

CHAPTER 2

UNDERSTANDING THE PHENOMENON

Definition of Trafficking in Human Beings

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

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

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

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

Analysing Human Trafficking: A Process

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

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

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

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

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

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

can be described as a process rather than a single offence¹⁰, a process¹¹ involving different stages or nodes¹² through which victims pass and involving different persons at each stage of the process. The first stage involves deception, or the abduction, or recruitment of a person followed by the transportation and entry of the individual into another country (in the case of transborder trafficking, but not in the case of domestic trafficking). The third phase is the exploitation phase during which the victim is coerced or forced into sexual or labour servitude or is trafficked for the purpose of organ removal, forced begging or other crimes. Pennington, et. al (2009) introduces a phase which they call “victim disposal”. At this stage, the victim, whose value has declined, is then ‘disposed of’ by the final owner.¹³ An additional phase may occur, one which involves the offender and is common to any large-scale criminal organization: the laundering of criminal proceeds, and even investment in other criminal activities. From the perspective of law enforcement, there may be further links to other criminal offences such as the smuggling of weapons or drugs.¹⁴

Numerous crimes are committed when human trafficking occurs. These may be instrumental criminal activities which are perpetrated *in direct furtherance* of the trafficking activity or the crimes may be secondary and occur as a result of the trafficking activity.¹⁵ Examples of instrumental criminal activities are falsification of documents, forced prostitution¹⁶ or other forms of sexual or labour exploitation, violence associated with maintaining control over victims, and corruption of government officials. Examples of secondary crimes are money laundering and tax evasion.

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

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

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

Diagram 1 illustrates the trafficking process through which victims pass as well as the different offences²⁰ perpetrated against victims (the individual victim or the State) at the various stages.²¹ The diagram shows crimes that occur during

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

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

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

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

14 Aronowitz, Op. Cit.

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

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

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

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

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

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

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

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

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

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

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

There are similarities in this process for most victims. Seldom is violence perpetrated against the victim during the recruitment phase²³ – except in the case of kidnapping, which rarely occurs. Victims are generally recruited through deception and promises of a better life, an education, job skills training, a viable or good job or marriage. For victims of domestic trafficking, there may be no transportation phase, or they may be moved within a city or their country. In the case of international trafficking, victims will be transported across borders. This may necessitate the production and use of forged documents or corruption of government officials to facilitate the activity.²⁴ In this phase, the victims may be exposed to violence (or even exploitation, in the case of victims who may be travelling for months overland in Africa before reaching a European Union Member State). During the transportation phase, the traffickers may seize the victims' documents or restrict their movement.²⁵ While crimes and violence may be perpetrated against the victim at various stages of the process, it is clearly the case when the victim arrives at the destination and enters the exploitation phase and victim disposal phase.

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

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

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

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

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

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

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

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

Individual Traffickers

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

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

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

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

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

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

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

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

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

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

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

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

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

36 Hoozeboom, Op. Cit. p. 21.

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

Trafficking Organizations

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

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

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

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

Another level of organization involves middle-size, more sophisticated groups which are involved in the provision of victims for (the sex) markets⁴⁰ in foreign countries. They sell their victims to brothel owners in the destination country and may organize the rotation of victims between cities and countries. There is limited specialization and these criminal networks are less sophisticated than the international criminal organizations.

At the end of the continuum are the highly structured criminal organizations controlling the entire trafficking process from recruitment and transportation through exploitation and victim disposal. This group provides the full set of services throughout the entire trafficking chain and which may also include such things as documentation forgery, safe houses and maintaining relationships with corrupt government officials (or corrupting them where necessary). These criminal networks are characterized as horizontal and decentralized. Their flexibility allows for co-operation with other criminal groups, a rapid response to law enforcement activity and legislative changes, and the ability to adapt to fluctuating supply and demand in different markets.⁴¹ Based on research on trafficking organizations in Belgium, researchers conclude that “[c]riminal networks are ... able to develop and adapt to changing circumstances: they are able to learn from previous mistakes⁴² or make fundamental shifts in their conceptual paradigm of thinking and operating. This has important consequences for their own structural evolution and the evolution of the phenomenon of human trafficking.⁴³ Because these organizations often operate internationally, members may be located in origin, transit and destination countries providing transportation and safe houses along the route. Larger organizations may be divided into smaller subunits which contract criminal specialists to provide particular services and expertise that

