



Measuring Human Trafficking

■ Complexities and Pitfalls

■ Ernesto U. Savona
Sonia Stefanizzi

ISPAC
*International Scientific and Professional
Advisory Council
of the United Nations
Crime Prevention and Criminal
Justice Programme*

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Library of Congress Control Number: 2006940181

ISBN-10: 0-387-68042-X e-ISBN-10: 0-387-68044-6
ISBN-13: 978-0-387-68042-2 e-ISBN-13: 978-0-387-68044-6

Printed on acid-free paper.

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9 8 7 6 5 4 3 2 1

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Acknowledgement

The chapters collected in this book are revised versions of selected papers presented at the ISPAC international Conference on “Measuring Human Trafficking: Complexities and Pitfalls” held in Courmayeur Mont Blanc, Italy, in December 2005.

ISPAC hereby wishes to thank the Courmayeur Foundation for its generous support.

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1

Introduction

Ernesto U. Savona and Sonia Stefanizzi

The need to tackle the phenomenon of trafficking in human beings and, as part of this, the sexual exploitation of foreign women and children, has been increasingly recognized in recent years by many institutional, international and national agencies - as the copious documentation on the subject demonstrates. Yet, beyond all the interventions and provisions that have been made, the links: prostitution-migration, poor countries-rich countries, demand for sex from men in rich countries met by women from poor countries, still exist in all their starkness despite all counter-measures. These measures include, among others, information and prevention campaigns, enhanced co-operation between the various national and international police forces to combat the criminal organizations and the promulgation and implementation of new legislative provisions. Any analysis of the phenomenon shows with increasing clarity that even if the terms “clandestine immigration” and “trafficking in human beings” define in principle two different activities, each of them consistently becomes closely intertwined with the other. They are both, in fact, segments of a new immense area of criminal activity, generated by the migrants’ aspirations for a better life for themselves and their families, on one hand, and the obstacles which the immigration authorities put in the way of their realization, on the other.

The wealth of empirical literature produced in recent years – as demonstrated by the contributions contained in this volume – seems to show that there is no longer a clear distinction between migrants’ countries of origin and of destination. Indeed, many countries perform both roles: a portion of their population will move abroad while masses of illegal immigrants flock to them. Morocco is just such a case, as is the Dominican Republic. Other countries act as crossing-points or waiting areas on the long route ahead: Mexico for Guatemalans on their way to the USA., Libya for people from Chad waiting to cross over to Italy. India, Mexico, Turkey, Egypt, Spain, Portugal and Morocco. To these we should add the countries receiving significant remittances from abroad (money sent

by emigrant workers to their families at home) which are also becoming increasingly important destinations for migrants (Naim, 2005).

Another contributory factor to the mass movements of people has been the collapse of the Soviet bloc and its boundaries: the regained freedom of movement has immediately made millions of workers available for the countries needing them (as well as for some who had no such need at all).

Consequently, it is obvious that trafficking in human beings constitutes a desperate problem on a global scale. Although it may still be difficult to estimate the value of the trade in human beings, particularly due to the lack of homogeneous and accurate data, all experts confirm that the volume of the traffic has never been so great, nor has it ever increased at such a dizzying rate. What makes it even more difficult to establish a genuine strategy to fight the phenomenon on a global scale, is the fact that available data are scarce, unreliable and not mutually comparable. Although some progress was made recently, the fact remains that statistical data on trafficking in human beings is extremely inadequate everywhere in the world. The absence of a common definition, along with the lack of harmonization among legal systems and the refusal by some States to even recognize that such a trade exists, all stand in the way of theoretical analysis and empirical research on trafficking in human beings for sexual exploitation and impede co-operation between States. The fact that each State seems to have a different perception of the problem directly influences policy decisions and, inevitably, the statistically available details of the phenomenon. Consequently, there emerges a lack, both nationally and internationally, of reliable collection systems and of consistent reporting of basic data on the various facets of the phenomenon of trafficking in foreign women and children for sexual exploitation. This occurs despite the recent efforts by various national and international governmental agencies and scientific institutions, with a view to provide an overall perspective, based on established methodologies, of the problems of trafficking at the various territorial levels. The available information, as the essays in this volume clearly show, is fragmentary, heterogeneous, difficult to acquire, uncorrelated and often outdated. Awareness of these deficiencies has increasingly brought together governmental institutions and scholars, in an effort to eliminate the inconsistencies and with the more or less explicit aim of grasping the true quantitative dimensions of the phenomenon.

There is no doubt that, over the last twenty years, the phenomena of trafficking in human beings and immigration have been controversial "objects" of measurement, as regards the number and characteristics of the individuals at risk and of the victims, in the case of trafficking, and the

intensity and characteristics of the movements, in the case of immigration. Both areas of study, as is amply demonstrated in the essays in this volume, involve a plurality of data at various levels, which frequently, if not always, prove fragmentary and difficult to compare. As is shown in the following pages, the low reliability of data in this field of study results from a number of factors which cannot all be easily or quickly eliminated, whether from the theoretical or the practical points of view. In particular, one may identify three basic reasons for the lack of homogeneity in the various sources:

1. Firstly, the complexity of the subject under examination, its multi-dimensional form and the inherent characteristics of the quantitative investigatory instruments and their capacity to “measure” and comprehend the evolution of the phenomenon.
2. Secondly, issues of a more strictly epistemological nature, i.e. the relationship between the conceptual instruments available to the observer and the social phenomenon under observation. In other words, data on trafficking in human beings, and - in view of the close existing links - on immigration, are very often, as one contributor argues, the result of administrative practices of various national and international bodies, who, responding to precise policies on migration, define and restrict the accessible statistics on the phenomenon.
3. Finally, the almost total lack of co-ordination (especially with regard to the adoption of a common classification system) between the various bodies and institutions, which, for various reasons and at various levels, investigate the phenomenon.

Despite the reservations expressed on the measurement of trafficking in human beings, and although the data used in the various contributions are the best that are available, we have to remember that we are dealing with estimates which in most cases regard “underground” activities. As a result, we can easily either under-estimate or over-estimate the true situation. Nevertheless, all the current evidence supports the central empirical thesis of this volume: today the volume of traffic in human beings is greater than in the past, and the activities that generate it are more complex and sophisticated. As the following chapters demonstrate, we are only just now beginning to understand the practical operation of the phenomenon and the consequences resulting from it.

2

Human Trafficking: A Crime Against Humanity

Fausto Pocar

Abstract: This chapter addresses human trafficking in light of international criminal law, with a view to considering whether and to what extent it may be characterized, when certain conditions are met, as a crime against humanity. This conclusion may contribute to enhancing international cooperation in this area.

1. Introduction

The notion of crimes against humanity as developed under international law since the adoption of the Statute of the International Military Tribunal of Nuremberg does not need to be discussed here. It suffices to recall that crimes against humanity were identified as serious violations of fundamental human rights, perpetrated either in war or peacetime as part of a widespread or systematic attack against a civilian population. However, the definition of crimes against humanity may be limited to violations committed in war time for jurisdictional reasons. In this connection, the Statute of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) limits the jurisdiction of the ICTY in respect of crimes against humanity “when committed in armed conflict, whether international or internal in character” (Article 5). The Statute of the International

¹ On 25 May 1993, the Security Council adopted the Statute of the ICTY by Resolution no. 827 (S/RES/827). This Statute has been amended several times. See the Resolution at <http://www.un.org/icty>.

² According to Article 5 “The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population: a) murder; b) extermination; c) enslavement; d) deportation; e) imprisonment; f) torture; g) rape; h) persecutions on political, racial and religious grounds; i) other inhumane acts.”

Criminal Tribunal for Rwanda (“ICTR”), meanwhile, requires that the attack against the civilian population be committed on certain discriminatory grounds as a jurisdictional requirement for the prosecution of crimes against humanity³. The most recent Statute, that of the International Criminal Court (“ICC”) adopted in Rome in 1998, does not impose either of these jurisdictional requirements⁴. Thus, the jurisdiction of the ICC extends to violations committed both in war- and peacetime and does not require that the violations form part of an attack against a civilian population which is discriminatory in nature (K. AA. Khan, R. Dixon & A. Fulford, 2005)⁵.

The definition of crimes against humanity in the Rome Statute is set out in Article 7, and includes a list of acts which, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, will constitute a crime against humanity. The characteristic element of the ICC definition of crimes against humanity is therefore the existence of a “widespread or systematic attack” against any civilian population. In further defining this element, the Statute indicates that it means a course of conduct involving the multiple commission of serious violations of fundamental human rights, pursuant to or in furtherance of a State or organizational policy to commit such attack.

The last indication is of significant weight, in that it refers not only to State policies, but also to the policies of organizations. Criminal organizations, in association with or independent of national policies, and in particular those of a certain size which are active in international organized criminality may fall within the scope of Article 7 provided

³ On 8 November 1994 the Security Council adopted the Statute of the ICTR by Resolution no. 955 (S/RES/955). Article 3 “Crimes against Humanity” provides that “The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds: a) murder; b) extermination; c) enslavement; d) deportation; e) imprisonment; f) torture; g) rape; h) persecutions on political, racial and religious grounds; i) other inhumane acts.” (The text can be found at <http://www.ictor.org>).

⁴ The Statute has been adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (<http://www.icc-cpi.int>). The Statute entered into force on 1 July 2002, in accordance to Article 126, when the 60th instrument of ratification was deposited. One hundred Countries are States Parties to the Rome Statute.

⁵ For the definition of the crimes against humanity in the Statute of the Special Court for Sierra Leone, in the Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, in the Statute of the Iraqi Special Tribunal, in the Regulation No. 2000/15 concerning the Special Panel for East Timor, see K. AA. Khan, R. Dixon & A. Fulford, *Archbold International Criminal Courts*, London, 2005, p. 624 ff.

that the activity of the organization may be characterized as a widespread or systematic attack directed against groups of civilians. It is after all the most vulnerable civilians who become the targets of organised international criminal activity. It is of course too early to assess how the jurisprudence of the ICC may deal with this matter, as there is no case law of the Court so far. However, it has to be pointed out that the interpretation that the Court will give to the notion “organizational policy” and “widespread or systematic attack” will also impact significantly on the definition of human trafficking as an international crime⁶.

2. The Rome Statute in Relation to Human Trafficking (Art. 7)

The following acts listed in Article 7 of the Rome Statute may be considered in relation to human trafficking: enslavement, deportation or forcible transfer, sexual slavery and enforced prostitution, and finally the catch-all clause, “other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health” (W. Schabas, 2004; A. Cassese, 2002; D. Robinson, 2001; C.K. Hall, 1999)⁷. Without going into detail, it appears that situations normally referred to as “human trafficking” – such as putting a person on the black labour market, trafficking for purposes of female and child prostitution, exploiting minors in various

⁶ According to Article 7, crime against humanity means “any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health...”.

⁷ See W. Schabas, *An Introduction to the International Criminal Court*, Cambridge, 2004, at p. 41 ff.; A. Cassese, *Crimes against Humanity*, in Cassese, Gaeta, Jones (eds.), *The Rome Statute of the International Criminal Court: a Commentary*, vol. 1, Oxford, 2002, 353-378, at 374; D. Robinson, *The Elements for Crimes against Humanity*, in Lee (ed.), *The International Criminal Court*, Ardsley, 2001, p. 57 ff., especially p. 84 ff.; C.K. Hall, *Crimes against Humanity*, in Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court*, Baden-Baden, 1999, p. 160 ff.

forms, adopting minors for purposes of removal of organs, and so forth – can easily be characterized as one or more of these acts. In this connection, it may be further pointed out that all these kinds of trafficking have a common denominator, i.e. reducing human beings to forms of property over which an unlimited power is exercised by another human being (Q. Obokata, 2005; J. Fitzpatrick, 2003)⁸. This feature of human trafficking is largely underlined in international practice, including in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, adopted in November 2000 by the United Nations General Assembly (A/Res/55/25) (K. Abramson, 2003; L. Potts, 2003; M. Vandenberg, 2002)⁹. This Protocol, in defining “trafficking in persons”, puts the accent on the control one person maintains over another person, for the purpose of exploitation¹⁰. It also finds strong support in the Statute of the ICC, which

⁸ Cfr. Q. Obokata, *Trafficking of Human Beings as a Crime against Humanity: Some Implications for the International Legal System*, in *International and Comparative Law Quarterly*, 2005, p. 445 ff.; J. Fitzpatrick, *Trafficking as a Human Rights Violation: the Complex Intersection of Legal Frameworks for Conceptualizing and Combating Trafficking*, in *Michigan Journal of International Law*, 2003, p. 1143 ff.

⁹ The Protocol entered into force on 25 December 2003. 101 States are Parties to the Protocol. Full text of the Protocol can be found at <http://www.unodc.org>. See, on the Protocol, K. Abramson, *Beyond Consent, Toward Safeguarding Human Rights: Implementing the United Nations Trafficking Protocol*, in *Harvard International Law Journal*, 2003, p. 473 ff.; L. Potts, *Global Trafficking in Human Beings: Assessing the Success of the United Nations Protocol to Prevent Trafficking in Persons*, in *George Washington International Law Review*, 2003, p. 227 ff.; M. Vandenberg, *Complicity, Corruption, and Human Rights: Trafficking in Human Beings*, in *Case Western Reserve Journal of International Law*, 2002, p. 323 ff.

According to Article 3, (a) "Trafficking in persons" shall mean 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; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article; d) "Child" shall mean any person under eighteen years of age."

¹⁰ The same elements used in the UN Protocol are included in the Convention on Action against Trafficking in Human Beings (Article 4), adopted on 16 May 2005 by the Council of Europe, not yet in force. Full text of the Convention is at <http://www.coe.int>. In the Framework Decision, adopted by the European Union (2002/629/JHA, in Official Journal of the European Communities, L 203, 1 August 2002, p. 1 ff.), on 19 July 2002

defines enslavement as “the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such powers in the course of trafficking in persons, in particular women and children” (Article 7(2)(c)).

Commentators on this provision of the Statute have argued that it would be wrong to interpret the crime of enslavement in such a way so as to restrict the jurisdiction of the Court in respect of this crime to traditional forms of slavery. Furthermore, they have added that, in any event, new current forms of enslavement would fall within the Court’s jurisdiction as other inhumane acts intentionally causing great suffering, or serious injury to bodily or mental health. It may be noted, in this connection, that the prohibition of slavery is clearly inherent in human rights protection and is among the rules of customary international law that have to be regarded as mandatory, i.e. as *jus cogens*, and cannot be derogated from by treaty.

It also has to be recognised that the notion of slavery and enslavement has evolved in customary international law. This evolution is sufficiently apparent in the numerous conventions on the abolition of slavery, the abolition of human trafficking, and several conventions on the abolition of forced labour elaborated by the International Labour Organization. In light of these conventions one could easily come to the conclusion that enslavement is an illegal practice under international law that should not be construed narrowly. As a Commission of Inquiry of the International Labour Organization recently stated with regard to the 1930 Forced Labour Convention^[1], the narrow definition of slavery contained in international instruments adopted at the beginning of last century does not preclude the application of the prohibition contained therein to all contemporary features of such a practice.

In this context, it is interesting to note that a Trial Chamber of the ICTY, in the judgment rendered on 22 February 2001 in the *Kunarac et al.* case^[2] (later confirmed by the Appeals Chamber on 12 June 2002)^[3], applied just such an approach when it accepted, in relation to the trafficking of women

on combating trafficking in human being, the element of the control is highlighted in the definition of human trafficking (see Article 1, “Offences concerning trafficking in human beings for the purposes of labour exploitation or sexual exploitation”, as well as the European Commission Report of 2 May 2006 (COM (2006) 187), based on Article 10 of the Council Framework Decision.)

¹¹ The Convention adopted on 28 June 1930, was ratified by 169 States (the text is at <http://www.ilo.org>).

¹² *Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic* (Case IT-96-23&23/1), Trial Chamber’s Judgment, 22 February 2001 (paras. 539 – 543).

¹³ *Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic* (Case IT-96-23&23/1), Appeals Chamber Judgment 12 June 2002 (paras. 116-124).

in wartime (M. Jarvis, 2003)¹⁴, that enslavement may occur even when the victims still enjoy *de jure* a certain freedom of movement, but the situation in which they find themselves leaves them with no real choice of escape with the prospect of conducting an independent life (G. Mettraux, 2002; C. Rathgeber, 2002; O. Swaak-Goldman, 2000)¹⁵. Admittedly, the judgment of the ICTY was rendered in relation to wartime. But, as I indicated earlier, in the Statute of the ICTY, crimes against humanity are required to be committed in the context of war for purely jurisdictional purposes. It should not be viewed as a necessary substantive element of crimes against humanity. Therefore, the view expressed by the ICTY on enslavement may well serve as a precedent should a similar case be brought in a peacetime context.

In light of these considerations, if enslavement or slavery, is the characteristic feature of human trafficking – as was stressed, it is interesting to note by the Italian delegation at the Rome Conference – one can only conclude that, at least in its most serious expressions, human trafficking should be qualified as a crime against humanity, both under general international law and the Statute of the ICC.

3. Conclusions

One final comment has to be made. The universal nature of crimes against humanity as crimes under international law imposes an obligation on all States to enact appropriate legislation in order to prevent and repress their commission, and to prosecute persons allegedly responsible for their commission. This obligation also implies a duty to identify the manifold features of contemporary human trafficking in order to define and harmonize offences as between national jurisdictions, with a view to enhancing international cooperation both for preventing and repressing a phenomenon which can only be addressed through the coordinated effort of all States. Harmonization and definition should be addressed, in particular, when a State enacts legislation incorporating the Statute of

¹⁴ M. Jarvis, *An Emerging Gender Perspective on International Crimes*, in Boas & Schabas (eds.), *International Criminal Law Developments in the Case Law of the ICTY*, Leiden, Boston, 2003, p. 157 ff.

¹⁵ See G. Mettraux, *International Crimes and the ad hoc Tribunals*, Oxford, 2005, at p. 175 ff. and p. 243 f.; Boot, *Genocide, Crimes Against Humanity, War Crimes*, Antwerp, 2002, at p. 500 ff.; C. Rathgeber, *The Victimization of Women through Human Trafficking – an Aftermath of War*, in *European Journal of Crime, Criminal Law and Criminal Justice*, 2002, p. 2 ff.; O. Swaak-Goldman, *Crimes against Humanity*, in McDonald & Swaak-Goldman, *Substantive and Procedural Aspects of International Criminal Law*, The Hague, London, Boston, 2000, vol. I, p. 141 ff.

the ICC at the domestic level, as required by the Statute itself, in light of the cooperation that States must provide to the Court under the principle of complementarity¹⁶. It is regrettable that some States have delayed this process or have not addressed it properly, and that Italy in particular has still not enacted domestic legislation to comply with the requirements of the Rome Statute several years after its entry into force¹⁷.

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¹⁶ The ICC has jurisdiction only when national systems are “unwilling or unable genuinely to carry out the investigation or prosecution” over the crimes within the jurisdiction of the Court (Article 17).

¹⁷ The Treaty was ratified on 12 July 1999 by Law no. 232 (in *Official Journal, Supplement*, no. 167, 19 July 1999).

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3

Trafficking in Human Beings: Uniform Definitions for Better Measuring and for Effective Counter-Measures

Kauko Aromaa

Abstract: Monitoring trafficking in human beings for sexual or other forms of exploitation is at present difficult because of the lack of common definitions and measuring rules, but also because of a general lack of adequate records of the phenomenon. Reasonable measurement would need to combine law enforcement and NGO sources for a fuller and more complete review of the phenomenon. It is suggested that the Dutch trafficking reporting system be taken as a starting point for developing improved monitoring systems.

1. Introduction

Considering that trafficking in human beings is not a recent phenomenon (more than 100 years of international concern has been recorded), it is odd that more has not been done about its measurement. This is striking given that, as early as 1913, a broad coalition of antitrafficking groups agreed in Madrid on a joint agenda of future action which, among other objectives, included the creation of a global databank on victims of trafficking (Scully, 2001)¹.

It is generally recognised that the development of a comprehensive counter-strategy to trafficking in human beings is seriously hindered by difficulties related to the scarcity, unreliability and non-comparability of existing data in the various countries (Mon-Eu-Traf II (STOPII), 2004)².

¹ Scully, E. (2001). Pre-Cold War Traffic in Sexual Labour and Its Foes: Some Contemporary Lessons. In: D. Kyle and R. Koslowski (Eds.): *Global Human Smuggling*. London: Johns Hopkins University Press.

² Mon-Eu-Traf II (STOPII). (2004). *A Study for Monitoring the Trafficking of Human Beings for the Purpose of Sexual Exploitation in the EU Member States*, edited by Andrea Cauduro and Andrea Di Nicola. Final Report. Brussels: European Commission.

There is also general consensus on there being a need for a structured monitoring system of crime in this sector, which assesses and quantifies this illegal activity and provides the same set of quantitative and qualitative data for different countries of the world. A request for such a monitoring system was made by the United Nations in their Protocol on trafficking in human beings (United Nations, 2000)³. It is stated that these data and information should be collected using standardised procedures and processes, using the same methods, so that they are as reliable as possible and can be effectively compared between countries. A body of information of this kind would yield profound knowledge on the problems and circumstances of people involved in the trade. The data could then be analysed with the overall goal of devising new solutions at both the national and international level.

This may indeed be desirable. However, it is far from likely that the desired state of affairs will emerge very soon. In the meantime, the implementation of relevant and effective policy measures should go ahead without waiting for an improved system of measurement. At this level, collecting and comparing “best (or good or promising) practices” would be a very useful way to get ahead, while waiting for better data, which may take longer than we perhaps expect.

In this context, it is relevant to mention a related example. A recent Council of Europe project was able to define a number of promising novel approaches to combating organised crime, despite a similar problem of unsatisfactory, incomparable measurement of organised crime across member countries (Council of Europe, 2004)⁴. This is particularly relevant in the present context since trafficking in human beings, which differs from human smuggling, resembles (other) organised crime in many respects (Spencer, Aromaa, Junninen, Markina, Saar, J. and Viljanen, 2006)⁵. In effect the Trafficking Protocol of the Palermo Convention explicitly mentions trafficking as an organised crime problem.

How uniform the relevant trafficking-related definitions need to be may also be a relative issue. Consider the situation in regard of many, or most “traditional” crimes, where fully uniform definitions are equally

³ United Nations 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol; A/RES/55/25).

⁴ Combating Organised Crime. Best practice surveys of the Council of Europe. (2004). Strasbourg: Council of Europe Publishing.

⁵ Spencer, J., K Aromaa, K., Junninen, M., Markina, A., Saar, J. and Viljanen, T. (2006). Organised crime, corruption and the movement of people across borders in the new enlarged EU: A case study of Estonia, Finland and the UK. HEUNI Papers No. 24. Helsinki: The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI)

lacking: even such a seemingly simple matter as homicide has not been defined identically across jurisdictions, and yet we are able, to quite a significant extent, to make measurements and estimations, as well as to design counter-measures. Definitions and measurement are of course not irrelevant; but to require perfection from them may be counter-productive.

It is quite another matter that for significant political action to take place, (seemingly) reliable quantitative estimates are typically demanded, as any reallocation of control or support resources is done in the face of competition, where the “larger” social problem is likely to receive more than the “smaller” one. It is rather for this reason that formal definitions, accurate measurement and the like are required.

Yet, in order to achieve a significant improvement of this state of affairs, the first step must deal with the issue of definitions. This paper discusses issues related to definitional matters. I am not going to propose a set of new standard definitions. It suffices to agree that it is not possible to collect information and measure a phenomenon across countries without an agreement on definitions. Divergences in the definitions of the relevant criminal offences also impair the collection and comparability of data on trafficking for sexual exploitation.

2. Trafficking Provisions

As to definitions, these have also varied over time. For the present purpose, it is convenient to recall the definition given in the trafficking protocol of the Palermo Convention; I’ll briefly describe just one example of a national regulation⁶ based on this, the one adopted in the Finnish Penal Code⁷, which also complies with European Union requirements. This provision contains two basic elements.

The first one discusses the methods by which trafficking can be carried out: this can be done

- by exploiting the dependent status or helplessness of another person;
- by defrauding someone or exploiting his/her misunderstanding;
- paying a remuneration to a person keeping another person in his power, or receiving such remuneration.

In an aggravated case, trafficking can take place by using, instead of or in addition to the previously mentioned methods, violence, threats or deceit.

⁶ paragraphs 3 and 3a of the Finnish Penal Code, passed 9.7.2004.

⁷ i.e. that the *intention* of exploitation is sufficient.

The aggravated case, furthermore, comprises situations where another person is deliberately or through gross neglect made to suffer serious bodily harm, a serious illness, or danger to life, or other very significant suffering. A further aggravated variant is if the offence is directed at somebody who is less than 18 years of age or whose ability to defend him/herself is significantly reduced. Also, if the offence is committed as part of the activities of an organised criminal group, this is considered to be an aggravated case of trafficking. And last, slavery-related activities are always aggravated cases.

The second element in the law defines the trafficking itself: to take somebody in his power, to recruit someone, to deliver, transport, receive or accommodate someone in order to subject him/her to sexual exploitation [as defined in the relevant stipulation of the Criminal Code], to forced labour or other circumstances that violate human rights, or in order to remove tissues or organs, with the purpose of economic profit.

Furthermore, if the person concerned is below 18 years of age, then the act described in the definitional element is trafficking even where none of the methods described in the first point have been resorted to.

It has been noted that national law, where the approach of the Trafficking Protocol of the Palermo Convention has already been adopted, does not define trafficking in a fully uniform way across countries, even though the model has been taken from the same basic sources. This lack of uniformity - to say nothing of situations where national law has not yet been revised according to these principles⁸ - has given rise to complaints concerning difficulties of international co-operation in investigations: there are serious obstacles to co-operation if the crime definitions are broader in one country than in another. If investigations are hampered, then data collection also suffers as the scope of behaviour comprised in the different national data sources is dissimilar.

The difficulty here may be related to the particularly complex character of the offence: “trafficking”, like for instance “organised crime”, is a complex concept, not as readily suitable for counting in the same way we are able to count, say, corpses, or persons killed. The situation where a crime is characterised by an absence of unity in respect of time, place, perpetrator and activity makes the counting exercise particularly demanding. The dilemma is quite similar to measurement problems related to organised crime⁹. And

⁸ This observation would indeed underline the need for a rapid introduction of relevant provisions in many European jurisdictions.

