trafficking and Migration Crime Unit has been established at the federal level in the Investigative Committee of

311 J. Berger, “Despite Tough Laws, Few Trafficking Arrests”, *New York Times*, 3 December 2009, <<http://www.nytimes.com/2009/12/04/nyregion/04trafficking.html?scp=4&sq=human%20trafficking&st=cse>>, accessed 31 March 2010: Although more common, there have been few cases of labour trafficking.

312 Russian Ministry of the Interior statistics refers to so-called “criminal episodes” which may comprise more than one criminal act in a single criminal case (on average there have been five episodes per criminal case for the period 2004-2007).

313 Statistics of the Prosecutor’s General Office of the Russian Federation.

314 The level of trauma experienced by the victim might contribute to the decision whether or not to prosecute the offender for trafficking. This, and the fact that the ‘victim’ of labour trafficking does not always look like a victim to police, prosecutors and juries may contribute to the low arrest, prosecution and conviction rate in cases of labour trafficking. The Head of Operations, UK Human Trafficking Centre argues for the need to break away from stereotypical views of what a victim of trafficking looks like which in turn may increase the successful investigation, arrest and prosecution of criminals involved in labour trafficking. Interview with and written communication from the Head of Operations, UK Human Trafficking Centre.

315 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report* (The Hague, 2009), Table 10.8, p. 414, <<http://english.bnrm.nl/reports/7th%2Dreport/>>, accessed 31 March 2010.

316 Interview J.L. Hendriks: On 27 October 2009, the Supreme Court in the Netherlands handed down a judgment requiring lower courts to consider other mentioned factors when dealing with cases of trafficking for labour exploitation.

317 BNRM, Op. Cit., Summary.

318 BNRM, Op. Cit., Summary, p. 17.

319 Written communication from S.Janssens, CEOOR, Belgium.

the Ministry of Interior of the Russian Federation. This unit supervises the investigation of trafficking cases all over the country. The Investigative Committee issued a methodical handbook for operational officers and investigators containing the main principles and best practices of trafficking investigations, including proactive investigation strategy. The Academy of Prosecutor's General Office in 2008 produced a report on combating human trafficking in the Russian Federation containing statistics and examples of investigated trafficking cases.<sup>320</sup>

### *Expertise Centres as an Example of Interagency Co-operation*

In the Netherlands and the United Kingdom respectively, an expertise centre has been established with representatives from a number of governmental stakeholders. Representatives from the Dutch National Crime Squad (*Dienst Nationale Recherche*), the National Criminal Intelligence Service (*Dienst Nationale Recherche Informatie*), the Royal Military Police (*Koninklijke Marechaussee*), the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*) and the Social Information and Investigation Service (*Sociale Inlichtingen- en Opsporingsdienst*) work together in the Expertise Centre Human Trafficking and Human Smuggling of the Dutch National Police, where knowledge of and experience in combating the smuggling and trafficking of persons is gathered, analysed and made available to investigation services.

In the United Kingdom, representatives from the Crown Prosecution Service, the Serious and Organized Crime Agency (SOCA), the UK Border Agency (UKBA), Revenue and Customs (HMRC) and a research development manager co-ordinate efforts to assist local police in their attempt to eradicate trafficking. Two NGOs, STOP the Traffic and Stop Trafficking, are also represented in the Centre to aid the police in their victim-centred approach to dealing with trafficking investigations. The Human Trafficking Centre also co-ordinates closely with the United Kingdom's Gangmaster Licensing Authority (GLA)<sup>321</sup> whose responsibility it is to, among others, safeguard the welfare and interests of workers while ensuring labour providers operate within the law. One of the tasks of the GLA is to carry out onsite inspections of places of employment to ensure that businesses are upholding the law. When the GLA determines non-compliance, licences to operate are not issued, are withdrawn or are followed by a criminal prosecution.

Such administrative responses have also been carried out in the Netherlands where municipal governments can refuse to issue to, or withdraw licences from businesses which are suspected of, or have been found to be involved in human trafficking and other crimes, or if there is a serious suspicion that the licence will be used (also in the future) for criminal activities.<sup>322</sup>

In Belgium, specialized units comprising police, social inspection units and magistrates for human trafficking also co-operate to provide a multidisciplinary approach.

A Human Smuggling and Trafficking Center in the United States “[...] provides a mechanism to bring together federal agency representatives from the policy, law enforcement, intelligence, and diplomatic areas to work together<sup>323</sup> on a full time basis to achieve increased effectiveness, and to convert intelligence into effective law enforcement and other action”<sup>324</sup>.

### *Proactive and Prevention Strategies*

In addition to the need to increase arrest and successful prosecutions of human traffickers – a reactive measure – the governments of a number of countries included in the study have taken various proactive or preventive measures to eradicate trafficking. Many of these prevention measures are aimed at trafficking for sexual exploitation, while others are aimed at exploitation of trafficked persons in other sectors as well.

The Dutch and Austrian policy clearly differentiates between voluntary prostitution as opposed to sex trafficking and other forms of sexual exploitation, coercion and violence. Prostitutes are subject to mandatory registration with the authorities, as well as regular health checks. In both countries there is also a sizeable illegal sex market (in Vienna it is estimated to be twice the size of the legal market). In Austria, some 85-90 per cent of registered prostitutes are foreigners, whereas this rate is much lower in the illegal sector.<sup>325</sup> The police are constantly monitoring both the regular and the irregular sex markets in order to detect possible exploitation; to this end, they also seek to establish a

320 V. Ovchinsky and Ju. Torbin, *Fighting human trafficking in the Russian Federation*, Academic Report, edited by V. Ovchinsky and Ju. Torbin (Moscow: Norma, 2009) (in Russian).

321 The Gangmasters Licensing Authority (GLA) regulates those who supply labour or use workers to provide services in agriculture, forestry, horticulture, shellfish gathering and food processing and packaging. For more, see the website at <<http://www.gla.gov.uk/>>, accessed 31 March 2010.

322 J.L. Hendriks, Netherlands (written communication). This suspicion must be supported by concrete indications.

323 The numerous law enforcement jurisdictions in the United States make co-ordination more difficult.

324 <<http://www.state.gov/m/dfs/hstcenter/>>, accessed 31 March 2010.

325 ExpertInnenkreis 'Prostitution' im Rahmen der Task Force Menschenhandel, *Arbeitsbericht 'Prostitution in Österreich*. Rechtslage, Auswirkungen, Empfehlungen (Vienna, 2008), p. 11, <<http://www.bmeia.gv.at/aussenministerium/aussenpolitik/menschenrechte/schwerpunkthemen/kampf-gegen-menschenhandel.html>>, accessed 31 March 2010: According to this expert group, the legal prostitution market in Vienna has doubled since the 1970s. This may be due to the fact that asylum seekers and new EU citizens are now able to work legally in prostitution and owing to the outreach work by STD ambulances as well as counseling centres in the red light districts.



rapport with women. They also work with informants and receive hints from clients. Police raids are also carried out in order to close down or at least disrupt the illicit business even though a criminal charge would not be possible and a conviction rather unlikely. Plans are in place to establish multi-stakeholder groups to more fully monitor sex markets with a view to better identifying victims and disrupting the trafficking business.<sup>326</sup> To this end, an interdisciplinary working group developed an Action Plan on Prostitution in mid 2008, with the overall objective to clearly differentiate between voluntary prostitution and sex trafficking and other forms of exploitation, to improve working conditions for prostitutes, including social protection and health support, and to improve protection against exploitation.<sup>327</sup>

In the Netherlands, a draft bill has been published (but not yet introduced to Parliament) which will require every sex business to be licensed.<sup>328</sup> As part of the efforts of the Human Trafficking Task Force to improve supervision of the prostitution sector, a protocol/manual on 'supervision of the licensed prostitution sector' is being written in consultation with the Ministry of the Interior and municipalities. To end exploitation in sectors outside of the prostitution branch, training courses in human trafficking have been offered to employees of various departments in the Labour Inspectorate.

With respect to the sex market, various awareness raising campaigns in the Netherlands and the United Kingdom have been aimed at the general public, and in particular, customers of prostitutes (or others who may come into contact with prostitutes such as taxi drivers or hotel personnel) warning them that prostitutes may be victims of trafficking. The particularly powerful campaign of Crime-Stoppers UK warns customers of prostitutes "Walk in a punter [customer], walk out a rapist".<sup>329</sup> The website of the Dutch Crime-Stoppers *Meld Misdaad Anoniem* (Report Crime Anonymously) reports that a number of valuable tips came into the organization leading to the rescue of victims and the arrest of traffickers.<sup>330</sup>

An awareness raising campaign aimed at the general public to raise awareness of the signs of human trafficking, The Blue Blindfold Campaign, was launched in the United Kingdom in 2007. It has received the endorsement of the FBI and the U.S. Human Smuggling and Trafficking Centre and it is currently being promoted to Federal and local agencies across the United States. Crime Stoppers International (CSI) has also endorsed Blue Blindfold. The organization will be engaging in programmes throughout the world in the forthcoming months and Blue Blindfold will be promoted as an awareness raising tool. The Blue Blindfold campaign has also received the backing of the United Nations Office on Drugs and Crime (UNODC).<sup>331</sup>

In Austria, training is provided for consular staff, and co-operation is sought with authorities in origin countries. Training and awareness raising is going to be offered to all potential stakeholders who may come into contact with trafficked victims, including street workers and health workers.<sup>332</sup>

In the Russian Federation, several hearings in the State Duma aimed at further developing the anti-trafficking legislation, including Criminal Code amendments and Law on the Status of the Victim of THB and broad awareness raising campaign in mass media showed the urgent necessity for special measures aimed at converting knowledge and awareness into the safe models of behaviour.<sup>333</sup> Two all-Russia NGOs Assemblies have been conducted to build a nation-wide anti-trafficking platform. Besides, many round tables organized by NGOs in co-operation with state authorities moved counter THB activity forward.

### *National Referral Mechanisms, National Rapporteurs and Other Multi-agency Task Forces*

A country-wide National Referral Mechanism for the identification of trafficked persons is in preparation in Austria, involving mainly the Ministries of Justice, Interior, European and International Affairs and Women's Affairs and working together with the NGO LEFOE<sup>334</sup> as its main partner. It will agree on criteria, and standard operating procedures for victim identification and referral to appropriate victim support, including international cross-border co-operation.<sup>335</sup> There is also a multi-agency National Task Force on Human Trafficking headed by the Ministry of European and

326 Interview G. Jozst, Austria.

327 <<http://www.bmeia.gv.at/aussenministerium/aussenpolitik/menschenrechte/schwerpunkthemen/kampf-gegen-menschenhandel.html>>, accessed 31 March 2010.

328 Bureau Nationaal Rapporteur Mensenhandel (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings), *Seventh Report, Summary* (The Hague, 2009), p. 3, <<http://english.bnrm.nl/reports/7th%2Dreport/>>, accessed 31 March 2010: "Other relevant pieces of legislation are bills to enhance the standing of victims in criminal proceedings, a draft bill to expand the possibilities for confiscating illegally obtained profits and a bill on the liability of companies for temporary employees that they hire".

329 Crime Stoppers, <<http://www.crimestoppers-uk.org/media-centre/crime-in-the-news/may-2008--crime-in-the-news/walk-in-a-punter-walk-out-a-rapist>>, accessed 31 March 2010.

330 See the website report at <http://www.meldmisdaadanoniem.nl/english/human-trafficking/>.

331 UKHTC – Tackling Human Trafficking: The Ongoing development; <<http://www.ukhtc.org/news/tackling-human-trafficking-ongoing-development>>, accessed 31 March 2010.

332 For more on this aspect, IOM, UN.GIFT and the London School of Hygiene and Tropical Medicine, *Caring for Trafficked Persons. Guidance for Health Care Providers* (IOM, 2009), <[http://www.epacvaw.org/IMG/pdf/CT\\_Handbook.pdf](http://www.epacvaw.org/IMG/pdf/CT_Handbook.pdf)>, accessed 31 March 2010.

333 Elena Tyurukanova and Zhanna Zaiouchkovskaya (eds.), *Prevention and Countering the Spread of Slavery and Human Trafficking in the Russian Federation*, Final report on the research part of the EC-IOM project "Prevention of Human Trafficking in the Russian Federation, European Commission. International Organization for Migration, International Labour Organization (Moscow: Impala, 2009), pp. 65-66: About 70 to 80 per cent of the general population and at risk groups in the Russian Federation is aware of modern day slavery and the danger of being trafficked.

334 Verein LEFOE – Beratung, Bildung und Begleitung für MigrantInnen (<<http://www.lefoe.at>>), accessed 31 March 2010).

335 Interview G. Jozst, Austria.

International Affairs and, since 2009, a national Anti-Trafficking Co-ordinator, a senior official of this Ministry, spearheading national efforts to prevent and counter human trafficking, which includes all relevant state and non-state actors. The second Austrian National Action Plan contains a comprehensive approach to national co-ordination, prevention, victim protection and support, prosecution and international co-operation. A special focus is on contributing to improving the situation in the 'source' countries/regions; to this end, the Austrian Development Agency (ADA) has a focus on important countries/regions of origin for trafficking into Austria.<sup>336</sup>

Over 24 countries have National Rapporteurs or equivalent mechanisms which collect statistics on human trafficking in their respective countries. The Dutch National Rapporteur conducts research and reports annually to Parliament on the situation within the country. In addition to evaluating the success and bottlenecks with respect to procedures in the Netherlands, the National Rapporteur makes recommendations for improved legislation, law enforcement and local services, awareness and indicators to recognize human trafficking, training, services to victims, and investigation and prosecution.<sup>337</sup>

In Belgium, the Centre for Equal Opportunities and Opposition to Racism (*Centrum voor Gelijkheid van Kansen en voor Racismebestrijding*) fulfils the role of a national rapporteur or equivalent mechanism. The Centre is responsible for the promotion, co-ordination and the follow-up of the policy in Belgium to combat trafficking in human beings. In addition to the collection of statistics<sup>338</sup> and the publication of annual reports, the Centre is responsible for a broad range of activities which include, among others, monitoring activities of government departments, the situation in various cities and judicial districts, fostering co-ordination and co-operation between victim reception centres and representing victims in court. One of the Centre's essential missions is to draw up an independent and public annual report on the evolution and results of the fight against human trafficking and smuggling. This report is transmitted to the Government and the Parliament. The Centre's reports also represent an important tool for those actors on the ground in terms of the operating methods of criminal networks, new trends in the trafficking phenomenon, as well as jurisprudence. The Centre evaluates different aspects of policy and puts forth recommendations with a view to a more effective fight against trafficking and a heightened consideration for the needs of victims.<sup>339</sup> The Centre publishes a brochure in 28 languages informing individuals of exploitative situations and providing numbers and addresses of shelters which may assist them.<sup>340</sup>

The United States Federal Government introduced and continually funds a number of multi-agency task forces.<sup>341</sup> These task forces are designed to increase interaction and co-operation among relevant stakeholders. They help local and territorial law enforcement agencies to better work with the U.S. Attorney's Office as well as victim service organizations in order to guarantee a victim-centred approach to the efforts towards combating trafficking in human beings. Among these multi-agency initiatives is the Human Trafficking Rescue Alliance (HTRA) that prepares and gives out guidelines as to how agencies should interact with victims of trafficking. Additionally, there are a number of similar task forces all over the United States with similar focuses even if approaches are often quite different.<sup>342</sup> Overall the portfolio of government responses incorporates various government agencies with different areas of specialization. Among them are federal law enforcement and judicial organizations such as the FBI and the Department of Justice, which co-operate to continually improve, in particular, the situation concerning the sexual exploitation of children through the *Innocence Lost National Initiative*. Social welfare agencies – at the national level, the Department of Health and Human Services (HHS) – are also involved. HHS's Per-Capita Services support a number of civil society initiatives currently covering over 90 locations across the country. These provide "anytime, anywhere" services to foreign victims of trafficking.<sup>343</sup> National hotlines exist in the United States to facilitate the reporting of trafficking cases. In addition to English, toll free hotlines are also in Spanish and Korean.<sup>344</sup>

The German Federal Ministry for Family, Seniors, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend*) is sponsor and co-ordinator of a national network for the co-operation in anti-trafficking efforts (*Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e.V.*). National and state police

336 Second Austrian National Action Plan 2009-2011 can be downloaded from: <<http://www.bmeia.gv.at/aussenministerium/aussenpolitik/menschenrechte/schwerpunkthemen/kampf-gegen-menschenhandel.html>>.

337 The Dutch National Rapporteur has published seven reports to the Government. English language reports can be found at <<http://english.bnrm.nl/>>.

338 Centre for Equal Opportunities and Opposition to Racism, *Menschenhandel- Smokkel Jaarverslag 2008* (Brussels, 2009), <[http://www.diversiteit.be/?action=publicatie\\_detail&id=108&thema=5](http://www.diversiteit.be/?action=publicatie_detail&id=108&thema=5)>, accessed 31 March 2010: The most recent annual report provides information on the sectors of exploitation, case studies and statistics on offenders, police, court and NGO responses to traffickers and victims.

339 Information provided by Stef Jansens, Analyst, Human Trafficking, Centre for Equal Opportunity and Opposition to Racism, Belgium.

340 See <[http://www.diversiteit.be/?action=publicatie\\_detail&id=107&thema=5](http://www.diversiteit.be/?action=publicatie_detail&id=107&thema=5)>, accessed 31 March 2010.

341 U.S. Department of State, *Trafficking in Persons Report* (Washington D.C., 2009), <<http://www.state.gov/documents/organization/123357.pdf>>, accessed 31 March 2010: The basis of US efforts in combating trafficking and protecting victims is the 2000 Trafficking Victims Protection Act (TVPA). It was re-authorized in 2005 and amended on several aspects as recently as 2008. The TVPA serves five main purposes: 1) define and criminalize the act of human trafficking; 2) introduce a maximum sentence of 20 years in prison; 3) create a new visa category for VoTs; 4) issuance of a yearly report – TIP Report; 5) provide "significant funding for enforcement [...] and new assistance programs". As of April 2009, there are 42 out of 50 US states which have introduced criminal anti-trafficking legislation.

342 A. Farrell, J. McDevitt and S. Fahy, *Understanding and Improving Law Enforcement Responses to Human Trafficking* (Washington D.C.: National Institute of Justice, 2008), <<http://www.ncjrs.gov/pdffiles1/nij/grants/222752.pdf>>, accessed 31 March 2010.

343 U.S. Department of State, Op. Cit.

344 Polaris Project, <[http://www.polarisproject.org/index.php?option=com\\_content&task=view&id=71&Itemid=90](http://www.polarisproject.org/index.php?option=com_content&task=view&id=71&Itemid=90)>, accessed 31 March 2010.

as well as approximately 35 NGOs and specialized shelters are members of the group and receive essential financing from the Ministry.<sup>345</sup> In addition to the national efforts, the German government's strategy includes the sponsorship of international development projects, awareness raising campaigns and educational efforts to prosecutors in typical countries of origin and transit.<sup>346</sup>

In the Russian Federation, the first government-run shelter in co-operation with local NGOs was opened in 2009 to assist victims of trafficking in Vladivostok (Russian Far East). Other government shelters exist to help children in difficult situations and victims of violence. Some elements of NRMs exist at the local level and can support the first steps to create NRMs as formalized co-operation between the law enforcement and NGOs – service-providers based on Memoranda of Understanding (or other forms of agreements) ensuring clear division of responsibilities and guaranteed assistance to the victims of THB.

At the regional CIS level, two Model Laws (on Combating Human Trafficking and on Providing Assistance to the Victims of Trafficking in Human Beings), as well as Recommendations on Unification and Harmonization of the Legislation of CIS countries in the area of Combating Trafficking in Human Beings have been adopted by the CIS Inter-Parliamentary Assembly, in compliance with the CIS Program of Co-operation to Combat Trafficking in Human Beings for 2007-2010. Preparation of the new CIS Program for 2011-2014 started recently and it was also reported to the CIS Inter-Parliamentary Assembly in February 2010 that preparation of the Commentary to the Model Legislation was on the way.