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

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

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

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

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

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

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

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

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

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

Roles within Trafficking Organizations

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

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

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

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

46 Aronowitz, Op. Cit.

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

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

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

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

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

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

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

Trafficking as a Market

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

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

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

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

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

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

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

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

53 Heyzer, Op. Cit.

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

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

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

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

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

59 Ibid.

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

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

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

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

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

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

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

Trafficking as a Business

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

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

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

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

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

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

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

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

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

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

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

Criminal organizations, unlike legitimate businesses, “... make their profits by providing illegal goods and services in illegal markets” which Schloenhardt refers to as the “underground economy”⁷². He examines criminal organizations from the context of organized crime and the provision of illegal goods and services (drugs, migrant smuggling). In the case of human trafficking, however, exploitation often occurs in legitimate markets – agriculture, construction, domestic service, the transport sector⁷³ and the food service industry. Therefore, it is essential to examine human trafficking and exploitation within the context of legitimate economic activity and to focus on the economic conditions (including market opportunities and regulations) that govern business in general, and illicit businesses (human trafficking) in particular.⁷⁴ Human trafficking is a particularly lucrative business. Victims can be made to work longer hours than regular employees. In the case of those trafficked into prostitution, they can be forced to take on more customers and provide services (such as unprotected sexual intercourse) for which clients pay more money. Additionally, trafficked victims in prostitution can be rented out or sold to other pimps or brothel owners. Victims in forced labour are also forced to work in less safe conditions generating a greater profit for their exploiters. Profits will vary depending upon the market into which a victim is trafficked. Studies show that prostitution can result in a return on investment ranging from 100 per cent to 1,000 per cent and even in less profitable markets (e.g., agricultural labour in India), an enslaved labourer can produce over 50 per cent profit.⁷⁵

In an attempt to calculate the profits generated by criminals trafficking humans, the ILO made the following calculations: Based upon an estimate of 1.1 million victims of human trafficking for forced economic exploitation, the total profits⁷⁶ amounted to USD 3.8 billion. The majority (USD 2.2 billion) was generated in industrial countries.⁷⁷ When restricting the assessment to profits from forced commercial sexual exploitation as a result of trafficking, the ILO found “... that the global profits made from trafficking into forced commercial sexual exploitation amounted to USD 27.8 billion. Almost half of all profits – USD 13.3 billion – are made with people trafficked into or within industrial countries. Second highest profits are in Asia (USD 9.5 billion), followed by transition economies (USD 3.2 billion), Middle-East and North Africa (USD 1.0 billion), Latin America (USD 0.6 billion) and Sub-Saharan Africa (USD 0.1 billion).”⁷⁸ According to the study, each woman in forced sexual servitude was estimated to generate approximately USD 100,000 in profit per year.⁷⁹

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

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

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

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

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

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

74 Schloenhardt, Op. Cit.

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

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

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

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

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

Overlap between Upper- and Underworld Activities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A distinction should be drawn between individuals/businesses providing services to trafficking enterprises, and individuals within government organizations providing these same services. Official corruption⁸⁹, particularly in the form of police, border guards, prosecutors, judges, labour and immigration officials' collusion with traffickers undermines the population's trust in these institutions. This is particularly true of victims and further reduces the likelihood that they will co-operate in the investigation and prosecution of their traffickers.

Trafficking and Other Crimes

Criminal groups develop "horizontal interdependencies"⁹⁰ "... which refers to the connections established among different activities by the same criminal organization and indicates a pattern of diversification. Criminal enterprises make use of the skills, routes, existing contacts and corrupt networks developed in certain markets in specific countries and expand into other illicit markets."⁹¹ Human traffickers have been linked to more traditional criminal activities such as migrant smuggling,⁹² document fraud and forgery,⁹³ vehicle theft and drug trafficking⁹⁴ and trafficking in arms.⁹⁵ Young men and women as well as children of both genders have been trafficked for terrorist acts⁹⁶ and boys and girls have been trafficked as child soldiers.⁹⁷ Traffickers have been linked to physical violence, extortion for protection money, money lending to repay debts and money laundering.⁹⁸

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

Concluding Remarks

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

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

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

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

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

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

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

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

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

96 One was linked to the Madrid bombers.

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

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

99 Kendall, Op. Cit.

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

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

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

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