⁹ How has the organised crime problem of measurement been solved? In the Council of Europe, an expert group on organised crime (1997-2003) tried to cope with the counting and definitional problems when putting together organised crime situation reports from

on top of the observable behaviour, the crime also requires the subjective purpose (“in order to”) and the profit motive.

Whether it is satisfactory to solve the dilemma in a similar fashion as with the Council of Europe organised crime situation report, would depend on the relevant interests of knowledge: what is it necessary to know about trafficking in human beings in order

- (1) to organise and target the counter-work, for
- (2) designing cost-effective counter-measures, for
- (3) planning and carrying out control, and for
- (4) identifying the victims and for
- (5) meeting their needs?

Obviously, these are five different questions with a different focus. The answers, consequently, are also likely to be different. The core difference is related to the question whether the interest is directed at

- prevention of victimisation and victim protection or
- exploitation and organised crime prevention and control.

It is a fair expectation that criminal reports should be drafted in a form that allows for concrete interpretations at law enforcement level - it is at this level that decisions regarding interventions and recording are taken, and abstract formulations may practically speaking prohibit both effective measures, and, indeed, a sensible observation and recording of the target phenomenon. Some recent criminal law amendments in Finland - and obviously in a number of other EU member states and other countries - have been designed in a way that does not meet this simple basic requirement very well. One example is the provision criminalising membership of criminal organisations; another is trafficking in human beings.

In practical terms, there has not been much experience of how the relevant trafficking provisions can be applied and /or where possible weaknesses in the investigation methods may be found. This data source would mainly be recording and counting trafficking offences, criminal

European countries. A great diversity of reporting was found and therefore very different figures for the volume of organised crime groups and of the persons involved were reported. The closest to repeatability that was found was for a few countries that had pragmatically decided to apply the logic of counting “investigations”. This may be a realistic solution, recalling that law enforcement statistics actually are and continue to be, in the first place and by the nature of their production process, **working statistics** of law enforcement bodies, and only in a secondary sense descriptions of “crimes” that occurred and were observed and reported to occur in the field.

group involvement, investigations. Typically, law enforcement sources have had little to give with regard to victim issues. As far as trafficking is concerned, they have not succeeded in capturing very many cases, either. This, however, does not necessarily mean that criminalisation as a piece of legislation is at fault, but rather indicates the existence of other problems, such as the elusive nature of the target and the massive difficulties of securing victim-witness co-operation.

In order to get some first-hand orientation, I have interviewed a few Finnish police investigators who have had at least some experience in trying to work with the new legislation in practice. One police officer thought that the legal definitions are very useful: as they are very broad,

“it is easy to find at least something that you can pin on them”.

There are practical difficulties such as that

“it is hard to get timely information from abroad, partly because definitions are not identical; it may take months to get a reply, and in the meantime we’ll need to let them go”.

One investigator pointed out that co-operation is hard to get as

“victims do not want to be defined as victims”.

Furthermore, it was seen as a fundamental problem that

“at the border, the offence has mostly not yet taken place, so what can you do?”

The respondent was very clear about this:

“Only if the victims have been forced, they may seek help already at the border. But even then, intimidation and the negative experience they have with the authorities may prevent this.”

Another investigator noted that

“internal trafficking is harder as we can only find out about that by special intelligence and surprise raids, both requiring a lot of resources and impossible to keep up as a standard approach.”

Professional scepticism also came into the picture, as one respondent said it is a major problem that in the face of unclear evidence one remembers that

“asylum is also often misused”.

Considering that these interviews were made only in passing, the reactions would encourage a broader and more systematic utilisation of police investigator experience with the object of studying the pitfalls of existing

trafficking legislation, in order to understand what the shortcomings as to its implementation may be and what, perhaps, could be done to eliminate them.

The first type of information, as explained above, was the authorities' working statistics. The second type of information source is NGOs together with authorities whose focus is on (illegal) immigrants (immigration authorities, border guard). Their common denominator is that each deals with potential or presumed victims.

It is the co-operation between law enforcement and victim-focused NGOs providing support for victims that achieves better results, both in controlling trafficking and helping the victims. In effect, a key issue for investigations is the victim's co-operation because without the statements of victims, an investigation is on a fragile basis. As a policeman explained:

"it is very hard to identify a victim who does not co-operate, or, as often happens, denies his/her victim status, does not accept our view of him/her as a potential or real victim. Then he/she has no reason to co-operate, on the contrary, he/she will try to escape, even though we are trying to help him/her. It is also clear that if the victim's role is not beneficial to the presumed victim, he/she will have no reason to come to us - all we then do is send him/her back and he/she knows this. The only way to improve this situation could be if we would adopt a solution where the victim status is accompanied by some significant benefits - such as a permit to stay in the country, witness protection schemes, etc."

NGOs may be compiling some kind of working statistics about their clients, visits, and measures taken - by their nature these are working statistics similar to police statistics. Volume estimates are indeed often derived from such sources. What is being counted is incomplete and heterogeneous, and therefore, hard to interpret or even to add together. It would be desirable if NGOs could adopt some shared counting rules, starting with shared definitions that are suitable for their work and can be derived from it, in the context of client routines. They should agree on who is a client and when there is a [suspected] trafficking victim. Counting rules and definitions go hand in hand— for, in order to count victims, we need to have definitions of how to count them. Also we need to agree on what other issues could be counted that can be derived from the victims, and how far the NGO or the victim-focused authority can go when trying to make the presumed victim disclose facts about the exploitation process, the exploiters, routes and methods of recruitment, transport, hideouts, about routes, other victims involved, etc.: the presumed victim is a potentially valuable informer who sometimes may be very knowledgeable, sometimes very ignorant. This observation means that we need to define what information an NGO and a victim-focused authority should try to collect as a standard routine.

3. The Problem of Data and Sources

Speaking of data. The major problem in studying and combating trafficking in persons is the scarcity, unreliability, and non-comparability of existing international and national data. Accurate information especially on the volume of the crime does not exist. Some of the major reasons for this are (Lehti and Aromaa, 2006)¹⁰:

- 1) The absence of comparable statistics on reported crimes, indictments and court cases, as well as of the numbers of victims involved [also, our traditional crime statistics are strikingly poor with regard to information on victims]
- 2) The heterogeneous criminalisation of the crime of trafficking in women/ human beings in the legislation of nation states
- 3) The characteristics of trafficking (as organised - and in part transnational - crime), which result in a high dark number and make trafficking hard to identify, to control. and to prevent (i.e. because this crime is, for several reasons, not readily reported to the police; and because police have few other possibilities of finding out about such crimes - they may try to work proactively and make raids in suspected places of accommodation or work of trafficked/exploited persons but this is rarely done and consumes a lot of resources¹¹);
- 4) The weak legal status of the victims in the legislation of most nation states, which contributes to their reluctance to report the crimes or to co-operate with the authorities during the investigation and court proceedings;
- 5) The inconsistent use of the concept of trafficking in women/ persons in both international and national context.

Not only do the definitions differ from country to country and from scholar to scholar, but there is also a major lack of comparable quantitative and qualitative data regarding different countries and collected and processed using similar definitions, procedures and methods. The obvious consequence of this lack of data is a lack of standardisation: scholars studying these issues have had to resort to indirect sources and to construct their own operational models in order to get at least a little closer to the elusive target, as direct and uniform data cannot be found.

¹⁰ Lehti, M. and Aromaa, K. (2006). Trafficking for Sexual Exploitation. In: M. Tonry (Ed.), *Crime and Justice. A Review of Research*. Vol. 34. Chicago and London: The University of Chicago Press (forthcoming).

¹¹ see the comments received in interviews with police (passage 5 above)

Therefore, the present situation is NOT a signal of failure but, on the contrary, rather indicates that many bright minds have been concentrating on this challenging topic for quite some time.

Despite a certain improvement in recent years, the statistics and research both on illegal immigration, prostitution - both often used as proxies when assessing trafficking -, and trafficking continue to remain highly unsatisfactory even inside the European Union where a uniform definition has been agreed upon, along the lines of the TOC Protocol, to say nothing about the situation at international/ global level. Very little is known about numbers of illegal migrants or migrating prostitutes who may have used the services of traffickers and/or may have been exploited by them. Similarly, hardly any data are available about the numbers and characteristics of individuals working in/for criminal groups involved in trafficking. The problem becomes even worse if one tries to obtain statistics on the numbers and characteristics of the various categories of trafficked persons. Hence, even in the EU member countries, at the moment only estimates are obtainable about the extent of trafficking in persons and in most cases it is not clear how these estimates have been reached. The situation at the international level is even more obscure.

According to a study conducted by the IOM in Europe in 1998 (IOM 1998), the main sources of data on the phenomenon were the statistics of the police, border guard authority, and [im]migration authority. The situation has not changed much or at all in the last seven-eight years. According to the second Mon-Eu-Traf study conducted in 2004, information on trafficking in the EU member countries was still mainly obtained either from general crime statistics or from general migration statistics, and usually scattered in several different - often non-comparable - national databases. According to the IOM study, 18 out of the surveyed 25 countries had no data at all on trafficking in children, 13 had none on trafficking in women, and 11 none on trafficking in general. Only 11 countries had statistics on the number of convictions for trafficking (IOM 1998). Furthermore, in several countries, the existing databases are - at least partly - confidential, and their information cannot be utilised for any other purpose than an investigative one (Mon-EU-Traf II). On the other hand, because the databases are created for other objectives besides criminological research or situation assessments, or the research of trafficking, the collected data is usually overly general, non-specific. The same data forms are used for every offence, which means that crime-specific data is usually not collected at all. The other major shortcoming in the crime statistics data is that their main focus are on offences and offenders; information on victims or circumstances are rarely recorded. However, the numbers and characteristics of the victims are of utmost

importance not only for understanding trends in trafficking but also for producing reliable estimates of the total of trafficked persons, and hindering/preventing/disturbing the trafficking process. In the present situation, this kind of data are practically non-existent in Europe or in any other region.

The role of NGOs is often viewed as being highly relevant for learning about trafficking. Systematised data bases kept by NGOs are according to the Mon-EU-Traf study (2004)¹² rare in the EU member countries, and it may be assumed that they are not common elsewhere either; however, some Eastern European source/transit countries have been encouraged and supported to develop special anti-trafficking programmes where data are also collected. In many countries (such as Finland, Italy, the Netherlands, Spain) NGOs possess significant information, but the problem is, on one hand, how this information could be made available for research and co-ordinated with the data from other sources— and, on the other, how NGOs could agree on standard recording and reporting principles, procedures, definitions and classifications when this seems to have been impossible even at the authority sources level.

If this, however, could be done, the result would be more and better information on the numbers, characteristics and needs of victims - and, perhaps, also on the trafficking process and the traffickers and their *modi operandi* and organisations, and the money involved, and the modes of exploitation. NGOs could provide not only highly detailed qualitative information on victims but also quantitative data on, for example:

- a) the number of trafficked women/persons who come into contact with NGOs every year;
- b) the ratio between trafficked women/persons and foreign prostitutes and other clandestine workers;
- c) the number of trafficked women/ persons granted staying permits under social protection programmes.

This is information that should be secured and data that should be gathered on the basis of common standards among NGOs, and disseminated for research and policy purposes. At the moment, the data collecting and storage systems of most NGOs working in the field in Europe are unsatisfactory. Outside Europe, the problems are identical: dissimilar definitions,

¹² Mon-Eu-Traf II (STOPII). (2004). A. Cauduro (Ed.), A Study for Monitoring the Trafficking of Human Beings for the Purpose of Sexual Exploitation in the EU Member States. Final Report. Brussels: European Commission.

non-comparable, poor and scattered data sources, and a very large number of estimates whose origins are obscure (Mon-Eu-Traf II).

How NGOs could improve their act in this respect is also not clear. Traditional police work often does not value systematic data collection, complaining that this is “just for the statistics”. Very similarly, there may often be even less motivation among NGOs for developing a uniform recording and reporting outline. This is because they are preoccupied with helping the victims rather than collecting data for research and policy purposes, usually seen as something that cannot be their responsibility. The problem may also be inflated since NGO staff and volunteers mostly have no professional qualifications in data collection and the production of statistics.

If this is the case, external support, recommendations and material support by governments for NGOs to secure valuable data would perhaps be called for - otherwise it is likely that there will be little progress in this matter.

Serious problems are to be found not only in the organisation of statistics, quantitative data and estimates but also in the collected qualitative data and information. The most detailed information on characteristics of trafficked persons are to be found in the IOM and UNICRI surveys on the situation in the former Socialist countries and in some African and Asian countries (IOM 2000-2004; Trafficking of Nigerian girls to Italy 2004; Travnickova 2004), as well as in the Mon-Eu-Traf studies, the latter of which comprised most of the “old” EU countries (EU15). However, this information also (even at its best) is based on a very small number of cases and victims and covers only short periods of time. Some authors have also criticised the studies because of the uncritical way they treat their sources. The narratives of interviewed victims are usually accepted at face value and their stories and claims are not controlled or checked in any way (Legget 2004, 3). It should also be noted that most of the studies available are focused on the situation in the former Socialist countries. It is not self-evident - not even likely - that one can generalise the information and research results from these places to apply to the phenomenon as a whole all over the world.

Despite their shortcomings, the IOM and UNICRI studies are at the moment the most reliable overview sources on the situation in various countries. Another widely cited source is the annual Trafficking in Persons Report of the US State Department. It is put together using local contacts and sources and the data it includes are, thus, of uneven quality.

4. Conclusions

As long as both the quantitative and qualitative information on trafficking in persons is scarce, unreliable and non-comparable, it will be difficult to develop effective and efficient counter-strategies even regionally, not to mention at the international level. The emphasis, in respect of the control of all forms of organised crime, is at the moment on reducing the legal and illegal opportunities for criminal activities. What is essential for reducing these opportunities is a profound knowledge of the ways in which illegal activities develop/ emerge; in the case of trafficking in persons this requires readily accessible, up-to-date, comparable qualitative information - intelligence - on the whole trafficking chain - recruitment, transportation, exploitation, organisations, clients, victims (Mon-Eu-Traf II).

The data collection model which could be used with minor adjustments as a basis for a comparable European, and even international, database is that adopted in the Netherlands. There, the Dutch national rapporteur's report provides a rather comprehensive overview of the situation Council of Europe, 2004)¹³. The information is, among other sources, derived from an official confidential database called the Central registration of victims of trafficking, which is being kept by the Foundation against Trafficking in Women (STV), a non-governmental organisation. Police have to report every victim they encounter to the STV, which collects in a computerised database information, for instance about the gender, age, country of origin, language, children, travelling documents, place of residence, form of prostitution, age of recruitment, legal assistance in the Netherlands, number of asylum requests and grants of the victims. In addition, the database records requests for financial compensation, if the victim is in the Netherlands, and if not, the reason for his/her return; return assistance is also recorded.

Appendix

In the relevant literature where volume estimates have been presented, prostitution seems to be a major concept. Thus, many estimates start out from a count of prostitutes (also undefined!) and then presume that some acceptable percentage of these have "probably" been trafficked. Forced labour is very often a non-issue.

¹³ Co-operation against trafficking in human beings. (2004). In: Combating Organised Crime. Best Practice Surveys of the Council of Europe, 213-245. Strasbourg: Council of Europe Publishing.

Existing work such as the STOP reports suggests just three basic kinds of indicators, each of which requires an underlying definition:

- 1) yearly number of victims
- 2) yearly maximum turnover from the sale of trafficked people to exploiters, i.e. the profits (should be proceeds) of criminals who transfer foreign persons from one country to another in order to procure prostitutes for exploiters in destination countries,
- 3) yearly maximum turnover from the sexual exploitation of persons trafficked.

For these, we would need to have acceptable working definitions of victim, exploitation, trafficker, proceeds/profits, price of smuggling/transportation + related services,

How to recognise potential victims is a prevention and assistance issue, how to count them is a definitional and counting rules issue. One could count daily cross-sections or annual flows (like with prisoner counts). Unresolved however remains the question of how to deal with irregular, part-time, or recurrent exploitation. Other definitional and counting issues reflect dilemmas such as

- who are traffickers? Are traffickers all persons who participate in the process at any stage?
- should only cross border or transnational trafficking be counted? How should one count a trafficking chain crossing several borders, with source, transit and destination countries? Different estimates use different solutions.
- how should proceeds be counted? Perhaps similar solutions could be developed to those applied to the drug money problem - where also significant difficulties and inconsistencies are the rule

In our assessment of what is known about trafficking, we can distinguish quite a lot (implicit) operational models linked to the phenomenon. This is true despite the fact that there is, in principle, a commonly accepted definition of trafficking that is typically derived from the TOC trafficking protocol. Thus, a standard definition does exist but figures/counts and qualitative descriptions are not derived from this definition. Instead, as is normally the case, different kinds of “proxies” are used that are thought to be useful operational models linked to the different aspects of trafficking.

It is also true of course that not everybody is strictly adhering to the identical definition, as national law often does not recognise the offence at all - as was the case in most European countries just some years ago. Also, the definitions adopted in existing national legislation

are not always strictly identical with the TOC protocol definition. The TOC protocol definition is also quite complex - this resembles the law enforcer's dilemma with organised crime which is often solved by saying "it is difficult to define it in exact operational terms, but we recognise it when we see it - we know what it is when we see it". This will of course result in non-uniform recording and measurement.

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4

Collecting Data on Human Trafficking: Availability, Reliability and Comparability of Trafficking Data

Kristiina Kangaspunta

Abstract: During recent years, there has been a boom in information on trafficking in persons. However, reliability of data remains a problem with most data sources. If figures on trafficking are given, they are often based on estimates of the level of trafficking and, usually, no explanation is given on how these figures were calculated. In many cases, they are used for advocacy or fund-raising purposes. Data collection on human trafficking is complicated and reliable data is still difficult to find.

1. Introduction

Some existing data collection initiatives gather information globally¹. These initiatives usually focus on legislation, victim assistance, trafficking routes and other related information. Because of the nature of the information, in most cases data is not comparable. There are well known problems that are common to all efforts to gather comparative data on crime, such as imprecise definitions, improper classifications and differences in units of measurement. With “new forms of crime”, such as trafficking, most of the traditional methods of collecting data cannot be applied.

One of the major hurdles to undertaking a comparative analysis is the lack of specific legislation on trafficking in persons. This leads to the absence of official criminal justice statistics on human trafficking cases

¹ E.g. Innocenti Research Centre of UNICEF; ILO; UNESCO; IOM; UNHCR, The Protection Project at the Johns Hopkins University School of Advanced International Studies; and Trafficking in Persons Reports of the Department of State of the United States of America.

including the number of police-recorded crimes, and number of persons prosecuted and convicted. In countries where legislation on trafficking in persons is available, the legal definitions may vary from one country to another and official statistics may include only some types of trafficking crime.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime², adopted in November 2000 by the United Nations General Assembly, has improved the situation because, for the first time, the international community has adopted an agreed definition of human trafficking³. Several countries have already reformed their legislation in order to comply with the definition. It can be expected that this will lead also to more harmonized practice in recording crime, allowing collection and comparison of trafficking data.

The Convention against Transnational Organized Crime is also supplemented by the Protocol against the Smuggling of Migrants by Land, Sea and Air⁴, including a definition of such smuggling. It is important to stress the difference between the definition of human trafficking and migrant smuggling is important to stress because in some countries there is no clear distinction between trafficking and smuggling cases, either administratively or in official statistics. This is usually due to the lack of clear legal definitions of these crimes and could result in the under-recording of trafficking crimes as the police might prefer to categorise some of trafficking cases as smuggling crimes. Often, the collection of evidence on crimes related with the smuggling of migrants is easier than obtaining evidence on offences related to trafficking in persons. Few countries publish official statistics on trafficking cases, making the global comparison of these statistics very difficult.

² Full text of the Convention and the Protocols can be found at: http://www.unodc.org/unodc/en/crime_cicp_convention.html

³ “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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. (A/RES/55/25)

⁴ “Smuggling of migrants” shall 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. (A/RES/55/25)

2. Statistics

Even though official crime statistics do not reflect the actual levels of crime, they can give valuable information on the operation of criminal justice systems. In some countries, crime statistics on trafficking in persons are published regularly⁵. Interesting results can be drawn from this data, particularly at the national level, on the flow of cases through the criminal justice system. However, comparative analyses involving several countries would need a careful analysis of the corresponding legislation, statistical practices and differences in defining criminal incidents in countries involved (Joutsen, 1998)⁶.

The existence of hidden numbers of crime, including all those crimes which are not reported to the authorities, is a well known phenomenon. These figures include, particularly, cases of rape and violence against women. For such crimes, victimization surveys give more reliable figures on the true level of crime. In these surveys, a sample of people are asked about their victimization experiences over a certain period of time. International Crime Victim Survey (ICVS) (Alvazzi del Frate, 2003)⁷ and International Violence against Women Survey (IVAWS) (Mouzos and Makkai, 2004)⁸ are examples of such research.

Even though general victimization surveys can give a better understanding of the levels of crime, they cannot be used to collect data on the number of trafficking victims because, as far as we are aware, the crime is generally not common enough to be represented in a small sample of the population. However, a focused victimization study on trafficking experiences could be carried out among, for example, young women from developing countries returning from abroad. Several analyses have been made of data collected from clients of service-providers. A good

⁵ See, for example, *Trafficking in Human Beings*, First (2002), Second (2003), Third (2005) and Fourth (2005) Report of the National Rapporteur, NRM, Den Haag: Bundeskriminalamt, *Trafficking in Human Beings: Situation Report 1999 - 2004*; Situation Report no 1-5, *Trafficking in Women*, National Criminal Investigation Department, National Criminal Intelligence Service, Illegal Immigration Unit, RKP, KUT Rapport, 1998 – 2002, Sweden.

⁶ See Joutsen, Matti, *Introduction in Kangaspunta*, Joutsen, Ollus (ed.), *Crime and Criminal Justice Systems in Europe and North America 1990-1994*, HEUNI, 1998, Helsinki.

⁷ See Alvazzi del Frate, Anna, *The voice of victims of crime: estimating the true level of conventional crime*, *Forum on Crime and Society*, Vol 3, Nos 1 and 2, Decemebr 2003, UNODC.

⁸ See <http://www.heuni.fi/12859.htm>; Mouzos, Jenny & Makkai, Toni, *Women's Experiences of Male Violence. Findings from the Australian Component of the International Violence Against Women Survey (IVAWS)*. Australian Institute of Criminology, Research and Public Policy Series No. 56, 2004.

example of such an initiative is the data collected by the International Organization for Migration (IOM) using a standardized methodology (Laczko, 2002)⁹.

When estimating the hidden number of trafficking crimes, keeping in mind that the majority of known trafficking victims are women (UNODC, 2006)¹⁰, it might be informative to look at the reporting practices of women in general and their relationship with affluence. When reporting practices of women are compared with the human development indicators, it can be noted that women from less developed countries tend to report less in general than women who live in more affluent countries (figure 1). Trafficking victims are usually recruited from poor countries where women are reporting fewer crimes. In addition, trafficking victims are often even more reluctant than other victims to report crimes because of the fear of retaliation by traffickers or deportation by authorities. It can therefore be expected that most trafficking crimes of this nature never come to the attention of authorities.

So far, trafficking of women and children, particularly for sexual exploitation, has dominated national and international discussions concerning human trafficking. Trafficking for forced labour has received limited attention, and the identification of trafficking victims who are exploited through forced labour has been even less successful than in the case of sexual exploitation. In addition, the identification of male victims who might be expected to be trafficked for forced labour purposes has not been successful in many countries.

One reason for low numbers of reported cases involving forced labour and male victims is connected to trafficking legislation which, in many countries, is restricted only to sexual exploitation. In this case, forced labour cases are not classified as human trafficking crimes and, as a result, they are not included in statistics or reports. In addition, many victim support organizations provide services only for women and child victims. So it could be assumed that the number of male victims particularly trafficked for forced labour is under-estimated. In some countries where the trafficking legislation covers also labour exploitation and services are

⁹ See Laczko, Frank, Human Trafficking: The Need for Better Data. Migration Information Source. Data Insight, 2002. <http://www.migrationinformation.org>; Omelaniuk, Irena, Trafficking in persons: nature and logistics, Case study –Balkans. Presentation at the ISPAC Conference on “Trafficking: Networks and Logistics of Transnational Crime and International Terrorism”, Courmayeur, Italy, 2002.

¹⁰ United Nations Office on Drugs and Crime, Trafficking in Persons: Global Patterns, UNODC, 2006, Vienna, Austria.

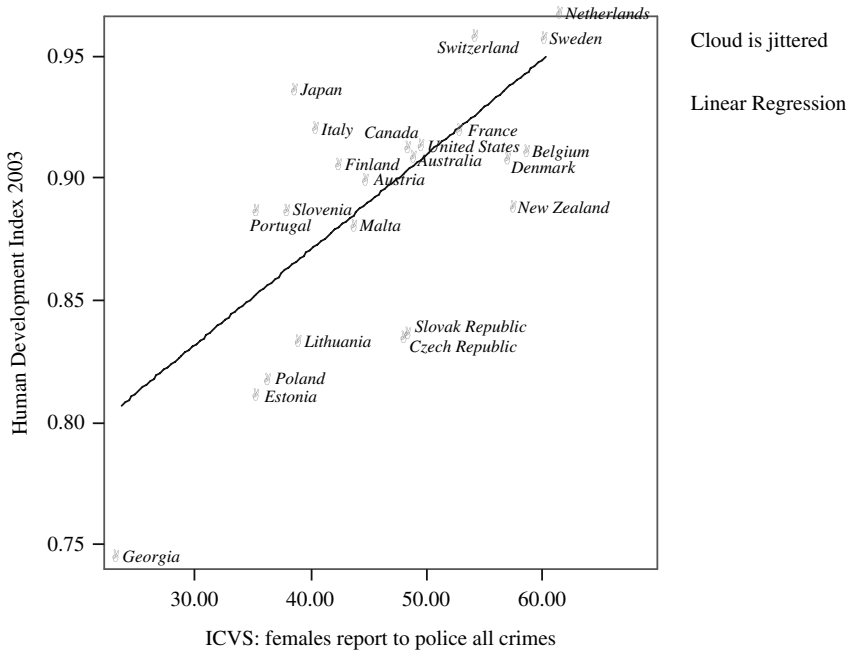


FIGURE 4.1. Crimes reported to the police by women by Human Development Index (Kangaspunta, 2005)¹¹.

not restricted to women and children, several male victims have entered the victim protection programmes¹².