The Co-ordinating Council of the CIS Prosecutors' General is the body responsible for the implementation of the above mentioned CIS programme of co-operation and for the annual reporting of the relevant national structures on the status of the implementation and the efficiency of international co-operation.

## Concluding Remarks

This chapter has presented an assessment of trafficking cases examining the traffickers, their organizations and their modus operandi – including the means they use to recruit, transport, exploit and control their victims. The cases included in this study cover a wide array of situations, from individual traffickers to loose networks built on family or friendship ties, to more highly organized and sophisticated international operations. It is important for law enforcement to recognize the involvement of individuals in trafficking. The larger and more sophisticated the organization, the greater the likelihood that police are able to identify different roles within the organization. The roles are often fluid and chauffeurs, escorts and guides can easily take on other roles such as pimps and brothel owners.

Traffickers are a heterogeneous group, about whom only limited information is available. They vary from former 'trafficked-victims-turned-traffickers' to housewives, business owners and pimps – and share few common characteristics. A trend observed is the increasing involvement of women in trafficking, not just as recruiters, but also playing a more prominent role in both the organization and the trafficking process. Victims, too, differ on a number of demographic variables such as age, gender, marital status and educational level and work experience. As a group, however, they share a common trait. They may be vulnerable or they find themselves in vulnerable situations in which they, at some point, lose control over their self-determination and become a victim of trafficking.

This study has shown that domestic trafficking is a problem in certain countries. While the number of domestic trafficking cases reviewed in this research is small, it is a serious problem in most countries that to date has been overlooked. This may have to do with the fact that the indicators and methodologies/mechanisms that have thus far been developed to identify trafficked victims are more helpful and reliable for international trafficking with foreign victims, than for the identification of domestic victims. Markets of exploitation differ between and within countries, and may be influenced by the local conditions. The local conditions may favour or support particular forms of trafficking – for domestic service, fishing, agriculture, construction or prostitution. Trafficking into certain markets may be more prevalent in one city in a country than in another city in the same country. Not only do the markets of exploitation differ, but so do the means that traffickers use to exploit their victims. The coercion used to maintain control over victims varies from the subtle pressure to repay debts, to debt bondage, manipulating the victims into falling in love with their traffickers, constant supervision, the use of guards, threats, actual violence and voodoo practices or a combination of any of the above.<sup>347</sup>

Globalization, open borders and visa-free travel between Schengen or EU countries and between CIS countries have decreased the reliance of traffickers upon false documents and smuggling to bring individuals illegally into destination countries while also necessitating new approaches for the identification of victims with legal residency in destination countries. Border controls present an opportunity for governments to identify the movement of potential

345 Bundesministerium für Familie, Senioren, Frauen und Jugend, <<http://www.bmfsfj.de/RedaktionBMFSFJ/Abteilung4/Pdf-Anlagen/gewalt-kooperationskonzept,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf>>, accessed 31 March 2010.

346 U.S. Department of State, *Trafficking in Persons Report* (Washington D.C., 2004), <<http://www.state.gov/documents/organization/34158.pdf>>, accessed 31 March 2010.

347 Another form of manipulation is to threaten victims from traditional Muslim countries by telling them that their families will be informed that they have dishonoured the family by working as prostitutes. This pattern has been identified in Albania as well.

victims into a destination country and intervene even before these potential victims are exploited.<sup>348</sup> The international nature of trafficking clearly points to the fact that dismantling a trafficking organization requires focusing on the recruitment phase in the country of origin as well as on the transit routes and demands international co-operation between government agencies in countries of origin, transit and destination.

The area least explored and understood in the trafficking process is the profit generated by trafficking and the financial investments of traffickers. It is not clear whether profits are re-invested to increase the trafficking business, whether the profit is spent in maintaining a luxurious lifestyle (the latter was more prevalent in the cases included in this study where this information was available) or whether profit is invested in legitimate businesses in the trafficker's home country – or a combination of any of these. It remains one of the most important aspects in controlling trafficking as the seizure of assets of traffickers and trafficking profits will increase the cost to traffickers. From an operational and practical standpoint, this remains one of the most difficult measures to implement requiring international collaboration with respect to asset seizure and confiscation.

Corrupt government officials and legitimate actors facilitate trafficking in human beings and protect traffickers. Their role must be examined in terms of their involvement and the degree to which they can be held accountable in trafficking prosecutions. This is particularly true in politically sensitive cases involving individuals with ties to high-level officials or involving huge profits and money laundering schemes.

Trafficking has been linked to other crimes, some of which are instrumental in instances of human trafficking – smuggling, document fraud, corruption and crimes against the victims – kidnapping, assault, illegal detention, theft of documents, rape and murder. Trafficking organizations have been linked to drug trafficking, people smuggling, trafficking in illegal arms, stolen vehicles and organized burglary. Traffickers have been known to force their victims to commit crimes which include forced begging, theft and drug smuggling. It is essential that law enforcement investigating these and other crimes are alert to signals indicating the involvement of these same criminals in human trafficking.

Governments are responding with different measures to eradicate trafficking. These include awareness-raising through training of front line staff and campaigns to raise awareness of customers of prostitutes who may come into contact with trafficked victims. The Netherlands, the U.K. and the U.S. have established centres to bundle expertise from different organizations (police, prosecution, border control, military police, NGOs) and to provide expertise to police in local investigations. Governments are expanding their reach by taking executive measures to withdraw licences and by refusing to issue licences to businesses suspected of using slave labour or trafficked persons.

Cost and risk reduction are directly tied to increasing profits generated through trafficking. It is important to understand which measures are used by traffickers to protect their operation as preventive measures can be taken by governments to counter these. The Netherlands will soon pass legislation requiring escort services to have a landline telephone which can be directly linked to a permanent address. This will facilitate increased oversight of the escort branch.

This section has examined the trafficking phenomenon based upon government reports and other literature, interviews with experts and the analysis of cases included in the study. The following chapter introduces the reader to more comprehensive measures aimed at fighting human trafficking from a business perspective.

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348 Potential victims do not know what awaits them and they hope for legitimate, non-exploitative employment. They can be handed information brochures with hotline numbers to turn to in case they end up being trafficked.

# CHAPTER 6

## POLICY IMPLICATIONS & A COMPREHENSIVE APPROACH TO COMBATING HUMAN TRAFFICKING FROM A BUSINESS, MARKET AND PROCESS PERSPECTIVE

This chapter begins with general principles of approaches to combating trafficking and then turns to administrative, legal, investigative, and judicial measures that should be taken to address the business side of human trafficking to reduce the profit and increase the risk and cost to traffickers and their organizations. Following this, a number of “good practice” measures are introduced – risk analysis, the Market Reduction Approach, the Barrier Model aimed at preventing and disrupting the business and markets of trafficking.

### General Principles

In order to introduce effective policy, it is critical that governments collect evidence-based data to facilitate their understanding of the trafficking phenomenon<sup>349</sup> in local areas. This evidence-based data would include which potential victims (and criminals) are most at risk, how they are being recruited, transported, housed and exploited, and in which markets the exploitation is occurring, what types of organized crime are operating in the local areas, with whom are they linking and associating, how the business works and what can be done to maximize the possibility of causing financial harm to the trafficking business. To complete any understanding of human trafficking and how it operates as a business, it is necessary to study the financial transactions and criminal earnings of traffickers. This would allow governments to find and seize assets thus raising costs to human traffickers. At the same time, victims could be compensated. In order to collect, analyse and process data on human trafficking, it is recommended to establish a national monitoring and reporting mechanism, in the form of a National Rapporteur or equivalent mechanism. This should be a body functioning independently. All trafficking-related data must be made available to the national rapporteur and provided by the relevant services and authorities upon request. This body would be tasked with improving data gathering, analysis and understanding of the problem as well as the trends, reporting and evaluating national anti-trafficking efforts, including the effectiveness of legislation and national strategies, as well as use of resources.<sup>350</sup> This would necessitate harmonizing the data which must be collected across jurisdictions, providing training and appointing permanent staff tasked with data collection.

### A Victim-Centred Approach

Given the severe human rights abuses perpetrated against the victims of human trafficking, a victim-centred approach should be at the heart of every law, policy decision and criminal investigation. This is the guiding principle behind practices in the United Kingdom where the protection and safety of the victim takes central place in the investigation of trafficking. With an emphasis upon recovery and protection of the victim<sup>351</sup> – throughout the entire process to include victim protection through trial – the likelihood is also increased that the victim may co-operate with investigators. However, even in the case of victims refusing to co-operate with law enforcement, their rights must be protected. A reflection period to allow victims to recover from the trauma of their experiences has to be guaranteed by all governments. During this period of reflection, victims should be provided with medical, psychological and legal services.

349 For more on the collection of data, refer to IOM Vienna and the Austrian Federal Ministry of the Interior, “Development of Guidelines for the Collection of Data on Trafficking in Human Beings, Including Comparable Indicators”, <[http://www.emn.at/modules/typetool/pnincludes/uploads/IOM\\_Vienna\\_AT\\_Mol\\_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf](http://www.emn.at/modules/typetool/pnincludes/uploads/IOM_Vienna_AT_Mol_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf)>, accessed 31 March 2010.

350 A. Aronowitz, *Guidelines for the Collection of Data on Trafficking in Human Beings, Including Comparable Indicators*, Austrian Federal Ministry of the Interior and the International Organization for Migration (Vienna, 23 February 2009), <[http://www.emn.at/modules/typetool/pnincludes/uploads/IOM\\_Vienna\\_AT\\_Mol\\_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf](http://www.emn.at/modules/typetool/pnincludes/uploads/IOM_Vienna_AT_Mol_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf)>, accessed 31 March 2010.

351 For more on the recovery and protection of the victim, refer to International Organization for Migration, *The IOM Handbook on Direct Assistance to Victims of Trafficking*, <[http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/main/site/published\\_docs/books/CT%20handbook.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/main/site/published_docs/books/CT%20handbook.pdf)>, accessed 31 March 2010.

Beyond the period of reflection, it is essential that victims' rights are protected. Victims should be provided with continuing psycho-social support. Other measures that governments are strongly recommended to consider putting into place include granting permanent residence to victims of (severe forms) of trafficking (such as the T-visa in the United States) or the permanent residence granted to victims of trafficking in Belgium.<sup>352</sup> Special visas or asylum should be granted to victims of trafficking regardless of whether they co-operate with authorities in the criminal investigation. Special protection should be extended to child victims of trafficking.

This is important from a human rights perspective but also from the point of view of prosecution of traffickers. It has also been clearly established over years “[...] that only victims who have been provided with comprehensive assistance (including legal) from the outset have a chance of becoming witnesses and claiming their rights (such as compensation).<sup>353</sup> Without such assistance, most victims are returned to their countries of origin before being able to testify at court or claim any other rights, for example residence permits, or unpaid wages in labour or civil law suits.”<sup>354</sup>

### *Addressing Human Trafficking as a Process*

It is essential to view human trafficking as a process and not focus solely on the exploitation phase. Recruiters in source countries, and transporters, facilitate the exploitation of victims in destination countries. Particularly in the case of international trafficking, it is essential that agencies in different countries co-operate in the investigation of traffickers and the successful prosecution of all offenders involved in the process. At each phase of the process, governments must be alert to those who contribute to or facilitate trafficking, including government officials involved in corrupt practices. At each stage of the process, it is necessary to determine what must be done to complete that stage (e.g., fraudulent documents for the transportation and entrance stage) and which agencies could take which measures to successfully intervene to prevent this. For suggested interventions at each stage in the process, please refer to the 'Barrier Model' presented below.

### *Addressing the Business Side of Trafficking*

If trafficking is guided by the principles of business and market theory, in order to better understand the mechanisms that govern the operations of trafficking organizations, governments need to invest into more in-depth studies based on business theory. The general orientation is to address supply and demand, reduce profits and raise the risk and cost of human trafficking. A more comprehensive insight into these elements and factors that drive markets and contribute to the success or failure of businesses will lead to the development of a number of measures to be taken. They include the following:

More attention must be paid to tracing assets and money flows, and identifying (and seizing) criminal investments. Lessons learned in cases where this has been done (the Sneepe case in the Netherlands, case 6 in this study, for example) may be applied to other investigations. This necessitates co-operative working relations between source and destination countries. Police attachés (from destination countries) assigned to work in source countries can be instrumental in facilitating and strengthening investigations into human trafficking, the link between trafficking and money laundering, organized crime (and possibly terrorism).

### *Reducing Supply*

Victims in the cases included in this study were vulnerable – they were young, poor, unemployed, homeless and physically and mentally challenged. Many were looking for employment to improve their lives and fell prey to false promises of employment in another country. To lessen the flow of labour migrants willing to leave their country in search of a better life elsewhere, and in order to facilitate safe and legal migration, both countries of origin and destination must invest in long-term, sustainable strategies. Structural factors which serve as root causes of migration and exploitation must be addressed and this requires changes in economic and social policies and cultural and historical practices. While historical and cultural practices – gender discrimination, child fosterage, arranged marriages – are difficult to tackle, this is a crucial step in eradicating the trafficking problem. Source countries must analyse those most at risk of being trafficked in their countries and both short and long-term measures must be implemented to address their needs. Introducing long-term anti-poverty initiatives to redress the harms of economic globalization

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352 Belgium offers victims of trafficking the possibility to obtain permanent residence if they meet the conditions imposed. These individuals may legally look for employment and are accompanied in the process by a reception centre. They may also benefit from social and medical assistance, as well as judicial support from a lawyer assigned to their case.

353 The Alien Tort Claims Act in the United States allows victims to sue traffickers in U.S. civil courts and receive monetary damages from them. According to one expert, there is a movement in the United States by attorneys representing victims of online child sexual exploitation to use civil courts to sue those who are in possession of the images for damages. This approach has been successfully used and the monetary damages have had some impact on consumers of child pornography (written communication from Dr. John Picarelli, National Institute of Justice, U.S. Department of Justice).

354 Written communication from A. Ganterer, Anti-Trafficking Expert, Office for Democratic Institutions and Human Rights, OSCE.

are long-term measures, as are liberal, gender-sensitive migration policies, promoting safe and legal migration while eliminating the dangers of and the negative sides of illegal migration.<sup>355</sup> Desperate migrants make easy targets for exploitation. In line with ILO's finding that the supply of victims into sex trafficking is influenced by female youth unemployment in a country,<sup>356</sup> source countries must do more to increase employment opportunities, especially for female youth. This must be combined with improved education and the eradication of gender discrimination in education and employment practices.

Private industry – both foreign and domestic – can play an important role in reducing the supply of (potential) trafficked victims. Programmes offering employment to at-risk groups or repatriated victims can reduce the number of individuals likely to be trafficked or re-victimized. In Asia, Microsoft, through its “Unlimited Potential” programme, has awarded grants to projects in communities where trafficking is concentrated. As a result of the programme, local NGOs established 135 community technology centres where the ICT (information and communication technology) curriculum has been adapted to the local enterprise. The programme has been used as a rehabilitative tool for trafficked victims as well as for others in the community who may have turned to illegal migration had they been denied opportunities at home.<sup>357</sup>

## Reducing Demand

The measures taken to reduce demand for labour exploitation may differ from those taken to reduce demand for sexual exploitation.

### Reducing Demand for Labour Exploitation

While it may not be possible to eradicate all demand for cheap labour and commercial sex, it is possible to raise awareness about exploitative practices in labour, and to remove exploitation from sectors and markets susceptible to trafficking for all forms of exploitation, by increased monitoring and other measures such as codes of conduct and fair trade practices.<sup>358</sup>

One of these markets is the domestic service market. In this totally unregulated market,<sup>359</sup> ‘servants’ may be held and abused for years without coming to the attention of neighbours or authorities.<sup>360</sup> The plight of foreign maids in Lebanon<sup>361</sup> is so dire, the country has seen an increase in the rate of suicide and Human Rights Watch has reported that “[t]he two leading causes of death for migrants is suicide [and] dying while trying to escape from employers”.<sup>362</sup> Prejudice and social norms contribute to and condone the abuse of foreign maids and caretakers. The mindset among those hosting domestic servants is that the women should be beaten if they do not comply with the hosts’ wishes. “This misconception dehumanizes these women”<sup>363</sup> and may be explained by the techniques of neutralization that deny that the victim has suffered harm. Education and a change of values and norms may not reduce the demand for foreign workers, but may improve the conditions of their employment as well as access to justice and support.

A number of other ‘uncontrolled’ or grey sectors have been identified. These include Asian restaurants, the ‘cleaning’ and textile industry, construction, the transportation sector and ‘nightshops’ which require special attention.<sup>364</sup> Increased controls of other high risk sectors such as agriculture, horticulture, the fishing (or in the case of the United Kingdom, cockle gathering), food processing or construction industry should be carried out on a regular basis to ensure that employees are legal residents, have proper contracts and are receiving a fair wage and benefits, especially access to health care. These controls should be conducted by labour inspectorates, but red flags can also be raised by tax or welfare inspectorates controlling paperwork. Threatening to and withdrawing licences from companies exploiting trafficked workers can reduce the demand and help keep the industry clean.

Another attempt to reduce demand involves campaigns aimed at consumers to boycott products produced by child labourers. Stories of the use of trafficked child labour in West Africa’s cocoa industry led to criticism of compa-

355 S. Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009).

356 See Chapter 2 and G. Danailova-Trainor and P. Belser, *Globalization and the illicit market for human trafficking: an empirical analysis of supply and demand* (Geneva: International Labour Organization, 2006), <[http://www.ungift.org/docs/ungift/pdf/knowledge/ilo\\_wcms\\_081931.pdf](http://www.ungift.org/docs/ungift/pdf/knowledge/ilo_wcms_081931.pdf)>, accessed 31 March 2010.

357 Information obtained from Microsoft at the UN.GIFT conference, Vienna, 13-15 March 2008.

358 Codes of conduct can also be applied to the legal commercial sex sector where it exists in accordance with the national law.

359 There are countries which are trying to regulate the domestic service market by forming associations of domestic servants who are lobbying for their rights. This is a focus of the International Labour Organization and the OSCE in 2010.

360 See the case of *United States v. Calimlim* (Wisconsin) in footnote 38.

361 While neither Lebanon nor the source countries from which these foreign maids are being sent are OSCE participating States, the case is used as an example to illustrate the widespread attitudes, beliefs and treatment of domestic servants.

362 O. Stearns, “Spate of suicides by foreign maids in Lebanon sheds light on abuse”, *CNN*, 2 December 2009, <<http://edition.cnn.com/2009/WORLD/meast/12/02/lebanon.suicides/index.html>>, accessed 31 March 2010.

363 *Ibid.*

364 Centre for Equal Opportunities and Opposition to Racism, *Mensenhandel- Smokkel Jaarverslag 2008* (Brussels, 2009), p.31, <[http://www.diversiteit.be/?action=publicatie\\_detail&id=108&thema=5](http://www.diversiteit.be/?action=publicatie_detail&id=108&thema=5)>, accessed 31 March 2010.

nies producing chocolate and boycott of chocolate products produced by companies that cannot guarantee child trafficked-free chocolate.<sup>365</sup> Companies can take measures to ensure that no trafficked labour is used in the supply production chain of their products. According to the British Biscuit, Cake, Chocolate and Confectionery Association, U.K. manufacturers were spending about USD 12 million annually to develop monitoring and certification schemes. Bettys & Taylors of Harrogate (United Kingdom), a traditional family business specializing in coffees and teas, have also trained their buyers as social auditors, visiting farms which grow tea and coffee purchased by the company, to ensure that workers throughout their supply chain are fairly treated.<sup>366</sup> On 5 March 2004, Oxford (United Kingdom) became a “fairtrade” city.<sup>367</sup>

With respect to labour exploitation, campaigns can pressure companies to eradicate slave labour in their supply-chain and production of goods.<sup>368</sup> Movements to encourage companies to make their products “child- or slave-labour-free” can result in a ripple-down effect on other companies. Other campaigns targeting consumers about compliant and non-compliant companies can affect the demand for their products and thus reduce profits. The private sector should be actively involved in setting standards and codes of conduct and monitoring practices within the industry.