3. Collecting Global Data

Despite the many complications in collecting data on human trafficking, UNODC has recently made its first attempt at collecting and analyzing data at the global level. The Global Database on Trafficking Trends was

¹¹ Kangaspunta, Kristiina, Data Collection on Human Trafficking, Presentation at the high-level panel entitled “Remaining challenges in relation to statistics and indicators, building on the discussions at the high-level round table organized in the 48th session of the Commission on the Status of Women 2004 as well as available data from the World’s Women: Trends and Statistics (2005) and the World Survey on the Role of Women in Development 2005” held during the 49th session of the Commission on the Status of Women, 2005, New York.

¹² See European Commission, Research based on case studies of victims of trafficking in human beings in 3 EU Member States, i.e. Belgium, Italy and The Netherlands, Commission of the European Communities, DG Justice & Home Affairs, Hippokrates JA/2001/HIP/023.

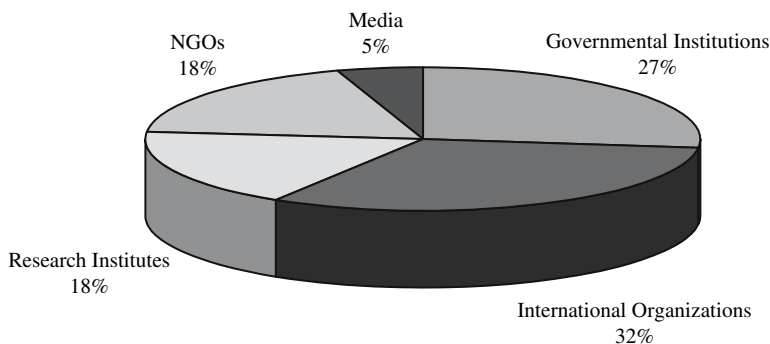


FIGURE 4.2. Reported human trafficking information by classification of the source¹⁴.

established under the Global Programme against Trafficking in Human Beings (GPAT) of the United Nations Office on Drugs and Crime (UNODC) in order to systematically collect and collate open source information on trafficking in persons¹³. A broad range of sources was scrutinized for information on trafficking trends and routes, victim's and offender's characteristics and criminal justice responses. The main sources include official reports from governments, information disseminated by inter- and non-governmental organizations, research reports, conference material and media reports (Figure 2).

The database collects both qualitative and quantitative information about human trafficking. Data was provided on 161 countries and special administrative territories by 113 source institutions including over 400 documents. If a country was mentioned once in a document generated by one source institution as either a transit, origin or destination country, it appears in the Trafficking Database. In the same way, each time a variable (for example, whether the victims were children or adults; male or female; whether exploitation was in the sex sector or labour market; whether the offender was male or female) was mentioned, it was entered once in the Trafficking Database.

When analyzing the information included in the database, a citation index was built as a tool by which variables included in the database were analyzed. The index indicates the number of sources reporting an information variable concerning a particular country according to a 5-point scale, from very low to very high, in comparison to all other

¹³ See Kangaspunta Kristiina, Mapping the inhuman trade: Preliminary findings of the database on trafficking in human beings, Forum on Crime and Society, Vol 3, Nos 1 and 2, Decemembr 2003, UNODC

¹⁴ United Nations Office on Drugs and Crime (2006), Trafficking in Persons: Global Patterns, UNODC, Vienna, Austria, p. 37

countries (e.g. information indicating that a specific country or territory is an origin, transit or destination of trafficking in persons). In other words, the citation index allowed the categorization of countries by using a citation category from very low to very high. Based on the citation index, 161 countries could be categorized as very high, high, medium, low or very low as countries of origin, transit or destination.¹⁵

The results of the analyses of the UNODC database, published in the UNODC report on *Trafficking in Persons: Global Patterns* in 2006, are hardly surprising, as they mainly confirm already existing knowledge. Victims are typically recruited from poor or politically and economically unstable countries, transported through countries that provide geographically expedient routes and exploited in more affluent parts of the world. Where the compiling of reported information does break ground is in confirming that trafficking in persons touches nearly all countries in the world. In the database, 127 countries were reported to be origin countries, 98 transit countries and 137 destination countries. At the regional level, the Commonwealth of Independent States, Central and South Eastern Europe, West Africa and South-Eastern Asia are the most reported origin regions. Countries within Central and South Eastern Europe and Western Europe are highly reported transit regions, and countries in Western Europe, North America and Asia, particularly in Western Asia, are reported more frequently as destination countries.

According to the citation index, the following eleven countries score very high as countries of origin (listed in alphabetical order): Albania, Belarus, Bulgaria, China, Lithuania, Nigeria, the Republic of Moldova, Romania, the Russian Federation, Thailand and Ukraine. Six countries score very high as transit countries (in alphabetical order): Albania, Bulgaria, Hungary, Italy, Poland, and Thailand. Ten countries score very high as destinations for trafficked victims (in alphabetical order): Belgium, Germany, Greece, Israel, Italy, Japan, the Netherlands, Thailand, Turkey and the United States of America.

Adult women are most frequently reported to be victims of trafficking, followed by girls, children, boys and men. When combined, the categories, 'children', 'girls' and 'boys' comprise almost one half of those sources reporting details of victims in the database.

The purpose of human trafficking is reported to be mainly sexual exploitation in all regions. However, there are regional differences in the reporting of sexual exploitation and forced labour. In Central and South Eastern Europe, Latin America and the Caribbean, Western Europe and the Commonwealth of Independent States, sexual exploitation is very

¹⁵ For detailed information on the methodology, see *ibid*, pp. 109-122.

highly reported. In Africa, forced labour cases are reported by nearly 40% of the sources and, in Asia, Oceania and North America, forced labour is also frequently reported. Where sources expressly report exploitation of girls, this tends to be for sexual exploitation purposes, while forced labour is reported more frequently among boys.¹⁶

The nationality and sex of traffickers was also reviewed. The largest number of reported references are to nationals of Asia, followed by Central and South Eastern Europe and then Western Europe. Reports also indicate that human trafficking groups include men and women operating together, as well as men- and women-only groups.

4. Conclusions

There are many complications in collecting data on human trafficking. The first attempt of UNODC to collect and analyze data at the global level – with all its limitations - is encouraging. Systematically documented quantitative and qualitative data can provide important information for policy making as well as theory formulation. At an *international* level, global data collection, based on the identification of the countries reported to be involved in human trafficking, is useful for planning and evaluation purposes. Analyzing reported patterns can give valuable information on the nature and situation of trafficking, such as origin, transit and destination countries, as well as involvement of crime groups in different countries and the main routes used. This knowledge can be used when developing cooperation between practitioners in the fields of prevention, victim assistance and criminal justice responses, and monitoring the impact of these actions.

In addition, carefully collected and analyzed *national* and *regional* data might yield profiles useful for developing regional cooperation in the fight against human trafficking. One of the main findings based on the analysis of the UNODC Trafficking Database is that focused effort to collect country level information is needed. At a national level, more emphasis should be placed on the recording and publishing of information on the trafficking crimes processed through the criminal justice system. This would allow the evaluation of the effectiveness of the police, prosecutors and judiciary in dealing with traffickers. At the same time, reliable data on trafficked persons and their support, protection and care should be collected and published in order to identify gaps and responses to the needs of victims. Cooperation between authorities and civil society is

¹⁶ Ibid, pp.80-81.

elementary in this type of data collection. The United Nations Member States should formalize national structures to collect and disseminate such data to allow more detailed situation analysis and reliable comparisons between countries.

The UNODC data was collected on reported cases of human trafficking. There may be several reasons why a country is profiling high based on the used methodology, including the comprehensiveness of various national legal definitions of human trafficking, the availability and quality of official statistics and reporting, the availability and quality of national structures for victim identification and assistance, or the extent of bi- and multi-lateral cooperation. Several countries have expressed their concerns about their country being rated as having a comparatively significant trafficking problem, based on the reported cases. Even though the question on how much does the reporting reflect the reality and severity of trafficking in one country remains open, the first action against human trafficking at the country level is the acknowledgment of the problem. Further, cooperation between countries, the international community and civil society is needed in order to assess the real scale and scope of the human trafficking at the national, regional and global level.

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5

Enhancing Data Collection and Research on Trafficking in Persons

Frank Laczko

Abstract: In 2004, IOM organized a conference in Rome to take stock of current research and data on trafficking in persons. This paper briefly presents some of the main points from the discussions which seem to be relevant when thinking about new priorities for research and data collection on trafficking in persons.

1. Introduction

Although the origins of the trafficking debate date back to the end of the nineteenth century (Derks, 2000), there has been a rapid rise in the number of publications on the subject of trafficking during the last decade. Figure 1, based on a review of titles in a bibliography on trafficking prepared by IOM, gives a rough indication of the scale of this growth. More than 260 titles are found in the IOM bibliography, even though it contains only the main titles that could easily be found in English. Even though not all of the publications present new research, there is little doubt that research on the subject of trafficking has become increasingly widespread, spanning historical, political, humanitarian, legal and socio-economic dimensions. IOM alone has published more than 40 studies on the subject since 1995. This growth in research reflects the mounting national and international concern with human trafficking which has been reflected in the growing number of programmes to combat trafficking.

Studies on trafficking have been conducted in nearly every major region of the world over the last decade, though the bulk of publications and research can be found in Europe and Asia (Figure 2).

One of the strengths of trafficking research is its action-oriented approach, with studies often designed to prepare the ground for counter-trafficking interventions. Since the mid-1990s, a great number of reports

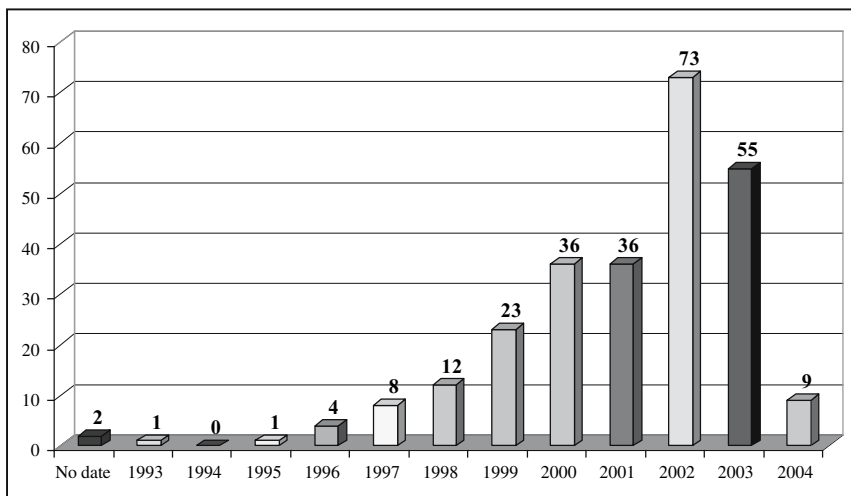


FIGURE 5.1. Increase in research on trafficking.
Source: Human Trafficking bibliography, IOM, 2004.

covering individual countries and regions have been produced. These studies have usually sought to examine the whole process of human trafficking, investigating the causes and describing the process of recruitment, transport and exploitation of the victims. A presentation of existing legal and policy frameworks has regularly been part of these national case studies. A set of recommendations for further action usually completes such reports, most of which pursue the main objective of informing and orienting counter-trafficking projects and strategies.

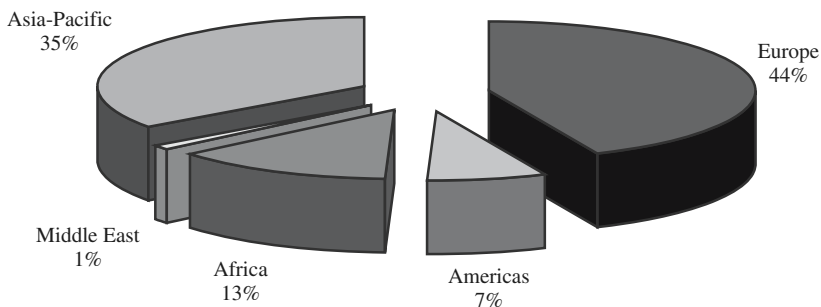


FIGURE 5.2. Regional Distribution of Studies on Trafficking.
Source: Human Trafficking bibliography, IOM, 2004.

2. Weaknesses of Research on Trafficking in Persons

The prevailing focus on action-oriented and applied research has meant that studies are often conducted within a fairly short-time-frame, usually six to twelve months, and with limited resources. There has been less funding for long term research to investigate in more detail the causes of trafficking and the best ways to prevent and combat it, or to make a detailed assessment of the impacts of different interventions and policy responses. There are relatively few studies of human trafficking based on extensive fieldwork in both countries of origin and destination.

Given that many trafficking cases remain undiscovered, or that victims/survivors of trafficking are often afraid to talk about their experiences, it is very difficult to obtain first-hand information. A great deal of research on trafficking is therefore based on relatively small samples of survivors, usually identified by law enforcement agencies or persons assisted by NGOs or international organizations. The actual ratio of assisted survivors to the total number of victims is unknown, which means that studies based only on assisted cases may not be representative of the total number of trafficked persons which may remain undiscovered.

Most studies are also based on research conducted at one point in time, with little longitudinal research investigating the circumstances of individuals before, during and after trafficking, including research to assess the extent to which survivors can achieve long-term self-sufficiency. To really understand the long-term impact of trafficking there is a need for more investigation into the experiences of survivors and the extent to which they are able to integrate or reintegrate into their communities and recover both physically and mentally from their ordeal.

There has also been a tendency in the “baseline studies” and other trafficking research to focus on supply-side questions, such as factors that contribute to trafficking in countries of origin and the profile of those most at risk of being trafficked, and less on demand-side questions, such as the factors in destination countries that contribute to the existence of, and a market for, trafficking.

Several commentators have pointed out that research on trafficking has tended to focus a great deal on the trafficking of women and children for sexual exploitation, neglecting other forms of trafficking.

Another criticism is that there has been relatively little independent evaluation of counter-trafficking policies and programmes to assess the real impact and effectiveness of different interventions. Without such research it is difficult to identify best practices and assess which countries have been most successful in their efforts to combat trafficking.

Most research on trafficking has been concerned with international trafficking, and less with internal trafficking inside particular countries. Internal and international trafficking tend to be studied as though they were completely distinct and separate phenomena, and only few studies have tried to investigate the linkages between the two. Is internal trafficking a stepping stone to international trafficking? Does international trafficking have a detrimental effect on those left behind, and does this lead to more internal trafficking?

Even if there is agreement at the international level on the legal definition of trafficking, researchers disagree on how trafficking should be defined and studied. A recent review of the North American literature indicates that trafficking can be defined in quite different ways (IOM, 2005). Some researchers, for example, argue that it is not always easy to differentiate between smuggling and trafficking, and that this has to be kept in mind when conducting research on trafficking.

There are many reasons why data on trafficking are so poor (Laczko and Gramegna, 2003). Trafficking is a clandestine activity, and most cases probably go unreported because victims are reluctant to go to the authorities, or are unable to do so because of intimidation and fear of reprisals. Most law enforcement agencies give low priority to combating trafficking. If countries have no specific trafficking laws, trafficking crimes may be reported under other headings. In developing countries the capacity to collect data may be very weak. Given the fairly recent acceptance of the new international definition of trafficking, relatively few governments collect trafficking data systematically. In many countries it is still common to mingle data relating to trafficking, smuggling and irregular migration. Another problem is that data on crimes closely associated with trafficking may not have been properly categorized as trafficking cases. Here the problem is not so much a lack of data, but a failure to fully interpret and analyze statistics which may be relevant to understanding trafficking in persons.

Given these factors only a very few countries are currently able to provide official statistics on trends in trafficking over several years, making it difficult to accurately establish the extent to which trafficking may be increasing, as is so often suggested.

However, over the last ten years greater efforts have been made to estimate the scale of trafficking and to produce more and better statistics on the phenomenon (Laczko and Gramegna, 2003). It is important to point this out, because commentators frequently complain about the dearth of reliable data on trafficking, without acknowledging that there have been some positive developments in this field. Whilst it is certainly true, as many authors argue, that current national statistics and global figures

are often no more than 'guesstimates', several new initiatives have been launched during the last decade to try to improve our understanding of trafficking data and to generate more reliable data.

Since 1999, IOM has been collecting data from persons assisted under the Organization's counter-trafficking programmes. The Counter-Trafficking Module Database (CTM) was created to facilitate the management of assistance and voluntary return/reintegration activities for the victims. It also aims to increase understanding about the causes, processes, trends and consequences of trafficking, thereby assisting IOM in its policy and project development, research, monitoring and evaluation.

Since the data collection first began with the assistance programmes in the Balkans, its content is still weighted towards that region. By August 2005, the database contained data on nearly 7,000 trafficked persons, representing some 35 nationalities (IOM, 2005). IOM has also started to implement a pilot project to improve data collection on trafficking in persons in ASEAN countries (Cambodia, Indonesia, Philippines and Thailand). The purpose of this project is to assist selected ASEAN member countries to develop an improved statistical collection system on trafficking. The first phase of the project involves an analysis of data collection systems in 4 countries and investigation of the extent to which trafficking-related data are shared within and between countries.

Another interesting initiative is the global database on trafficking trends established under the Global Programme Against Trafficking in Human Beings (GPAT) of the United Nations Office on Drugs and Crime (UNODC). This database aims to systematically collect and collate open-source information that can be compared between different countries and regions. The sources used were research reports and statistics compiled and published by authorities, intergovernmental organizations, NGOs, academic institutions and the media. By June 2004, information from 500 sources had been entered, most originating from industrialized countries. The collected data are divided into country reports, profiles (characteristics of trafficked persons or traffickers) and trafficking routes.

Various regional initiatives have also been taken. In the Balkans, the Stability Pact Task Force on Trafficking in Human Beings has operated a Regional Clearing Point (RCP) since 2002, responsible for the creation of a regional database on human trafficking. The first annual report on victims of trafficking in South-eastern Europe provides verified figures on the number of victims of trafficking identified and assisted in the seven countries and two areas (Kosovo and Montenegro) covered by the Clearing Point, and describes assistance and protection mechanisms for victims of trafficking. The report also outlines gaps and recognizes good practices and measures created to trafficked persons in the region.

At the national level there are also some lessons to be learned regarding ways in which to improve data collection on trafficking in persons. A few countries have made some advances, and we should learn from their experiences. For example, in Europe, the German Federal Office of Criminal Investigation and the Dutch National Rapporteur on Trafficking in Human Beings are among the few providers of national level statistics on trafficking. Germany, each year is able to produce a statistical report on known cases of trafficking and has been able to track trends in trafficking. The Netherlands, by establishing a national focal point, has been able to map out relevant data collected by different agencies in the country, which has served as a basis for the Dutch National Rapporteur's reports. However, even in Germany and the Netherlands, the data have their limitations. The data from both countries refer primarily to cases of trafficking in women for the purpose of prostitution and do not include trafficking in relation to other activities.

3. Priorities for Future Research and Data Collection

In recent years, progress has been made towards the development of a common understanding of human trafficking and the establishment of international legal norms regarding trafficking in persons. The amount of research on the subject has grown significantly and it is difficult to find regions of the world that have not been included in a trafficking study. We also have much more data about trafficking. Global estimates have been prepared and several initiatives have been taken, mainly by international organizations, to collate trafficking data from a wide range of sources. All of this represents progress, but there are also many weaknesses in current research and data collection on trafficking.

Much research on trafficking sets out basically to show that trafficking is a problem and tends to be limited to mapping routes and identifying the main countries of origin and destination.

To move beyond the "snapshot", short-term approach typical of much existing research and studies that only focus on one type of exploitation, we need longer-term research, using more comprehensive approaches, and involving both countries of origin and countries of destination. Trafficking crosses so many disciplinary and mandate boundaries that there is a need for both more interdisciplinary research and research which looks at trafficking issues from a range of different perspectives, including migration, human rights, health, law enforcement and the like.

There has also been a tendency to focus on studying the "victims", and less attention has been given to studying the traffickers, the clients

and law enforcement agencies who may be involved in different ways in creating the conditions under which trafficking can flourish. Nor have there been many systematic studies of the role of actors involved in the fight against trafficking, such as service providers, law enforcement agencies and NGOs.

We also need to move beyond stating that trafficking is a problem to assessing in more detail how well we are dealing with this problem. In short, policy approaches should become more evidence-based, drawing on the results of relevant research and evaluations. We need to know much more about the impact of trafficking, not only on the survivors but also their families and communities and all those affected by it. There is a need for donors to give much greater priority to evaluation research, which can help to determine the effectiveness of different programmes and policy approaches.

If our understanding of trafficking is to improve, we also need to find ways to generate much better data and indicators of the problem. The existing data are most often either general estimates created on the basis of unclear methodologies, or administrative data kept by the various involved authorities or organizations on the victims they assist. The latter, fragmentary datasets cannot be collated into national figures nor compared at international level.

Even without investing substantial new resources, much more could be done to fully exploit the existing information and make it more widely available (e.g. by promoting the sharing of information among agencies working to combat trafficking both within and between states).

We also need to develop strategies to build research and data collection capacities, especially in developing countries, where the research base is often weak and data almost nonexistent. Capacity could be enhanced in a range of different ways; for example, by developing technical guidelines on research methods that can be used in studies of trafficking and by promoting a more active sharing of information on best research practices, through workshops, training courses etc. In short, there is a need to develop strategies not only to collect better data and to conduct better research, but also to enhance capacities in this area through a range of technical assistance measures.

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6

Measuring the Non-Measurable: Towards the Development of Indicators for Measuring Human Trafficking

Sonia Stefanizzi

Abstract: This chapter does not focus so much on the empirical aspects of trafficking in human beings, nor does it aim at demonstrating the inadequacy of available statistical data or suggesting the best definition and the most efficient methods for measuring the phenomenon. It examines the problem from a different angle, by reflecting upon the instability that characterizes all knowledge based on empirical research and, particularly, upon the reflexivity of knowledge and social practices. Over the last twenty years, the phenomenon of trafficking in human beings, as well as that of immigration, have been controversial “objects” of measurement, as regards both the number and the characteristics of the individuals at risk and of the victims. This area of study involves a plurality of data at various levels, which frequently, if not always, prove fragmentary and difficult to compare. The following essay examines the main factors behind this phenomenon, factors which cannot all be easily or quickly eliminated, whether in theory or in practice.

1. Introduction

The lack of homogeneity in official sources on the trafficking in humans is so well known to everyone that governmental authorities and scholars alike are united in their efforts to comprehend the many facets of the phenomenon in order, more or less clearly and with as few approximations as possible, to identify its true dimensions.

My own approach has quite a different starting-point: it begins with considering the unreliable character of all the empirically acquired knowledge and, especially, the reflexivity of the knowledge and theories (Giddens, 1990). The reflexivity process reflects the fact that social practices are being constantly examined and adjusted in the light of new data on those practices, so causing fundamental changes to their characteristics.

The phenomenon of people trafficking, such as the migratory movements of humans, in the last twenty years has been a much debated “object” of measurement, both in the numerical and structural consistency of victims and of those at risk and in relation to the intensity and features of movements in the case of illegal immigrations. In both these areas of research, as amply demonstrated in many empirical studies, there has been a mass of data at various levels, which, in most if not all cases, have been fragmentary and difficult to reconcile *inter se*. This is because of the many factors which cannot be quickly or easily eliminated from either the theoretical or practical point of view.

In short, we could say that the reasons for the overall lack of homogeneity, though many, can be effectively attributed to three main causes:

1. The first concerns the complexity of the object of the study, its multiplicity of dimensions, the growing differentiation and fragmentation of the migratory routes, the positions of the immigrants in the society they reach and the intrinsic characteristics of the quantitative instruments for the collection of data together with their ability to “measure” and comprehend the evolutions of the phenomenon.
2. The second concerns questions of a more strictly epistemological nature, in other words the relationship existing between the conceptual instruments available to the observer and the social phenomenon under examination. Thus the data on a phenomenon such as people trafficking in view of the close relationship which extends the consideration to immigration in general, are, as I shall seek to demonstrate, often the result of the administrative practices of various national and international bodies, which, when dealing with particular migratory policies, define and limit the knowable statistical part of the phenomenon. As various authors have underlined (Kritz, 1987; Bonifazi, 1998) there exists, especially in the field of immigration, a strong link between the discovery of the phenomenon and the objectives of migratory policies, which have a central role in carrying out a selective intervention in the object of study (i.e. defining the elements of the migrations to be measured), in the definition of the conceptual categories and instruments of identification. The main systems of discovery tend to define the categories of persons subject to the trafficking, whether foreign or migrant, in relation to elements which emerge from the various immigration policies, only being adjusted in relation to possible

changes in the national political interests and needs (Kritz, 1987)¹. An example of the food for thought in the data and practices is provided by the official statistics. In general, the officially published statistics of governmental authorities (on foreigners, people trafficking, crime) are considered a useful means for the exact study of some aspects of modern societies. Also, the data provided by such statistics do not only enable the “measurement” of certain social phenomena, but are still an integral part of the concrete social environment from which they derive. If we think, for example, of the statistics on the trafficking of humans and on the presence of foreigners in our population, which are published by the various national and international organs, we cannot fail to see that they are composed of data from diverse sources, which, according to their respective functions, endeavour to quantify the phenomenon under examination. However, in the classification of the human victims of trafficking and of foreigners, the institutions are guided by criteria and procedures which respond to two main criteria: firstly, the operational logic of the various organisms and secondly the points of view and different attitudes in piecing together the elements of the subject being studied. As a number of authors maintain (Atkinson, 1978) official data are extremely useful for learning about the functioning of the organizations which are engaged in producing them and/or the procedures for defining and limiting the knowable statistical part of the phenomenon. So, the trafficking concepts, the trade, the sexual exploitation, applied to foreigners, visibly and clandestinely, have to be defined, classified, adjudicated and registered. We might say, albeit as a precaution, that immigration as well as the trafficking, entering as phenomena in the systems of classification in order to be measured, become “political objects” insofar as they express, on the one hand the sensitivity of the governmental authorities towards the phenomenon and their capacity to provide adequate instruments of information, and on the other they become an instrument for obtaining knowledge and confirmation of political decisions (Bonifazi, 1998).