### Reducing Demand for Sexual Exploitation

With respect to the sex market, awareness raising campaigns should be aimed at (potential) customers of prostitutes. The First Offender Prostitution Program in the United States was designed to reduce the demand for commercial sex by educating ‘customers’ about the negative consequences of prostitution. Men arrested for soliciting prostitutes were given the option of being prosecuted or paying a fee and attending a one-day class. An evaluation of the programme in San Francisco found that “it has been effective in substantially reducing recidivism among men arrested for soliciting prostitutes”.<sup>369</sup>

Awareness raising campaigns can be targeted at the general public or others who may come into contact with prostitutes such as taxi and limousine drivers or hotel personnel, warning them that prostitutes may be victims of trafficking.<sup>370</sup> Hotels should be held accountable if personnel are found to facilitate trafficking by concierges who arrange encounters between hotel guests and prostitutes who may be trafficked victims or if hotel employees exploit staff, in particular, maids.

Sweden has adopted legislation criminalizing the purchase (but not the sale)<sup>371</sup> of sex. While the criminalization of customers of prostitutes is a measure that could be considered, there is no empirical evidence to date that this legal measure has reduced human trafficking for sexual exploitation in the country. Countries could consider introducing legislation allowing for the prosecution for rape if it can be shown that customers knowingly used the services of trafficked victims, a measure included in the Council of Europe Convention on Action against Trafficking in Human Beings. Such legislation would increase the risk to customers, thus reducing the demand for (forced and exploitative) prostitution.

A more long-term strategy focusing on the reduction in the overall demand for prostitution requires “[...] long term awareness raising and educational work to bring about a fundamental re-visioning of sexuality, age, gender relations and prostitution. Such campaigns would need to target young people in particular.”<sup>372</sup>

### Reducing Profits, Increasing Costs and Risks

A number of measures must be taken to reduce the profit and to increase the risks and costs of human trafficking. These concepts are intricately related, as measures which increase the cost of human trafficking should, at the same time, reduce the profits. Trafficking in all its forms can be combated by reducing the demand, and will in turn affect the market’s profitability and viability. Elevating the risks to traffickers could result in increased price of the exploitative services and therefore in a decreased demand of such services. The consequence would be a diminished profit for traffickers.<sup>373</sup> The education of consumers is also an integral part of addressing demand for products made with

365 Practices by Nestlé in the production of chocolate resulted in a lawsuit filed against the company in 2005 in US courts on behalf of Malian children. Global Exchange, International Rights Forum, <<http://www.laborrights.org/sites/default/files/news/NestleFTPress2009.pdf>>, accessed 31 March 2010.

366 Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009).

367 <[http://www.oxford.gov.uk/PageRender/decB/Fairtrade\\_occw.htm](http://www.oxford.gov.uk/PageRender/decB/Fairtrade_occw.htm)>, accessed 31 March 2010.

368 After relentless campaigning by supporters of the grass-roots group STOP THE TRAFFIK, Verkade, Swiss Noir, Cadbury, Mars, Kraft and Nestlé have committed to making certain chocolate bars traffic-free. Information received in an email from STOP THE TRAFFIK on Friday 18 December 2009.

369 M. Shively et al., *Final Report on the Evaluation of the First Offender Prostitution Program*, National Institute of Justice, U.S. Department of Justice (2008), p. 4, <<http://www.ncjrs.gov/pdffiles1/nij/grants/221894.pdf>>, accessed 31 March 2010: The programme has also been successfully replicated in other jurisdictions.

370 See Chapter 5 for a description of the projects in the Netherlands and the United Kingdom.

371 Such a measure would not be aimed at prostitutes selling sex, but at customers purchasing sex.

372 B. Anderson and J. O’Connell Davidson, *Trafficking – a demand led problem?* (Stockholm: Save the Children, 2004), p. 9.

373 S. Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009).



trafficked labour, especially by children, as has been demonstrated by the Fair Trade movement. It is important to work with criminal and financial investigators to go after the money trails. Profit will be most drastically reduced if assets are seized and heavy penalties and fines are imposed on convicted traffickers.

Measures to reduce profits and increase costs and risks include, but are not limited to, measures to educate the public, to reform police, prosecutorial and judicial systems to eradicate corruption, to protect migrants by securing their passports and verifying job applications, increased funding and training for stakeholders to identify high risk victims, situations and markets susceptible to trafficking, improved passport controls, the creation of mixed national and international investigation teams, proactive controls and periodic risk assessments, creating local multidisciplinary groups to monitor vulnerable sectors, increasing the likelihood of arrest and prosecution – also for enablers<sup>374</sup> and customers – and increasing penalties, adopting comprehensive legislation, conducting financial investigations and providing for administrative controls to allow for the closure of businesses that knowingly use trafficked labour. All of these measures and the impact that they would have on the trafficking business are outlined in Table 6.1.

Table 6.1: Measures to Raise Costs and Risks and Reduce Profits in Human Trafficking

Measures	Effect	Upon Whom
Public education efforts to warn vulnerable people about how traffickers operate	Lowers the recruitment yield per dollar and raises recruiters' total costs	Recruiter
Public education directed at unwitting enablers such as customers of commercial prostitution and companies that subcontract with other companies that deal in slave labour; a system could be devised to ensure that no slave labour was involved in the production or supply-chain of products	Lowers profit	Owners and traffickers
Reform police, judicial, and other official systems to make them less corruptible and eradicate corruption	Raises the costs and risks	Traffickers and owners of illicit business operations
Insistence or encouragement by countries of origin that their vulnerable citizens are protected when they go abroad;	Raises the risk of discovery and/or forces traffickers to adopt higher-cost ways around their current recruitment approaches.	Traffickers
Monitor websites and communications where the trafficking victims are advertised	Raises risk of being discovered	Traffickers
Develop a system of 'job checking', in which labour services in co-operation with NGOs in sending or receiving countries would vet job offers made by companies or individuals in their home countries allowing an applicant in a source country to verify that a job offer is legitimate.	Raises the costs of recruitment as well as the risk of discovery	Traffickers or owners of male fide businesses
Better passport, visa, and border controls to identify persons who are possible victims	Raises risk	Traffickers / transporters
Introduce mixed national and international joint investigation teams to increase likelihood of arrest and overcome corruption	Raises risk, increases costs	Traffickers and transporters
Proactive controls of businesses in high risk markets	Raises risk	Owners
Periodic risk assessments in vulnerable markets	Raises risk	Traffickers
Support the creation of local multidisciplinary or referral groups to monitor vulnerable sectors, identify and 'rescue' victims of trafficking	Raises risk, lowers profits	Traffickers and owners
Adoption of legislation prohibiting and providing adequate punishment for all forms of human trafficking	Raises risk of punishment	Traffickers
Increase likelihood of arrest and successful prosecution and punishment of traffickers and enablers; this could also include customers (solicitation for prostitution) of prostitution or corporate producers, sellers, and distributors of slave labour products	Lowers profit, raises risk and costs	Traffickers and owners
Increase success of prosecution and sentences for convicted traffickers	Raises risk, raises costs	Traffickers
Conduct financial investigation and seize all assets purchased with proceeds from human trafficking (provide remuneration or compensation to victims)	Lowers Profits	Traffickers
Provide for administrative approaches to controlling trafficking through withdrawal or refusal to issue licences to businesses suspected or convicted of using slave labour	Raises risk and cost, lowers profit	Traffickers, owners

\* Information in this table was taken in part from Pennington et al. (2008; 131).

374 Enablers are those that assist in trafficking while they may not be part of the trafficking organization. These could include concierges in hotels or taxi drivers bringing trafficked victims to customers.

## Financial Investigations, Money Laundering, Asset Seizure and Confiscation

Financial investigations should be an integral part of a human trafficking investigation. Huge sums of money generated through the exploitation of trafficked persons can be either reinvested in the trafficking business or in the legitimate economy. Financial investigations will help trace the links and contacts that traffickers have with the underworld, identify which underworld branches are most at risk and which companies collude with traffickers.<sup>375</sup>

Financial intelligence units with the necessary expertise should investigate money laundering practices. Following the identification of investments generated through illicit activities, governments should initiate steps to seize and confiscate assets. Measures should be implemented to compensate victims of trafficking and exploitation – a measure which, in addition to others, serves to decrease the profits generated through illicit activities.<sup>376</sup>

## Other Measures

Awareness raising among front-line personnel is essential in aiding in the identification and rescue of trafficked persons. As one NGO put it, “[w]e have to raise awareness of human trafficking to the level that we have raised awareness of domestic violence. Human trafficking is where we were with domestic violence 20 years ago – we’re just at the formative stage.”<sup>377</sup> Awareness raising and training must occur for personnel in agencies which may come into contact with victims of trafficking. These include members of the fire department who carry out safety inspections of residences and other property, tax and labour inspectorates monitoring businesses.

Awareness raising must also target the general public. The idea that human trafficking is a “large-city” phenomenon must be challenged as well as the idea that it cannot happen in our neighbourhood. Public education and awareness raising must be aimed at helping individuals identify situations involving trafficking or victims of trafficking being sexually exploited, but also in domestic service, agriculture and other sectors.

The financial sector has been instrumental in the fight against trafficking and exploitation. Investigators at the International Centre for Missing and Exploited Children (ICMEC) identified customers using their credit cards to access graphic images of small children being sexually assaulted. Together with the U.S. National Center for Missing and Exploited Children and 30 major online companies<sup>378</sup> and financial institutions, the ICMEC formed the Financial Coalition against Child Pornography. Members of the coalition, launched on 15 March 2006, cover 90 per cent of the credit card industry. They aim to shut down the payment accounts being used by traders and purchasers of child pornography and thus shut down the operations.<sup>379</sup> A National Center for Missing and Exploited Children (NMEC) is set to be established in the Russian Federation.<sup>380</sup> The NMEC will co-operate with the centre in the United States.

## A Comprehensive Approach to Combating Human Trafficking from a Business and Market Perspective

Tackling human trafficking requires a comprehensive approach. This includes implementing risk analysis to identify markets at risk, introducing a strategy to reduce and disrupt the market in which human trafficking thrives, establishing barriers to influence the factors that give rise to human trafficking and support its continued existence at each of the phases or nodes of trafficking. It is also important to identify the stakeholders who must form alliances if such a co-ordinated effort is to be successful.

The following section contains a number of concrete measures and tools to aid governments in reducing human trafficking.

375 Financial investigations in Belgium helped to prove how one organization made use of commercial structures for its criminal activities. The accused were subsequently also condemned for belonging to a criminal organization. In another financial investigation, the police in Belgium managed to prove that the boss of a criminal group was active in three business sectors: tourism, bus companies and restaurant chains. He also maintained good contacts with similar ‘respected businessmen’ involved in a number of illegal activities (communication from S. Janssens, CEOOR, Belgium).

376 OSCE Ministerial Council, *Decision MC.DEC/5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings Through a Comprehensive Approach* (Helsinki, 2008): Recommends financial investigations, investigations of money laundering connected to human trafficking and the freezing or confiscation of the assets of human traffickers.

377 Interview with caseworker, NGO, Human Trafficking Centre, United Kingdom.

378 For a complete list of coalition partners, see the website of the ICMEC at <[http://208.254.21.185/missingkids/servlet/PageServlet?LanguageCountry=en\\_X1&PagelId=3064](http://208.254.21.185/missingkids/servlet/PageServlet?LanguageCountry=en_X1&PagelId=3064)>, accessed 31 March 2010.

379 Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Praeger: Westport, 2009); “Sites selling child porn targeted”, *BBC News*, 16 March 2006, <<http://news.bbc.co.uk/2/hi/technology/4812962.stm>>, accessed 31 March 2010.

380 <<http://www.rg.ru/2010/02/18/rozisk.html>>, accessed 31 March 2010.

## Risk Assessment

Trafficking is a fluid and ever changing phenomenon. Traffickers constantly find new ways to recruit and transport victims, and markets in which to exploit them. An effective approach to eradicating human trafficking requires risk assessments to determine comparative risk levels of different persons and activities – to identify vulnerable victims and those most at risk, new modus operandi used for recruiting victims or gaining entry into destination countries, smuggling routes and markets of exploitation – so that resources can be focused on activities posing the highest risk.<sup>381</sup> Because trafficking patterns will vary from one time and place to the next, it is important that risk assessments be conducted periodically and at the local/regional level.

Risk assessment – and proactive investigation – should target high risk markets which will, in the case of trafficking, lead to the recovery and rescue of victims and point investigative agencies towards offenders who are attracted to these markets.

A 10-factor model of risk assessment has been proposed identifying supply and demand, regulation and competition indicators.<sup>382</sup> These are included in Table 6.2 below.

Table 6.2: Ten-Factor Model of Indicators for Risk Assessment

Indicators	Variables
Supply	Objective availability of product or service
Supply	Ease of movement/Sale
Regulation	Ease of entry into market by its regulation and the skills needed
Regulation	Law enforcement capability and competence
Regulation	Level of local government corruption
Competition	History of organized crime in the market
Competition	Profitability
Competition	Harm
Demand	Current customer demand for the product
Demand	Nature of the demand – elastic or inelastic

It has been suggested that the indicators can be combined into an index based on the perceptions and experiences of those who may be knowledgeable about trafficking practices. Information could be collected locally from enforcement and intelligence agencies, but also from municipal government agencies, labour inspectorates, private industry, unions, health and social care providers, and NGOs and other organizations offering services to trafficked persons. Gathering information – through surveys or meetings – from such stakeholders can provide a picture of the supply, demand, competition and regulation for illicit markets in particular jurisdictions.<sup>383</sup>

In order to increase the effectiveness of risk assessment, a number of criteria should be met: (1) the level of analysis must focus on specific locations as supply, demand, competition and regulation will vary from one location to the next; (2) different activities or products (labour versus sexual exploitation, native versus foreign victims) will have different risks, therefore risk assessment should focus on the product or activity in a given location; (3) government resources should be targeted at the types of markets of trafficking which provide the highest risk; (4) risk assessment should be carried out periodically to assess the effectiveness of (government) interventions.<sup>384</sup>

Risk assessment is not just a mechanism for use in destination countries. While risk assessment can be conducted to identify markets in which criminal activities are taking place, it can also be used to identify high risk victims and how they are being recruited. The identification of criteria pointing to those most vulnerable in a population – children (in particular orphans), women, ethnic minorities, the mentally and physically challenged, the poor and unemployed – will allow countries of origin to establish programmes aimed at providing opportunities to lessen irregular labour migration and to work to ensure safe and legal migration in the process.

381 J. Albanese, "Risk Assessment in Organized Crime", *Journal of Contemporary Criminal Justice*, Vol. 24 Number 3 (2008).

382 *Ibid.*

383 *Ibid.*

384 *Ibid.*

## The Market Reduction Approach

Traditional studies of crime around the globe have focused on criminals or the criminal network rather than the markets in which the crime is occurring. Additionally, these traditionally-focused studies have informed policy worldwide. The Market Reduction Approach (hereinafter referred to as MRA) is a crime reduction strategy that has been put forth as best practice in the United Kingdom with the aim of reducing and disrupting stolen goods markets. The approach also aims to reduce theft by increasing the risk for thieves to sell the stolen property.<sup>385</sup> Driven by the notion that thieves not only steal to make money, market-level analysis shows that theft occurs because it is “[...] supported by a structure that allows thieves to sell the stolen property”.<sup>386</sup>

The theoretical underpinnings of the MRA can be found in Routine Activities theory<sup>387</sup> and this approach seeks to identify the routine patterns of those involved in the crime. In the case of human trafficking, this would apply to the *motivated offenders*: recruiters, document forgers, transporters, exploiters, facilitators and customers/consumers; the *suitable targets*: those at risk, as well as possible victims; *capable guardians*: police, immigration officials, health care and social service providers, workers from non-governmental organizations (NGOs) and others who may come into contact with groups at risk or potential victims.

MRA is a data-driven approach and “[...] relies upon the systematic and routine analysis of data for the purpose of guiding police operational tactics”.<sup>388</sup> Data are generated as a result of proactive, intelligence-led and zero-tolerance policing. To enrich the quality of data and the understanding of the market, other actors or organizations that may have knowledge or additional data should be involved in any discussions that contribute to a more complete picture of human trafficking. The MRA is a crime reduction strategy offering officials a framework that allows for the synthesis of various forms of data to identify the exchange relationship between recruiters and exploiters of trafficked persons – and in the case of commercial prostitution, the customers (the markets) and “the property that is most in demand (the “hot products”) – the trafficked victims who are most vulnerable.<sup>389</sup>

The MRA requires a shift in the focus of attention and a change in the unit of analysis from individuals and individual crimes and locations, to broader concepts of time, location and perpetrator.<sup>390</sup> Table 6.3 shows how the shift in focus could provide valuable information in understanding the market of human trafficking.

Table 6.3: Focus of Attention in Traditional Crimes, the MRA in Traditional Stolen Goods Markets and the MRA in Human Trafficking

Focus	Traditional Crimes	MRA Stolen Goods	MRA Human Trafficking
<b>Who</b>	Individual Offender	Thief, Handler, Consumer	Recruiter, Transporter, Document forger, Exploiter, Facilitators, Customers/Clients
<b>What</b>	Individual Crime (burglary, shop theft, theft from or of motor vehicle)	Specific type of property	Human beings; those most at risk or of high value
<b>Location</b>	Individual address	Type of location (residence, business, school, other)	Countries of origin, transit and destination
<b>Date</b>	Date of victimization	Seasonality	Seasonality (particularly in labour exploitation – agriculture/harvesting, building, fishing, etc.)
<b>How</b>	Modus operandi of individual offender	How things are bought and sold (type of stolen goods market)	How individuals are recruited, transported, marketed and exploited
<b>Why</b>	Drugs, poverty, greed, abuse, lack of legitimate opportunities, illegal goals	Demand	Demand

Note: This table is an adaptation of Table 1 in Schneider (2008; 279) who discusses the MRA as applied to the illicit trade in endangered wildlife.

In order to determine if the MRA has been successful, it is important to examine the effects it has on those markets in operation and if there is a change in the types of victims being targeted or trafficked. Interventions aimed at reducing human trafficking should focus on disrupting or reducing the specific type of market operating locally. It is essential that source countries conduct surveys and use the MRA to determine who is being recruited and how.

385 J. Schneider, “Reducing the Illicit Trade in Endangered Wildlife: The Market Reduction Approach”, *Journal of Contemporary Criminal Justice*, Vol. 24, No. 3 (2008).

386 Schneider, Op. Cit., p. 275.

387 See Chapter 2.

388 Schneider, Op. Cit., p. 278.

389 Schneider, Loc. Cit.

390 Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010 forthcoming): An example of this would be targeting hotels that direct customers to brothels where women are trafficked, or apartment owners who rent to trafficked women. This has been done in Paris and has made landlords much more careful in terms of who they rent to.

Communication must occur between source and destination countries to understand the process of recruitment, transportation control and exploitation. This evidence-led intervention requires law enforcement and their partners to collect information on markets most susceptible to trafficking in their locality and how these markets operate. In the case of labour trafficking, seasonality may determine the demand for trafficked persons in the agricultural or building sectors. With respect to the “hot property” being traded on the market, analysis should point to the victims most at risk of trafficking. Intelligence gathering and risk analysis should point to those most at risk and to understand why they are at risk. Together, increased awareness raising must be aimed at those at risk in source countries, border guards in transit and destination countries, housing authorities, susceptible sectors and customers/clients. An assessment of the trafficking market (individuals involved – including customers and clients of trafficked victims), areas most at risk to trafficking in localities (the commercial sex market, agriculture, food service, construction, domestic service) and the types of victims most at risk of being trafficked (gender, age, social status, level of education, level of income, ethnicity (belonging to the main population or to a minority), source country) will allow governments to take measures to disrupt the markets and crime. Returning to Routine Activities theory, measures should be focused on educating and raising awareness among (potential) suitable targets and increasing guardianship – the topic of the Barrier Model, which follows.

### *The Barrier Model*

The Barrier Model as applied to human trafficking for the purpose of sexual exploitation was developed by the Dutch Social Intelligence and Investigation Service (*Sociale Inlichting en Opsporingsdienst*) and is currently utilized by Dutch stakeholders to understand how human trafficking into the Netherlands can best be prevented.<sup>391</sup> The Barrier Model is a conceptual framework which examines trafficking as a process. In order for this process to be successful, i.e., in order for traffickers to move victims into the country and exploit them, the trafficker(s) must cross a number of nodes – he or she must bring the victim into the country, must procure paperwork and licences for certain jobs, housing must be regulated and the trafficker must find work for the victim. These activities can be carried out by one or more traffickers. The Barrier Model identifies illicit actors and activities at each node or phase of the trafficking process. At the same time, it identifies and aims at involving numerous stakeholders that are in a position to collaborate in constructing structural barriers so that it becomes more difficult for human beings to be trafficked into the Netherlands. The model attempts to identify all the factors which give rise to human trafficking and seem to support its continued existence.<sup>392</sup> Furthermore, emphasis is placed on investigating and prosecuting all of those involved in the entire trafficking chain from beginning to end. Five critical phases have been identified at which point stakeholders can construct barriers to hinder human trafficking. These are:

- *Entrance* into the country in the case of international trafficking (smuggling into the country, border crossings, airports);
- *Housing* (prostitution circuit, illegal housing, crowded housing with poor sanitary conditions);
- *Identity* (false documents, false social security numbers, false visas);
- *Work* (pimps, exploiters, violence used to control victims, forms of exploitation);
- *Financial* (money laundering, transfers to foreign accounts, bribes, profits and assets).

The Barrier Model further identifies illegal service providers and illegal activities at each of the five stages. This would include, for example, smuggler-traffickers at the entrance phase, providers of illegal housing at the housing phase, forgers and makers of false documents at the identity stage, pimps, traffickers, brothel owners or labour exploiters at the work stage, and shell or illegal companies involved in the laundering of illicit proceeds at the financial stage. More importantly, strategic partners have been identified which may come into contact with victims or traffickers at each stage and which are in a position to erect barriers to hinder or prevent human trafficking. At the *Entrance* stage, the strategic partners would be, among others, the Customs, Border and Immigration Service, Military police, municipal government services. At the international level, organizations like Frontex<sup>393</sup> could be involved. Furthermore, strategic co-operative relationships with private partners – such as airline carriers for screening the paperwork of passengers in source countries – could significantly contribute to erecting barriers to the entrance of a country for the purpose of exploitation of victims. The transport sector should be more closely screened to include other forms or transportation which might be involved in moving trafficked persons.<sup>394</sup> At the *Housing* stage, housing corporations, property managers or the fire department which routinely controls safety of apartments could signal suspected cases

391 This model was originally designed to address international trafficking for sexual exploitation. Certain elements could easily be adapted to examine situations and markets involving various forms of labour exploitation or domestic trafficking.

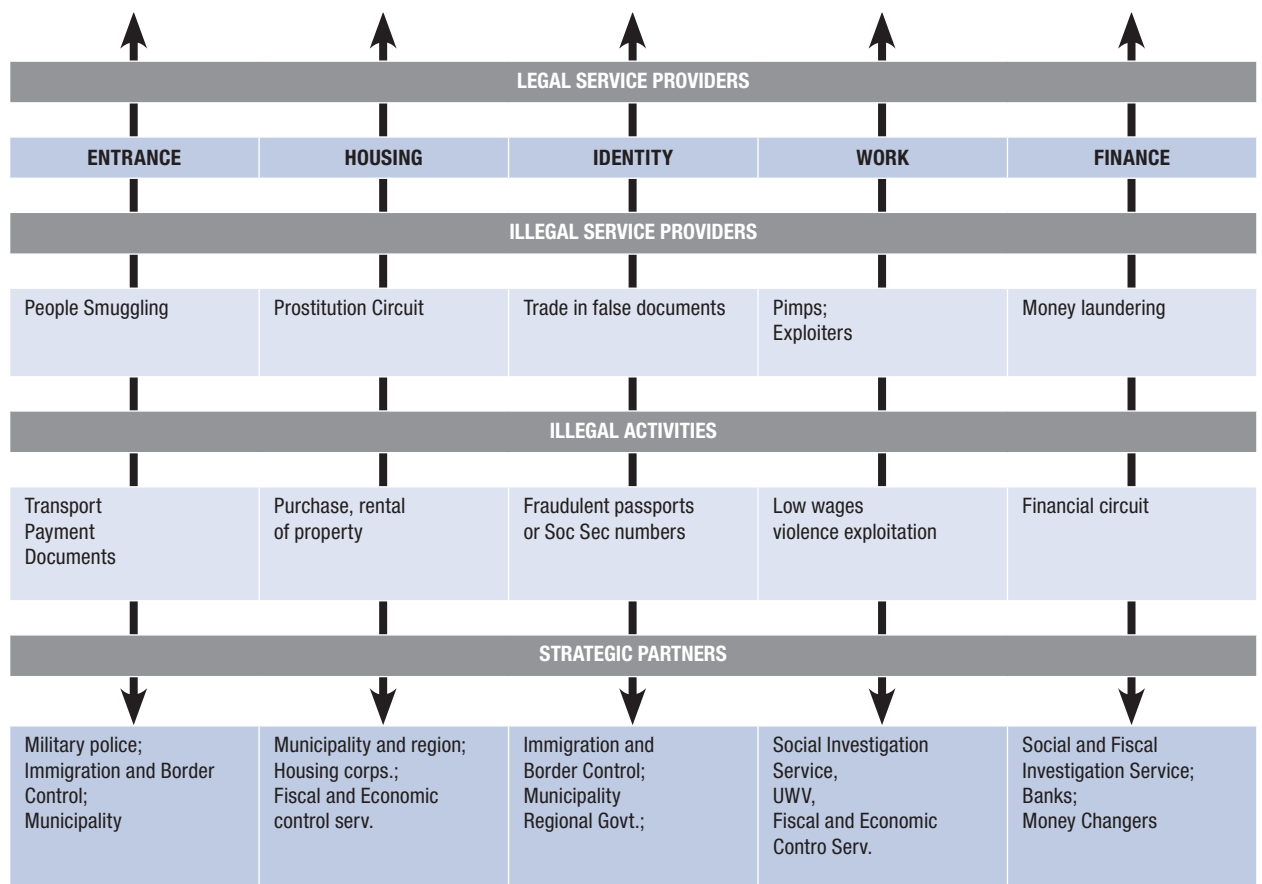
392 Human Trafficking Task Force, *Plan of Approach (Plan van Aanpak)* (January 2009); obtained from the Dutch Police.

393 Frontex is the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union and is the European Union Agency for external border security.

394 Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010 forthcoming); Chinatown buses in New York have been involved in transporting trafficking victims.

of human trafficking. At the *Identity* phase, the Chamber of Commerce, employers, the municipal government department issuing social security numbers or government payments should be aware of individuals who might be potential trafficked victims. During the *Work* phase, regular controls by labour, social welfare and economic and financial inspectorates, labour migrant rights groups and labour or trade unions are essential to establishing barriers and detecting cases of human trafficking. Additionally, social workers, health inspectors, doctors and hospital staff may come into contact with trafficked victims and may thus be valuable stakeholders at the work stage. The *Finance* stage is intricately interwoven with each of these stages as money can be earned, spent, laundered and wire-transferred at all stages of the trafficking process. Furthermore, it is at the finance stage that links can be drawn between trafficking organizations and (semi-)legitimate firms or sectors which facilitate the trafficking operations. These barriers increase the cost and risk of traffickers being identified and thus serve as deterrents to human trafficking. Barriers can be erected at any of the five stages, but an integrated and more effective approach requires barriers to be erected at all five stages. The Barrier Model is portrayed in Model 6.1 below.

Model 6.1: The Barrier Model<sup>395</sup>



Considerations are underway to expand the Barrier Model to include three additional barriers. These are economy (“*economie*”), public spaces (“*fysiek-publieke ruimte*”) and the susceptibility of victims (“*weerbaarheid slachtoffers*”). The economic barrier considers the economic development within and between various countries at a micro, meso and macro level. Suppressed economic development in source countries drives people to take chances in destination countries putting them at risk of exploitation. At this stage, the stakeholders can construct barriers aimed at supply and demand. Measures can be taken so that in public, persons can be required to show their faces and identify themselves. The susceptibility of victims examines the process by which traffickers manipulate a person to the point that the person allows him- or herself to be exploited in prostitution or in other labour markets. This would include the modus operandi that traffickers use to ‘bind the victims’ to the trafficker. The goal at this phase is to make (potential) victims knowledgeable about situations of trafficking, the

395 In this model, smuggling refers to transporting people across borders with a possible transformation into trafficking with the goal of further exploitation. The model is designed to identify trafficked victims who may have been either trafficked/smuggled into the country or brought into the country legally or using false documentation.

dangers involved and to teach them to be strong enough to avoid the men who would like to exploit them.<sup>396</sup> The “construction of barriers” refers to a number of activities that stakeholders can undertake. These include increased controls (e.g., instead of just checking paperwork to determine if women working as prostitutes are residing and working legally in the country, police should spend more time talking with women to understand their situation; during routine controls, fire department personnel should be alert to suspicious living conditions; doctors should be aware of women who seek abortions when a male companion makes all the arrangements; the Chamber of Commerce should be alert to women applying for licences to work as prostitutes when male companions make all the arrangements) and lobbying for better legislation and regulation of the sex sector (escort services have a permanent address in the country and must use a landline rather than a mobile phone; increasing the age of consent to work in prostitution from 18 to 21).<sup>397</sup>

At the end of a large-scale investigation, a policy report is published analysing the success or failure of the Barrier Model and what changes must be made, which new partners should be involved in future endeavours to fight trafficking.

## Concluding Remarks

This chapter has examined a number of policy measures that must be undertaken if governments are to be successful at combating trafficking and protecting victims. It is essential to raise awareness among the general population as well as other allies such as private industry. A comprehensive approach must address the supply and demand side of human trafficking, increase the cost and risk to traffickers while reducing the profits generated as a result of this crime. Victim protection and upholding the rights of victims should be at the centre of any investigation.

Most of this can be accomplished through a number of tools that were introduced in the second part of this chapter. Risk assessment should help identify which markets are at greatest risk to trafficking. This may depend upon local conditions, residents, seasonal employment or other factors. Risk assessment examines the variables of supply, demand, competition and regulation. The Market Reduction Approach explains how the focus of investigation should be the market which supports trafficking, rather than the individual crime or criminal (network). The Barrier Model examines trafficking in all of its phases and identifies barriers which can be constructed at each of the phases by network partners to interrupt the trafficking process. Together these three tools strengthen stakeholders' efforts in preventing, intervening in or obstructing human trafficking practices.

The following chapter provides recommendations for policy measures and future research.

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396 J.L. Hendricks, Netherlands, written communication.

397 This model does not advocate legalized prostitution but offers possible solutions to regulating the business in countries that have legalized or that tolerate the practice.





# CHAPTER 7

## RECOMMENDATIONS FOR POLICY MEASURES AND FUTURE RESEARCH

### Recommendations (to Governments and Other Stakeholders to Combat Trafficking)

#### A. General Recommendations

- 1) To have comprehensive trafficking legislation in place and enforced; this includes increasing prosecutions and handing down prison sentences to all involved in the trafficking chain and ensuring that the sentences are also served;**

Even in countries without adequate anti-trafficking legislation, prosecutions occur for sexual exploitation, pimping, forced slave labour and other related crimes. If trafficking is examined as a process involving a number of actions which occur prior to the exploitation phase (recruitment, fraudulent documentation, transportation, safe houses), failure to have adequate anti-trafficking legislation in place will not allow for the prosecution and punishment of those involved in the earlier stages of the process. It is essential that all those involved – and not only those involved in the exploitation phase – be brought to justice.

Swift and inevitable prosecution, conviction and punishment should serve as a general deterrent to those contemplating becoming involved in human trafficking. For the period in which they are incarcerated, traffickers are unable to perpetrate their crime. Economically, this will increase the risk and cost to traffickers, thus reducing the profit and also lowering the incentive to get into/continue in this crime. It furthermore serves the purpose of general deterrence, one of the rationales of punishment. This rationale conveys that punishment is handed down to one offender to send a strong message to others that such (criminal) behaviour will not be tolerated in a society.

Anti-trafficking legislation should establish disuasive penalties and include mechanisms to ensure that sentences and other penalties are actually served.

To achieve a better enforcement of anti-trafficking and related legislation and thus a higher conviction rate of traffickers and their abettors, it appears indispensable to bundle all available expertise and knowledge about human trafficking and to ensure (operational) co-ordination and co-operation of all relevant (law) enforcement agencies, other actors and, in particular, to involve NGOs. International (operational) co-operation, and possibly joint operational teams, have also been suggested.<sup>398</sup>

- 2) To address all forms of human trafficking – including domestic trafficking; special attention should be paid to child trafficking;**

Domestic trafficking is a serious problem in many countries. It has, in part, been overlooked because of the indicators that agencies use to identify foreign victims of trafficking: indicators such as the victim not being in possession of identity documents, not able to speak the language, being unfamiliar with his or her surroundings are not applicable to victims of domestic trafficking. This requires organizations – both governmental and non-governmental – within countries to work together to create indicators and mechanisms to identify domestic victims of trafficking and refer them to appropriate services (see also recommendation on National Referral Mechanisms –NRMs below). It also requires identification of new patterns and places of recruitment of domestic victims. Whereas foreign victims may be recruited through the Internet or employment agencies, victims of domestic trafficking in both the Russian Federation and the United States (often runaways) have found to be recruited at bus and train stations. A risk analysis of patterns, markets and victims of domestic trafficking is essential to uncovering the problem within an area.

Data from the United Nations Global Report show that almost 80 per cent of victims identified by State authorities according to the form of exploitation were victims of sexual exploitation.<sup>399</sup> This may represent an overemphasis upon

398 Interview G. Jozst, Austria; S. Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009).

399 UNODC, *Global Report on Trafficking in Persons* (Vienna, 2009a), <[http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf)>, accessed 31 March 2010: This figure is based upon data provided by 52 countries.

control of and investigations focused on the sex sector. It is therefore imperative that countries develop the expertise and begin monitoring other high risk sectors. Due to their particular vulnerability, special attention should be paid to child trafficking and the trafficking of young victims.

**3) To make anti-trafficking responses comprehensive, human rights-based and victim-centred; protection of victims and their human rights, including the right to obtain compensation for the harm suffered, should be at the core of anti-trafficking efforts;**

Human trafficking is first and foremost a severe violation of the human rights of victims of the crime. In line with international obligations,<sup>400</sup> a victim-centred approach, aimed at the recovery of victims and the protection of their rights, should be at the heart of all anti-trafficking efforts, to be applied irrespective of the victims' willingness to co-operate with the investigators. Such an approach has also been shown to increase the likelihood of victims' co-operation with investigators. Comprehensive national and transnational referral mechanisms aimed at protecting victims' rights and offering assistance and services to them are the central tool for implementing this approach (see further recommendation 9 below).

Measures to ensure the protection of victims' rights include a reflection period to allow victims to recover from the trauma of their experiences, and providing victims with adequate medical, psychological and legal services during this time and beyond. Governments should also consider granting permanent residence to victims (especially of severe forms) of trafficking, by way of special visas (such as the T-visa in the United States) or asylum, and other supportive measures to enable their socio-economic (re-)inclusion into society, thus also preventing potential re-trafficking. Permanent residence should be granted to victims of trafficking regardless of whether they co-operate with authorities in the criminal investigation. Special protection should be extended to child victims of trafficking. Furthermore, the principle of non-punishment and non-criminalization of victims must be fully implemented.<sup>401</sup> Lastly, governments should take efforts to ensure (material and other) compensation to victims, for both its restorative and preventive effect.<sup>402</sup>

**4) To establish and/or strengthen the co-ordination of anti-trafficking efforts and the position of the National Rapporteur or equivalent mechanism to monitor and constantly improve anti-trafficking responses;**

In line with the recommendation of the OSCE Action Plan to Combat Trafficking in Human Beings as well as regional and international standards,<sup>403</sup> States should strengthen co-operation and collaboration in their anti-trafficking efforts at national and transnational levels and establish or strengthen national co-ordination mechanisms, including Anti-Trafficking Commissions, or Task Forces, for ensuring the development and implementation of comprehensive, multidisciplinary anti-trafficking measures, by way of National Anti-Trafficking Strategies and Action Plans.

Further, countries should establish or strengthen the position of the National Rapporteur or equivalent mechanism, to monitor and evaluate anti-trafficking responses and their (also unintended and undesirable) consequences and impact, in order to ensure comprehensive and sustainable anti-trafficking responses and approaches that are human rights-based and victim-centred. The National Rapporteurs should issue public annual reports covering all forms of exploitation and including recommendations for additional legislation, enforcement, monitoring, investigation and prosecution of trafficking cases, appropriate victim support and rehabilitation. Other tasks include the (collection and) analysis of data and the carrying out or support of research, promoting the standardization and comparability of data, and the identification and sharing of best practices, also at the international level. Lastly, they can be instrumental in furthering transnational networking with their counterparts.

To this end, National Rapporteurs should be given the necessary legal authority and access to data, and the necessary independence from the operational actors to carry out their tasks efficiently.

**5) To tackle corrupt practices if trafficking measures are to be successful;**

Corruption in many countries facilitates, either directly or indirectly, human trafficking. Actions can range from knowingly issuing visas or passports to trafficked victims, allowing the passage of victims at border crossings, to turning

400 *Inter alia*, UNOHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, E/2002/68/Add.1 (20 May 2002); Council of Europe Convention No. 197 on Action against Trafficking in Human Beings (2005)

401 Victims must not be punished and/or criminalized for offences committed while being trafficked, such as the violation of immigration laws, administrative and criminal laws. See Council of Europe, *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report*, Council of Europe Treaty Series – No. 197 (Warsaw, 16 May 2005), <[http://www.coe.int/t/dg2/trafficking/campaign/docs/convntrn/cets197\\_en.asp](http://www.coe.int/t/dg2/trafficking/campaign/docs/convntrn/cets197_en.asp)>, accessed 31 March 2010.

402 OSCE ODHR, *Compensation for Trafficked and Exploited Persons in the OSCE Region* (Warsaw, 2008), p. 13.

403 OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005). See also the *UN Trafficking Protocol* (2000): as well as the *Council of Europe Convention on Action against Trafficking in Human Beings* (2005).

a blind eye to exploitation or even taking part in the (sexual or other) exploitation of victims. It endangers the trust of victims in law enforcement and hampers their rescue and protection. Trafficking and other crimes will continue to thrive in societies where corruption is prevalent. Governments must provide training, increase salaries for professional staff and prosecute officials involved in corrupt practices.