3. The third cause results from two closely connected factors: on the one hand a total lack of co-ordination (especially in relation to the institution of a common system of classification) between the various bodies which, for different reasons, carry out enquiries into

¹ In this connection, international comparisons tend to be difficult, not only because of the difference in the systems of discovery but, and especially, because of the diverse content of the statistics: often the same nominally equivalent categories contain non-homogenous content, differently defined and not comparable inter se.

the phenomenon; on the other hand, the unpreparedness of the various national statistical systems for gathering the changes and complexities of today's societies, such as the growing presence of particular social zones (including immigrants) and related phenomena like people trafficking. Paradoxically, this has produced a fragmentation of cognitive activity, resulting from the fact that the studies are often conducted for purposes which in themselves are often important, by various institutional and non-institutional subjects, with the widest possible range of interests. These research studies are not cumulative in terms of knowledge and tend to be based cyclically on the basis of fluctuations in the prevailing interests of the moment in the political world, culture and administration.

These considerations bring us back to the problem of comparatively analysing the phenomenon of the trafficking of human beings, given, for example, the complexity and diversity of the proposed definitions, which represent not only the expression of different legislative approaches, but also social responses and preventive actions which are heterogeneous *inter se* and difficult to compare. Moreover, there is a good measure of agreement in the scientific community for considering that sociologists, criminologists, etc., when studying social phenomena using different methods and techniques, do not know the "mere facts", so that the "facts" which come within their empirical purview are already an expression of given perspectives or social paradigms (Kuhn, 1962). Thus they incorporate profound hypotheses on the nature of the social reality to which they refer, hypotheses which differ from one cultural tradition to another and which, inevitably, cause a drift in the significance of empirically observed concepts in the changing situations in which such concepts are applied, even though the terminology used may remain the same.

2. Trafficking and Sexual Exploitation of Foreign Women and Minors: Some Epistemological Reflections

If we turn our attention now to the trafficking and the polysemicity in the meanings, the considerations above on the intellectual content become clearer.

The concept of people trafficking in reality covers a broad variety of situations, from illegal immigration to forced marriages, exploitation of workers, prostitution. The commonest definition of trafficking tends to associate it with sexual exploitation and foreign women, even if not all the foreign women who enter prostitution have been victims of trafficking

and other forms of abuse.² Trafficking for sexual exploitation involves women and minors who have been subjected to the intimidation and/or violence associated with such traffic. This is the effect of the recent European Union declaration in one of the many initiatives to combat trafficking in humans widespread in many European countries, and this is not the only example. It is not surprising, therefore, that the main research and empirical studies on the national and international planes have focused mainly on the connexion between the traffic, immigration and crime.

As resulted from the innumerable studies carried out in recent years, the terms used to identify the traffic vary according to the various countries' legislations: some speak of the contraband in foreigners, some of trade in human beings or smuggling of illegal immigrants, or simply of trafficking in foreigners. To summarise by way of classification of the proposed definitions, we find that those that are prevalent in the legislation of European countries fall into two types:

1. the first refers to contraband in illegal foreigners as an activity deliberately intended to facilitate, so as to gain entry, the permanent residence and employment of foreigners in a given country in breach of that country's laws and regulations;
2. the second, on the other hand, refers to the traffic in humans as an activity aimed mainly at facilitating and encouraging illegal entry and subsequently the permanent residence of an individual, minor or woman, in a country, involving the use of violence, threats and abuses. This violence is all more serious when applied to a subject in a poor economic situation or suffering from physical or mental infirmity or being pregnant.

The common element in such conceptualizations and operational definitions of the traffic is, perhaps, traceable to identifying the trafficking of humans with the particular intentions of those responsible, and so with the type of crime committed.

Analysis of the main (theoretical and empirical) contributions, from the end of the 1980s to the end of the 1990s by various organs in the national and international fields on the phenomenon of the trafficking in humans and prostitution of foreigners, shows an interpretative *bias* that it

² The United Nations Organization, whose approach to this subject is reflected in the UNO Convention of 1949 for the suppression of the traffic in human beings and the exploitation of the prostitution of others, draws no distinction between coercive and voluntary prostitution, thereby denying a presumed "right" of a woman to be a prostitute, and thus considering prostitution always to be a form of abuse.

hard to eliminate and which lies in the assumption of the starting point, or in the presumed relationship between traffic, immigration and crime. It is an interesting exercise to attempt to re-read some of the main basic categories of the phenomenon, such as its clandestine nature, migration, traffic, crime, responsibility and seek to reveal other possible meanings and connexions.

The term “clandestine” is usually employed to define what is not legal or openly visible. The atypical nature of the term depends mainly on the absence of an effective migration policy for individuals either in the country of origin or the country of destination. Another source, which is not of minor importance and which helps to give an essential negative weight to the term “clandestine”, is the information (or disinformation): when the media speak of people who daily risk drowning or actually do drown in the Mediterranean, they use terms such as “desperate” or “pawns of the Mafia” without describing the reasons causing such persons to risk their lives in order to seek elsewhere a better life. When speaking of immigration, they tend too often (guiltily or not) not to analyse critically the economic and political choices of the origin and destination countries, the analogy between the social exclusion which threatens 40% of Europeans and the neo-slavery which also involves child-labour, whether autochthonous (in the clandestine laboratories in Northern Italy) or disseminated in the Maghreb, Eastern Europe or Asia (these being the places where people work for the lowest wages in conditions worse than those existing in Italy before the development of effective union protection for workers).

The equation migration = crime reflects the fact that too easily migration becomes criminal. A person who wishes to migrate – especially if he has a family – is obliged to turn to the organised routes that lie in the hands of criminals. The social definition of “clandestine”, clearly evocative of desperation but also certainly of wrongful exploitation and criminalization, is applicable to the migrations of today. Today it is not only the possibility of emigrating and immigrating legitimately that is denied, but also the possibility of the *émigré*, once he is in the so-called host country, to remain there legally, because of a series of circumstances (scarcity of work and accommodation, problems in renewing residential licences, etc.).

Looking now at the role of States as the principal authors of the traffic and new slavery, we come to two main interpretations:

1. The first envisages States having an active role (negotiating the conditions of emigration and immigration with the country of destination, as occurs in relation to South-East Asia) with predominantly economic-political motives. Examples of these may be seen in the financial

remittances, demographic pressures, etc. One speaks of traffic in this case because the conditions of life are “decided” by the countries of origin and destination (e.g., the Treaties between Morocco and France and some of the migrations of Chinese into the countries of South-East Asia). Here vast numbers of people are displaced in the interests of economic “exchanges” with the direct intervention of States (to the point where they retain part of the subjects’ salaries in the form of “deductions at source” by the countries of origin).

2. The second is linked with the European context: the migratory movements currently occurring must result from globalization processes and, indeed, be one of their principal consequences, namely the progressive weakening of the exercise of sovereignty by nation states (for instance, the dependence of economic and political choices on international factors, such as stock-exchange movements and processes of economic displacement). One consequence of the loss of nation states’ sovereignty is the attempt to impose tighter and authoritarian controls on the movement of persons, creating the normative conditions which favour the operation of criminal organizations profiting from people-trafficking. In this case, in the analysis of the traffic, attention should be focused on the conditions of systemic-context which encourage the rise and flourishing of criminal organizations. This tendency is exemplified in the relations between America and Mexico, where a collaboration aimed at strengthening relations between the two countries (according to the principle of free economic exchanges) has been soured by measures against immigration (which can be seen in the strict frontier controls). This has brought human costs and the rise of a significant trafficking in humans by criminal organizations. In contrast to economic liberalization, controls have been tightened, once it has become a political problem and regardless of principles of liberalism and universal human rights, over migratory processes, or in other words the natural human right to personal mobility. Paradoxically, one of the main products of the process of globalization has been ignored and criminalised: free circulation as an inviolable right, with the result that if one wishes to move from one country to another, the “easiest” expedient is to resort to the criminal networks. Examples of this can be seen in the evidence from many young women, in particular Nigerians, collected in various qualitative studies, where it can quite clearly be seen that for these women their passport (duly issued, but acquired through the criminal organization) can be obtained directly from the local police who prepare and sell it. The most numerous groups of Nigerians arrived, for instance, in Rome

with collective transit and entry permits “for pilgrimage to various sacred Italian sites”. The situation of Albanian prostitution seems somewhat different, as it is the same bodies of Albanian criminal groups who organise and control it. Procurement of a passport for these women is an Albanian racket fully hand-in-glove with the local police and organised Italian crime, who accept the presence of Albanian prostitutes in their joint interests.

The foregoing considerations incline us towards the hypothesis that measurement of the phenomenon of the traffic is primarily an instrument for learning and verifying the sensibility of the governmental authorities towards the phenomenon and their capacity to establish for themselves adequate sources of intelligence upon it. The reflexivity of the statistics on the traffic in human beings thus seems to derive mainly from the fact that the various systems of classification and collection of data are not restricted to providing an empirical foundation for measuring the reality and perception of the traffic, but become also an integral and decisive part of the process of political decision-making. The reflexivity consists in the fact that, on the one hand statistical information permits the *policy makers* to assess whether the objectives pursued by national policy have been achieved, while on the other hand it helps to establish in the élite their perception (usually one of mistrust) of the role of migrations.

To conclude in terms of positive proposals: we consider that people trafficking is distinguished by such a broad problematic structure that preventive action is necessary at a number of levels. Yet such action could be deficient if it is not orchestrated and co-ordinated centrally. Institutional intervention should, *inter alia*, focus on an activity of central co-ordination in the course of studying this phenomenon. Indeed, there have been too many studies proceeding in parallel with a negligible exchange of information between the various research bodies and a significant wastage of economic resources in this area. In this case the role of the institutions should be to promote dialogue and collaboration between the various research bodies and the non-governmental organizations engaged in the study of the traffic in humans. This must then lead to a better exchange of information and a direction of the research resources, which could be clearly identified by subject and territorial coverage. In such a direction it would be useful to establish a network with a central interchange, acting as collector and informant on all the research initiatives in this field, as well as the creation of a data-bank assembling, rationalizing and integrating all materials produced on the theme.

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7

A Criminal Network Approach to Understanding & Measuring Trafficking in Human Beings

Jay Albanese

Abstract: Developing a rational and transparent method to estimate the extent of trafficking in human beings is fundamental to understanding the scope of the problem, changes in its occurrence, and its appropriate place on the agenda for law and policy attention. The problems of existing estimates of trafficking are examined, and reasons for the disjunction between these estimates and known cases reviewed. Three methods for understanding and measuring trafficking in human beings are assessed: (1) extrapolating the risk of trafficking from other known risks, (2) using known cases to estimate the universe, and (3) using a network model of human trafficking as an illicit enterprise which reacts to known and measurable pressures. The network approach focuses on understanding the criminal networks that organize to exploit victims, rather than on solely predicting victim counts. Examples of each of these methods are presented in terms of their strengths and limits, and a combined approach is proposed to produce the most accurate picture of human trafficking. It is shown that a good estimation model can be used to document the risk and extent of human trafficking as an illicit enterprise, trends in its occurrence, and the effectiveness of measures design to reduce it.

1. Introduction

In Florida, migrant farm workers were smuggled from Mexico, threatened with beatings, and housed in remote areas so they didn't know where they were and could not escape (Convicted 2005). In Slovakia, women are lured abroad most frequently by job advertisements for positions as bartenders, waitresses, cleaners and au pairs. The women come from low-income families in regions with high unemployment rates. They are stripped of their travel documents immediately upon their arrival at their

destinations abroad, and are forced into prostitution (Balogova 2006). In Romania, press ads advertise employment abroad, and 75 percent of known trafficking victims are sold into white slavery. Attempts are being made to prevent the sexual exploitation of youth there by introducing a code of conduct for hotel staff (Romania 2005).

These desperate and often horrifying stories have become common in all areas of the world, as imbalances in the labor market, post-conflict situations and governments in transition, migration flows, a globalized economy of both legal and illegal products, existing criminal networks, and corruption combine to exploit people for profit.

Human trafficking takes different forms, but its essence is coerced servitude. An early international agreement was adopted in 1904 to suppress “white slave traffic.” This was followed by other national and international efforts to reduce the incidence of exploitation workers and women, culminating in 2000 with the United Nations adoption of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, which supplemented the United Nations Convention against Transnational Organized Crime (Kangaspunta 2003). The basic elements of human trafficking are three: exploitive labor (sex, manual labor, servitude), the harboring of victims (through recruitment, transport, or receipt), and coercion (accomplished through deception, force, or threats).

Human trafficking is distinguished from alien smuggling by the added elements of coercion and/or fraud. Alien smuggling suggests voluntary participation by those being smuggled, but there is evidence to suggest that the distinction between alien smuggling and human trafficking is not significant. This is because a number of cases have been documented where alien smuggling often becomes human trafficking when the victim is exploited contrary to the original agreement (Hughes 2004; 10 Charged 2005; ILO, 2003). As an IOM report found,

It was a common scenario in all countries (The Bahamas, Barbados, Guyana, Jamaica, The Netherlands Antilles, St. Lucia, Suriname) that women and girls were deceived, being offered work as waitresses, cashiers, bartenders, dancers, salesclerks, or masseuses, only to be told soon after arrival that they would have to engage in prostitution. (International Organization for Migration 2005, p. 151).

Therefore, the voluntary nature of smuggling can be revoked at the whim of the smuggler, who then uses the victim for his own purposes by means of fraud, threats, or force—making a case of smuggling into a case of human trafficking.

The criminal network approach described in this article attempts to account for interconnected criminal networks at the recruitment,

transportation, and destination stages of human trafficking. The pressures upon them from competitors, police, customers, and others can be quantified to help explain both the existence and changes in human trafficking over time.

2. A Problem of Unknown Size

The desire to estimate the incidence of human trafficking has exceeded our ability to deliver useful numbers. The U.S. State Department has made worldwide estimates which have fluctuated widely from year to year (Office to Monitor and Combat Trafficking in Persons 2005).

- 2002 = 700,000+ persons trafficked across int'l borders
- 2003 = 800,000 to 900,000 persons
- 2004 = 600,000 to 800,000 persons

The State Department has also estimated trafficking into the United States.

- 2002 = 45,000 to 50,000 trafficked into the U.S.
- 2003 = 18,000 to 20,000 trafficked into the U.S.
- 2004 = 14,500 to 17,500 trafficked into the U.S.

A CIA report made original estimate in 1999 on which the State Department figures are based, but it was not based on any actual count, and it is not known whether the volume is increasing or decreasing (Richard 1999). The methodology used is said to have changed over the years, but the method is not transparent and cannot be reproduced, so it is not useful to those looking for more substantial evidence of trafficking flows.

Estimates become more troubling when they are compared to counts of actual cases. Between 1990 and 2000, for example, there were at least 38 documented incidents of trafficking into the U.S. that involved at least 5,500 women (Raymond and Hughes 2001). This is far less than estimates would suggest over a 10-year period. Table 1 displays

TABLE 7.1. U.S. Human Trafficking Prosecutions.

U.S. Trafficking prosecutions	FY 2002	FY 2003	FY 2004
Cases filed	10	13	29
Defendants	41	32	59
Convictions	28	26	43

Source: U.S. Department of Justice 2005.

counts of U.S. federal prosecutions in 2002, 2003, and 2004. Although cases filed, defendants, and convictions, have all increased, the numbers are quite small compared to existing estimates of the true extent of the problem.

Efforts to generate human trafficking data from other sources have also found comparatively low numbers. Ongoing work by the United Nations Office on Drugs and Crime (UNODC) uses open-source information (e.g., government statistics, NGO reports, research findings, news accounts) from nearly 300 sources. It found 3,671 cases, a significant number, but far less than existing estimates (Kangaspunta 2003). Another significant effort is being undertaken by the International Organization on Migration, which has a global database of more than 5,000 documented victims (discovered between 2001 and mid-2005). These cases are referred to IOM from NGOs, police, or other organizations (Omelaniuk, 2005). Other kinds of databases based on actual cases from various regions of the world are under development, and some hold great promise for understanding the circumstances under which human trafficking occurs (Korvinus, van Dijk, Koster and Smit 2005). However, these documented cases are not necessarily representative of all cases worldwide. Furthermore, it is not clear what accounts for the disjunction between victim *estimates* and documented *actual cases*?

The history of criminology is in many ways a history of accounting for an elusive phenomenon. Crime is typically a “hidden” behavior, so it has always been difficult to document and estimate accurately. Victimization surveys, self-reports, and official statistics have attempted to count crime from the perspectives of the victim, the offender, and the police—accounts which are difficult to reconcile. Of course, victims of human trafficking are under some form of coercion, so they often do not come forward out of choice, fear, ignorance or intimidation. There also exist large variations in law enforcement preparedness and willingness to address human trafficking across jurisdictions, so police probably miss many trafficking cases.

Nevertheless, better data will lead to better understanding of the problem. And better understanding will produce more enlightened detection, enforcement, and prevention strategies.

Precise counts of human trafficking are unlikely to emerge, but this is not unlike the situation for illicit drugs, illegal gambling, and stolen property in general. So why do we bother? Without good estimates of human trafficking, however, it is not possible to answer three fundamental questions:

- How do countries and agencies *determine the level of resources* to commit to human trafficking initiatives?

- How do countries assess the place of human trafficking on the *public policy and legal agenda*?
- How do we *assess the impact of our prevention and intervention efforts* without data about human trafficking trends over time?

Finding the answers to these questions is required if governments and private citizens are to judge the comparative seriousness of the problem in their region, how many resources to put toward it, and whether prevention and intervention efforts are having any impact. As a result, there is no escaping the need for accurate estimations of human trafficking.

It is impossible to count all human trafficking, or the totality of any kind of crime, so estimates must be used. Estimates always involve error, of course, due to the hidden nature of all criminal activity. Reliable estimates are based on known data (facts), rather than on secondary information (hearsay) or speculation (guesses).

Three methods for estimation can be envisioned:

1. *Extrapolate risk* of trafficking from other known risks.
2. Use *known cases to estimate* the universe.
3. *Model trafficking networks* as a criminal enterprise and measure the factors that affect trafficking operations and changes in them over time.

A discussion of these three methods will lead us to a combined approach to more understand the true nature and extent of human trafficking.

One estimation method looks to measure *risk* rather than *extent*. Using this approach, the objective is to identify risk factors, measure them against a specific population, resulting in an estimate of the population at substantial risk of being trafficked. This method is illustrated in Figure 1.

Risk factors might include relevant factors such as gender-related development, corruption perceptions index, income inequality index, unemployment rate, known migration flows, age/crime victimization risk, known organized crime presence, police preparedness

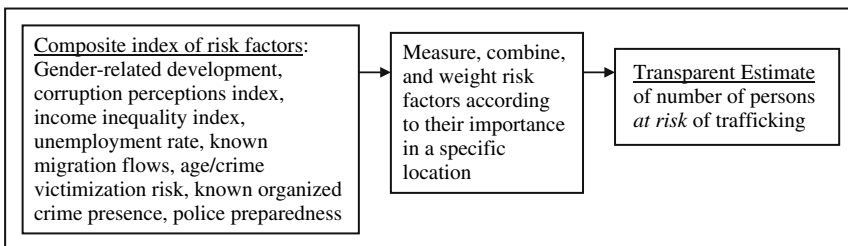


FIGURE 7.1. Estimating the Population at Risk of Being Trafficked.

risk, and known organized crime presence in particular areas. There is both anecdotal and statistical evidence that suggest factors that increase risk. For example, a report on trafficking of women and children from Nigeria to Italy found the reasons to include “the low valuation of women reflected in limited access to education, employment and income earning opportunities. Other reasons are poverty, greed, peer group influence, polygamy, large family sizes, poor moral upbringing of children, and ignorance of the types and conditions of work in Italy” (UNICRI 2004, p. 127).

The data to measure many of these risk factors already exist in regularly collected data bases. Data on other risk factors would have to be developed from local sources. The result would be a transparent estimate of the population at risk of being trafficked. This risk estimate could be useful in assessing the impact of prevention and intervention effort, in terms of observing changes in the size of the population at risk over time.

A second way to estimate the extent of human trafficking is to use known cases to project the size of the universe of unknown cases. This is accomplished using periodic counts and interviews with known victims. Known victims over time include those known to service providers, official recoveries, and trafficking-related arrests. Interviews with victims, police, and service providers provides valuable information regarding the number of victims per incident, source recruitment information, routes taken, methods of transit, and movement of victims after arrival at a destination point. The database developed by IOM in the countries where it operates is perhaps the best example of developing knowledge from systematic interviews with known victims (Laczko and Gramegna 2003; Omelaniuk 2005; von Bethlenfalvy 2005).

Figure 2 diagrams the logic model in developing an estimation based on known cases. The weakness of this method, of course, is that known cases consist of non-random samples (i.e., more serious cases are often selected for enforcement, cases occur in jurisdictions where public awareness is

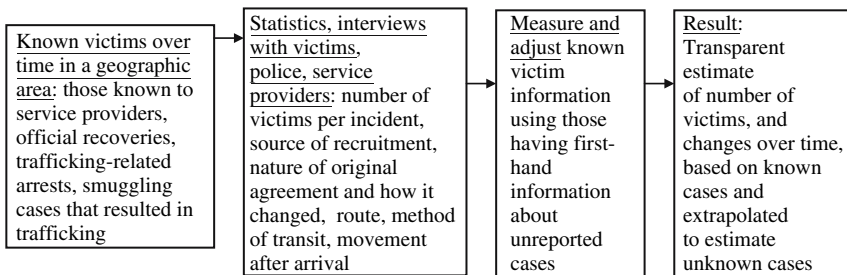


FIGURE 7.2. Using Known Cases to Estimate the Universe.

highest, and cases occur more often in locations where service provider presence is well-established). Nevertheless, adjustments can be made to known case samples to account for differences from known cases in other jurisdictions, based on input from service providers, researchers, police, and others who have first-hand descriptions about the nature of unreported cases in a particular area.

A preliminary effort was made to estimate the gap between reported and unreported cases of human trafficking in the United States. Eighteen cities were selected for their large size and location near a U.S. border (see Figure 3). The largest circulation newspapers for each city were selected and an archival search for key terms was undertaken. The terms were human trafficking, drug trafficking, smuggling, prostitution, illegal immigration, alien, and refugees. A content analysis of articles containing these terms was conducted to see if potential human trafficking cases were being lost in other kinds of cases, such as prostitution, smuggling, and immigration cases. Surprisingly, only 51 distinct cases could be found during calendar year 2002 that were clear or very probable human trafficking cases (Albanese, Donnelly, Kelegian 2004). There are serious methodological limitations to locating human trafficking cases in newspaper accounts, so it will be important to observe the impact of more experience with human trafficking laws, better trained law enforcement, and more service providers for victims to determine the actual size and scope of the gap between reported and unreported cases of human



FIGURE 7.3. Newspaper Accounts of Human Trafficking in 18 U.S. Cities.

trafficking. A follow-up of this study, examining news reports two years later, is underway.

It should be noted that the often-cited distinction between smuggling and trafficking may be overstated (Tailby 2001). There is evidence to show that voluntary smuggling of persons for a fee often turns into human trafficking when the original agreement is changed without consent of the victim. In this way, a smuggling case becomes a human trafficking case at the point at which the agreement with the victim becomes coercive or fraudulent. Therefore, the difference between human smuggling and human trafficking may change, depending on the point where it is viewed (at the beginning as a smuggling case, or in transit or at destination when it becomes coercive human trafficking).

3. A Network or Enterprise Approach

A third way to estimate the extent of human trafficking is through a network or enterprise approach. From this perspective the “push” and “pull” factors that promote and prevent human trafficking are combined in a single model. Changes and trends in each factor over time contribute to human trafficking. The network or enterprise approach attempts to account for the contribution of push and pull factors in a systematic way.

Figure 4 illustrates how the criminal enterprise of human trafficking is organized, as another manifestation of organized crime. It is shown that the purpose of organized crime enterprises is to survive and make a profit (center box in the diagram). The push and pull factors that affect organized crime operations are four: suppliers, customers, regulators, and

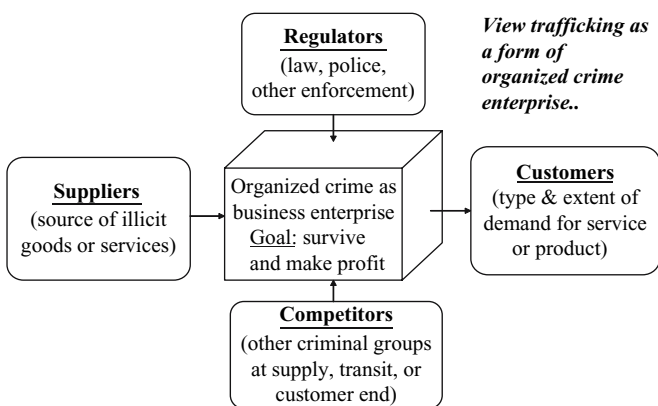


FIGURE 7.4. A model of organized crime criminal structure.

competitors. A supply of illicit “goods” is needed (potential victims at high risk of being trafficked), and the trafficking enterprise is pressured by regulators (the law and the police who enforce it), and by competitors (other criminal groups in the illicit market at the recruitment, transport, and destination stages). Finally, a stable supply of customers (demand) is needed to justify the criminal operation (see Albanese, 2004, pp. 104-111; Smith, 1980).

We can use the results of prior studies to obtain an indication of how this model of organized criminal structure is adapted to carry out human trafficking enterprises. Traffickers have been found to have a “chain” of operations involving small groups at 3 stages: recruiters, transporters, and exploiters. These groups are often unrelated except for informal arrangements to supply victims to destination markets. Several studies have shown human smuggling and trafficking occurs via “networks” versus more organized, enduring, traditional criminal groups (Bruckert and Parent 2002; Commission of the European Communities, 2003; Finckenauer 2001; Zhang and Chin 2004). Figure 5 illustrates these three inter-connected operations required for human trafficking.

Therefore, the model of organized crime presented in Figure 4 repeats three times in the case of human trafficking, because separate operations are required at the recruitment, transport, and destination stages of these criminal enterprises. Figure 6 is a comprehensive diagram of how these three stages are linked together, illustrating the “big picture” of human trafficking. They will be explained separately below to detail the unique pressures at each stage, and how they can be impacted by prevention and intervention efforts.