## B. Recommendations Related to Prevention and Protection

### **6) To enhance prevention as the cornerstone of all anti-trafficking efforts;**

In line with the motto of the OSCE Conference of September 2009, “An Ounce of Prevention is Worth a Pound of Cure”, prevention should be the cornerstone of all anti-trafficking efforts. Primary prevention programmes must aim at preventing individuals from becoming victims of trafficking. These programmes must target those at risk and the most vulnerable in a society. Additionally, efforts should be taken to devise preventive programmes targeting potential and actual traffickers.<sup>404</sup> More general awareness raising campaigns must be directed at the general public to prevent family and friends from inadvertently recruiting victims and supporting trafficking operations. Special prevention programmes should be aimed at preventing re-trafficking of former victims. Special attention must be given to prevent former victims from becoming traffickers.

Preventive measures should also be aimed at situations or factors which pose a high risk of exploitation, such as unregulated and unprotected labour markets. For instance, the current practice of linking work permits for third country nationals to one particular employer renders migrants extremely vulnerable to exploitation and should be changed. Generally, more legal and safe labour migration possibilities, including circular/temporary migration regimes, should be created, especially for women, who are currently relegated to illegal migration channels and mostly unprotected labour markets.

### **7) To involve all relevant stakeholders including government agencies, civil society actors, NGOs, the private/corporate sector, religious institutions and the media in the fight against human trafficking;**

Partnership is essential if the fight against human trafficking is to be successful. Each member of the partnership brings an expertise essential to guaranteeing success. The media can play an important role in raising awareness among the general public and, along with religious leaders, creating an atmosphere of acceptance and understanding for trafficked victims. The media, furthermore, has been used to uncover or infiltrate human trafficking rings and, through hotlines, to reach out to victims.

A victim-centred approach aimed at the full recovery of victims, the protection of their rights and their (re-)inclusion into society can only be achieved in partnership with civil society. What is more, successful police investigations in Germany, the United Kingdom and the United States have often involved partnerships between NGOs and the police. The involvement of NGOs ensures the protection of victims' rights throughout the entire process, including the right to claim for compensation, and helps victims overcome their fear of the police. This in turn may lead to greater co-operation in investigations and court proceedings.

### **8) Self-regulation including codes of conducts, fair trade practices and supply chain management to be introduced by private industry to ensure that trafficked persons and slave labour are not involved in the production of the company's products and services;**

Private industry must be mobilized to ensure slave labour and trafficked persons are not used in any part of the supply chain of their products, for example, by adopting and enforcing ‘fair trade policies’ as an integral part of their supply chain management, (industry-wide) codes of conduct, or other similar measures. If an industry or business is unable to ‘police itself’, the media can be mobilized to create awareness among the public to boycott products produced by a particular company. Further, private industry can set up barriers to trafficking: airlines, bus companies and others can introduce more thorough checks of documentation or conduct investigations of adults travelling with unrelated minors. Companies involved with money transfers can work more closely with law enforcement to block the transfer of illegally generated funds from leaving/entering countries of destination and origin. Private industry can invest in source countries offering job training and placement to high risk individuals or repatriated victims.

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<sup>404</sup> Please refer to the recommendations for targeted research on potential and actual perpetrators below, as a precondition for developing targeted prevention programmes.

**9) To establish National and Transnational Referral Mechanisms (NRMs and TRMs) for the protection of victims' rights, including identifying all trafficked persons and for ensuring their referral to and support/protection by appropriate services;**

Pursuant to the OSCE Ministerial Decision of 2003<sup>405</sup> and other international documents, and in order to implement a victim-centred approach, States are encouraged to establish National Referral Mechanisms<sup>406</sup>, that is, co-operative inter-agency frameworks for comprehensive and institutionalized victim assistance and support, at the national level, but also at transnational levels,<sup>407</sup> to ensure victim identification and referral to services, while protecting their rights.

Focusing on the process management of individual trafficking cases, the NRMs and TRMs should cover the entire sequence of measures from identification, assistance and protection, to participation in and support during legal proceedings and legal redress, to return/resettlement and/or social inclusion of the victims in their destination, origin or a third country. In particular, mechanisms must also be established to harmonize the assistance of trafficked persons with investigative and prosecution efforts.

The NRM should comprise a central operational unit as well as national and local (community level) multidisciplinary groups for monitoring vulnerable sectors and markets. It is essential to involve all relevant actors and stakeholders at the national and local levels, including government actors, local authorities, law enforcement, social welfare workers/street workers, NGOs, and especially community based organizations. To be able to address trafficking for labour exploitation, it should also include labour unions, labour inspections and other labour related agencies, including migrant workers' organizations. Further, personnel of closed reception or detention centres should also be trained to detect possible victims of human trafficking. All involved actors must define and agree upon criteria and standard operating procedures for the identification and referral of trafficked persons and standards of victim support. All involved actors must also be trained systematically and accordingly, preferably jointly. There is further need to develop such standards and procedures including victim support services, tailored to the different victims and exploitative markets (labour exploitation, domestic servitude, child trafficking). Special operating procedures for identification and victim support are needed for victims of domestic trafficking and for minors.

**10) To develop a systematic approach to identifying the phases of trafficking and by which stakeholders could make the greatest impact (the basis of the Barrier Model);**

It is likely that in the course of human trafficking, individuals from a number of diverse organizations unknowingly come into contact with trafficked victims. The partners at each stage of the process must be identified. At the recruitment stage, these could be Internet sites, owners or employees of bars and clubs; at the transportation phase, these could be airlines, travel agencies, bus companies or border guards; at the entrance or work phase, these could be the municipal government, the Chamber of Commerce or labour inspectorates.

It is therefore essential to develop policy responses, and operational interventions covering the entire trafficking chain, or the entire business process/supply chain, to include customers (e.g., monitor clients' internet sites), retailing/service providers (e.g., monitor the marketing activities of trafficking organizations), assembly/manufacturing (mechanisms used to break victims and make them comply) and supply (entire process from sourcing trafficked persons from their original location to presenting them – or commodities/goods produced by them – to the potential clients). This is the basis of the 'Barrier Model' presented in Chapter 6.

## C. Recommendations Related to the Business Model and Market Analysis of Human Trafficking

**11) To focus on the business side of trafficking and the markets which support its existence with a view to achieve a more long-term impact;**

Rather than investigating individual cases of human trafficking, a more permanent solution demands addressing the market factors which facilitate trafficking. These include examining trafficking as a process to study the role of traffickers throughout the trafficking chain; examining victims at high risk or of high value; studying countries or origin, transit and destination; examining the seasonality of trafficking (in the construction, fishing or agricultural industry,

405 OSCE Ministerial Council, *Decision No. 2/03 on Combating Trafficking in Human Beings* (December 2003). Therein, Ministers committed to "strive to render assistance and protection to victims of trafficking [...] and establish effective and inclusive national referral mechanisms [...]".

406 "A National Referral Mechanism (NRM) is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. The basic aims of an NRM are to ensure that the human rights of trafficked persons are respected and provide an effective way to refer victims of trafficking to services." In: OSCE-ODIHR, *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook* (Warsaw, 2004), p. 15.

407 On the issue of Transnational Referral Mechanisms (TRMs), please refer to: International Centre for Migration Policy Development (ICMPD), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons South-Eastern Europe* (Vienna, 2009).

prostitution during large-scale sporting events); examining the process by which victims are recruited, transported, marketed and exploited; and examining the demand side of trafficking and how this fuels the crime.

## **12) To address both supply and demand factors aiming at eradicating human trafficking;**

Conditions in source countries serve as push factors for individuals to leave and seek their fortune in destination countries. Factors contributing to the ready supply of (potential) victims are best addressed in source countries where individuals are recruited. These include, but are not limited to relative poverty; unequal opportunities for employment; political instability and social exclusion; gender bias and discrimination and violence against women, children or ethnic minorities; government corruption; natural disasters and war; and organized criminal groups.<sup>408</sup> Cultural practices of child fosterage in certain societies may facilitate the illegal adoption or exploitation of child domestic workers.<sup>409</sup> It is essential that countries identify risk factors that push local residents and citizens into becoming victims of domestic trafficking.

While in the case of human trafficking, it has been argued that supply creates the demand, market principles dictate that it is the demand that fuels the supply. Without addressing the demand for trafficked victims and their services in destination countries, it will be impossible to effectively eradicate the problem. Measures targeting demand must be addressed at exploitation in both the sex and labour markets. Awareness raising can be aimed at customers to reduce demand for prostitutes who are sexually exploited. Awareness raising campaigns aimed at customers to purchase fair trade products can have an impact on reducing the demand for trafficked persons in the labour market. Other measures include the revocation of licences of businesses that use trafficked persons or the prosecution of those who knowingly rent rooms or apartments to trafficked victims or traffickers. A reduction in the number of available individuals (victims) offering services increases the price of their services. An increase in price for sexual services will result in a reduction in demand.

It is essential to develop targeted and effective demand-reduction policies and measures based on targeted research.

## **13) To take measures aimed at increasing the cost and risk to human traffickers which in turn should reduce profits;**

A number of related measures can be taken to increase cost and risk to human traffickers. Proactive controls in high risk markets can increase risk to traffickers (and result in the rescue of victims). Such measures include proactive investigations into newspaper advertisements and Internet sites advertising 'exotic' women, services or pornography. Additional proactive controls of farms during harvest season, the fishing or construction industries during high season or at times when seasonal workers are employed have to be taken. Local multidisciplinary teams could be used to monitor vulnerable sectors.

Measures should be introduced to affect more controls over mobile phones, apartments, hotels and sectors which are difficult to control such as the escort branch. Reforming and strengthening law enforcement, border guards and other related (labour) inspectorates, and increasing successful prosecutions with mandatory prison time increases the risk and cost to traffickers. Increased training and the eradication of corrupt practices will strengthen the judicial system's ability to fight human trafficking.

Mixed international investigative teams could be effective in combating international trafficking. International support is essential in aiding financial investigations and assisting in asset seizure and confiscation when proceeds from human trafficking are invested in another country. Governments must also provide for administrative approaches to controlling trafficking through withdrawal of licences. Table 6.1 in Chapter 6 provided more detailed information on measures that could be taken to increase cost and risk to traffickers while decreasing profit.

## **D. Recommendations Related to the Investigation of Human Trafficking**

### **14) Trafficking modus operandi constantly changes. Therefore, in line with the Market Reduction Approach, to conduct regular risk assessments regarding persons and markets most at risk at the national and local levels;**

It is essential to carry out regular risk assessments to track changing patterns of human trafficking, to include the type of victim recruited, the method and place used to recruit the victims and the markets in which they are exploited. Risk assessment should examine the supply (availability of the product or service as well as the ease of movement

408 U.S. Department of State, *Trafficking in Persons Report* (Washington D.C., 2005). <<http://www.state.gov/documents/organization/47255.pdf>>, accessed 31 March 2010.

409 A. Aronowitz, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo* (Vienna: United Nations Office on Drugs and Crime, 2006), <[http://www.unodc.org/documents/human-trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/documents/human-trafficking/ht_research_report_nigeria.pdf)>, accessed 31 March 2010.

and sale), regulation of the market (ease of entry of the trafficked victim into the market as well as the level of government corruption and law enforcement's competence and capability to deal with trafficking), competition (history of involvement of organized crime in the market, harm and profitability) and demand (customer demand for the product and whether the demand is elastic or inelastic). This information can only be generated with evidence-based data.

**15) To ensure collection of evidence-based, reliable data which is essential to risk assessments and monitoring high risk victims and markets;**

This data is best collected and analysed at the local level for the purpose of local risk assessments, however all data should be forwarded or made available to a national focal point. National data should be collected, analysed and made public by a National Rapporteur or equivalent mechanism (see also Recommendation 4).

**16) To establish interdisciplinary national expertise centres on human trafficking to foster interagency co-operation, and involve civil society partners;**

Establish interdisciplinary national expertise centres to bundle knowledge on, among others, trafficking businesses, modus operandi, traffickers, markets, and investigative techniques. These national expertise centres would be involved in conducting risk assessments and could also evaluate past investigations and Justice interventions. These centres could advise on policies and operational practices making recommendations for change based upon risk assessments. Members of the centres should include representatives from law enforcement, border patrol, the prosecution service and justice system, labour inspectorates, social and health services, social/street workers, NGOs and representatives or service providers from grass-roots, community-based organizations (including those servicing migrant and sex workers).

At the same time, expertise must be established and strengthened within the Justice system as well. This can be accomplished through training for prosecutors and judges to increase expertise within the court system.

**17) To ensure that investigations are proactive, intelligence-led and victim-centred;**

Criminal investigations should be based on systematically gathered intelligence. Investigations into high risk markets should be proactive. Victims remain essential to the criminal proceedings. Given the fact that many victims are hesitant to testify against their traffickers, investigations must rely upon evidence other than the statements of victims. It is important for law enforcement to gather independent evidence such as that obtained through court-ordered wiretaps, surveillance, informants or other means. The protection and safety of the victim takes centre place in the investigation of trafficking.

Risk assessments should be carried out for all phases of the investigative process, to ensure the safety and protection of victims. Where necessary, this assessment must encompass countries of origin, transit and destination. Everything must be done before, during and after the investigation to protect the safety and rights of the victim. This includes providing medical, psychological, legal and economic support. This takes precedence over information/intelligence gathering for the purpose of criminal investigations and prosecutions. With an emphasis upon recovery and protection of the victim, the likelihood is also increased that the victim may co-operate with investigators.

**18) To strengthen international operational co-operation which is essential for successful investigations into human trafficking and money laundering and investments of criminal proceeds, and prosecutions;**

In cases of international trafficking, co-operation between investigative agencies in source, transit and destination countries is essential to the successful investigation and prosecution of traffickers involved in all phases of the trafficking process. To further this end, joint international investigation teams would be of great value, also in terms of reducing the risks of corruption.

**19) To ensure that investigations into human trafficking include financial investigations;**

Financial intelligence units must be created and strengthened. Asset investigation and financial analysis of bank accounts and transactions as well as money laundering practices should be a standard part of any investigation into human trafficking. Financial investigations will help trace the links and contacts that traffickers have with the upperworld, identify which upperworld branches are most at risk and which companies collude with traffickers.

Financial intelligence units with the necessary expertise should investigate money laundering practices. Following the identification of investments generated through illicit activities, governments should initiate steps to seize and confiscate assets.

## 20) To conduct successful seizure and confiscation of assets as a key factor in tackling the ‘business’ of human trafficking.

Seizure and confiscation of assets will decrease or eliminate the profits generated through human trafficking. This approach deals with the ‘business’ of human trafficking by way of decreasing or eliminating the profits. States should enhance their efforts to implement measures to compensate victims of trafficking and exploitation.<sup>410</sup>

## E. Recommendations for Future Targeted Research

### (1) Governments are strongly encouraged to support targeted research on the ‘crime side of trafficking’;

A deep understanding of how trafficking enterprises work – their members, roles, modus operandi and the markets in which they exploit their victims – will allow governments to take measures to prevent and successfully intervene in trafficking operations. To this end, it is the key recommendation that governments should support targeted research on the ‘crime side of trafficking’.

More research is needed on the theoretical approaches to human trafficking as outlined in this report. These include testing rational choice and neutralization theories to explain the behaviour and beliefs, motivations and rationalizations of individual traffickers. Interviews with traffickers or close examination of police or court records would provide the insight needed. Information should be obtained from both convicted criminals and those still involved in trafficking and research should focus on all of those involved in the trafficking chain, including those who aid and abet trafficking. Co-operation with investigate journalists utilizing verifiable information could provide a greater understanding of how traffickers operate.

Answers to these and related questions will assist stakeholders in planning strategic and targeted preventive interventions, including demand-reduction approaches and measures. Governments should then pilot innovative policy approaches, based on these research findings, accompanied by impact evaluations to ensure that these measures are effective while minimizing the risks of unintended harmful consequences.

Specifically research should be undertaken on:

### (2) Explaining trafficking at the individual level – Rational choice model and Neutralization theories

- According to rational choice theories, there may be ‘crime specific’ models of decision-making for different types of crime.<sup>411</sup> Research should thus explore if there are trafficking-specific models of decision-making, or ‘choice-structuring’ for the crime of human trafficking with a view to prevent the crime;
- Research is needed on individual traffickers to include their profiles, backgrounds, justifications, if they decided ‘rationally’ to enter the crime of trafficking. A parallel, but no less important question is whether or not traffickers desist or would desist from trafficking if they believed that their criminal activities would no longer generate a profit and that legal and attractive income generating opportunities were available. The relationship between trafficking and other criminal activities perpetrated by traffickers should be the focus of research. Do they have criminal convictions for other crimes or is human trafficking “an entry-level crime”?
- Motives for human trafficking need to be explored. Is trafficking only an economic crime or are there other motives (for example, a manifest misogyny, in the case of sex trafficking)? What influence do peer groups exercise in the trafficker’s decision to enter the crime? Research should try to understand why someone ended up as trafficker, in other words, what were the critical moments or events that made a person choose to turn to human trafficking. Research should also test the *Neutralization Theory*: what justifications, rationalizations and techniques of neutralization are utilized by the traffickers?

Ultimately, research should explore the motivations, rationalizations, techniques of neutralization and behaviour of individual traffickers. Research should focus on the factors and circumstances conducive to their engagement in human trafficking with a view to identifying interventions, awareness raising and other measures to prevent potential traffickers from becoming involved in the business.

410 Financial investigations, investigations of money laundering connected to human trafficking and the freezing or confiscation of the assets of human traffickers have also been recommended in the Helsinki Ministerial Council Decision No. 5/08 on *Enhancing Criminal Justice Responses to Trafficking in Human Beings Through a Comprehensive Approach*. For more information on compensation to victims of trafficking and exploited persons, please refer to OSCE ODIHR, *Compensation for Trafficked and Exploited Persons in the OSCE Region* (Warsaw, 2008), <[http://www.osce.org/publications/odihr/2008/05/31284\\_1145\\_en.pdf](http://www.osce.org/publications/odihr/2008/05/31284_1145_en.pdf)>, accessed 31 March 2010.

411 D. Cornish and R.V. Clarke, “Crime as Rational Choice”, in F. T. Cullen and R. Agnew, *Criminological Theory* (Roxbury Publishing Company: Los Angeles, 2003), p.278; See further Chapter 3.

### (3) Explaining human trafficking at an organizational level – business models and market selection

- Research should test the *Routine Activities theory*, which puts forth the idea that “[...] in order for a crime to occur, motivated offenders must converge with suitable targets in the absence of capable guardians”.<sup>412</sup> This theory would call for awareness among suitable targets (victims) and increased controls (by capable guardians)<sup>413</sup> to reduce the likelihood of motivated offenders coming into contact with the suitable target, thereby reducing the likelihood of trafficking. The effectiveness of awareness raising campaigns with high risk groups in high risk recruitment areas should be tested;
- Trafficking may be facilitated by legitimate businesses or individuals working for or with trafficking enterprises along or during this trafficking process. The degree to which these underworld figures are involved, may determine how long and how successfully trafficking organizations are able to operate. Targeted research should explore the interfaces between legitimate and illegitimate-irregular businesses and actors;
- Research must better integrate business and market theories to understand and combat human trafficking; research must examine and identify nodes along the business process/trafficking chain where interventions can and should be made to disrupt the business of trafficking;
- Studies are needed to explore the market variables of human trafficking to include supply, demand, regulators (facilitating and intervening factors) and competition, to understand the dynamics of the markets. Research should focus on trafficking market variables for different markets (sex trafficking, labour exploitation, child trafficking, domestic trafficking and others) at the local, national and regional level;
- A business analysis and strategy analysis should be conducted on trafficking networks and organizations operating at the local, national and international level. The study of trafficking cases should reflect the study of businesses – the process or supply chain, customers, service providers, assembly/manufacturing and supply, in order to systematically identify all possible intervention points;
- More research is needed to understand the demand side of human trafficking and what interventions can be taken to reduce the demand for trafficked persons in the sex and labour markets;
- Research should focus on the customers and consumers of exploitative sex. Research should point to the possible impact (and control for unintended negative impacts) of disincentives (higher prices for paid sex, criminalizing the purchase of sex). Research is needed into specific regulations and their impact on human trafficking and possible ways to mitigate these (migration policies, access to labour market, unregulated sectors, etc.);
- Research needs to examine awareness and public attitudes towards trafficking and exploitation and how to strengthen these;
- Victims included in previous studies or those in the databases of service organizations may not be fully representative of all victims. Research is needed on trafficked persons who are not prepared to leave their trafficking situation and/or are outside the ambit of law enforcement and anti-trafficking service providers. This may be due to control mechanisms used by traffickers;
- Research is needed to improve the identification of domestic victims. This includes the establishment of indicators for detecting and identifying domestic victims. The same applies to trafficking for all other exploitative markets besides sex trafficking;
- Future research should identify factors which lead to successful (international) investigations, in particular, successful prosecutions and asset seizure;

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412 L. Cohen and M. Felson, “Routine Activity Theory”, in F. T. Cullen and R. Agnew, *Criminological Theory* (Los Angeles: Roxbury Publishing Company, 2003), p. 284; See Chapter 2 of this report.

413 Examples of capable guardians would include parents, teachers at school, but also more formal guardians such as immigration officials and border guards.



#### **(4) Evaluation Research**

- Evaluation research is necessary to identify good practices. Evaluation research should be conducted on existing data collection schemes, asset forfeiture and demand reduction programmes and the effectiveness of anti-trafficking structures within and between countries.



# APPENDIX 1

## DESCRIPTION OF CASES

### Case 1 – Belgium: Construction<sup>414</sup>

A Turkish owner of a company in Belgium (Charleroi) made use of illegal Bulgarian migrants to carry out construction/repair work on homes of different Turkish individuals in Belgium. Men were recruited in Plovdiv, Bulgaria by a Bulgarian national and then transported to Belgium by a Bulgarian who owned a bus company.

The Turkish trafficker housed more than 10 Bulgarian victims in old houses where they were forced to sleep on mattresses on the floor. The victims were provided a meager salary, room and board in exchange for work. The Turkish trafficker transported the victims to and from work early in the morning and late in the evening. Through the work of his victims, the trafficker was able to purchase a number of houses. A bakery, a café and a company were being built for another individual.

### Case 2 – Belgium: Chinese Restaurant<sup>415</sup>

The victim arrived in Belgium via an advertisement placed in a local newspaper by an international company that offered trips to Chinese nationals who were looking for work abroad. The company was in the hands of the Chinese triads. The victim was required to pay EUR 12,000. She was able to pay EUR 4,000 upfront and was indebted for the remainder. Upon her arrival in Belgium, she was brought to a safe house where she was kept with seven other Chinese victims in horrendous conditions and was prohibited from leaving the premises. After four days, she was sent by train to another city and brought to a massage parlour. She refused to work in prostitution and was later brought to Aalst to work in a Chinese restaurant. The restaurant owner had purchased the victim for EUR 1,000 from the trafficking organization. The victim was promised a monthly salary of EUR 500 for 12-13 hours of work a day, six days a week. In fact, she was paid EUR 500 for six months work. When she complained of being tired, she was told to take an ecstasy pill, which “would be good for her”. For an additional EUR 1,750, the victim was told that an advocate would arrange for false papers for her. She would have to pay this off through her employment.

The restaurant was involved in drug trafficking. One illegal migrant found on the premises during a control was involved in repair work on the Chinese restaurant. The restaurant owner had arranged for this illegal migrant to do reconstruction work on Chinese restaurants in other Belgian cities.

### Case 3 – Germany: Labour Exploitation in Chinese Restaurants<sup>416</sup>

A large number of Asian restaurants in Germany are suspected of using forced labour. Authorities cracked down on many of them and found hundreds of cooks who had been working under unacceptable conditions.

Most of the workers had entered the country with a specialist visa that is usually issued to professionals with certain skills that are scarce in Germany. The officials who granted the visa relied on the information provided by the employment agencies which had hired the so-called specialists in China. Many had only been given a crash course on how to prepare food.

Once the victims arrived in Germany, the promise of high earnings which would guarantee equally high remittances to their families at home turned out to be false. They were forced to work long days, while being paid very little and under constant threat from their superiors. In the case of at least one Chinese worker, he was forced to work 12 hour days, and was beaten and threatened with death. Another was forced to work 13 hour days, 7 days a week. Paid only EUR 300 for his first month of work, the trafficked victim was given little to eat and forced to sleep on a mattress on the floor of the laundry room. Almost all of the workers had their passports taken away from them; authorities believe the documents are used for smuggling other people into the country. If workers are non-compliant, they risked being

414 Centre for Equal Opportunities and Opposition to Racism, *Mensenhandel- Smokkel Jaarverslag 2008*, (Brussels, 2009), <[http://www.diversiteit.be/?action=publicatie\\_detail&id=108&thema=5](http://www.diversiteit.be/?action=publicatie_detail&id=108&thema=5)>, accessed 31 March 2010: see Dossier S, Section 2.2.1, p. 43.

415 Centre for Equal Opportunities and Opposition to Racism, *Mensenhandel- Smokkel Jaarverslag 2008*, (Brussels, 2009), <[http://www.diversiteit.be/?action=publicatie\\_detail&id=108&thema=5](http://www.diversiteit.be/?action=publicatie_detail&id=108&thema=5)>, accessed 31 March 2010: see Wokrestaurant, Section 2.4.1; pp 46-47.

416 Andreas Ulrich, “Chinese Restaurants Accused of Human Trafficking”, *der Spiegel Online* (20 August 2009), <<http://www.spiegel.de/international/germany/0,1518,643945,00.html>>, accessed 31 March 2010.

visited by “a gang of thugs”. On average, workers put in 65 to 94 hours working 6 days a week; their salary amounted to no more than EUR 600 a month.

The traffickers, using two different work contracts for every victim, hid the illegitimate treatment. One of the contracts was designed for displaying legal conditions for the German authorities while its content was unknown to the victims due to their lack of understanding German. The actual employment situation was then regulated by the second contract, which disregarded government regulations.

#### Case 4 – International Trafficking for Forced Prostitution between Bulgaria, France and Italy<sup>417</sup>

French, Italian and Bulgarian judicial authorities cracked down on a trafficking in human beings (THB) for the purpose of sexual exploitation operation involving 100 Bulgarian women abused by Bulgarian nationals operating in France and Italy. Profits from the criminal activities amounted to approximately EUR 10 million between 2002 and 2006. After thorough investigations into the criminal organization’s operations, 13 European Arrest Warrants were issued by French authorities, of which six were already executed and three are pending issuance by the Bulgarian authorities. One suspect continued to conduct illicit operations from prison via fax and telephone. According to intelligence sources, the criminal group was organized in a hierarchical structure with family connections among members. The main organization was devoted to THB, but had links to another organization in Albania that was involved in money laundering.

Through illicit operations the leaders had amassed great wealth, and used threats against witnesses as well as violence against group members, including murder and grievous body harm, and forced women into prostitution, to maintain their position. The Bulgarian network, however, was also using business structures for the purpose of money laundering.

#### Case 5 – Netherlands: Forced Commercial Prostitution (Ablak)<sup>418</sup>

The Ablak case in the Netherlands involved investigations into three separate cases. A criminal network comprising 10 to 15 Hungarian men trafficked approximately 40 young women from Hungary into “window” prostitution in Alkmaar, Amsterdam and the Hague. The women, many of whom were working in prostitution in Hungary, were recruited by the suspects who they met via social contacts or in clubs or bars. All of the women were told that they would earn good money; some were told they would be working in prostitution, while others were not. They willingly left Hungary with their traffickers, who brought them by car to the Netherlands. All of the women, and all but one of the men were in possession of legal documents. The women were housed together with a number of the men in the same house.

The women were forced to work long hours, seven days a week. The women were pressured by their pimps to work longer hours and make more money. When the women did not bring in as much as the pimps wanted, they were forced to work in another street or in another city where the prices for prostitutes differed. Some of the women reported having unprotected sex because they could earn more money that way.

The women were forced to turn over almost all of their earnings to the traffickers. In addition to living off of the earnings of their victims, the traffickers reportedly sold some of the women to other pimps.

The organization was a flat, fluid, network-like structure. There was no clear leader and members had loose contact with one another. The traffickers came into contact with one another through social relations, but not all members of the network knew other members personally. In this case, the most important persons in the network were those who could speak Dutch and were able to organize and regulate things.

In addition to the trafficker/pimps, there were at least four other facilitators who organized things for the victims and the traffickers such as housing, registering cars, organizing a translator for the traffickers when they were interrogated by the police, registering the women at the Chamber of Commerce, renting rooms for the prostitutes to work and driving the victims to and from work.

Investigators in the Netherlands were able to calculate the profit generated by two traffickers (pimps) from a number of victims. One of the traffickers earned EUR 13,480 per month on four victims (for a total of EUR 94,361), while the second trafficker earned EUR 219,707 in the 14 months that three women worked in prostitution. The money was spent on themselves and the victims, often for membership in gyms, on drugs and gambling. Some of the money was allegedly transferred to a Hungarian account.

The traffickers used a number of means to protect their organization. They constantly changed mobile phones to avoid police wire taps. Some refused to enter the red light district where their victims were forced to work. Additionally, the

417 Eurojust, *Annual Report 2007* (The Hague, 2008), <[http://www.eurojust.europa.eu/press\\_releases/annual\\_reports/2007/Annual\\_Report\\_2007\\_EN.pdf](http://www.eurojust.europa.eu/press_releases/annual_reports/2007/Annual_Report_2007_EN.pdf)>, accessed 31 March 2010: Case 4 – Trafficking in Human Beings.

418 M. Bottenberg et al., *Bestuurlijk Juridische Handhaving in Amsterdam en Alkmaar*, National Police Service (KLPD) (Driebergen, Netherlands, 2009).

traffickers used physical as well as psychological violence against the victims and threatened to harm their families. The police report that the victims were entirely dependent upon the traffickers to regulate everything – from their housing to their registration with the Chamber of Commerce and tax forms. As a result of this dependency, many of the women developed a strong emotional relationship with their trafficker/pimps and a number of the victims fell in love with their traffickers.

## Case 6 – Netherlands: Forced Commercial Prostitution (Sneep)<sup>419</sup>

The investigation *Sneep*, in the Netherlands, resulted in the identification of 55 suspects and 120 possible victims<sup>420</sup> of forced prostitution.<sup>421</sup> In addition to operating in the red light district in Amsterdam, the group was active in the legal prostitution sector in Alkmaar, Utrecht, Den Haag and Haarlem. They maintained contacts in Germany and Belgium. The organization was described by investigators as hierarchical. At the head of the organization were two Turkish brothers and a third suspect, who at times worked for the brothers and then split off to begin his own business. In addition to these three “heads of operation”, there were 20 pimps. The pimps were followed by one or two prostitutes who enjoyed more freedom and responsibility than the other women. They were followed by the 11 active bodyguards, three permanent ‘chauffeurs’<sup>422</sup> and others who had previously worked for the brothers.<sup>423</sup> The pimps were higher in rank than the bodyguards, but after a period of time, bodyguards could ‘obtain’ a prostitute.

Others were involved in the organization as facilitators. This included a consultancy bureau which handled the administrative affairs of the organization (registered at the same address where many of the prostitutes were registered). This bureau and others issued formal false employment statements on behalf of group members. A real estate company rented houses (with group reduction) in a recreational park where many of the prostitutes were kept. The company also took care of other practical things for the group such as cars, telephones and false employment papers. Additionally, an abortion clinic and a clinic which performed breast implants on the women aided the group. The group received a discount for the breast implants and with at least one victim, the pimp conducted the intake interview with the doctor.

In order to protect the operations, false documents were used and a number of the suspects only used aliases with the victims. Mobile phone numbers were changed to avoid wiretaps. The three leaders were rarely seen in the prostitution sector where the women were working. Supervision of the women was left to others. Apartments and cars were registered to third persons (usually the prostitutes).

The organization controlled the women through a combination of fear and threats on the one hand, and dependency and affection on the other. Many of the women reported having a relationship with their pimp. The women were forced to work long hours, seven days a week. Women were forced to undergo breast implants and abortions.<sup>424</sup> They were pressured to earn EUR 1,000 per day and could ‘buy’ their freedom for prices ranging from EUR 30,000 to EUR 240,000. The women were afraid they would be killed if they left the group. The group is known to have used baseball bats to beat non-compliant victims and then submerge them in cold water to prevent bruising.

At times women were rotated to different cities, although the police do not speak of a traditional “prostitution carousel”. This was done because ‘new women’ in a city increase profits.

Profits were spent on expensive watches, cars, restaurants, gambling and maintaining a luxurious life style. Money was sent back to Germany to the father of two of the suspects. Investigators suspect the group generated a profit of EUR 19 million exploiting over 100 women in prostitution. Much of the money is believed to have been returned to Turkey. A Dutch newspaper reports the head trafficker is now running a discotheque in Antalya. He has since been arrested and the Turkish Government is conducting financial investigations into his earnings.

## Case 7 – Netherlands: Forced Commercial Prostitution (Operation Koolvis)<sup>425</sup>

Traffickers are suspected of having brought well over a hundred young Nigerian women into Europe and forcing them into prostitution in different European countries. In 2005 and 2006, 80 Nigerian women arrived in the Netherlands; at the start of the police investigation, 51 young women were still missing.

419 Korps Landelijke Politiediensten, *Schone Schijn: De signalering van mensenhandel in de vergunde prostitutiesector* (Driebergen, Netherlands, 2008).

420 The women came from Germany (36), the Netherlands (25), the ‘old’ EU member states (73 women or 65 per cent), and 26 per cent out of the member states who joined the EU in 2005 and 2007. Only six women (5 per cent) were born in a country outside of the EU.

421 Investigators believe that the women were probably working as prostitutes before they began working for the suspects. The possible victims in the investigation knew beforehand that they would be working in the prostitution sector.

422 These were unlicensed taxi drivers.

423 In the 10 years that the organization was operational, it had expanded to 35 pimps, bodyguards and other handlangers.

424 Victims reported having to return to work the day after the operations.

425 Netherlands Police Agency (Korps Landelijke Politiediensten), *Met Onbekende Bestemming* (Driebergen, Netherlands, 2009).

Women were recruited in Nigeria. Contact was established via family or friends. The victims were saddled with a debt of EUR 50,000 and the contract was sealed by a voodoo priest in Nigeria. Failure to repay the debt resulted in threats, psychological and physical violence against the young women and their families in Nigeria.

The traffickers organized the necessary paperwork, identity papers and airline tickets, many of which were fraudulent. The travel documents were used numerous times for different victims. The women travelled sometimes with and other times without an escort to the Netherlands where they asked for asylum. They were taught exactly what to do before arriving at their destination. After only a few days or weeks in a refugee centre, the women called a phone number they were given in Nigeria. They disappeared shortly thereafter and were taken to other European cities and forced into prostitution.

Traffickers used a number of measures to protect their operation. These included supervised escorts from Nigeria to the Netherlands, knowledge of the asylum procedure in the country, the use of Nigerian personnel in the refugee centres, the difficulty in tracing the victims once they departed from the centres, international contacts and the use of so-called sim-boxes to prevent their calls from being traced.

The Italian branch of this international organization was involved in the cocaine trade.

An international, joint investigation resulted in the arrest in October 2007 of 25 traffickers in Belgium, France, Ireland, the Netherlands, Spain, the United Kingdom, the United States, and in Nigeria. In January 2008, 51 more arrests occurred in Italy. Nine victims were rescued, of which only one was involved in the original investigation in the Netherlands. In the trial of 11 traffickers in the Netherlands, they were charged with human trafficking and smuggling, membership in a criminal organization, rape, threats, falsification of travel documents, forgery and money laundering via underground banking.

From an unverified source in the criminal investigation, police estimate the 80 victims incurring a debt of EUR 50,000, generated a profit of EUR 4 million for the traffickers.

## Case 8 – Russian-Moldovan-Israeli Criminal Group: Commercial Prostitution<sup>426</sup>

The organization trafficked young women from the Russian Federation, Ukraine, Moldova, and Uzbekistan to brothels in Greece, the Netherlands, Germany, Italy, Israel and the United Arab Emirates over a period of almost 10 years.

Recruitment was organized through a network of front organizations in the Omsk, Perm, Penza, Yekaterinburg, Moscow, Khabarovsk and Kemerovo Regions in the Russian Federation. As a rule, the women were promised that they would get a job abroad, mostly as waitresses, dancers or nurses. Many victims were lured by the fact that the employer was to take care of all costs for their transportation abroad.

First of all, the girl's appearance was evaluated by the recruiter and then photos of the victim were handed over to the gang's leaders. Upon their approval, the women were transported to Moscow, where they were placed in rented apartments and houses. Their bodies were searched for scars or other blemishes. After that, the gang decided on the country of destination. For every trafficked girl, the gang received between 1,500 and 8,000 Dollars or Euros.

The trafficking routes were organized directly to the destination countries via France, Turkey or Egypt. The victims had been sent in pairs as 'friends' or in 'tourist groups', but always with a dependant escort. The most dangerous route was to Israel via Egypt. The girls were handed over to armed Bedouins who were in charge of the illegal crossing of the border. Sometimes, they were transported without water or through minefields. Sometimes competing tribes attacked the caravans and then the girls were killed. Those who reached Israel were deprived of their documents, mobile phones and money, and were sold to the local brothels.

The traffickers used both fraudulent passports and stolen documents that they bought on the 'black market' (more than 2,600 stolen passports were found at a location belonging to the organization). In the passports, the criminals used photo substitution and falsified visas. To protect their operation, the gangsters frequently changed their SIM cards and mobile phones and used fraudulent documents. As a rule, they used aliases and called each other only by nicknames.

The gang was in close contact with the 'Israeli', 'Albanian', 'Dutch', 'German', 'Greek', 'Arabic', 'Belarusian', 'Egyptian', 'Uzbek', 'Moldavian', and 'Ukrainian' organized crime groups.

In investigating this case, the invaluable assistance was provided by the law enforcement bodies of Israel, Moldova, Belarus, Uzbekistan, Ukraine, and Italy. The Police of Cyprus and Finland also provided necessary information. In Israel, Uzbekistan and Belarus, more than 20 persons were arrested. In Moscow, the two Israeli gang members were arrested. One of them, the organizer of the criminal activity, had been sentenced twice by the Haifa (Israel) City Court. At least 20 more members of this criminal group were identified. Their criminal activity was covered up by a lieutenant-colonel of one of the Russian special services. He also engaged a border control officer who controlled the 'window' at the border, which served for the human trafficking activities. The overall number of victims is estimated to be 130 women.

426 V. Bogdanov, "Trafficking in persons under cover", *Rossiiskaya gazeta*, Bezopasnost, 30 July 2009, <<http://www.rg.ru/2009/07/30/rabyni-site.html>>, accessed 31 March 2010.

## Case 9 – Russian Federation: Public Service Sector: Waste Disposal<sup>427</sup>

D.Y. had organized the collection of secondary waste on Anapa city landfill site exploiting the slave labour of homeless people. D.Y. established a criminal group in which he involved his mother, his brother, and a worker at the landfill site. For nearly three years, they exploited the labour of socially vulnerable citizens forcing them to collect used raw materials disposed of in the landfill site. To earn income, the accused delivered the collected materials to processing plants.

The victims were said to have worked irregular working hours without any monetary remuneration for their work. They ate garbage collected on the landfill site, lived in unsanitary conditions, were deprived of freedom of movement and incurred punishments in the form of beatings and illegal deprivation of liberty.

In addition, two of the traffickers transferred two homeless men working for them to another individual for the purpose of exploitation. In total, 18 persons were recognized as victims in this case.