Figure 5 illustrates how the four main pressures on criminal enterprises (suppliers, customers, regulators, competitors) are repeated at each of the three stages of human trafficking. The only change occurs is in how these pressures are manifested at each stage of the operation. For example, maintaining a supply of persons to be trafficked at the recruitment stage involves active solicitation through personal and family contacts, as well as advertisements aimed at those at high risk for trafficking, given their unstable employment status, national unrest, or other risk factors noted

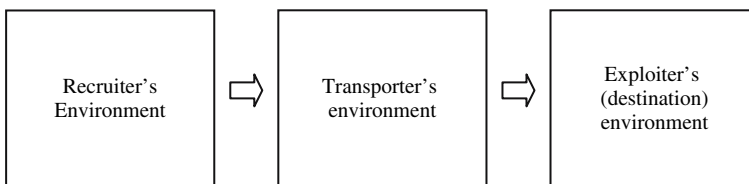


FIGURE 7.5. Human Trafficking: A Three-Stage Criminal Network.

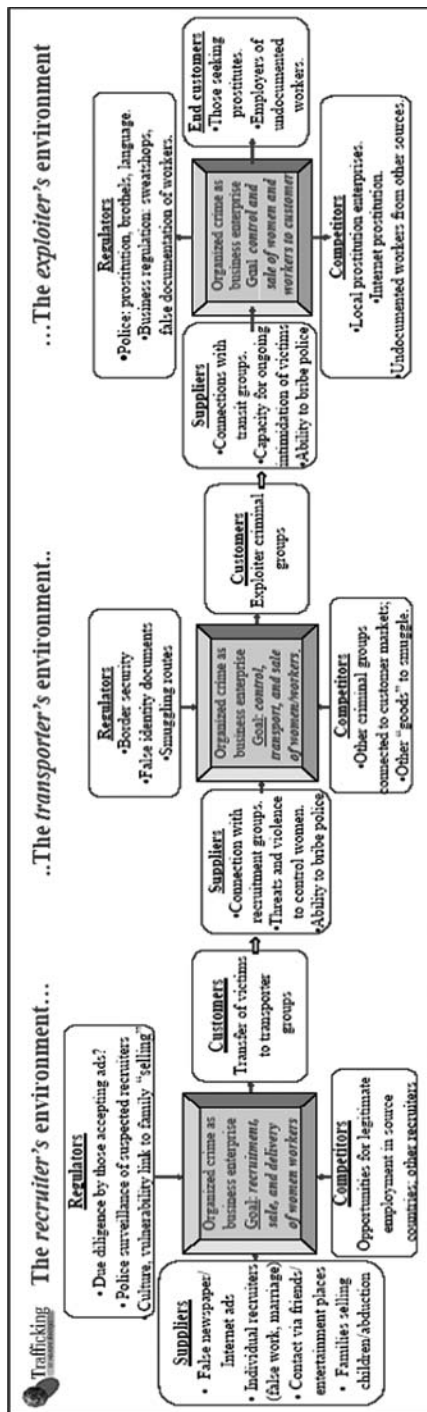


FIGURE 7.6. A model of human trafficking operations.

in Figure 1. In the same way, transport and destination criminal groups also have supply concerns in their need to maintain control over their victims, transport routes, and avoid detection. Figure 6 illustrates how the nature of the pressures of supply, customers, regulators, and competition force a criminal operation to continually work to survive and make a profit.

4. Recruiters, Transporters, and Exploiters Environment

It can be seen from Figure 6 that trafficking networks can be impacted by exerting pressure on their supply, their access to customers, and the threat of regulation leading to enforcement actions. The recruiter's environment can be quantified by assigning values to the current situation and then repeating this process periodically to assess changes and the impact of efforts to affect supply, customers, competition, and regulation. For example, prevention efforts aimed at the supply end of recruitment might consist of pressure on newspapers and Internet advertisers to screen the placement of questionable ads. Without an assessment of the current difficulty of placing such ads (by assessing the ease by which fraudulent ads can be placed) it is not easy to measure the true impact of such a prevention effort. In a similar way, a police program of surveillance of suspected recruiters must be preceded by an effort to assess objectively the current level of surveillance undertaken through existing police operations. Similar routinized assessment of important factors of supply, customers, regulators, and competition at each of the three stages of human trafficking would generate base-line data against which the impact of changes in law, enforcement tactics, public education, victim services, and other interventions could be assessed. Table 2 summarizes this concept by demonstrating how the influences on human trafficking networks can be quantified.

Measures of each of the 30 variables identified in Table 2 (and others that may be identified as important) can be developed through existing data and information obtained through interviews with police, victim service providers, potential victims, researchers, and others in a position to have first hand information about human trafficking in their area. As long as the protocols and data collection methods are standardized, they can be repeated reliably over time to assess changes in human trafficking enterprises in particular locations. Of course, such assessments must be done locally, because it is quite likely that human trafficking operates like other forms of organized crime, adapting to local conditions

TABLE 7.2. Quantifying the Influences on Human Trafficking Networks.

	Supply	Customers	Regulators	Competition
Recruitment Stage	<ol style="list-style-type: none">1. Difficulty of placing false/misleading ads.2. Level of awareness among high risk population.3. Ease of making victim contacts (families, clubs)	<ol style="list-style-type: none">1. Known connections to transporter networks.2. Extent to which exploiters travel to recruitment point to locate victims.	<ol style="list-style-type: none">1. Strength of existing legal provisions prohibiting human trafficking.2. Extent of police surveillance of suspected recruiters.3. Local traditions regarding selling of victims or viewing it as acceptable.	<ol style="list-style-type: none">1. Opportunities of legitimate employment for potential victims in source areas.2. The existence of other criminal groups seeking similar victims.
Transporter stage	<ol style="list-style-type: none">1. Status of connections to recruiters.2. Ease of access to easy transit methods and routes.	<ol style="list-style-type: none">1. Known connections to exploiter criminal groups at destination.2. Extent to which destination groups are constant or change.	<ol style="list-style-type: none">1. Strength of border control.2. Ease of obtaining false identity documents.3. Level of local corruption that facilitates movement of victims.	<ol style="list-style-type: none">1. Relative ease and profit of human trafficking versus smuggling other goods.2. Intensity of competition from other criminal groups.
Exploiter (destination) stage	<ol style="list-style-type: none">1. Strength of connections with transporter groups.2. Capacity for ongoing intimidation of victims to maintain control.3. The ease with which victims can be moved after reaching destination.	<ol style="list-style-type: none">1. The size of the local demand for prostitutes.2. The size of the market for hiring undocumented workers.3. Level of awareness of human trafficking at destination location.	<ol style="list-style-type: none">1. Police knowledge of local prostitution and illegal labor activity.2. Strength of regulations on businesses to control sweatshops and forced labor.3. Enforcement effort devoted to discovering trafficked persons.	<ol style="list-style-type: none">1. Local prostitution enterprises using non-trafficked women.2. Extent to which local illicit demand for sex/labor is served by non-trafficking suppliers.

which always include considerations of supply, customers, regulators, and competitors.

The need for ongoing, objective, quantified, and transparent assessment has been recognized by others. For example, a UNICEF study in South-eastern Europe observed that the impact of public awareness campaigns for human trafficking is unknown.

Awareness raising activities also continue to be mainly ad hoc information campaigns implemented by many different organizations. Although their work is valuable, few campaigns are developed or implemented effectively. Almost none of the awareness raising campaigns carried out has been properly evaluated and the lessons that have been learned have not been shared. Therefore, an assessment of the approaches, strategies, materials, and results is needed (Limanowska 2005, p. 14).

Others have recognized the need for more quantifiable and comparable data (Di Nicola and Cauduro 2005; Gozdziaik and Collett 2005; Albanese 2004a; Transcrime 2002). A framework to identify the data to be collected and a comprehensive model to organize it are needed, and that is what this article is intended to do.

Human trafficking networks can operate successfully only where there is some kind of coordination of effort among recruiters, transporters, and exploiters. These three interconnected networks are separated only by their “product,” which in the case of human trafficking is individuals at risk who are exploited. The existence of distinct recruiter, transporter, and exploiter groups has been documented by court cases and studies in different parts of the world. A study in Albania, for example, found it was primarily a transit point between Romania, Ukraine, Moldova, Serbia and Italy and Western Europe. Interviews were conducted with 371 girls/women (174 caught in Italy, 115 in Albania), and it was found that known entrance and exit smuggling routes were used (bribery common). Recruitment involved 35 percent willing victims, 35 percent false promises of marriage, 25 percent job deception, and five percent were sold or abducted. Ninety eight percent were brought across the border without legal documentation, and two-thirds experienced sexual or physical abuse—some developed dependency relationships due to coercive drug use (Lesko and Avdulaj 2003). This study offers detailed insights into how human trafficking operates in that area, and how it might be slowed.

A three-country study (Belgium, Italy, The Netherlands) analyzed 481 trafficking victim case files. It identified the types of promises that recruiters made, the nationality of recruiter, transit, and exploiter groups in comparison to the victim, and the mode of transport taken. At the destination point two-thirds of victims were forced into prostitution, contrary to their original agreement with the traffickers, and half were battered in

some way. This three-country study identified 5 source, 6 transit, and 4 destination countries, pointing to the wide transnational nature of human trafficking (Commission of the European Communities, 2003).

Studies like these interview large numbers of people with first-hand experience with human trafficking. They offer clear insights for prevention and intervention, such as the methods and promises used in recruitment, the recruiters generally paid for the travel and documents, the trafficking network consisted of small groups (half were three or fewer persons; 90 percent had seven or fewer participants). Additional facts included a recruiter's first contact with victim was within two weeks of departure in most cases, and trafficking routes and methods were similar to those used for other forms of illicit smuggling. Such information has clear utility for training for police and prosecution, victim identification, service providers and public education. Rich data like this needs to be gathered in other locations that have not yet received systematic attention and analysis (see Lehti and Aromaa 2002; Lehti, 2003; Antonopoulos 2004).

So where do this leave the law-maker, policy-maker, police officer, service provider, or researcher in trying to develop a comprehensive picture of human trafficking that can be implemented for prevention and intervention purposes (and whose effectiveness can be reliably determined)? The answer is to combine the three existing estimation methods conceptually and in practice.

Figure 7 illustrates how the three methods of estimation can be combined. First, risk factors need to be identified, collected, and measured in all parts of the world where trafficking is suspected to be a problem (as in Figure 1). This is a substantial undertaking, but human trafficking enterprises appear to have similarities and differences whose importance can only be understood with more data from a wider range of locations.

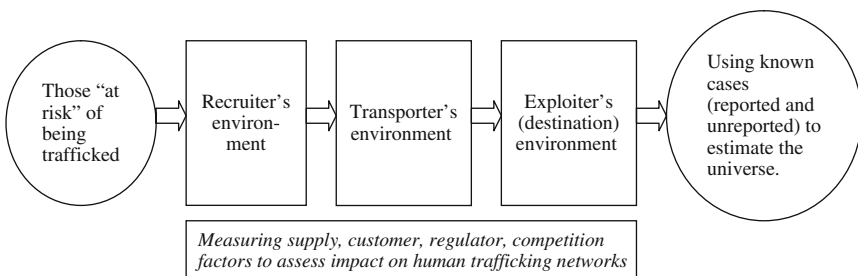


FIGURE 7.7. Developing a comprehensive estimate of human trafficking.

Periodic (annual or bi-annual) re-measurement of these risk factors can offer an indication of whether the size of the pool of those at high risk of human trafficking has increased or decreased over time, and which risk factors are improving or deteriorating.

Second, the three-part process of human trafficking operations (recruitment, transit, and destination) can be quantified by developing indicators for supply, customers, regulators, and competition at each stage. A standardized method of measurement would enable reliable assessments over time and among locations. A major contribution of modeling human trafficking networks in this way is that it would enable evaluation of the impacts of prevention and intervention measures at each step of the trafficking process. The impact of changed immigration policies, enforcement strategies, and victim service approaches could be evaluated across time and location (see Swedish Ministry for Foreign Affairs 2003; Guerette and Clarke 2005; International Organization for Migration 2005; U.S. Government Accountability Office 2005).

Third, known cases (both reported and unreported) to inform the assessment of the recruitment, transit, and destination processes could be assembled from multiple locations, and then used to make estimates within a definable margin of error (based on reporting rates derived from interviews with victims and from the size of the high risk population covered by data- gathering and assessments in different locations around the world).

5. Conclusions

The solution to the estimation problem of human trafficking lies in a dedicated effort to gather data systematically over time, using a combination of the approaches discussed here: (1) estimating the number of people at high risk, (2) accounting for the factors that influence recruitment, transit, and destination activities of traffickers, and (3) using reported and unreported known cases to estimate the universe of trafficking victimization.

What has been lacking in research on human trafficking thus far has been two things: a clear research approach, and data gathered systematically from multiple sources and regions. This paper has offered a research approach, but what remains to be developed are the will and resources to fund and carry out the research and analysis necessary to better understand and measure human trafficking over time and across locations.

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8

Review of Official Statistics on Trafficking in Human Beings for Sexual Exploitation and their Validity in the 25 EU Member States from Official Statistics to Estimates of the Phenomenon*

Andrea Di Nicola and Andrea Cauduro

Abstract: Trafficking in human beings for sexual exploitation is a significant issue in the European Union. However, notwithstanding this, data on this phenomenon is scarce and often unreliable in many European Union countries. Furthermore, estimates on the number of victims circulating across Europe are given credibility even though the methodology used to produce them is very rarely explained.

This article starts by reviewing the situation on data collection on trafficking in human beings in the 25 EU Member States, providing the reader with an up-to-the-minute report by dividing Member States into three tiers, reflecting the reliability of their data collection systems. Secondly, by using official statistics on victims of trafficking in human beings as a starting point, it aims to present possible estimates of the number of victims in a few selected EU Member States. As a conclusion, some proposals to improve data collection in order to boost the related anti-trafficking policies are suggested.

1. Introduction

Data on trafficking in human beings¹ for sexual exploitation is scarce and often unreliable in many European Union countries. The main explanation for this is the hidden nature of the population we are dealing with.

* Under the supervision of Andrea Di Nicola, this article was devised jointly by the two authors. The authorship can be attributed as follows: Andrea Di Nicola sections 1, 3 and 4; Andrea Cauduro section 2.

¹ From now THB.

However, this is also in part due to the lack of specific anti-trafficking legislation, a lack of organisation in the data collection systems and, in some new Member States, the lack of adequate funds for data collection (U.S. Department of State, 2004). These factors influence the reliability and the ease of gathering statistics on the phenomenon²

This article starts by aiming to review the situation on data collection on THB for sexual exploitation in the 25 EU Member States, i.e. the organisation and reliability of databases on this phenomenon. Then, from official statistics on victims of THB for sexual exploitation, it aims to present possible estimates of the number of victims of THB in a selected number of Member States.

This article draws upon the results of the “*Study on national legislation on prostitution and trafficking in women and children*”, assigned to Transcrime, Joint Research Centre on Transnational Crime of the *Università degli Studi di Trento* and the *Università Cattolica del Sacro Cuore di Milano* (Italy), by the European Parliament³ in February 2005. The final report of the study was submitted to the European Parliament in August 2005.

2. Review of Official Statistics on Trafficking in Human Beings for Sexual Exploitation and their Validity in the 25 EU Member States

Statistics on Trafficking in Human Beings for Sexual Exploitation: 25 Countries

A review of the current state of data collection on trafficking in human beings for sexual exploitation in the 25 Member States of the European Union reveals that these countries can be divided into three tiers of reliability. The criteria used to assess reliability in each country were:

- a) presence of official and/or NGO databases on trafficking in human beings;
- b) presence of databases on trafficking in human beings containing information on offences and/or offenders and/or victims.

² On this aspect see also: Migration Information Programme (1995) pp. 32-35; Laczko et al. (2002) p. 4; International Organisation for Migration (2001) pp. 56-59; Migration Information Programme (1996a), pp. 24-30; Kelly and Regan (2000), pp. 36-44; Kangaspunta (2003), pp. 81-103; International Organisation for Migration (2005).

³ The Study was commissioned by Directorate-General Internal Policies, Policy Department C, Citizens' Rights and Constitutional Affairs, European Parliament (Di Nicola et al., 2005).

According to these criteria, countries can be grouped as follows:

- *Tier 1. High reliability countries.* These are countries which at least possess official databases on offences, offenders and victims;
- *Tier 2. Medium reliability countries.* These are states which have a) NGOs collecting data on victims and/or official databases with data only on offences/offenders; or b) only official databases on victims;
- *Tier 3. Low reliability countries.* These are states with no standardised quantitative information on trafficking in human beings for sexual exploitation in the country.

The following is a summary of the features of data collection on trafficking in human beings for the purpose of sexual exploitation in the 25 Member States of the European Union according to the different tiers. **Belgium**⁴ is a destination country for THB. There are 5 sources of data on THB:

- *The national general police database.* The police services have a national criminal database. It contains police data which is delivered by the police services, for which the Minister of the Interior is responsible. This national general police database has only recently been established and has been structured on a modular basis, following the same classifications and legal qualifications as the Belgian Criminal Code. It contains information on all possible offences, including those related to THB. To facilitate the collection of data, a standardised set of “indicators” have been developed and were included in an annex of a circular issued by the Minister of Justice on April 20th, 2004 (Col. 10/04) concerning the investigation and prosecution policies related to THB. The database is official, confidential and electronic;
- *The annual statistics of the Public Prosecutor’s Offices.* At the Public Prosecutor’s Offices, the files containing prosecution data are classified with the help of special codes and sub codes, and follow the types of offences defined by Belgian criminal law, so that it is possible to identify the various THB offences in the electronic and confidential data systems of each Public Prosecutor’s Office. In addition, the aforementioned circular issued by the Minister of Justice on April 20th, 2004 (Col. 10/04), also introduced the future possibility of labelling files dealing with non-specific THB offences as relating to a THB “context”;

⁴ The information on Belgium was provided by Gert Vermeulen, Director of the Institute for International Research on Criminal Policy (IRCP), University of Ghent, Ghent.

- *The annual statistics on conviction data.* Conviction data relating to offences (including trafficking offences) is drawn up and held electronically by the Criminal Policy Service of the Ministry of Justice, and are based on data retrieved from the central criminal records, using the same codes as the Public Prosecutor's Offices' data systems. Conviction data, broken down into large categories of offences (not sufficiently detailed as to allow for identification of conviction data for trafficking offences) are available to the public. Detailed data can be produced on request. In the annual statistics on conviction data, convictions are divided into type of offence or category of offences. In the annual statistics on conviction data, there are no variables on offenders;
- Quite recently, the *Centre for Equal Opportunities and Combating Racism* which is charged with proposing, coordinating, and supporting Belgian policies regarding THB, established an electronic, user-friendly web-interface database on victims of THB. For this purpose, the Centre cooperates with three specialised centres for the reception and assistance of victims of human trafficking in Belgium, who furnish the data: Payoke (in Antwerp), Pag-Asa (in Brussels) or Surya (in Liege). This database contains information regarding the victims furnished by the three specialised centres during recent years. The database is official and confidential, and until now only accessible by the above-mentioned Centre and (with lower access rights) the three reception and assistance centres;
- *The Centre for Information and Analysis on Smuggling of and Trafficking in Human Beings.* This computerised information network was established by Ministerial Decree on May 16th, 2004, with the aim of producing a permanent, integrated, anonymous strategic statistical analysis on smuggling of and THB. As yet, given the recent establishment of the Centre, no data collection template for the envisaged strategic analyses has been designed or made available to the public.

Good data collection is also found in **Germany** thanks to four standardised sources of data on THB⁵. These are:

- Police Crime Statistics (*Polizeiliche Kriminalstatistik*), which conveys investigative data collected by police;
- federal situation report on THB (*Lagebild Menschenhandel*), produced by the German federal bureau of investigation (*Bundeskriminalamt*) which “is based on “intake statistics”. The annual reports are calculated

⁵ The information on Germany is mainly drawn by Di Nicola (2004).

using the number of recorded preliminary investigations conducted by police departments in each State for crimes pursuant to Sections 180b, 181 StGB”;

- statistics on criminal proceedings;
- the central criminal registry containing judicial data.

In *Italy* there are currently three important sources of data on THB: CED, ISTAT and the survey carried out for the Ministry of Equal Opportunities by Transcrime and the Anti-Mafia National Division, which is currently being updated by the Anti-Mafia National Division. The first two sources are public databases maintained by the Interior Ministry and the National Institute for Statistics, while the latter is a study implemented by the Anti-Mafia National Division and Transcrime. The survey collected data directly from Prosecutor’s Offices in Italy, providing a precise picture of the phenomenon. The process is currently being continued through the constant updating of the database by the Anti-Mafia National Division (Di Nicola, 2004).

Another important source of data is the database maintained by the Ministry for Equal Opportunities, which collects information on the victims of THB for sexual exploitation who obtain a temporary visa for social/judicial reasons.

In *Spain*⁶, there are also three main sources of data:

- the *Ministerio del Interior* stores investigative information relating to each chapter of the Criminal Code. The information contained in this database originates from the data collection forms compiled by the police forces (the *Cuerpo Nacional de Policía* and the *Guardia Civil*) when they become aware of a case of human trafficking, either because a report has been made or through their own actions. The data concerns cases known to the police and the persons arrested prior to their committal to trial;
- *Cuerpo Nacional de Policía* - Foreigners and Documentation Division. The Foreigners and Documentation Division of the National Police is responsible for the investigation of THB. The Division is organised into various investigative units, each specialised in a particular category of victim, i.e. women from Eastern Europe, Africa, Asia or South America. The Division uses the data collected during its investigations to compile a brief annual report on criminal offences, such as coercion into prostitution (Article 188 of the Criminal Code), offences against

⁶ The information on Spain was provided by Andrea Gimenez-Salinas Framis, *Centro de Investigación en Criminología*, University of Castilla-La Mancha, Albacete.

worker rights (which include Article 313-1 of the Criminal Code), offences against the rights of foreign citizens (under Article 318 bis of the Criminal Code), false documentation, and the falsification of residence permits. This data is gathered when investigations have been completed, and they are divided between (a) the number of rings identified and (b) the number of arrests made;

- *Guardia Civil – EMUME Central*. The *EMUME Central* in the *Guardia Civil* is responsible, albeit not exclusively, for the investigation of human trafficking offences. Complete quantitative or qualitative analysis of the *Guardia Civil* data comes from research studies and solved cases. Moreover, since 1999, annual reports have been produced on request, by EUROPOL, which contains data on sex, age and nationality of offenders and their victims, as well as qualitative data on rings, their modus operandi and contacts in Spain. This data refers to completed investigations. Since the introduction of the Directorate General of the Police Service Guidelines 3/2000 on action against rings engaged in the trafficking of women and the prostitution of minors, systematic inspections are carried out in clubs without accusations being necessary or suspicion that a criminal offence has been committed. Complete quantitative and/or qualitative analysis of the data available from the *Guardia Civil*, come from studies and solved cases.

In *Sweden* “the National Criminal Investigation Division is largely responsible for information on trafficking in human beings” (Di Nicola, 2004).

Furthermore, NGOs dealing with THB are financed by the State and furnish further data. The situation in Sweden is peculiar because of the prohibitionist legislation. Official data suggests a significant decrease in the phenomenon; however there are no definite results, mainly because prostitution may have been transferred to invisible places (such as private apartments) and for this reason it is less (or no longer) investigated.

In *The Netherlands* “an important source of information is a national database from the Public Prosecution Service (PPS). The data is gathered from the 19 District Public Prosecution Services” (Di Nicola, 2004). Another two organisations collect information: the NGO *Stichting tegen vrouwenhandel*/Foundation against trafficking in women (STV)⁷ that provides assistance to the victims of THB, and the Immigration and Naturalisation Services. Both these institutions collect reserved data. The collection of data in The Netherlands appears well organised and

⁷ STV operates and collects data under a governmental mandate.

accurate. Furthermore the presence of the Dutch National Rapporteur on Trafficking in Human Beings (NRM) provides further statistics for deeper analysis. The data collected by the NGO STV appears particularly reliable because the organisation has a public mandate to provide assistance to the victims of THB.⁸

Since the collapse of the Soviet Union, *Austria* has become a transit and destination country for THB, especially with regard to Eastern European women (U.S. Department of State, 2004). In the last ten years, databases collecting data on offences, offenders and victims of THB have been further developed; at the moment, the main source of structured data is the Criminal Police Force's (Federal Interior Ministry) Crime Statistics Database (*Bundeskriminalamt*). Every police officer in the field is obliged to enter data on such offences into this computerised programme. Data held in this database is, by law, non-personal data.

Another important source is the "red-light database" which can only be accessed by the police. This database contains personal information for the purposes of a specific investigation and/or analysis. Data held in this database must be deleted when the purpose for its collection/storage has been completed (i.e. after the operation has finished).

There is also a database on convictions, which is maintained by the police upon request of the Ministry of Justice. It contains the personal data of convicted persons and the length of their sentences" (Di Nicola, 2004).

Another important source of information in Austria is LEFÖ (*Lateinamerikanische Exilierte Frauen Österreich*). This is a Non Governmental Organisation⁹ that provides services to migrant sex workers and offers specific aid programmes for trafficked women (Di Nicola, 2004).

The official source of data in the *Czech Republic* is "a special division of the Organised Crime Investigation Unit of the State Police [that] is specifically trained and dedicated to trafficking crimes" (U.S. Department of State, 2004: 133); this unit collects information on offences. The Ministry of Justice delivers data on offenders. In addition, several NGOs, financed by the Government and the UN, collect data on victims of THB for sexual exploitation (U.S. Department of State, 2004, p. 134). In recent years, the UN and several NGOs implemented a number of projects in the country to assist victims of THB. The results of these projects and the data collected by NGOs operating in the field appear to provide reliable statistics (U.S. Department of State, 2004, p. 135).

⁸ According to Dutch legislation, when a victim enters into contact with the Police she is immediately reported to this NGO for assistance.

⁹ Hereinafter NGO.

In **France** there exists a central service for the fight against THB: OCRTEH (*Office central pour la repression de la traite des êtres humains*). This institution collects data and estimates that there are 15,000 prostitutes in France. These figures are not however accepted by some NGOs because they could undervalue the real extent of the phenomenon (Di Nicola, 2004). More reliable data on victims is collected by *Ac.Sé*, a national scheme for assisting and protecting victims of THB which is funded by the French Ministry of Social Affairs and the Municipality of Paris. It was set up in 2002 by the Association ALC, which acts as the coordinator. The network is composed of structures and shelters that provide specialised support and services to prostitutes and trafficked persons.