## Case 10 – Russian Federation: Private Service Sector: Food Wholesale<sup>428</sup>

49 Uzbeks aged between 19 and 50, were held by the criminals in a vegetable store cellar in Moscow oblast Ramensk district. The slaves cleaned and sorted onions that were then sold at Moscow-area markets. The victims, including women and adolescents, were recruited in their country and were promised high paying work in Moscow. The victims were said to be suffering from severe problems at home – unemployment or loss of the breadwinners. The victims were told they had to pay only Roubles 4000 for the air tickets and 2500 for their food. Later they were informed that the price of the air ticket had increased to Roubles 8000. The owners of the vegetable store where the migrants were transported first made them work to pay off their debt, imposing fines on them for every ‘mistake’ they made. This resulted in the traffickers failing to pay any wages at all. The Uzbeks were held in the vegetable store cellar under abominable conditions: there was a heavy smell of onion and unwashed bodies. The captives slept on wooden plank-beds near the stored onions they were cleaning and sorting. There was no water for them to wash themselves. The owners were constantly beating the men and raping the women.

Many of the victims were ill before being brought to Moscow. They suffered from various diseases – inflammatory and respiratory disorders, kidney and digestive tract problems. The conditions became aggravated as a result of eating poor food, living in low-light premises, breathing stale air and being subjected to horrible treatment. Some people spent only a month in the cellar whereas others were there for six months.

The case came to the attention of the police when one woman managed to escape and inform the police that her compatriots were being held in confinement. A police raid resulted in rescuing the victims and identifying the traffickers – two natives of Azerbaijan who were the vegetable store owners. In all, there were six slaveholders.

## Case 11 – Russian Federation: Agriculture<sup>429</sup>

A Russian farmer recruited his victims at a railroad station. Promising well paid work, the farmer held four men prisoners on his farm and exploited their labour. Through coercion and threats, he forced the men to remain on his piece of land. Coercive measures included seizing their identification papers and clothes. The premises on which the victims were held were unfit for dwelling. The victims’ freedom of movement and communication were restricted and the victims were given meager portions to eat. Those victims who tried to escape were forcefully returned to his house and premises. The victims were afraid of the trafficker due to his constant use of violence, both physical and psychological, seizure of their identity documents and clothes and their lack of knowledge of the surrounding areas. Due to their poor mental health, they were unable to refuse doing jobs they were forced to do by their exploiter. The men were held in a shed without windows. One of the victims was chained at night to prevent his escape. When another victim tried to escape, the farmer ran him down, threatened him and took his identity documents and clothes.

The farmer was convicted of unlawful deprivation of liberty, exploitation of slave labour of two or more persons, blackmail, coercion, and seizure of identity documents. His four year prison sentence was reduced to seven months on appeal.

427 <[www.regnum.ru/news/1211242.html](http://www.regnum.ru/news/1211242.html)>, accessed 31 March 2010 – official information of the Investigation Committee at the Prosecutor General's Office of the Russian Federation, 2 October 2009.

428 Materials of the IOM Rehabilitation Centre in Moscow; see also Anastasia Berseneva, "Onion labourers", *Novye Izvestia*, 11 June 2008, <<http://www.newizv.ru/news/2008-06-11/91848/>>, accessed 31 March 2010 (in Russian).

429 I. Kitoboev, "Jail got slaveholder", *Kommersant Sibir. Omsk*, no. 158 (2997), 27 August 2004, <<http://www.kommersant.ru/doc.aspx?DocID=500991>>, accessed 31 March 2010 (in Russian).

## Case 12 – Russian Federation: Private Households<sup>430</sup>

Between the period of May and December 2008, the director of the state stationary social service institution of 'Medvezhyegorsk Psycho-Neurological Nursing Home' repeatedly forced the nursing home's patients to do work in a garden plot belonging to his acquaintance, outside the grounds of the nursing home. The victims included patients with serious diseases and disabled persons with restricted ability to work.

The director was charged with fraud (involving the abuse of official status), official forgery and exploitation of slave labour involving two or more victims.

## Case 13 – Various Countries: Commercial Prostitution (Tajikistan)<sup>431</sup>

In 1999, two individuals, X and Y, became acquainted and agreed to obtain a forged regular passport with the aim of obtaining an international passport to travel to Dubai, United Arab Emirates (UAE), to engage another person in prostitution and earn money.

In January 2000, by prior collusion with a non-identified person, Y had a forged passport made for X in the name of another person (Z), born on 17 November 1968, in the District Department of Interior in Kurgan-tube of Khatlon Oblast. On 16 February 2000, X knowingly used the forged document and with the assistance of a non-identified person, illegally crossed the state border of the Republic of Tajikistan. From there, she flew from Dushanbe to Shardjah (UAE) by way of Delhi. X was met by another man (R) who had exploited her as a prostitute until June 2000.

Then X joined an organized crime group headed by R. He instructed her to adopt a minor girl in one of Dushanbe children's homes for the purpose of forcing the minor into prostitution in Dubai. In June 2001, X arrived in Dushanbe, and in April 2002 she adopted a minor girl. X brought the adopted minor to Dubai on 2 June 2002.

Upon arrival in Dubai, the head of the criminal group instructed X to begin taking the minor to nightclubs, involving her in antisocial actions, making her drink alcohol, meeting men of different nationalities and ages, and teaching her various sex plays to involve the girl in prostitution. Around mid-June 2002, X arranged and forced the girl to have sex with a non-identified Arab man in a Dubai hotel, taking part in it herself. Between June 2002 and February 2003, X was ill-treating and exploiting the minor in forced prostitution and sharing the profits with the head of the organization (R).

On 21 February 2004, the female trafficker, X, left with the minor victim for Teheran (Iran) and then Istanbul (Turkey) with the purpose of sexually exploiting her there. Remaining there till 17 March 2005, she was exploiting the girl and taking all of her earnings. The girl managed to escape to a church where she told someone about her victimization. In November 2005, the trafficker (X) was convicted of human trafficking for the purpose of sexual exploitation. She was also sentenced for using a forged document; illegal crossing of the state border; recruitment of people for the sake of sexual or any other exploitation, including involvement of a minor; fraudulent involvement in prostitution; purchase-sale of a minor; rape arrangement; non-fulfilment of duties with regard to the minor's upbringing; and adoption for commercial purposes. She was sentenced by the court to a term of 14 years in a correctional facility, with confiscation of property, and deprivation of the right to be engaged in entrepreneurial and pedagogical activities for a period of five years.

## Case 14 – United Kingdom: Commercial Prostitution (Maka)<sup>432</sup>

A 15 year-old Lithuanian girl was promised a well-paid job in the United Kingdom. She travelled to the United Kingdom by plane, together with one of the traffickers, a Lithuanian recruiter-transporter. She was met at Heathrow airport by the trafficker-exploiter, a Macedonian national residing in Sheffield, who took away her passport and then sold her to a trafficker-pimp who raped her and forced her to work in a brothel in Birmingham for several days. Following her escape, she turned to the Macedonian trafficker for help, who, however, re-sold her to another trafficker/exploiter who subsequently forced her to work in a brothel. This pattern was repeated several times over the course of two months and the young girl was re-sold and forced into prostitution throughout the United Kingdom. With the help of other girls, she managed to escape and went to the police to report the trafficker.

430 Investigative Committee of Prosecutor's Office of the Russian Federation (23 November 2009), <<http://www.sledcomproc.ru/news/10933/>>, accessed 31 March 2010 (official website in Russian).

431 Materials of The Prosecutor's General Office of the Republic of Tajikistan presented at the OSCE training in Dushanbe on 17-19 November 2009 (in Russian).

432 Regina v Shaban Maka, Royal Courts of Justice (Wednesday 16 November 2005); court transcripts obtained from the UK Human Trafficking Centre.



## Case 15 – United Kingdom: Commercial Prostitution (Tavoraite)<sup>433</sup>

An 18 year-old Lithuanian young woman living in a children's home in a small town in the south-west of the country was introduced to a Lithuanian recruiter-transporter through a school friend. The man offered her a lucrative summer job in a clothes shop in the United Kingdom. The transport to the United Kingdom was organized by the Lithuanian transporter, in his car/mini van. They changed en route into another car with a UK number plate before leaving Lithuania and drove across Northern Europe, via Northern France, and eventually, into the United Kingdom. Upon arrival, the Lithuanian trafficker sold her to two Albanian traffickers (both of whom used aliases), who forced her to prostitute herself, threatening her that otherwise she might not be able to ever return home. The victim tried to alert customers of her plight but they were indifferent and had sex with her anyway, having already paid in advance to do so. When she tried to find allies among other victims, she was beaten and was told she would be able to return home soon. In reality, she was re-sold to an Albanian man and his Lithuanian girlfriend in Wales, who also forced her into prostitution in order to repay the purchase price of GBP 2,000. The couple kept threatening her with physical violence and menaced to resell her to other Albanian traffickers. Her traffickers kept all proceeds from her forced prostitution. The victim was able to send an S.O.S. message to her Lithuanian boyfriend who alerted British police. The victim was found, freed, and eventually testified against her traffickers.

## Case 16 – United Kingdom: Commercial Prostitution (Plakici)<sup>434</sup>

This criminal investigation focused on a 26 year-old British citizen of Albanian descent, who organized the illegal trafficking of seven young women from Central and Eastern Europe into the United Kingdom for the purpose of sexual exploitation. The trafficker ran an international trafficking business, relying also on an international network of recruiters and transporters abroad as well as traffickers-exploiters inside the United Kingdom. Typically the women were deceived by false promises of employment, then forced into prostitution to repay their debts for having been brought to the United Kingdom. To varying degrees, violence and threats were used, including the holding of women against their will. Pocket money was paid to the women whereas the bulk of earnings were kept by the trafficker. One of the victims was married to the trafficker, and assisted the trafficker in the control of other women. Also, one victim was coerced to recruit other victims.

Concretely, two women (sisters, aged 17 and 24) were lured from Romania with the false promise of (legal) employment in the United Kingdom and transported to the United Kingdom with the help of a Romanian recruiter. They were brought to Prague, where they met the trafficker, who took them to Italy, from where two Italian men (transporters) transported the women to the United Kingdom. The sisters were separated. In order to make the women comply and agree to work in prostitution, they were held against their will, subjected to repeated rape, beaten and threatened with physical violence and death. One woman was sold to another exploiter, whereas the other woman managed to escape and to contact the police. This led to the raid on the traffickers' premises and the freeing of her sister, as well as other women found there. These included two Romanian women (cousins) holding false Italian passports, who stated that they had originally left Romania for Italy in order to work as waitresses. There they were bought by an Italian who brought them to this trafficker in the United Kingdom. It emerged that one woman, having previously been forced into prostitution in the United Kingdom, subsequently agreed to recruit her cousin and bring her from Italy to the United Kingdom for the same purpose. Moreover, a Moldovan as well as a Romanian girl were found on the premises, both having been transported to the United Kingdom by the trafficker and other facilitators and forced to prostitute themselves in order to repay their debts to the trafficker for bringing them to the United Kingdom. A number of the victims were minors when they were first recruited, brought to the United Kingdom and forced into prostitution.

The Moldovan woman was also married to the trafficker, and assisted him in controlling other victims, which she claimed she was coerced to do. The Romanian woman was sold to another pimp and eventually returned to the trafficker; he kept all proceeds from her work with the exception of some pocket money. Lastly, another Moldovan woman and friend of the aforementioned Moldovan girl/trafficker's wife came to the United Kingdom with the assistance of the trafficker, utilizing false passports. She was also forced to work as prostitute in order to repay her debts. Where this information is known, the victims were purchased/sold for EUR 3,000.

From 1999 to 2002, a total sum of GBP 204,396 in criminal proceeds was traced to the bank deposits of the accused. The funds were used to support a lavish lifestyle which included extensive travel, designer clothes and luxury cars. Some substantial amounts were transferred to relatives of some of the women.

433 Regina v Edita Tavoraite, Advice on Referral of Sentence; court document obtained from the UK Human Trafficking Centre.

434 Regina v Luan Plakici (Court of Appeal Criminal Division), court document obtained from the UK Human Trafficking Centre.

## Case 17 – United Kingdom: Commercial Prostitution (Elezaj)<sup>435</sup>

The present case comprises two investigations. First, it deals with the trafficking from Poland into the United Kingdom for sexual exploitation. The traffickers include one woman of Polish descent, as well as one man. A 17-year old Polish young woman found a job advertisement for household work in the United Kingdom on the Internet; the female trafficker then organized and pre-paid her travel by plane to London. Upon arrival, both traffickers met the girl and brought her to the female trafficker's apartment. The man took the passport and mobile phone from her. She was then forced to prostitute herself. She left the apartment some days later and contacted the police, which led to the arrest of both traffickers. In the subsequent trial, the traffickers pleaded guilty for having facilitated the illegal arrival of the Polish woman in the United Kingdom, but tried to prove that the Polish girl had known that she was brought to the United Kingdom to work in an escort service and for the purpose of prostitution.

A further case involved the Albanian traffickers 'Roci' and 'Ismailaj', who were found guilty of facilitating the illegal trafficking of Lithuanian women to the United Kingdom for the purpose of sexual exploitation as well as their exploitation in the United Kingdom. The women were willing to come to the United Kingdom to work in prostitution; however, they had been coerced by the exploitative conditions in which they were required to work. The traffickers had organized and pre-paid their tickets to the United Kingdom, met them upon arrival and brought them to and from brothels, where the women were forced to work and to hand over the bulk of their earnings to the trafficker. The traffickers controlled their victims by way of threats, the restriction of freedom of movement, and the confiscation of passports. The traffickers/pimps, who shared an apartment, controlled their victims by driving them to and from the brothels. They maintained work records indicating a 25/75 per cent splitting of the earnings between the women and the traffickers, with the traffickers receiving 75 per cent of the money. Upon arrest, some GBP 4,000 were found in cash, as well as banking documentation indicating large cash deposits including transfers to Lithuania and Albania. The total estimated financial gain between the three traffickers was estimated at some GBP 300,000. One of the traffickers, who was in his twenties, also relied on several fake IDs. One of the women eventually contacted the police and thus a larger investigation was initiated.

## Case 18 – United Kingdom: Commercial Prostitution (Operation Celsius)<sup>436</sup>

A 29-year old Thai woman, mother of two children, had borrowed money from a loan shark and had been unable to repay the enormous interest. She was told that she would have to go to the United Kingdom to work as a waitress to pay off her debt. Instead, she was brought to the United Kingdom and forced to work as a prostitute. The woman was brought to the United Kingdom by a Thai woman (recruiter and transporter) using a passport and visa based on fraudulent documents. The traffickers set up false companies in Thailand identifying themselves as the directors and their victims as 'employees'. This created an air of legitimacy and allowed them to create travel documents. In this particular case, however, having been denied a visa by United Kingdom authorities, the two women flew to Ireland and from there, entered visa-free into Britain. They were accompanied by two other women – one trafficker and another victim.

The victim was told she had incurred a debt for GBP 30,000 but would have to earn GBP 60,000 working as a prostitute to pay it off. The victim was forced to serve about ten customers a day in a so-called massage parlour that was run as a brothel. The proceeds were split between the brothel owners and two female traffickers, who themselves had been victims, paid off their debts and become traffickers. The victim was moved around the United Kingdom where she was forced to work from 15 hours a day to 'round the clock' servicing up to 15 customers a day.

The victim escaped but was caught and sold to a Malaysian mother and daughter trafficking team for GBP 15,000. After about a week in the United Kingdom, the victim was able to explain to a Danish customer that she was being held against her will. It was this customer who freed her and took her to the police.

UK police have co-operated with the Royal Thai Police in order to enlarge the investigation into criminals in Thailand. The names of those involved in the trafficking organization "raised flags in Australia, Japan and France". The head of the trafficking organization in Thailand was wanted in the United States for trafficking minors into prostitution. As a result of the investigation, six people were taken to court and sentenced to 17,5 years in prison for their participation in sex trafficking.

435 The Queen v Dorota Piechoka and Edmond Elezaj, In the Crown Court at Southwark, court document obtained from the UK Human Trafficking Centre.

436 Carl Eve, "Sordid world of sex slavery", *The Herald*, Friday 6 February 2009, <<http://www.thisisplymouth.co.uk/news/SORDID-WORLD-SEX-SLAVERY/article-677911-detail/article.html>>, accessed 31 March 2010.

## Case 19 – United Kingdom: Agriculture (Operation Ruby)<sup>437</sup>

Over 60 Eastern European migrant workers trafficked to and within the United Kingdom from Slovakia, Poland, Romania, the Czech Republic and Hungary, and ranging in age from 15 to 67, were recruited through advertisements and agencies in Eastern Europe to travel to the United Kingdom on the promise of work. Instead, they were forced to pick leeks in a field for an organized gang. Upon arrival at the farm where they were held, the victims' documents were taken from them and their wages were withheld to pay for housing and transport costs.

A Polish company was (recruiting and) supplying Bulgarian and Romanian workers to the United Kingdom farm. It is unclear if this subcontractor was licensed. The organization employed drivers and enforcers to keep the order. A number of people were living and working with the victims, but for the organizers. The organizer of the activity is thought to have sourced labour from other labour suppliers, some of whom also had knowledge of the exploitation that was taking place.

13 people were arrested, among these, two women. The suspects are British, Polish, Indian and Portuguese. The traffickers are alleged to have laundered profits totaling up to GBP 10 million through various companies set up to conceal their activity.

## Case 20 – United States: Commercial Prostitution (San Antonio Sex Trafficking of Minors)<sup>438</sup>

A trio of women went to the city of Nuevo Laredo in Mexico to offer young women and girls the opportunity to be smuggled into the United States to work as escorts. The girls were under the impression they would serve as escorts but did not have to have sex with the men.

The three girls agreed to be smuggled to the United States and once they were in or near San Antonio they were delivered to a man referred to in court records as the "boss". He had them strip, inspected their bodies and told them they were going to be having sex with men for up to five years to pay off their smuggling debt. At one point, a man pulled a gun on the girls and threatened to kill them.

Federal agents began investigating the case after the victims' families contacted authorities in Laredo to say the girls had not contacted them in days. The families said one of the victim's relatives was told that the girls would be working at a restaurant near San Antonio. That same restaurant was raided by federal drug enforcement officials in 2004. One of the traffickers was indicted in the drug case and pled guilty to federal drug-trafficking charges. She was out on bond on a 39-month sentence in the drug case.

The three girls were rescued and testified against the traffickers in court. As a result, all three suspects were charged with sex trafficking of children, punishable by between 10 years and life in prison.

## Case 21 – United States: Forced Domestic Labour in Private Household (Walnut Creek Real Estate Agent)<sup>439</sup>

A (female) Walnut Creek real estate agent brought a Peruvian nanny into the United States on a three month visitor's visa. The nanny was promised she would live in a big house with a private bathroom and would earn a salary of up to USD 600 a month to care for the trafficker's three young boys. Instead, the victim was forced to cook, clean and take care of the three young sons for 19 months between 2006 and 2008. During this period, the victim testified that she was forced to sleep on a mattress on the living room floor, toiled under "intolerable conditions", and worked 15 hours per day, from 6 a.m. to 9 p.m., seven days per week. The victim was not paid a salary and was even charged USD 15,000 for clothing and other expenses.

The lawsuit alleges that the trafficker "controlled every aspect of the victim's life" and used "psychological manipulation and threats of violence" to do so. She rationed the amount of food the victim was allowed to eat, severed ties with her family back in Peru and allegedly confiscated the victim's passport and threatened her with deportation if she talked with outsiders.

The case was brought to the attention of U.S. Immigration and Custom Enforcement, which then investigated the crimes together with the U.S. Department of State and Department of Labor. The offender was found guilty of five criminal counts: obtaining forced labour, unlawful use of documents in furtherance of servitude, harboring an illegal alien for private financial gain, conspiracy to commit visa fraud and visa fraud.