The only available data in **Greece** is provided by the police who collect information on completed and attempted offences and the number of investigations started (Di Nicola, 2004).

In April 2001, a task force was set up by the Ministry of Public Order to combat human trafficking. To date the main goals have been to create a framework legislation to tackle THB, to implement measures against this phenomenon and to collect data. The collection of data in Greece has improved over the last few years due to the introduction of the task force to combat THB and the implementation of recent legislation against THB (law 3064/2002). However data at the present time seems to be scarce and needs improvement, especially concerning the specific offence of THB introduced in 2002.

Lithuania is a country of origin, transit and destination for THB. Little data on persons trafficked abroad exist.

Data on offences and offenders on THB for sexual exploitation are collected by the Criminal Search Division of the Police Department within the Interior Ministry.

Concerning domestic prostitution, some Lithuanian NGOs present in the country have monitored the trends which have revealed that some foreign women operate as prostitutes in the country (Kalikov, 2003-2004, pp. 9-21).

Poland is a country of origin, transit and destination for THB. The country is making great efforts to combat the phenomenon; for this purpose, Police and Judicial authorities (in particular the National Prosecutor Office in Warsaw) collect some data on offences and offenders (U.S. Department of State, 2004, p. 163).

As regards the collection of data on the victims of THB for sexual exploitation, some NGOs are active in the field and can provide data (La Strada Poland, 2003).

In the review of the existing literature¹⁰ concerning THB for sexual exploitation and prostitution, no information was found concerning the situation in *Cyprus*, *Estonia* and *Malta*. This does not mean that reliable data on the phenomenon does not exist in these countries, but could be an indication that such a problem exists.

With regard to *Denmark*, the only available source of data on THB are the annual tests carried out by PRO-Centret, and the Danish Research Centre on Social Vulnerability (Unit for Prostitution), “on the tabloid paper *Ekstra Bladet*, which for many years has been the main source of prostitution advertisements” (Di Nicola, 2004).

Information on trafficking in women in *Finland* is collected by one full-time investigator at the National Bureau of Investigation in Helsinki. No database on the phenomenon, its victims or perpetrators exists. This is because no offences that would fulfil the criteria for trafficking in women (as understood by the Finnish police authorities) have come to the attention of the police during recent years (Di Nicola, 2004).

Hungary is mainly a country of origin and transit for THB, but there is only a small amount of data available, collected by the Prosecutor’s office and the Interior Ministry¹¹

In *Ireland* the absence of specific legislation on THB affects the collection of data, which is limited to some statistics elaborated by the *Garda Siochana* (police). In Ireland, immigration and illegal immigration are recent phenomena and for this reason there is neither specific legislation nor particular interventions against THB for sexual exploitation. The little available data suggests that the extent of the phenomenon is limited, due to both the recent migratory fluxes and the geographical position of Ireland, which receives “indirect” migration from other EU countries (Di Nicola, 2004).

Latvia is a country of origin for THB and there is little data on the phenomenon, which is collected by the Police: “according to the Vice Squad, some 100 women and men depart from Latvia each month to go to various European countries to work as prostitutes. The police tend to have only fragmentary information about what these people are actually doing abroad. It is usually only data about and from prostitutes who have been deported back to Latvia” (Kalikov, 2003-2004: 60).

¹⁰ In English and French.

¹¹ “The Hungarian Prosecutor’s Office prosecuted 22 individuals under the trafficking in persons law; 18 of the 22 were convicted. Of the 18 convicted, authorities sentenced 12 to prison; the others were given suspended sentences. Additionally, the Interior Ministry in 2003 investigated 22 new trafficking cases” (U.S. Department of State (2004), p. 147).

In **Luxembourg** information on criminal offences is centralised at the *Direction de l'Information*, a special unit within the grand-ducal police force, which collects data on various types of crime. There is, however, no specific database for THB. It should also be noted that the legislation on data protection is quite restrictive.

The only official sources that exist regarding related criminal offences are police data relating to prostitution, procurement/pimping, immoral activities and abduction or trafficking aliens. The collected data simply qualifies the criminal offence and contains basic information, to the extent available, about the suspects and victims.

The data is primarily statistical in nature and does not provide significant insights into the problem of human trafficking itself.

The current absence of data collection translates into very real difficulties when trying to deal with THB. Because THB is a recent and modern criminal offence, it still seems difficult to ascertain whether a given case is about procuring or THB. A lot of genuine THB cases will be eventually qualified as cases of procurement (Di Nicola, 2004).

In **Portugal** the Portuguese Criminal Investigation Police (CIP) has an Integrated System of Criminal Investigation (SIIC) as its source for collecting data. It is an official and confidential electronic database.

The Criminal Investigation Police work under the Public Prosecutor's Office. During the investigation phase, there is a close relationship between the work done by the criminal investigators and the public prosecutor's activities. Because of this, the data collected in the Integrated System of Criminal Investigation is both police and prosecution data (Di Nicola, 2004).

Slovakia and **Slovenia** are mainly countries of transit and origin for THB and there is little data on the phenomenon, mainly due to financial and organisational problems (U.S. Department of State, 2004: 173 and 175).

In the **United Kingdom** there are only general statistics on crime with no specific collection of information on THB (Di Nicola, 2004).

Based upon the above review, the following table provides a summary of the reliability of the existing quantitative data on trafficking in women and children for sexual exploitation in the 25 EU Member States. As table 1 shows, only 24% of the Member States are in tier 1 and have a high reliability of quantitative data on trafficking in human beings (Belgium, Germany, Italy, Spain, Sweden, The Netherlands), 24% are in tier 2 and have a medium reliability (Austria, Czech Republic, France, Greece, Lithuania, Poland), whilst the majority of Member States, 52%, are in tier 3 with a low reliability (Cyprus, Denmark, Estonia, Finland, Hungary, Ireland, Latvia, Luxembourg, Malta, Portugal, Slovak Republic, Slovenia, United Kingdom).

TABLE 8.1. Types of data collected and reliability of the quantitative information on THB in the 25 EU Member States.

Countries/types of data collected	Type of databases and reliability			Reliability
	Official databases	NGO databases	No available information	
Austria				
<i>offences</i>	✓			Medium
<i>offenders</i>	✓			
<i>victims</i>		✓		
Belgium				
<i>offences</i>	✓			High
<i>offenders</i>	✓			
<i>victims</i>	✓	✓ ¹²		
Cyprus				
<i>offences</i>			✓	Low
<i>offenders</i>			✓	
<i>victims</i>			✓	
Czech Republic				
<i>offences</i>	✓			medium
<i>offenders</i>	✓			
<i>victims</i>		✓		
Denmark				
<i>offences</i>			✓	Low
<i>offenders</i>			✓	
<i>victims</i>			✓ ¹³	
Estonia				
<i>offences</i>			✓	Low
<i>offenders</i>			✓	
<i>victims</i>			✓	
Finland				
<i>offences</i>			✓	Low
<i>offenders</i>			✓	
<i>victims</i>			✓	
France				
<i>offences</i>			✓	medium
<i>offenders</i>			✓	
<i>victims</i>	✓			
Germany				
<i>offences</i>	✓			High
<i>offenders</i>	✓			
<i>victims</i>	✓			

(Continued)

¹² Data on victims are collected by three NGOs working in the field and coordinated by the Centre for Equal Opportunities and the Fight against Racism.

¹³ In reality some estimates on victims are elaborated by the PRO-Centret, and the Danish Research Centre on Social Vulnerability, however they are based on newspaper advertisements reporting the “visible prostitution” which are unlikely to be synonymous with THB for sexual exploitation.

TABLE 8.1. (*Continued*)

Countries/types of data collected	Type of databases and reliability			Reliability
	Official databases	NGO databases	No available information	
Greece				
<i>offences</i>	✓			medium ¹⁴
<i>offenders</i>	✓			
<i>victims</i>	✓			
Hungary				
<i>offences</i>			✓	Low
<i>offenders</i>			✓	
<i>victims</i>			✓	
Ireland				
<i>offences</i>	✓			Low
<i>offenders</i>	✓			
<i>victims</i>			✓	
Italy				
<i>offences</i>	✓			High
<i>offenders</i>	✓			
<i>victims</i>	✓			
Latvia				
<i>offences</i>			✓	low
<i>offenders</i>			✓	
<i>victims</i>			✓	
Lithuania				
<i>offences</i>			✓	medium
<i>offenders</i>			✓	
<i>victims</i>		✓		
Luxembourg				
<i>offences</i>			✓	low
<i>offenders</i>			✓	
<i>victims</i>			✓	
Malta				
<i>offences</i>			✓	low
<i>offenders</i>			✓	
<i>victims</i>			✓	
Poland				
<i>offences</i>	✓			medium
<i>offenders</i>	✓			
<i>victims</i>		✓		
Portugal				
<i>offences</i>	✓			low
<i>offenders</i>	✓			
<i>victims</i>			✓	

¹⁴ Notwithstanding the fact that Greece formally falls into the “high reliability” tier, the researcher chose to consider its reliability as “medium”, because there is little data to date: this is partly due to the fact that specific anti-trafficking legislation was only introduced in 2002.

Slovak Republic	<i>offences</i>		✓	
	<i>offenders</i>		✓	
	<i>victims</i>		✓	low
Slovenia	<i>offences</i>		✓	
	<i>offenders</i>		✓	
	<i>victims</i>		✓	low
Spain	<i>offences</i>	✓		
	<i>offenders</i>	✓		
	<i>victims</i>	✓		high
Sweden	<i>offences</i>	✓		
	<i>offenders</i>	✓		
	<i>victims</i>	✓	✓ ¹⁵	high
The Netherlands	<i>offences</i>	✓		
	<i>offenders</i>	✓		
	<i>victims</i>	✓	✓ ¹⁶	high
United Kingdom	<i>offences</i>		✓	
	<i>offenders</i>		✓	
	<i>victims</i>		✓	low

Source: Transcrime

Pitfalls and Best Practices

The following are the main problems which could hamper effective data collection and the exchange of information on THB for sexual exploitation at the European Union level:

- *There are many diverse authorities collecting data.* Collection may be carried out by the Ministry of Justice, the Interior Ministry as well as the National Office for Statistics. In some cases, only specific authorities (e.g. law enforcement personnel, Public Prosecutor's Offices) have access to the data. As a result, there is little centralisation of data and the possibility of sharing information between countries is reduced;
- *The data stored in databases is not immediately comparable across countries because the relevant criminal offences are sometimes different;*

¹⁵ In Sweden there is public financing of NGOs assisting the victims of THB.

¹⁶ In The Netherlands data on victims is collected by the NGO STV operating in the field on a public mandate.

- *Statistics are not always clear and useful.* Some databases combine data on offences connected with trafficking in human beings with data referring to other offences. This implies that little attention is paid to the issue of trafficking in human beings from a statistical point of view. When the same article in the Criminal Code or law covers different offences, it is possible that the statistics on a particular article include information on different phenomena. In which case the relevant data cannot be disaggregated;
- *The criteria for the storing of data differ between countries.* Data may be investigative or judicial. Furthermore, investigative data may refer to the initial phase of investigation or to the phase in which investigations are concluded;
- *The types of data collected may differ.* In some countries, data is only investigative and collected at the beginning of the investigation; it is not judicial. In other countries, data may refer to concluded investigations. In Italy, the survey by Transcrime and the Anti-Mafia National Division collects data on cases under preliminary investigation, brought to trial and sub judice, and, in different instances, adjudicated. Data may also refer to convictions. Attention should be paid to the data collection stage in order to ensure comparability across countries;
- *Different variables are used to collect information on offences, perpetrators and victims.* In some cases, these variables may not be very useful because they are not tailored to the specific offence of trafficking for the purpose of sexual exploitation;
- *Insufficient attention is paid to gathering information on victims.* One of the main deficiencies in many databases is that the victims are ignored. The lack of information about this group is a major shortcoming. The number and characteristics of victims known to investigative and judicial authorities may be of crucial importance, not only to understanding trends in the phenomenon but also to producing reliable estimates of the total population of trafficked persons;
- *Some countries only maintain confidential databases and occasionally these are the only ones available for information on trafficking in human beings;*
- *Information from NGOs is under-utilised.* Extremely useful information may be gathered by NGOs, but their data storage systems are sometimes unsatisfactory. This knowledge should be preserved, and standardised data should be collected by NGOs and made available for research and policy purposes. Correspondingly, cooperation between national authorities and NGOs needs to be improved.

Notwithstanding the abovementioned problems, it must also be underlined that some countries in *tier 1* owe their reliable data collection systems to the best practices they have been developing. Amongst the most important best practices:

- The Belgian *Centre for Equal Opportunities and Combating Racism*. Since 2004 (when it was created) it has been coordinating the information collected by Police forces and three NGOs actively assisting victims of THB. This practice is particularly significant because it is a successful attempt to interface “private” and “official” sources, standardising their criteria of collection in order to obtain comparable results. In addition, the high level of details gathered, conveys a good knowledge of the phenomenon and of its trends.
- The annual *Lagebild Menschenhandel* (Report on Trafficking in Human Beings) by the German *Bundeskriminalamt* (Federal Criminal Police) gives a reliable picture of the trends of THB in the country. In contrast to the Belgian experience, this study is based only on figures collected by Police in reported/investigated cases of THB, according to the definitions given by the German criminal code. The system provides precise data on the number of victims. This aspect could be taken into account by other national police forces and statistical bodies in order to improve the analysis of the phenomenon, above all, analyses concerning victims;
- The official statistics collected by the *Italian Interior Ministry* (CED) and the *National Institute for statistics* (ISTAT) give a detailed account of offences and offenders of THB. This is also due to the entry into force of law 228/2003 that modified the criminal code inserting the specific offence of THB. Beside these sources, a particularly positive experience was the *survey carried out by Transcrime and Anti-mafia National Division*: an important tool for garnering better (and updated) information on the market of trafficking. The survey started when there was no specific offence of THB in Italy, so in order to draw a reliable picture of the trends of the phenomenon, it was decided to use a three-step methodology: 1) individuation of the possible offences used to pursue traffickers by the Judicial Authority (e.g. exploitation of prostitution, slavery, slave trade, kidnapping, etc.); 2) after the Anti-Mafia National Division terminated this process, the 15 Prosecutors’ Offices that showed signs of being more active in the fight against trafficking were identified; 3) Transcrime carried out some in-depth interviews with these prosecutors in order to highlight and share their counterstrategies against THB. The importance of this experience is double: on one side the set of offences used to define THB could

be “exported” to those countries where there is no specific offence; and on the other side the interviews contributed towards important information being disseminated among public prosecutors, making it possible to implement more effective tackling interventions. Finally it must be noted that the process is ongoing, because data collected during this study is now updated annually by the Anti-mafia National Division;

- The *inspections carried out by the Spanish Guardia Civil* represent a strong instrument in monitoring the situation of THB in the country. In particular the systematic inspection of nightclubs, pubs, etc. is a very effective way of “feeling the pulse” of the phenomenon and therefore enables suitable countermeasures to be employed quickly. In fact, it is known that traffickers quickly change their strategies to better avoid police interventions and so maximise their earnings.
- Since 2000, in The Netherlands, the coordination of data collection on THB is the responsibility of the *Dutch National Rapporteur* (Bureau NRM). This is the first example in the European Union of a centralised body dedicated to coordinating the different sources of information on the phenomenon. Similarly, the Belgian *Centre for Equal Opportunities and Combating Racism* provides NGOs and Police with common criteria for the collection of data. The resulting data is then coordinated and (annually) published by the Rapporteur. The Dutch system has been working very well since it was established in 2000 and should be taken into account in order to implement a similar mechanism at an EU level.

3. From Official Statistics to Estimates of the Phenomenon

Starting from the above mentioned review, we have selected 11 Member States which, besides possessing more reliable statistics on victims of trafficking in human beings for sexual exploitation, a) have similar criminal provisions on trafficking in human beings (therefore they have an “homogeneous definition” of the problem, they use the same language); and b) broadly speaking, are “relatively” similar as far as the level of law enforcement against trafficking in human beings is concerned.

These countries are: Austria, Belgium, the Czech Republic, France, Germany, Italy, Lithuania, Poland, Spain, Sweden, and the Netherlands.

We have selected 11 Member States in which data on THB is more reliable in order to try and estimate the number of victims. For this reason a common method is needed in order to have national

numbers that are comparable across countries. This method was already used by Transcrime in previous studies and has proven to be feasible and quite reliable in comparison with other possible “guesstimates”¹⁷ Official information on the number of trafficking victims who came into contact with NGOs or with the police/judicial authorities (victims in judicial proceedings) provides an important source of reliable estimates.

Starting from these official numbers, it is necessary to calculate the ratio between victims who contact the police/judicial authorities or NGOs and those who do not (i.e. the hidden number of victims). If a reasonable definition is given to this ratio, reliable estimates can be made. This ratio can be defined using the results of victimisation surveys and/or with the help of the national experts on trafficking. A starting point for calculating the ratio between the number of victims recorded by this monitoring study on trafficking and the real number of victims can be a victimisation survey conducted on the victims of sexual offences in the UK (Myhill and Hallen, 2002). For this type of crime only two in every ten victims contact the authorities. The ratio between the number of victims reported in official statistics and those who go unreported is thus 1/5. Moving to trafficking in human beings and taking account of a) the lack of trust in the authorities shown by the victims; b) their illegal status in the destination country and their isolation; c) their subjugation to the traffickers; and d) the covert nature of the trafficking, it is possible to argue that this ratio is much lower. It accordingly seems likely that the ratio between the victims recorded and the real number of victims could oscillate between 1/10 and 1/20. The formula reads as follows:

*Annual national estimate of victims (min. and max.) = Number of victims who contact the police or judicial authorities or NGOs per year * 10 (min.) or 20 (max.)*

Table 2, starting from official data on victims existing in the 11 different selected Member States and then applying the abovementioned method of calculation¹⁸, results in an estimate number of total victims for the eleven countries selected for the study for the period 2000-2002.

¹⁷ Only very few of the studies conducted to estimate the victims of human trafficking have explained the methodology used to produce their data (Migration Information Programme, 1996b; Bruinsma and Meershoek, 1999; Kelly and Regan, 2000; Carchedi et al., 2000; Carchedi, 2004; Brunovskis and Tyldum, 2004).

¹⁸ Because of the fragmentariness of the available data, it was not possible to apply the proposed method for the Czech Republic and Sweden. For these two countries previously existing estimates are presented.

TABLE 8.2. Estimate of the total number of victims of THB for sexual exploitation in eleven EU countries for the period 2000-2002.

Country	estimated victims per year					
	2000		2001		2002	
	min.	max.	min.	max.	min.	max.
Austria	1.430	2.860	1.830	3.660	2.080	4.160
Belgium¹⁹	(min.) 1.730 – (max) 3.460					
Czech Republic²⁰	350		360		370	
France	3.260	6.520	3.560	7.120	5.740	11.480
Germany	9.260	18.520	9.870	19.740	11.080	22.160
Italy²¹	17.550	35.500	18.360	36.720	17.970	35.940
Lithuania	160	320	100	200	120	240
Poland	1.720	3.440	930	1.860	1.670	3.340
Spain	4.600	9.200	6.010	12.020	7.500	15.000
Sweden²²	200	500	200	500	200	500
The Netherlands	3.410	6.820	2.840	5.680	3.430	6.860
Total²³	41.940	84.030	44.060	87.860	50.160	100.050

Source: Transcrime on national data

In order to make these estimates comparable across countries, we also present an annual national index of victims. This index is the rate between the annual national estimate of the number of victims and the number of males residing in the country aged over 15 in the year under consideration (i.e. the number of potential clients for these victims) times 100.000. The formula reads as follows:

*Annual national index of victims = Annual national estimate of victims / number of males resident in the country aged over 15 in the year considered * 100.000*

From the annual national index of victims a general index of victims was calculated. This index is the sum average of the annual national indexes of victims for 2000, 2001 and 2002. Figure 1, therefore, synthesises the estimate of victims per 100.000 male inhabitants for the eleven countries selected for the study for the period 2000-2002.

¹⁹For Belgium the calculation method was applied to aggregated data referring to the period 1999-2001.

²⁰The reported estimate was elaborated by the Czech NGO *Rozkos bez rizika*

²¹This data refers to the period March 2000 – March 2003.

²²The reported estimate was elaborated by the Swedish National Criminal Investigation Police (SNCIP).

²³It is not possible to add data on Belgium year by year because, unlike the others, they are aggregated for the period 1999-2001.

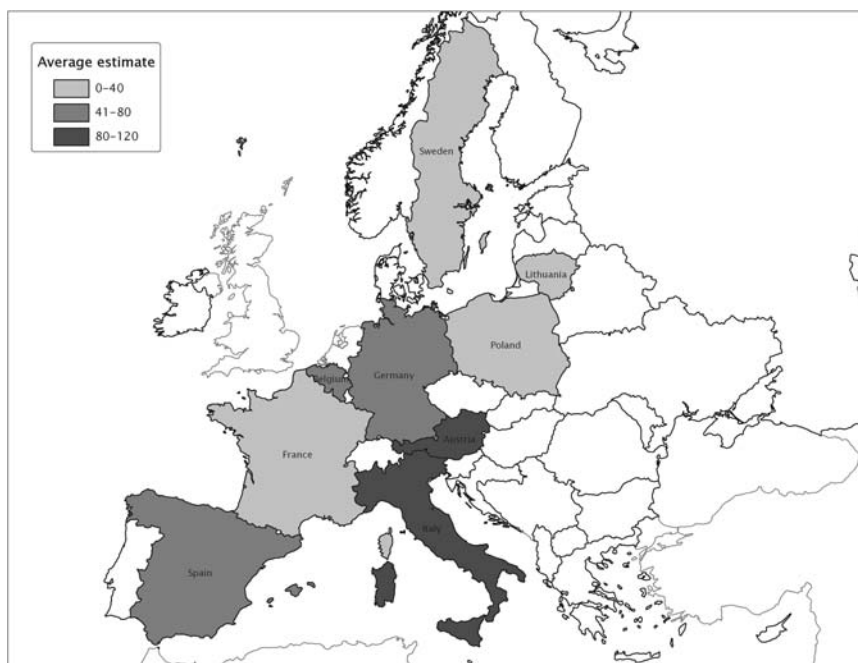


FIGURE 8.1. Estimate of the number of victims per 100.000 males over 15 years in the eleven countries selected for the study.

Source: Transcrime on national data

4. Conclusions

At the end of this contribution some conclusions can be drawn on how to improve data collection and estimates on THB for sexual exploitation at the EU level.

In the last few years, important efforts have been made by many States regarding the introduction of specific offences of THB according to the definition of the UN Palermo Convention of 2000. Notwithstanding that, data on THB and in particular on victims are still scarce and often unreliable. For this reason it is fundamentally important to improve the knowledge of the phenomenon in order to put into practice efficient tackling strategies.

First of all actions should be taken by the Member States to improve data gathering and data collection procedures on the trafficking of women and children for sexual exploitation, with special focus on victims, and particularly, on child victims too often neglected in the statistics, when they should constitute a separate category. Particular attention should be

paid to the development of guidelines for data collection and storage that will enable a homogenous and sound cross-country comparability.

Trafficking in human beings is, by nature, a transnational crime, but one of the main shortcomings in the fight against this phenomenon is the lack of comparability of information between States. For this reason action should be taken by the Member States and the EU institutions to fund studies to develop empirical and comprehensive methodologies and tools to collect and collate information on prostitution and trafficking for sexual exploitation, taking into account the hidden nature of the phenomena and all the intervening and cross-cutting factors.

For the same reason, actions should be taken by the Member States to establish a national collection mechanism, that could be e.g. a National independent Rapporteur or other similar body, as recommended by the Experts Group on Trafficking in Human Beings of the European Commission, that involves all main players (law enforcement agencies, the judiciary, the social services and NGOs, etc.) that collect data on the phenomenon herein considered.

Action should be taken by the European institutions to set up a collection mechanism at the EU level so as to provide updated information on the development of the phenomena of prostitution and trafficking for the purpose of exploitation in the sex industry within the 25 Member States and, therefore, develop appropriate measures and policies to address the identified needs of the persons concerned.

Both National and European collection mechanisms should be managed by bureaus with an independent status and a clear mandate with no operational or political functions. Such bureaus should periodically report and propose recommendations, based on the analysis of the data collected, to their Government, Parliament, or in the case of the European mechanism, to the European Parliament.

Finally, actions should be taken to improve the collaboration with service providers and NGOs that offer a wide set of services to prostitutes, trafficked persons and migrants. NGOs and service providers are often in fact the holders of useful and detailed hard data that could greatly contribute to the national and/or European collection mechanisms. It would be of utmost importance to co-design with such key-actors a common collection spreadsheet to gather the relative data.

Action should also be taken to collect data in a comparable way, in different Member States on other variables than can be studied as important causal factors of the extent and the modalities of trafficking other than the model on prostitution, such as: the nature and diffusion of the demand for sex services; the level of anti-trafficking control measures; the level of closure/openness of migratory regulations; the

enlargement of the European Union; the level of welfare in the country; the level of feminisation of poverty; the level of competence and spread of organised criminal groups; the level of corruption in various sectors (law enforcement, judicial, political, etc).

But why improve the collection of data on THB for sexual exploitation at the EU level? What can better data be used for? Are we sure that investing resources to achieve statistics on offences, perpetrators and victims of THB comparable among Member States is a cost-effective activity? What is sure is that improving and harmonising data collection on THB and achieving more trustworthy estimates on victims would result in: a) good objective information on which better knowledge-based policies could be built; b) indicators able to evaluate the effectiveness of policies against THB and policies of assistance to victims; c) a clearer map of the phenomenon in order to orient the law enforcement action at the national and supranational levels.

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9

Qualitative Research in Trafficking – A Particular Case

Grigoris Lazos

Abstract: This chapter contains a short presentation of the methodological decisions (and their reorientations) during the many-year research on trafficking in women and youths in Greece. It focuses on the qualitative aspects of research on this topic. The following issues are addressed: the methods of accumulating material; the verification of findings; the dilemma of generalization or ‘true stories from the field’; the qualitative-quantitative research relations; the shocking passages from the ‘unknown’ to the ‘missing’; the distinction between researcher and research subject.

1. Introduction

The research project on trafficking on which I present certain comments regarding methodological decisions and their practical applications, started more than fifteen years ago. A paper on the methods was published in early 1998, while studies on the research findings were published in various forms from 1996 to 2004.¹ However, the research was to continue – and in fact, it has not yet ended. After so many years spent in actual research, to write an article on methods gives a strange feeling, since the subject and the methods (and the researcher) have changed in many respects. Among the factors that affected the methods, perhaps the most important was that the phenomenon went through four phases: practice (1990-95), practice and social issue (1996-2000), practice, social issue and political issue (2001-2002), practice, social issue, state issue and civil society issue (2003 to the present). Each new phase brought about changes in trafficking as a practice, which has always constituted

¹ *The Problem of Qualitative Research in the Social Sciences* (1998), *Prostitution and Trafficking in Modern Greece* (2001).

my major research focus. For example, the adoption of law 3064/2002 against trafficking or the police offensives from September 2001 to April 2003 (under the guidance of the *Group against Trafficking* created within the Ministry of Public Order) resulted in some interesting alterations involving all stages and most forms of trafficking in Greece.

2. The Research Topic and Methods

The initial focus of research on trafficking in the late 1990s was on the qualitative characteristics of the phenomenon, the typical relations and personal biographies of all those engaged in it, from women and youths to the traffickers themselves to the clientele. Trafficking was in many respects a novel form of social relation and did not fit in the theoretical, historical and empirical standards of prostitution within the sovereign national state framework. Erzberger and Prein (1997, p. 144), Denzin and Lincoln (1994, p. 4) and Filias (1998, p. 18) seem to agree that qualitatively oriented research is necessary to grasp new or unknown sides of social reality for which the researcher has no previous theoretical or empirical knowledge to turn to. In fact, it took me several months and a lot of ‘tutoring’ from experienced legal Greek prostitutes to start comprehending the differences between prostitution and trafficking.

Trafficking is not an isolated social, economic, political and cultural phenomenon. It is part of the broader complex of the illegal market in Greece (and not only), the market in which all sorts of illegal commodities – drugs, guns, sexual services (and, lately, human organs) etc. – are for sale to meet needs and desires of all sorts, those available through money and/or power. All those specialized markets are intimately connected. And they enjoy the – crucial for their survival and reproduction – contact with legality, the kind of contact known as corruption (Lazos, 2004). The corrupt elements contribute to and participate in the illegal economic and psychological exploitation of the trafficked women and youths.

Trafficking is a dangerous topic for research. Although it appears interesting, it is not the proper pastime topic for an academic. It takes place in organized crime territory, the research takes place in organized crime grounds. These are ‘closed’ or ‘guarded’ social spaces with detailed internal codes that have to be respected with the utmost care. No one representing a risk for the members of these social (partly criminal) networks is ever accepted inside them. Moreover, even if accepted, if he/she is suspected of spreading names and facts that may lead to arrest, he/she runs great risks. What proved important when I, as a researcher, strove to stabilize my presence in the field was the fact that most of

the traffickers did not feel like organized criminals. They knew that they could be prosecuted for organized crime activities, but they attributed it to ignorance of 'what really happens' from the part of the law (Lazos, 2005). Through various neutralization defences (noted by Matza, 1964, and Matza and Sykes, 1961), they did not feel that they were acting in ways that were distinguishable from those of standard businessmen. As far as the violence they practiced is concerned, they felt that they had to substitute the law in the absence of provisions regulating social relations within this particular social territory. Yet, it must be noted that the trafficking market operatives did share the same general values with most of the general population by focusing on money and success (Maganas and Lazos, 1999). So, if the researcher has the time and opportunity to learn the local codes and act without violating them (and to do that he/she has to run the risk of violating the general codes and/or the law), there is a lot of 'tacit knowledge' (Altheide and Johnson, 1994, pp. 492-93) that can be used as a basis. The organized crime trafficking culture is not qualitatively different from the rest of conventional cultures constituting the overall societal cultural matrix. After some time, the researcher may accumulate a capital of acceptance (which includes the 'luxury' of being critical of some of the local practices).

Field research on trafficking, as perhaps most field research, needs time, a lot of time. White's, Vidich's and Humphrey's field research demanded one fourth, one fifth and one sixth of their total scientific activity (Whyte, 1981, Vidich and Lyman, 1994). And this reveals the tragic moment of research, 'Rasmussen's nightmare': investing the necessary time in research equals professional suicide (Rasmussen, 1989).²

Since this research on trafficking constituted a long-term effort, there emerged changes that had the time to backfire in the initial research models, altering priorities, introducing new questions, valuing new hints, refining techniques and understandings. The methods were constantly reformed, altered and reemphasized, not only due to the proposal of new research ideas in international bibliography but, also, due to the fact that the subject of interest, trafficking in Greece, was changing in complicated ways that demanded extensive and intense thinking time in order to control an infinity of moments and structures that were mutually incompatible. This is a problem that, to my knowledge, is not

² Let me note that all of those young students (men and women) that assisted me in the research effort from 1995 to 2000 continued their studies on postgraduate levels. Yet, although experienced on trafficking with thousands of research hours, all of them decided to present their doctorates on different subjects.

appropriately confronted in international bibliography: qualitative field research is approached as a short-term fixed project. Yet, in long-term projects during periods of broad social change there emerge important changes – discontinuities – in the subject, the society, the researcher and the methods. Among so many other changes introduced in the research let me note the reconceptualization of the ‘field’: to the ‘physical space’ as developed by Park, Burgess and McKenzie (1967, pp. 1-46) was ‘added’ Geertz’s conceptualization of focusing on ‘local knowledge’ (Geertz, 1983). Local knowledge and rumour as a way of passing news and opinions are of crucial importance in deviant, ‘grey zone’ social environments that have no general media channels (he/she who spreads ‘lies’ is discredited). So, gradually, the research effort turned to Denzin’s postmodern research perspective (1989a), emphasizing the difficulties of field research generalization (and notwithstanding his simplistic historical conceptions about the Fourth Epoch of the social world). Nevertheless, for a long time, the personal hour-to-day reality of the trafficking victim and the month-to-year reality of the trafficking network did not match in the overall research reasoning. Gradually, after witnessing and registering the passage (or processing) of thousands of women and youths through trafficking, through the nexus of client and trafficker, there emerged a hint of wisdom – or futility: I knew beforehand what was awaiting the new arrivals. I was older than my research subject. The unspoken but prevalent in social research assumption that the researcher remains constant, changeless and unaffected by the general social environment throughout the research needs to be revisited and rethought, even if it adds rather than detracts to the complexities of research. And, of course, the researcher is changed by the growing knowledge of his/her subject. Researcher and research topic constitute moments of the same historical framework (Olmann, 1993, p. 45).

The subject for research and reflection on trafficking, of which I present certain broad characteristics, was not limited to developments in Greece. On the one hand, the material collected was compared – or, more accurately, connected – with information and fruitful ideas advanced from colleagues in various countries, international organizations and NGOs dealing with trafficking processes in eastern European and Balkan countries. My participation in the *Group against Trafficking* gave me the opportunity to study in detail the materials at the disposal of the Greek Police (whether collected and organized or not) and to compare them with the broader in perspective research findings. The verification of findings followed the ideas of Miles and Huberman (1984), post-positivists or transcendental realists, and Bashkar (1989) who insist that

social facts (if we agree on what is a social fact) are presentable with accuracy, the qualitative research effort is repeatable and the findings are not unique. The accumulating material of the research effort was (partly) saturated, emphasized and evaluated on the basis of Denzin's postmodern criteria of triangulation (1989b) which proved less sensitive but more economical than Richardson's criteria of crystallization which perhaps are more demanding than the research situation in trafficking permits (1994). By touching the very interesting issue of the time, energy (and money and power, I may add) economics of the research, two more important influences have to be noted. The first is Glaser and Strauss' concept of saturation of available material, i.e. that it is better to avoid collecting material on issues regarding which the material available forms an appropriate basis for the intended generalizations. But, referring to saturation, I must note that the research object of trafficking has internal dynamics that hardly permit the researcher to exercise this form of economics – or, at least, this was the case in my research. Second, the computer was extensively used to orient and organize material through the application of Relational Database Management Systems such as the NUDIST and the Ethnograph. This technology proved partly fruitful and (or but?) did affect the research emphases on several occasions.

Turning to the methods for accumulating material, trafficking cannot be studied at the level of 'street research' through questionnaires (as applied in Maganas-Lazos with a specific focus on values), or, in fact, by any single method. On the contrary, it necessitates the application of all types of methods that are available in the social sciences – including social geography and urban centre planning dynamics. The research effort was based on a central presupposition that proved effective in disciplining the great numbers of available research methods and method variations (as well as the vastness of the collected material). This was the emphasis on history – societal history and the micro-history of the individuals involved in the subject (or biography). Or, to put it succinctly: if no history, then no theory, no method, and then no facts. According to Barthes (1972, p. 41), research constantly tried to avoid 'the miraculous evaporation of history from events'. Facts perceived as 'dead-end' were put aside to the broad category of 'events' (schematically, events of no perceived importance) in Nisbet's terminology (1969, pp. 272-82), and the emphasis was turned on chains of facts in chains of individuals. The central question was about what happens next. If there was no next there was no fact – probably an arbitrary and pre-scientific decision, but relieving from the pressure of infinite detail. Within this general framework, the applied 'strategy' (a rather heavy term, indicating full planning and control) closely resembles – or even, is homologous to – the

strategy of Cohen during his research on *Folk Devils and Moral Panics* (1972): (structured and intimacy-inclined) interview, observation and (peripheral and selective) participant observation.

As far as the interview is concerned, the form systematically applied was the structured interview. Instead of the 'free-floating' interview, the structured interview was carried as if an invisible questionnaire had to be completed. Moreover, the emphasis was turned on concrete facts, situations as well as concepts with societal equivalents: amount of money, number of hirings, type of services, client types and postures, use of prophylactics, food eaten, hours of starting and ending the offering of sexual services, types of sexual services offered, health problems, teeth condition (far more easily established than, say, the liver condition), costs for dressing, bathing habits, free time passing etc. This is a practical idea that I owe to Amin's definition of culture not as the unfathomable domain of ideas but as the everyday modes of organization of use values (1980). The structured interview (for the initial idea, see Becker et al., 1961) was addressed to anyone judged to carry important information: trafficking victims, legal prostitutes (usually, pimp victims and/or addiction-to-illegal-substances victims), traffickers, pimps, pushers, policemen and many other 'locals'. More than 8,000 interviews were collected, with 2,158 of them being kept (protected) as 'hard fact' for a future analytical focus or for the future researcher.

As is well known, Oakley (1981), thinks that interviewing women constitutes a contradiction in terms. Interviewing is seen as a sexist method – if not a form of penetration, I may add. In a parallel line, Fontana and Frey (1994), support that learning relevant techniques attaches an unethical-technical character to the interview and predisposes in seeing the researched as a 'head' that has to give 'data'. Fine (in Fontana and Frey) feels that the interview is a pseudo-discussion not inclusive of any limits of using the other. Up to a significant extent, I tend to share the specific conceptions – and, perhaps, the structured interview is even more sexist and unethical-technical. On the other hand, I think that under certain conditions and in social environments such as trafficking, there are not many research alternatives available. And I remain convinced that someone, even a man in the absence of a woman (as trafficking in Greece did not attract a feminist interest), had to collect moments of the fragmented lives of these women – even by interviewing.

Intimate interview, a form of 'free-floating' communication and fear sharing, was reserved to those that could be addressed in non-stereotypical and non-ritualistic manners, and in relatively equal terms – coming nearer to Oakley's axiom 'no intimacy without reciprocity' (p. 49, for a criticism see Wise, 1987). Intimate interviews had limited (and indirect) research

value – apart from personal catharsis due to the fact that after a few hours I would be home. (On the other, gradually, the intimate interviews affected me and proved of decisive importance since the second volume of my central publication focused on the client and was oriented to (and tried to organize) these women's thoughts, feelings, and points of fear, hate, suppressed rage.)

Observation, although even more questionable in Oakley's terms, proved irreplaceable as a means of generalizing the knowledge advanced in interviews. For, we should remember that, with or without an accepted integrity capital in the local cultures and regardless of whether one avoids or takes risks, research in trafficking localities is dangerous. With a degree of simplification, the selection of appropriate positions in a locality enabled the estimation of various broad flows such as the number of men, the time elapsed and, in addition, preferences, attitudes, habits, routines, rituals etc. It is through observation at the places of contact and/or service, that the heart of the trafficking Inferno, the production and exchange of value emerges in its entirety.

3. Generalization or 'Tales from the Field'

Touching the scientifically important issue of generalization of the findings, the research, study and understanding of trafficking leaves two polar choices or orientations open: generalization or 'true stories from the field' (Van Maanen, 1988). Also, Nelson et al. (1992), correctly, according to my opinion, note that the particularities and the concreteness of the research subject set important limits to generalization. On a different level, the issue raised by those researchers leads to another issue raised by Sayer (1984, 1997): the researcher in the field has to choose between absolute subjectivity (nearing Van Maanen's 'tales') to zero subjectivity (nearing Miles and Huberman's repeatability presentation of findings in generalized or even statistical forms, a conception which is definitely not equivalent in any way with conceptions such as those denying any subjective variation, such as those presented in Shea and Guzzo, 1987).

The overall research methods used in the trafficking research I refer to assisted generalization, even generalization through statistics. This selection led to an emphasis on quantity as a form of immediate generalization, although it was the initial qualitative choices that defined the issues to be generalized. This passage from quality to quantity was not the product of a single and instant decision, and in fact it took months before it was elevated to one of the central determinants of the research project.

Of course, it was based on the previous research effort, rested on its categories and subcategories and shared the same theoretical paradigm. In this research, quality has, and still does, always provided the micro-units for generalization. After the initial two years, and with findings of all sorts piling up, the emphasis turned to quantity – how many, how much, how long. Everything which was considered of importance and could be counted and processed started being counted and processed. It appears that this reorientation emerged as a response to two different pressing issues. First, the conscious attempt to get a firm grasp of the societal, of the meta-subjective dimensions of the phenomenon of trafficking. The second came later, in 1996, and the emergence of trafficking as a social issue of priority. My intention was not to become a ‘zoo keeper of trafficking’, one more ‘zoo keeper of deviance’, in Gouldner’s classic terms (1971). So, there were no stories about, rape, death, suffering, exploitation, no personal histories – no ‘tales from the field’ to feed the ‘blood and sperm’ public curiosity. The focus turned primarily on the ‘zoo dimensions’ (plus a few strokes on client subjectivity). To use Marx’s phrase, all the potentially emotionally appealing material collected is ‘left to mice’s rodent criticism’.

It is not plausible to criticize this emphasis as positivist (in the bad sense of the term). Once more, the idea came from an ardent anti-positivist, Howard Becker, who in his ‘Problems of inference and proof in participant observation’ (1958/1970) advanced his theory on the necessity of utilizing a ‘semi-statistics’. Indeed, during the last decades, there emerged an overvalued attachment of the ‘soft’ social sciences – such as sociology, anthropology, history and criminology – to the statistically expressed facts and figures (Beirne, 1993). It has to be emphasized that, within the much broader framework of development of scientific ‘models without a subject’ since the 17th century (Kuhn, 1970) the statistical table has a major defect: it makes all those included look alike, appear as variations of degree. As such, it is not full - or even adequate or sufficient - knowledge (in scientific terms), but, rather, in Hegel’s words, knowledge in suspension. To say that in 1993, in Greece there were 8,500 victims of trafficking (for sexual exploitation) might seem impressive but has little value; perhaps it is nothing more than a useful hint to where to where we should turn our attention. Irrespectively of C. W. Mills’ theory that a personal problem is a social problem (1958/1979), it appears that we live in a society that needs numbers: many people must suffer from something – regardless of the quality of suffering – before anyone considers taking action in order to deal with the problem. And this is one reason, in addition to the two previously mentioned, that contributed towards orienting my research efforts (mainly on the

levels of processing and presenting, although it the ways of collecting material were also affected) to producing 'hard statistical facts' as well as ethical and political considerations, which appear to have been proven partly effective up to the present. Although my personal conviction is that statistics are (no more than) a generalizable but formal and abstract, contentless form of expression, the public and the political and state authorities definitely respect this way of expression more than I do and identify statistics with 'science' (Taylor et al., 1973, pp. 11-12).

On the other hand, the emphasis on 'pure quality', or the rejection of generalization in favor of the particular case, the individual feeling, intention and situation – like the fine criminology of Pepinsky, for example (1986) – not only fails to lead to results that may call for action but, most importantly in methodological terms, fails to deal with very important and very 'real' levels of reality. As far as trafficking is concerned, according to my opinion, only through generalization is it possible to reveal markets, transportations and corridors, networks, forms and variations, space and time arrangements in trafficking – or the range of possible futures awaiting those involved in it.

During the research effort there were many times when the 'unknown' was elevated into 'missing'. It is a different thing not to know about African trafficked women, and to know about them and try to locate them as concretely as possible – as well as try to comprehend the importance of woodoo magic (at least as a mechanism of controlling them). Such an elevation to consciousness frequently proved practically demanding (and emotionally agonizing) for it was asking for new orientation or the 'addition' of a new dimension – and, of course, additional (office or street) work. During the last years, with the reorientation of trafficking in Greece from a(n ineffective) 'brutal' to a(n effective) 'market' mentality, and the reorientation of societal and state confrontation to trafficking from 'combating' to 'management', these tantalizing 'missing moments' in terms of theory, method and practice reappear on the surface, demanding to be elevated into priorities. It appears that the new moments stem first and foremost from the international character of trafficking, so the answers can be given only partially within the locality of Greece.

4. Conclusions

A central argument underlying the research efforts telegraphically presented in this article is that the absolute distinction between the researcher and his/her subject, constitutes a fundamental fallacy, a mythology (Becker, 1967). Research knowledge, no matter how it is

processed and presented, remains primarily contextual (Braithwaite, 1993), or, there can be no full split between the researcher and the research effort, the research effort and the research subject (Lazos, 1998, p. 22). Such distinctions are applicable only to technocratic data collecting and processing – but at the decisive cost of estrangement and mystification, stemming from the fact that subject choice and engagement are not personal choices stemming from scientific curiosity but orders advanced from a higher authority ('political'), with the 'scientific' being reduced from method to technique. In the case of this specific research on trafficking, I did gradually start becoming interested in certain things that happen or not in the real lives and processes under research, sometimes wishing for an effort to succeed, some other times for it to fail – something which affected my status as a detached observer. Or even, sometimes, it was necessary to intervene, by spending or investing a portion of the accumulated capital of acceptance – thus affecting the status of detached observer as well as the research subject. From 'the other side', certain individuals who were part of the subject of research (trafficked women, members of trafficking networks, local peripheral figures) started advancing concrete and detailed information and interpretations of events. For example, I was never able to come into (research-wise significant) immediate contact with Albanian girls (during the periods that were) under trafficking network control. It was some Greek legal and illegal prostitutes that carried the research for me. They did it on their own initiative, supplying me with their 'other-side-of-the-street' observations and experience, rumors (and evaluations of rumors) as well as carrying out interviews with the Albanian girls. In practical terms, they acted as members of the research team. Thus, returning to one of my initial arguments, were these women part of the (research) subject or part of the research (subject)? In fact, they were both. In other cases, there were several individuals that provided me with packages of information, for example, that 36 (for another, 37) women from Ukraine entered Greece as a group on the first week of July 1998, and were transferred to expensive, central urban locations in Athens and Thessaloniki, in order to counter the drain of trafficked women to other EU countries and to the Greek islands during peak-season vacation periods.

Going a step further, it is felt that the principle of 'value neutrality' – at least in the forms it is frequently applied as a convenient shortcut, distorting or even turning around the early-20th century Weberian argument – is also a convenient fallacy, throwing scientific reflection overboard. Although it appears unnecessary that the researcher needs a standpoint perspective to carry out research (Hawkesworth, 1989), he/she

enters the field fully equipped with a 'hidden ethical and political agenda' (Punch, 1986, p. 14), with some hidden audiences and hidden purposes in mind.

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10

The Long Road from Rhetoric to Evidence on Trafficking in Human Beings: About Research Efforts to Prepare Proper EU Monitoring on the Matter

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Abstract: The development of indicators on violence and related data collection regarding missing and sexually exploited children and trafficking in human beings is essential in preparing and supporting evidence-based policy making in the said areas. At present, however, there is no comprehensive matrix of relevant indicators, characteristics and variables, standardised for the entire EU, regarding the said phenomena.

Various research efforts to prepare proper EU monitoring on the matter are described, leading up to a proposal for standardised EU templates and a blueprint for EU-wide collection of integrated statistical information and strategic analysis at both member state and EU (cross-country) level on the phenomena concerned.

1. Introduction

Trafficking in human beings is a phenomenon that has become a serious problem throughout the world, including in the European Union (EU). Addressing the problem properly requires insight into the phenomenon. Reliable information is needed about present developments, threats, recent methods, modus operandi, number of persons involved, amount of money involved, etc. In the absence of reliable data, often stereotypes are being taken for truth and policies are being built on rhetoric and ideology rather

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than on evidence. There is a need for strategic and statistical information on trafficking in human beings, both at Member State and EU level. Additionally, the demand for information on the related criminal legislation of the various Member States and its application is considerable.

The lack of reliable data is very high on the national agendas of the Member States as well as on the European/international agenda. An EU experts group on trafficking in human beings¹ was created of which the main task was to draft a report which it has published in December 2004. The commission issued a communication on 18 October 2005 in which it again emphasises the importance of relevant data at national and international level².

At national level as well as at the international level, increasing attention was given to trying to develop mechanisms that enable assessing the true scope of trafficking in human beings. To a growing extent, particular research attention has also been given to scientific data collection on the phenomenon.

The text below focuses on step-by-step research development in this very context by the Institute for International Research on Criminal Policy (IRCP) and some of its partners. Ultimately, the intention is to contribute to evidence-based policy-making by paving the methodological way to the establishment of an independent EU monitoring function for trafficking in human beings and related phenomena such as sexual exploitation (of children) and – to some extent – the phenomenon of missing minors.

Research was mostly co-funded by the European Commission under the STOP, Daphne, Hippocrates or Agis programmes and involved the participation of national law enforcement and NGO experts, international law enforcement actors (Europol, Eurojust, Interpol) and international organisations (European Commission, Council of the European Union, Council of Europe). Also national research on trafficking in human beings has been conducted and related statistical analysis is pending.

¹ In 2003, the Commission adopted the Decision setting up a consultative group, to be known as the Experts Group on Trafficking in Human Beings and appointed the 20 members of the Group as independent experts not representing the views of their governments or organisations. The Group's terms of reference are as follows: the Commission may consult the Group on any matter relating to trafficking in human beings. The Group shall issue opinions or reports to the Commission at the latter's request or on its own initiative, taking into due consideration the recommendations set out in the Brussels Declaration. In particular, a report of the Group based on the recommendations of the Brussels Declaration should be submitted to assist the Commission with a view to launching further concrete proposals at EU level.

² Communication from the Commission to the European Parliament and the Council. Fighting trafficking in human beings-an integrated approach and proposals for an action plan, COM(2005) 514 final, 18.10.

2. Missing Minors, Minor Victims of Sexual Offences or Trafficking in Human Beings and Perpetrators of Such Offences

A first project in the domain concerned, conducted by IRCP in 1998, was aimed at studying the opportunity and feasibility of systematic gathering and administration of data concerning missing minors, minor victims of sexual offences or trafficking in human beings and perpetrators of such offences (1996/STOP/003, 1998). In a follow-up project, conducted in 2001, IRCP tested the feasibility of further elaboration and international implementation of the recommendations resulting from the aforementioned project (2000/STOP/116, 2001).

The 1998 project more specifically assessed whether it was possible and desirable to have one or more international databases gathering as much information as possible concerning the above-mentioned categories of persons.

In order to formulate an answer to these research questions, several aspects were looked at. Starting from the idea that a maximum amount of information has to be gathered on the said phenomena, the researchers investigated what could possibly be achieved legally and what were the legal conditions and requirements for setting up the envisaged databases. Taking in to account the existing possibilities of international databases and considering the need for data in practice, the opportunity was also evaluated.

The study consisted of three parts: a legal part, a functional part and a technical part. The legal part of the research assesses what legal requirements have to be taken into consideration when systematically gathering and managing of information. The functional part of the study investigated the needs for data to be used by the actors responsible for the fight against trafficking in human beings and sexual exploitation of children and the compatibility of those needs with the initiatives of other international organs.

This project identified a great need for information on the legal definitions of the other Member States concerning the afore-mentioned phenomena. Furthermore, a need for reliable and comparable statistical information was recognised. To this end, it was recommended to establish a European monitoring centre for sexual exploitation of and trade in children from which statistical information at the international level would be centralised. The national statistics and strategic data can be analysed and compared there in order to provide a European Picture of the problems. This can, in turn, form the basis for elaborating European prevention strategies (De Ruyver et al., 2000).

The goal of the 2001 study was to further prepare the practical setting up of several international databases with immediate relevance to the police and the judicial authorities, prosecuting or investigating magistrates and judges, both in the Member States and candidate countries. During this project, it was shown that the collection of reliable statistics, strategic data and legal information on trafficking in human beings should be entrusted to an EU monitoring centre.

A first step towards the establishment of an EU monitoring centre would be the full application and the extension of the mandate of National Rapporteurs on trafficking in women, in order to create a European network on information exchange on trafficking in human beings. This network would gather comprehensive information at national level and promote the exchange of information within this field among the Member States on a regular basis. Once the monitoring centre is established, this network of rapporteurs will have to give it its full support.

Secondly, it was recommended to establish a genuine EU monitoring centre responsible for the collection of reliable statistics and strategic data in the field of trafficking in human beings. This international body was also to be given the task of creating an international database accessible via a website containing relevant pieces of legislation on trafficking in human beings from the Member States. This information was to be extended with information on the possibilities of extra-territorial prosecution. According to the findings, the international monitoring centre was to be responsible for the centralisation of statistical information on an EU level. The gathered national statistics and strategic information should be analysed and compared in order to provide a European picture of the phenomenon of trafficking in human beings. This could, in turn, form the basis for the elaboration of European prevention strategies. This centre was also to provide extensive legal information. It was furthermore recommended that the proposed monitoring centre would cooperate with the various international organisations working in the field of trafficking in human beings as much as possible, in order to avoid a replication of efforts in the collection of specific information. These external partnerships could fall into three main categories: international organisations, EU institutions and non-EU countries.