437 Northhamptonshire Police, *Statement, Operation Ruby* (18 November 2009), <[http://www.gla.gov.uk/embedded\\_object.asp?id=1013613](http://www.gla.gov.uk/embedded_object.asp?id=1013613)>, accessed 31 March 2010; "Thirteen charged under Operation Ruby", *The Recruiter*, Thursday 19 November 2009, <<http://www.recruiter.co.uk/thirteen-charged-under-operation-ruby/1003483.article>>, accessed 31 March 2010; interview with the Head of Operations, Human Trafficking Centre, Sheffield, United Kingdom.

438 "Details emerge in human trafficking case in San Antonio", *MySanAntonio.com News*, 20 June 2007, <[http://www.mysanantonio.com/news/MYSA060207\\_01A\\_human\\_trafficking\\_folo\\_35909ae\\_html12421.html](http://www.mysanantonio.com/news/MYSA060207_01A_human_trafficking_folo_35909ae_html12421.html)>, accessed 31 March 2010.

439 "Peruvian Nanny Exploited In Shocking ICE Case", *WKTV News*, 20 November 2008, <<http://www.ktvu.com/news/18012707/detail.html>>, accessed 31 March 2010; "Walnut Creek Real Estate Agent Convicted Of Human Trafficking", *Foxreno News*, 9 October 2009, <<http://www.foxreno.com/news/21253882/detail.html>>, accessed 31 March 2010.

## Case 22 – United States: Commercial Prostitution (Korean Prostitution Ring)<sup>440</sup>

An elaborate network of traffickers and brothel owners forced Korean women into prostitution in 11 states from New York to Rhode Island and Virginia. 31 defendants were involved as brothel owners, recruiters, money remitters (who transferred the profits overseas) and drivers who took the women to brothels in the 11 states. A Korean husband and wife were at the heart of the operation. Recruiters in the US and Korea identified women who wanted to come to the United States to make money to support their families. Recruiters arranged transportation and provided the women with visas and false passports. Drivers met them at the airport and brought them to the brothels – some of which were running as legitimate spas and massage parlours. The women incurred huge debts – usually in the tens of thousands of dollars – and upon arrival, their passports were confiscated. 31 defendants in seven states and the District of Columbia were arrested.

## Case 23 – United States: Commercial Sector: Hair Braiding Salons<sup>441</sup>

A female trafficker from Togo recruited girls and young women from Togo and Ghana and forced them to work without pay at hair-braiding salons in New Jersey. The trafficker ran a visa-fraud school in the two compounds she owned in Lome, Togo where she coached the young victims on how to trick Embassy officials into believing they were children or spouses of people who had received a visa through the United States visa-lottery program. Between 2002 and her arrest in 2007, the trafficker began smuggling the girls into the country, promising them a better life in the United States.

The offender had recruited more than 20 girls and young women (ranging in age from 10 to 19) from impoverished African villages. Once the women arrived, the trafficker forced them to braid hair for up to 14 hours a day at salons in Newark and East Orange. The girls were housed in cramped bedrooms in homes owned by the trafficker. Their passports were confiscated, they were prevented from attending school or learning English, subjected to beatings and threatened with voodoo curses. Every cent that the girls earned had to be turned over to the trafficker. The girls were threatened with beatings if they did not want to go to work.

The defence lawyer argued the accused ran an apprenticeship programme and her dealings with the victims were in line with West African culture and customary in the victims' home countries.

A federal jury convicted the trafficker on all 22 counts, including conspiracy to commit forced labour, smuggling illegal aliens and visa fraud.

## Case 24 – Uzbekistan: Commercial Prostitution<sup>442</sup>

A family in Uzbekistan (husband, wife, their daughter and two sons) was accused of having trafficked young women into Chinese brothels. Since 2003, the husband and wife recruited young women from the Bukhara, Navoyi, Khorezm, Samarkand, and Tashkent Regions of Uzbekistan to work as housekeepers and waitresses in China, the United Arab Emirates, Turkey and Pakistan. An investigation proved 30 cases of trafficking of young Uzbek women into sexual slavery. The head of the family was sentenced to six years imprisonment in a minimum security prison, his sons received sentences of 3 to 3,5 years. The two women received suspended sentences.

## Case 25 – Uzbekistan: Construction Site<sup>443</sup>

A married couple recruited and promised four men a job in one of the greenhouses in the Moscow region and guaranteed them a salary of USD 250-300 per month. The recruiters also promised to take care of registration documents and other documentation necessary for legal work in the territory of the Russian Federation. They required the victims each to pay approximately USD 200 for transportation and other expenses. The victims were then transported to Orenburg and sold to a number of Azeri men. The latter took passports from the victims and transferred them to Samara, where the Uzbek men were forced to work at a construction site for modest food and under the control of guards. The slave exploitation went on for almost two years, from 2005 to 2007. Eventually, three of the victims were able to escape and return home. The fourth one is still missing.

440 FBI, "Halting Human Trafficking: 31 Arrests in Major Prostitution Ring" (16 August 2006), <[http://www.fbi.gov/page2/aug06/ny\\_prostitution081606.htm](http://www.fbi.gov/page2/aug06/ny_prostitution081606.htm)>, accessed 31 March 2010.

441 J. Ryan, "Woman in Newark, East Orange human trafficking case found guilty on all counts", *The Star Ledger*, 14 October 2009, <[http://www.nj.com/news/index.ssf/2009/10/jury\\_finds\\_woman\\_in\\_newark\\_eas.html](http://www.nj.com/news/index.ssf/2009/10/jury_finds_woman_in_newark_eas.html)>, accessed 31 March 2010; J. Ryan, "Newark, East Orange human trafficking case goes to jury", *The Star Ledger*, 13 October 2009, <[http://www.nj.com/news/index.ssf/2009/10/newark\\_east\\_orange\\_human\\_traff.html](http://www.nj.com/news/index.ssf/2009/10/newark_east_orange_human_traff.html)>, accessed 31 March 2010.

442 "Trafficking in Persons in Uzbekistan: Fighting Details (Leaving the Core Behind)", *Information agency 'Feragna.ru'*, 9 January 2009, <<http://www.ferghana.ru/article.php?id=6014>>, accessed 31 March 2010 (in Russian).

443 "Uzbekistan: Samarkand courts began to pass more cases on trafficking in persons", *Information agency 'Feragna.ru'*, 14 September 2007, <<http://www.ferghana.ru/article.php?id=5346>>, accessed 31 March 2010 (in Russian).

# APPENDIX 2

## EXPERT INTERVIEW PROTOCOL

### Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime

The Organization for Security and Co-operation in Europe (OSCE) has contracted our research team (comprising Dr. Alexis Aronowitz, Dr. Elena Tyuryukanova and Mag. Gerda Theuermann) to conduct research on criminal organizations involved in the trafficking of human beings in a number of the OSCE countries. The study aims to identify the factors that make the business of human trafficking so lucrative in order to identify strategic points of intervention to disrupt and prevent the crime.

We are trying to get a 'picture' of human trafficking in or into countries within the OSCE – with a special emphasis on the nature of organizations involved. In particular we are looking at:

- The economic and social organization of human trafficking into and in the OSCE region. This would include
  - the typology (soloist, small network, large-scale organized criminal group);
  - the modus operandi used by different criminal groups;
  - a business model (if trafficking organizations can be identified as such) – who are the actors/roles within the organization – does this differ for different groups of traffickers?
  - specifics concerning the process (recruitment, transportation – routes – exploitation – different markets, the type of violence or manipulation – physical/psychological used);
- Money, money laundering, profit, investments – what do we know about the flow of money? What about the financial investment of profits, in legitimate channels (property) or illegitimate channels (reinvestment in trafficking or drugs)?
- Are there links with other (organized) criminal activities? People smuggling? Drug smuggling? Weapons? Fraud? Fraudulent documents?
- Are there links with other (organized) criminal groups? What can be said about the ethnic or national background of group members? (does this differ by nationality?)
- Are there links to legal/legitimate practices (e.g., does exploitation occur within the legal sex sector (as in the Netherlands or mainly outside of the legal sector)? In what other sectors has trafficking been identified – Chinese restaurants as is the case in Germany? How are these links between the legitimate and illegitimate sectors made (use of lawyers, doctors, real estate agents)?
- What are the mechanisms that the organizations use to increase profits and reduce risks (e.g., rotation of victims, corruption of government officials, fraudulent documents)?
- What are the social, political, economic and/or other structural factors in the source (and destination) countries which would promote human trafficking and make it so lucrative? (why do criminals choose to traffic persons instead of entering other forms of crime?) Why would traffickers choose to traffic women into prostitution into a particular country rather than going to another country?
- What is your opinion of the law enforcement approach to tackling human trafficking? Are we successful? Where is there room for improvement? Are there any gaps in our current preventive approaches?

We are looking for case files, descriptions, studies and reports of interviews with victims and offenders. Interviews with traffickers would be especially interesting in order to learn more about their background, how they started with the trafficking crime and the rationalizations used to continue operating – with a view to identifying possible points of intervention.

We are grateful for any information which you might be able to provide in order to deepen our understanding of how criminal organizations select victims, transport routes, markets of exploitation, control their victims and diversify into other legitimate and illicit activities.

Thank you for your co-operation!

*Alexis A. Aronowitz*,  
International Consultant, Human Trafficking  
Assistant Professor, University College Utrecht

*Elena Tyuryukanova*,  
Institute for Socio-Economic Studies  
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*Gerda Theuermann*  
International Consultant,  
Human Trafficking and Migration



# APPENDIX 3

## LIST OF EXPERTS

The following individuals were interviewed or provided information to support this project:

### Austria

ROMAN IDINGER, Inspector, Bundeskriminalamt (BKA) Wien.

GERHARD JOSZT, Colonel, Bundeskriminalamt (BKA) Wien.

MARY KREUTZER, co-author of book “Ware Frau. Auf den Spuren moderner Sklaverei von Afrika nach Europa”, Econwin, Salzburg 2008.

JÜRGEN NAUTZ, Professor, Institute of Economics, University Vienna.

JOANA ADESUWA REITERER, President, NGO Exit, offering support to Nigerian VOTs.

REGINA RUSZ, Counsellor/Head of Unit, Ministry for European and International Affairs  
Department for International Crime Prevention/Task Force on Combating Human Trafficking.

BIRGIT SAUER, Professor, Institute for Political Science, University of Vienna.

GERALD TATZGERN, Colonel, Bundeskriminalamt (BKA) Wien.

CHRISTIANA WEIDEL, President, The World of NGO.

### Belgium

STEF JANSSENS,\* Analyst human trafficking  
Centre for Equal Opportunities and Opposition to Racism (GEOOR).

### Netherlands

M.W.C. NUIJTEN, Program Manager Human Trafficking, Investigations Operations, Netherlands Police Agency (KLPD).

J.L. HENDRIKS, Expert Human Trafficking, Netherlands Police Agency (KLPD).

### United Kingdom

CASEWORKER, STOP (Trafficking UK)\*\*.

DARRYL DIXON, Director of Strategy, Gangmasters Licensing Authority, Sheffield, United Kingdom, 1 December 2009.  
Head of Operations, Human Trafficking Centre, Sheffield, United Kingdom\*\*.

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\* While not an official interview, Mr. Janssens contributed significantly to an earlier version of this report.

\*\* These individuals preferred not to be identified by name in this report.

RAY NOLAN, Research Development Manager, Human Trafficking Centre, Sheffield, United Kingdom.

GLYNN RANKIN, Director of Legal Services, Human Trafficking Centre, Sheffield, United Kingdom.

STEVE TITTERTON, Tactical Advisor, Human Trafficking Centre, Sheffield United Kingdom.

## Russian Federation

ALEXANDER KRASNOV, Head of Department of Drug, THB and Ethnic Crime of the Investigative Committee of Ministry of Interior of the Russian Federation.

MARIA KLIMOVA, Department of Drug, THB and Ethnic Crime of the Investigative Committee of Ministry of Interior of the Russian Federation.

VLADIMIR OVCHINSKY, Advisor of the Chairman of the Constitutional Court.

LUDMILA EROKHINA, Senior Researcher in Vladivostok Center for Organized Crime Studies.

OLGA POPOVA, Federal Migration Service of the Russian Federation in Krasnodarsky krai.

AFSONA KADYROVA, NGO Angel Coalition.

MARIA MOKHOVA, NGO Center Syostry (Sisters).

## Tajikistan

SAODAT OLIMOVA, NGO Center Shark.



# APPENDIX 4

## CHECKLIST FOR THE ANALYSIS OF CASES

### Case (File) Checklist<sup>444</sup>

1. Name of case (if known)

### *The Process*

2. Domestic or international THB
  - a. Recruitment in which country;
  - b. Transit countries (if known);
  - c. Destination country.
3. How were victims recruited?
  - a. Force/kidnapping;
  - b. Promises (marriage, job, education, etc.).
4. How were victims transported (airport, overland, smuggled, n/a<sup>445</sup>)
  - a. Were false documents used (yes, no, n/a)?
  - b. Did victims enter/reside legally in the country (yes, no, n/a)?
5. Markets of exploitation
  - a. Sexual exploitation (brothel, street prostitution, massage parlour, escort service private home, other);
  - b. Labour exploitation (which market);
  - c. Forced begging, forced theft, forced drug smuggling (were victims coerced into other criminal acts?).
6. Coercion / manipulation to guarantee co-operation of victims
  - a. Physical, psychological, both, none, n/a;
  - b. If no sign of coercion, did victim have a relationship with the trafficker (yes, no, n/a).
7. Economic investments of criminals
  - a. Money laundering;
  - b. Investment in source country, destination country;
  - c. How was money invested (property, cars, expanding the business, n/a).

### *The Criminals*

1. Number of criminals investigated;
2. Gender of criminals (and number – e.g., four males, two females);
3. Nationality (homogenous or heterogeneous group with multiple nationalities);
4. Were traffickers living legally in the destination country at the time that they committed the crime?
5. Did traffickers have criminal antecedents (did they have prior convictions? criminal records? If so, for which crimes?);

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444 H.G. Van de Bunt and E.R. Kleemans, *Georganiseerde criminaliteit in Nederland* (Meppel: Boom Juridische Uitgevers, 2007), <[http://www.wodc.nl/images/ob252\\_volledige\\_tekst\\_tcm44-81966.pdf](http://www.wodc.nl/images/ob252_volledige_tekst_tcm44-81966.pdf)>, accessed 31 March 2010: Information was taken, in part, from the checklist to analyse case files for the Organized Crime Monitor of the Dutch Research and Documentation Centre of the Ministry of Justice.

445 N/A = not available; this should also be marked if the information is unavailable in the case file.

### *The Criminal Organizations*

1. Would you describe the criminal network as horizontal or hierarchical?
2. Was there a division of labour?
3. What roles were identified in the criminal enterprise (see Chapter 2)?
4. Were other individuals who played a peripheral role (but not directly involved in the group) aiding and abetting trafficking (persons renting rooms, acting as intermediaries to purchase goods made by trafficked persons, aiding in laundering proceeds)?
5. Were women involved in the trafficking organization (yes, no, n/a)?
  - a. Describe the role of women traffickers (leader, peripheral – recruiting, assisting traffickers in getting licences, bringing victims into a country, etc.)
6. Was there co-operation / competition with other criminal organizations (yes, no, n/a)?
7. Describe the contact with other criminal organizations (business relations, joint projects, exchange of information, support services, territorial agreements, exchange of goods or victims).

### *Secondary Activities*

1. Was the organization involved in crimes other than human trafficking (drug smuggling? People smuggling? Weapons smuggling? Other? n/a)?

### *Intersection with the Upperworld*

1. Is there an indication of an intersection with legitimate markets (legal prostitution markets, markets where goods are legally traded) (yes, no, n/a)?
  - a. Identify these markets
2. Were other legitimate actors (or businesses) involved in aiding the group (lawyers, notaries, doctors, intermediaries from legitimate businesses, others?) (yes, no, n/a)?
3. What was the role of these markets/legitimate businesses?
  - a. Direct facilitation (purchase of illegal goods) or active assistance of illegal activities;
  - b. Provision of housing, meeting places, transportation of goods.
4. Corruption of government officials (yes, no, n/a)
  - a. Services (provision of visas, licences);
  - b. protection of criminal operation (failure to control or assisting in border crossing, failure to investigate or control brothels, other operations);
  - c. Leaking of information to criminal organization concerning investigation.

# APPENDIX 5

## CHECKLIST: MEASURES TAKEN BY TRAFFICKING ORGANIZATIONS TO INCREASE PROFITS, REDUCE COSTS AND RISKS

### Increase Profit

- Trafficking in areas in which there is high market demand and high prices paid for prostitutes;
- Rotating victims – fresh faces bring in more money;
- Selling/renting out trafficked persons to other traffickers/pimps;
- Keep all of profits and refuse to give any money to the victims;
- Forcing women to have unprotected sex;
- Forcing victims to work long hours and seven days a week; pressuring victims to work until they earn a specific amount of money.

### Reduce Costs

- Numerous victims housed in a single apartment/unit;
- Refusal to pay for medical services;
- Recruitment/exploitation of locals or those allowed to enter and reside legally in country.

### Reduce Risk

- Use of fraudulent documents;
- Recruit women working as prostitutes in their own country;
- Use of safe houses;
- Use of bodyguards to escort victims into country and to/from work;
- Manipulation/violence to control victims and ensure they will not escape;
- Recruitment/exploitation of locals;
- Forced prostitution in escort service;
- Exploitation of persons allowed to legally reside and work in a country;
- Rotation of victims to other destinations;
- Use of corrupt officials;
- Use of aliases;
- Constant replacement of mobile phones to avoid taps; talking in code;
- Investments, cars, apartments in name of other persons;
- Use of upperworld businesses to aid with travel arrangements, legal assistance, banking, rental of property.

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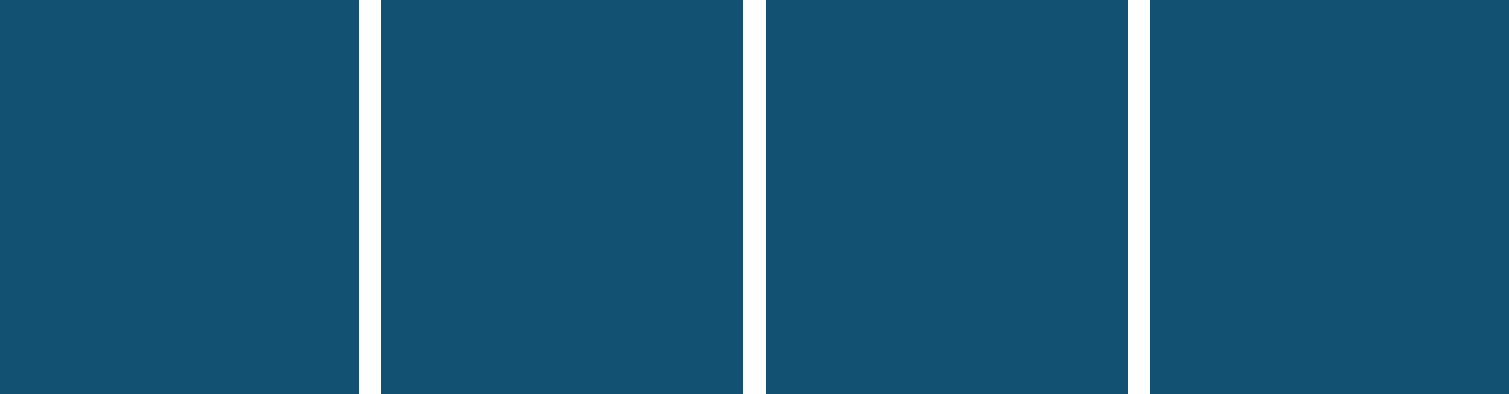
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