At national level, it was recommended to create national focal points in order to gather all relevant information from both governmental and private organisations. These national efforts should take place in a uniform manner within all the Member States. The national focal points should be responsible for gaining a full picture of trafficking in human beings at the regional level. Statistical data available to police services, justice departments and private organisations should first be gathered at

national level before they can be centralised at the international level. The national focal points should also be responsible for the registration of information in a uniform manner in the different Member States in order to make the data comparable, as countries do not utilise standardised systems for reporting and recording figures on the phenomenon, if indeed they do so at all. Finally, the focal points should be responsible for the quality of the centralised data. They can function as a filter between the national or regional level and the international level represented by the monitoring centre.

Attention should also be given to the access to this statistical and legal information within the framework of this monitoring centre. This must under no circumstances be limited, since statistical data, analysis figures and legal information are important to both governmental and private organisations and scientific institutions. The availability of this information for such organisations could facilitate scientific research and public awareness with a view to adapting successful countermeasures and comprehensive policies in the long term (Vermeulen et al., 2001).

3. Victims of Trafficking in Human Beings in 3 EU Member States: Belgium, Italy and the Netherlands

The project (JAI/2001/HIP/015, 2001-2002) consisted of research in three EU Member States (Belgium, Italy and the Netherlands) that had implemented witness protection programs providing residence permits, along with special assistance programs for victims of trafficking, long before Council Directive 2001/81/EC of 29 April 2004.³ The aim of the project consisted in identifying the practices and mechanisms of transnational crime related to trafficking, contributing towards a recommendations policy and defining durable solutions for preventing and combating trafficking in human beings.

Research was primarily based on a case file analysis of 481 victims, in the framework of witness cooperation programs and investigative procedures, in order to identify organised crime groups and to prosecute the traffickers. Special attention was paid to victims of smuggling in human beings as under the Belgium legislative framework.

³ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, *OJ* 6/8/2004, L 261, 19.

The report offers statistical analysis of the data found in the case files of the victims and also provides relevant information on travel routes, as well as profiles of victims, traffickers and the so-called *passeurs*.

In relation to Belgium, the study covered the whole country through data from the three official victim reception/assistance centres recognised by the federal Government. In order to be able to analyse the policy concerning the fight against trafficking in human beings in an effective way, the Human Trafficking Unit of the Centre for Equal Opportunities and Combating Racism and the three assistance centres have set up a central victim database, which is governed by the Centre and is at the disposal of the three centres. The Centre for Equal Opportunities and Combating Racism has been given the task, since 1995, to stimulate and coordinate efforts to fight the trade in human beings and to followi through the government's policy in this area. Every year, the Centre draws up an independent, public evaluation report about the developments and results in the fight against international trade in human beings. These critical reports provide a significant stimulus and support for the actors in this field. The Centre, which governs the central victim database and thus receives data form the victim assistance centres and hasto report on the situation of trafficking in human beings in Belgium, can actually be seen as a national rapporteur *avant-la-lettre*.

4. "Childscope" Projects

On 27 September 2001, the Council of the European Union adopted a Resolution under the Belgian presidency on the contribution of civil society in finding missing and sexually exploited children⁴. In doing so, the JHA Council expressed its belief in enhanced cooperation between civil society organisations and law enforcement services in preventing and combating these phenomena. The Council Resolution called on the European Commission to have a study drawn up on (1) the extent of the phenomena of missing and sexually exploited minors in the EU Member States, (2) the existence, role and structure of civil society organisations in the Member States, along with their arrangements for involvement and cooperation with the competent authorities and (3) legal issues arising from the involvement and cooperation of such organisations with the competent law enforcement services, in particular issues of authorities

⁴ Resolution on the contribution of civil society in finding missing and sexually exploited children, *OJ C* 283, 09/10/2001 P. 0001-0002.

sending confidential information to NGO's, impact of NGO involvement on criminal procedure and data protection rules.

These three objectives are embedded in three different studies. IRCP and the Department for Research and Prevention of the European Centre for Missing and Sexually Exploited Children (Child Focus) joined forces to accomplish this study through a combined STOP/Daphne project, co-financed by the European Commission (2002/STOP/108, 2002-2003: Follow-up of the Council resolution of 21 September 2001 on the contribution of Civil Society in Finding missing and Sexually exploited children).

The first part of the study comprises of country reports of the then 15 Member States. Each country report provides essential definitional information regarding the various forms of sexual exploitation of children and types of missing children, outlines the way data collection on sexually exploited and missing children by various governmental (police, judicial, other) and non-governmental actors is organised and delivers available data on the phenomena concerned. A final, comparative report bridges the country report information into a first Union-wide epidemiological state of the art, thus showing that current data collection is organised in a very chaotic and poor fashion. At the same time, the report identifies the main weaknesses and shortcomings of applied data collection methods. It also offers a set of recommendations for both Member State and EU action in striving for improved and integrated ways of collecting, administering and centralising reliable, comparable and comprehensive data on the various cases of missing and sexually exploited children.

As a result of the enlargement of the EU, the research was extended to the 10 new Member States in a follow-up study (JAI/2004/AGIS/008, 2004-2005: Study on the actual extent of the phenomenon of missing and sexually exploited children in the 10 new Member States). The newly gathered information from the country reports on the ten new Member States, regarding the situation of definitions and data collection on missing and sexually exploited children, was combined with previously gathered information so as to provide an analytical picture for the enlarged EU of 25 Member States.

The objective of both "Childoscope" studies was to draw up an epidemiological state of the art of the situation in the enlarged EU. This 'status questionis' contains all national available figures on missing and sexually exploited children and gives an extensive view on how data collection is organised in the 25 Member States. By studying the way data collection on missing and sexually exploited children is currently being organised and pointing out the shortcomings and weaknesses of the applied working methods, recommendations were made to Member

States to improve the organisation of the data gathering. All available figures at Member State level on missing and sexually exploited children were gathered.

The ultimate – mid or long-term – purpose of the studies was to prepare the way for an EU monitoring centre on missing and sexually exploited children which would ensure the centralisation and administration of fundamental, reliable and comprehensive data on all aspects of missing and sexually exploited children in the long term.

In order to facilitate the comparison of the quantitative data contained in the national reports of the 25 Member States, it was decided to formulate uniform research definitions of sexual exploitation and missing children, largely based on definitions agreed to in, *inter alia*, the EU Framework Decisions on trafficking in human beings (July 2002) and Sexual exploitation of children and child pornography (December 2003). On the occasion of the first international meeting, held in Brussels on February 7 and 8, 2003 these definitions were discussed and agreed upon with the academic experts, the representatives of non-governmental organisations and the law enforcement experts of the 15 Member States who were involved in the first project. At the very start of the follow-up project, experts from the 10 new Member States endorsed them, thus introducing standardised research definitions for the EU of 25 for the first time. National definitions in the national reports, originating from criminal law, governmental organisations and non-governmental organisations, were systematically compared with the agreed research definitions in analysing data collection and presenting findings.

Below, the afore-mentioned subjects are further elaborated.

a. Uniform Research/Data Collection Definitions

According to the UN Convention on the Rights of the Child, of 20 November 1989, and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography of 25 May 2000, a child is a person below 18 years of age.

An inventory was made of the age of sexual consent in the different Member States. There is no consensus in the European Member States as regards the age of sexual consent. The lowest age is at 13 (Spain) and the highest is at 18 (Malta).

i. Sexually exploited children

Sexual exploitation is a generic concept and is separate from trafficking in human beings. The definitions concerning sexual exploitation of children

are based on the Council Framework Decision on combating the sexual exploitation of children and child pornography, of 29 July 2003⁵.

Several subcategories exist in relation to the sexual exploitation of children:

Sexual assault

Sexual assault can be defined as engaging in sexual activities with a child under the age of sexual consent or engaging in sexual activities with a child above the age of sexual consent where use is made of coercion, force or threats, money or other forms of remuneration or consideration is given as payment in exchange for the child engaging in sexual activities or abuse is made of a recognised position of trust, authority or influence over the child, irrespective of whether it is within a family context or not.

Child prostitution

Exploitation in child prostitution can be described as coercing or recruiting a child into prostitution, profiting from or otherwise exploiting a child for such purposes.

Child pornography

The production, distribution, dissemination, transmission, supplying, making available, acquisition and possession of child pornography, meaning pornographic material that visually depicts or represents:

- a real child involved or engaged in sexually explicit conduct, including lascivious exhibition of the genitals or the pubic area of a child;
- or a real person appearing to be a child involved or engaged in the afore-mentioned conduct;
- or realistic images of a non-existent child involved or engaged in the afore-mentioned conduct;

and taking into consideration that the following conduct may be excluded: child pornography where a real person appearing to be a child was in fact 18 years of age or older at the time of depiction; child pornography where, in the case of production and possession, images of children having reached the age of sexual consent are produced and possessed with their consent and solely for their own private use. Even where the existence of consent has been established, it shall not be considered valid,

⁵ Council Framework Decision on combating the sexual exploitation of children and child pornography of 29 July 2003 (10748/03).

if for example superior age, maturity, position, status, experience or the victim's dependency on the perpetrator has been abused in achieving the consent; child pornography consisting of realistic images of a non existing child where it is established that the pornographic material is produced and possessed by the producer solely for his or her private use, as far as no pornographic material involving a child or a real person appearing to be a child has been used for the purpose of its production, and provided that the act involves no risk for the dissemination of the material.

Sex tourism

Exploitation in the context of sex tourism can be defined as either:

- engaging in sexual activities with a child under the age of sexual consent in another country than the country of origin of the perpetrator (this means that sex tourism involves the same conduct as sexual assault, only the perpetrator commits the offence in another country than his/her own);
- engaging in sexual activities with a child above the age of sexual consent in another country than the country of origin of the perpetrator where: use is made of coercion, force or threats, money or other forms of remuneration or consideration is given as payment in exchange for the child engaging in sexual activities or abuse is made of a recognised position of trust, authority or influence over the child.

In different countries, exploitation in the context of sex tourism is not a separate offence. In that case and taking into consideration that the definition of sex tourism is not that different from the one of sexual assault, it is a matter of extraterritorial competence when it concerns a national committing the offence abroad. Furthermore, in case it concerns a foreign perpetrator committing the offence in the country, the question of universal jurisdiction should be asked.

Trafficking in children for the purpose of sexual exploitation

The definition of trafficking in children for the purpose of sexual exploitation is based on the Council Framework Decision on combating trafficking in human beings of 19 July 2002⁶: the recruitment, transportation, transfer, harbouring, subsequent reception of a child (either

⁶ Council Framework Decision 2002/629/JHA on combating trafficking in human beings of 19 July 2002

abandoned or not), including exchange or transfer of control over that child for the purpose of exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography.

ii. Missing children

The definitions of different types of missing children have mainly been based upon the definitions used by various organisations active in the field of missing children:

Runaway (national/international)

This category concerns all minors who voluntarily run away from home or from the institution where he/she has been placed.

Abduction by a third person (national/international)

This category covers all abductions of minors by anyone other than the parents or the persons with parental authority.

Parental abduction (national/international)

As parental abduction is regarded the fact of a child being taken away to or kept in a country other than that of its normal residence by one or more of its parents or persons having parental authority against another parent's will or against the will of the person with parental authority.

Lost, injured or otherwise missing

Listed here are disappearances, for no apparent reason, of minors who have got lost (e.g. little children at the seaside in summer) or hurt themselves and cannot be found immediately (e.g. accidents during sport activities, at youth camps, etc.).

Missing unaccompanied migrant children

The following definition is based upon the United Nations, General Assembly, Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions, A/56/333. This category covers the missing migrant children, nationals of a country with which there is no free movement of persons, under the age of 18 who have been separated from both parents and are not being cared for by an adult, who by law is responsible for doing so.

b. National Organisation of Data Collection

The national organisation of data collection was studied in the 25 Member States. Insight was provided on several components of the data collection. Firstly, a view of the registration system for the different levels collecting data was obtained. Data can be gathered at the level of the police, prosecution, judicial investigation, court, or can be obtained through field-workers, other NGO's, GO's, surveys ... Furthermore, information about the counting units, whether the data was centralised or decentralised and whether there was a system of sharing or exchanging information was investigated. Various other aspects were analysed: since when data is collected and for what period of time, whether data collection was electronic or not, whether the data gathered concerned anonymous, depersonalised or personal data and whether there was a direct availability of data or not. In terms of victims and offenders, the kind of information gathered in the different countries was investigated. This may range from age group, gender, convicted or suspect person to the relationship with the victim or offender. The kind of information was gathered with regard to cases was also assessed, e.g. whether a case is pending or settled. Furthermore, an answer was sought to the question about how to avoid double counting. Finally, insight was given in the differences in data collection and between all different forms of missing and sexually exploited children.

In order to be able to correctly interpret the data provided in the national reports, it was essential to obtain some insight in respect of three issues regarding the criminal justice system applicable in the countries. With regard to the system of prosecution, one needs to know whether a country applies the "principle of legality" or "the principle of discretionary powers (opportunity)". Furthermore, it is necessary to know whether the prosecution of offences related to sexual exploitation of children and missing children is only possible where there is a complaint (private crime). Finally, it is important to know if a para-judicial settlement of a case is possible.

One of the main conclusions of this part of the research is that current data collection on sexually exploited and missing minors is generally poor and chaotic. Statistics regarding sexual exploitation of children and missing children are generally unavailable on different levels, especially when it comes to survey information. The main data collectors are law enforcement agencies. There is little or no sound information available from non-governmental organisations or governmental organisations. The data gathering is seldom organised on a centralised level and double counting cannot be prevented. Computerisation of data is mainly limited to the law enforcement sector. Furthermore, the units of counting (victims, cases ...) differ significantly and direct availability of information remains a true problem.

5. International Trafficking in Human Beings for the Purpose of Sexual Exploitation in the EU Member States

IRCP acted as the Belgian expert in this research project, which itself was coordinated by Transcrime (Mon-EU-Traf II, 2004-2005). The aim of the project was, among other things, to provide insight into the data collection systems on trafficking in human beings for the purposes of sexual exploitation in the 15 initial EU Member States.

A uniform research definition of trafficking in human beings was used. It was based on the Council Framework Decision on combating trafficking in human beings of 19 July 2002 and the UN Protocol of 2000 to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organised crime. As a result, trafficking in persons was agreed to mean the recruitment, transportation, transfer, harbouring or subsequent reception of a person by means of coercion, of force or threat, including abduction, of deceit or fraud or of the abuse of authority or of a position of vulnerability which is such that the person has no real and acceptable alternative but to submit to the abuse involved or of payments or benefits given or received to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include the exploitation of that person's labour or services including at least forced or compulsory labour or services, slavery or practices similar to slavery or servitude, or the exploitation of the prostitution of others or other forms of sexual exploitation, including pornography, or the removal of organs.

A number of best practices were recommended and estimates were made of the scale of trafficking and the monetary turnover of traffickers from data collected by means of the spreadsheets used in the research.

6. National Research on Trafficking in Human Beings and Related Data Collection

In June 2006 – in parallel actually with the SIAMSECT project which is mentioned below – the first-ever full-scale statistical analysis of the Belgian national victim database at the Centre for Equal Opportunities and Combating Racism was initiated. The victim database at the Centre for Equal Opportunities and Combating Racism enables the centre to be the first of the involved partners to have very detailed, standardised and centrally gathered information on files of registered victims of human smuggling or trafficking at its disposal. Moreover, at present, no other

EU Member State has such a central database with nation-wide data on all official victims of trafficking in human beings at its disposal. The structure of the database could probably also prove to be an adequate starting point for the development of an integrated and standardised data collection plan on human smuggling and trafficking for the benefit of the Centre for Information and Analysis on trafficking in human beings and Smuggling in Persons (IAMM). IAMM was assigned, by the Royal Decree of 16 May 2004, the task of gathering, centralising, managing, exchanging and analysing depersonalised data in the fight against human smuggling and trafficking. However, the processing of the anonymous information, gathered from the different partners, into reliable integrated strategic analyses by the strategic analysts of the IAMM can be possible only if one starts from an integrated and standardised data collection plan.

It seems that another, similar research project will be conducted at the initiative of the unit dealing with trafficking in human beings of the federal police, with the aim of developing a methodology for monitoring the phenomenon.

Ideally, both projects will (eventually) culminate in a model for integrated, depersonalised, strategic, law enforcement, victim-related data analysis at the level of the newly established Centre for Information and Analysis on trafficking in human beings and Smuggling of persons. In this capacity, the IAMM would be the prime model for a future EU monitoring centre for the phenomenon.

7. Missing and Sexually Exploited Children and Trafficking in Human Beings

In 2005-2006, IRCP and Transcrime as a research partner have been jointly conducting a project, co-financed by the European Commission under the Daphne Programme, which they named 'SIAMSECT' (Statistical Information and Analysis on Missing and Sexually Exploited Children and Trafficking in human beings). The results will be available in the autumn of 2006.

The starting point for the project is the previous research experience of IRCP collected through the two epidemiological studies on missing and sexually exploited minors in the 25 Member States (Childscope). Furthermore, the insights obtained by the Mon-EU-Traf I and II projects conducted by Transcrime in the then 15 Member State also form a basis for the study, as well as the case study on victims in Belgium.

Aim of the project is to develop an EU template and EU collection plan allowing for standardised and integrated statistical information and

strategic analysis at both Member State and cross-EU (cross-country) level which is indispensable for the future work of national data collection (focal points) and (an) EU monitoring (centre) on the subject.

From a methodological viewpoint, the elaboration of such an EU template and collection plan is indispensable for centralised, coherent, scientifically reliable and comparable data mapping in national data collection focal points at member state level as well as for genuine EU strategic monitoring of the phenomena concerned (involving also EU-related data retrieved from the main international organisations or official bodies and international NGO's active in the areas concerned) and subsequent evidence-based policy making on missing and sexually exploited children and trafficking in human beings at both member state and EU level.

The SIAMSECT project best qualifies as a preliminary methodological study required for an EU monitoring function on the phenomena concerned, irrespective of the question which organisation/international body should be entrusted with this monitoring task – the latter decision being a mere political (and difficult) one.

In the meantime, the Commission issued a Communication on 18 October 2005 in which it states that the future European Union Agency for fundamental rights (the present European Monitoring Centre on Racism and Xenophobia) should – in line with its mandate and in close cooperation with the future European Migration Network (EMN) as well as with the Experts Group on Trafficking in human Beings- collect and analyse data on human trafficking.

a. Template

At present, there is no comprehensive matrix of relevant indicators, characteristics and variables, standardised for the entire EU, regarding the said phenomena. The aim is to develop a template of indicators that can be used by the Member States and the international organisations in order to obtain a comprehensive and comparable view of the phenomenon of trafficking in human beings and the phenomena of missing and sexually exploited children.

This EU template will make it possible to streamline and structure related data collection from both official authorities and civil society organisations at Member State level in so-called national focal points.

At an EU level, this template is necessary in order to allow reliable cross-Member State data collection and statistical strategic comparison and analysis by an EU monitoring function/centre. This will enable the bridging of information relevant for the EU context that may be retrieved

from various international organisations or official bodies and from international NGO's dealing with the said phenomena into overall integrated EU statistics on missing and sexually exploited children and trafficking in human beings, avoiding overlap or double counting with data retrieved from the individual Member States.

The matrix will reflect the smallest categorisation unit used at Member State level or foreseen in international definitions for the above-mentioned phenomena. This exercise requires a systematic breakdown or deconstruction of the available or collected data and the criminal definitions of the said phenomena according to a multitude of possible relevant indicators, characteristics and variables that might have to be re-clustered afterwards for reporting purposes.

The indicators, variables and characteristics will relate to several topics.

First, the constituent elements of the various (sub)offences or types of disappearances concerned are an important source to retrieve indicators. Furthermore, the indicators will relate to the types and character of the violence, pressure, coercion or exploitation. Indicators of this category involve: sexual intercourse, sexual aggression, via internet, administration of medication, locking victims up etc. A third set of indicators concerns the one referring to characteristics of the victim. For the phenomena of missing and sexually exploited children, it is interesting to know about the social anamnesis of the victim, the administrative status, assistance and reception conditions, witness protection, degree of (re)integration following victim support,... Also, indicators will relate to the person of the suspect or perpetrator: social anamnesis, first or re-offenders, physical or legal personality etc. Other indicators will relate to the travel routes and means of transport, the recruitment process and the place and sector of exploitation. A last category of indicators will concern the role or profession of the victim or perpetrator and, more specifically, whether they were recruiter, *passeur*, bartender, driver, dancer, animation girl, waiter/waitress, dj, owner etc.

b. Collection Plan

Besides the template, the research also aims at developing a data collection plan for the afore-mentioned information. This data collection plan will allow the streamlining and structuring of information at Member State level that can be collected from official authorities (police data, prosecution data, conviction data, detention data, parole and mediation, criminal records data, parental abduction,...) and civil society organisations (NGO's, helping professions, offender treatment centres, victims reception/assistance centres, hotlines, family mediation,...).

At EU level, the data collection plan will indicate how and to what extent information may be retrieved from various international organisations without overlapping with Member State data. The various international organisations are: Europol, Eurojust, EU experts group on THB, OSCE (special representative), UN (Global Programme against THB), ILO (Forced labour special Action Programme). In addition to them, there are various international NGO's dealing with the said phenomena who also can provide data.

c. Project Methodology

The methodology used in this research project involves a desk research of relevant literature and legislation. This also includes the valorisation of the results of previous research.

A next step concerned feedback on the draft EU template and collection plan from national experts in the 25 Member States.

Furthermore, working visits were conducted to the afore-mentioned international organisations dealing with the phenomena concerned. Their methodology for gathering data and the indicators they use can be of great importance to the research. Working visits were also conducted to the two existing EU monitoring centres, EMCDDA (drugs and drug addiction, Lisbon) and EUMC (racism and xenophobia, Vienna).

Finally, an international steering group was established. The latter functioned as an external evaluation body for the project. Representatives of the various organisations collecting data or organisations having some expertise in the areas of missing and sexually exploited children and trafficking in human beings met twice during the lifetime of the project to discuss the progress made and to share ideas about the template and data collection plan.

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11

Conclusions

Ernesto U. Savona and Sonia Stefanizzi

Each of the contributions to this volume has touched upon different angles of the topic, with different ideas and proposals on how to improve the knowledge of the phenomenon of trafficking in human beings and its measuring.

Trafficking in human beings as a crime has now entered the texts of many national legislations as a consequence of international agreements and conventions. The long way to the harmonisation of definitions has started, even if not concluded. There remains the enormous difficulty of implementing it under very different conditions. If trafficking in human beings is a rewarding business for organised crime groups, it is also the vehicle for many desperate people to leave low social and economic conditions for something they believe to be better. This means that the implementation of these laws needs to take into account the pushing factors that create opportunities for this crime. It is possible that this crime may be considered a crime against the humanity in the future, but this will not solve the problem. The real issue today is to understand the phenomenon in order to find appropriate remedies. This is the rationale of its measurement.

The dynamic of this crime is almost clear. It is a typical criminal intermediation, that helps to meet two illegal demands: the growing demand for illegal migration coming from the less advantaged regions and countries of the world and the growing demand for prostitutes, manual workers, etc. in those countries where there are no national supplies and/or economical prices. The resulting underworld with its subsequent violence stems from these two demands and from the difficulty to regulate them. In other words, human smuggling and its violent appendix of the trafficking in human beings, rather than the result of perverse criminal minds, is the result of opportunities provided to criminals by the difficulty/incapacity to regulate the flow of migration from poor to rich countries.

Being aware of that means going over the criminalisation of the phenomenon, that salves the conscience of the international community, in order to intervene in those parts of the system that are vulnerable to criminal exploitation. Intercepting vessels carrying illegal migrants and arresting traffickers is like trying to empty the sea of problems connected with illegal migration with a glass. An effective strategy should be oriented toward the simultaneous actions of acting upon the problems and reducing opportunities for criminals. In order to do that, apart from the present policies of assisting deprived countries and agreeing with countries of origin, a strong effort should be made by countries that want to reduce this phenomenon by working at the national level to reduce the benefits deriving from the use of trafficked people. This means developing strict forms of control for those who, in different ways, take advantage of trafficked people (clients and retailers who “use” prostitutes, entrepreneurs who recruit irregular workers, etc). To regulate “the other side” is fine, but it would probably be more effective is to regulate “our side”, something that in the present debate on the phenomenon has not been adequately considered.

This perspective requests a knowledge-based attitude, a specific understanding of the trafficking in human beings phenomenon. As a form of situational approach, it requests the accurate scanning and analysis of the problems. In this respect, the aggregate dimension of how many people are trafficked and what are the indicators of trafficking are not significant. More important is to understand and measure “for which purposes” (prostitution, drugs, work), i.e. in which specific market trafficked people are exploited. The production of reliable estimates will allow to assess the dimension of the national demands and related opportunities and will also allow to design more focused and effective interventions. This means the implementation of policies oriented in detecting and deterring illegal demands for prostitution, drugs, work, bringing, when possible, some of these black markets to a legal dimension. In this regard, the current debate on the causal relation between different policies on prostitution and the extent of the market of trafficked prostitution is particularly valuable. The question is: how to implement national policies on prostitution able to reduce the illegal market of sex?

In order to do that we need a comprehensive view of the problem, which should not only be limited to trafficking in women and children for sexual exploitation. In addition, we need better instruments to measure each segment of the markets in which criminal exploitation takes place. We need also to take into account not only the international dimension but also the national one, when trafficking occurs within a single country.

What are the possible steps of this perspective?

Firstly, to understand the specific problems and its dynamics. Not all forms of exploitation are the same. For instance, the market of prostitution is different from the labour market and so are the mechanisms of exploitation.

Secondly, to assess demand and supply in the different markets (prostitution, labour, etc.), by separating the legal from the illegal ones.

Thirdly, to develop “criminal disincentives”, such as specific criminal sanctions.

Fourthly, to develop, when possible, “regulatory disincentives” for those who exploit illegal workers (in the labour market).

Fifthly, to develop mechanisms able to create a conflict of interest between trafficked victims and exploiters that would facilitate the emersion of the phenomenon and its displacement to the legal dimension.

Many of these steps are already stated in several legislations, but they are not strongly implemented. Starting to control “our side” will help “the other side” take proper action to reduce problems connected with trafficking in human beings and their consequences.