

CHAPTER 7

RECOMMENDATIONS FOR POLICY MEASURES AND FUTURE RESEARCH

Recommendations (to Governments and Other Stakeholders to Combat Trafficking)

A. General Recommendations

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

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

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

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

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

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

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

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

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

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

control of and investigations focused on the sex sector. It is therefore imperative that countries develop the expertise and begin monitoring other high risk sectors. Due to their particular vulnerability, special attention should be paid to child trafficking and the trafficking of young victims.

3) To make anti-trafficking responses comprehensive, human rights-based and victim-centred; protection of victims and their human rights, including the right to obtain compensation for the harm suffered, should be at the core of anti-trafficking efforts;

Human trafficking is first and foremost a severe violation of the human rights of victims of the crime. In line with international obligations,⁴⁰⁰ a victim-centred approach, aimed at the recovery of victims and the protection of their rights, should be at the heart of all anti-trafficking efforts, to be applied irrespective of the victims' willingness to co-operate with the investigators. Such an approach has also been shown to increase the likelihood of victims' co-operation with investigators. Comprehensive national and transnational referral mechanisms aimed at protecting victims' rights and offering assistance and services to them are the central tool for implementing this approach (see further recommendation 9 below).

Measures to ensure the protection of victims' rights include a reflection period to allow victims to recover from the trauma of their experiences, and providing victims with adequate medical, psychological and legal services during this time and beyond. Governments should also consider granting permanent residence to victims (especially of severe forms) of trafficking, by way of special visas (such as the T-visa in the United States) or asylum, and other supportive measures to enable their socio-economic (re-)inclusion into society, thus also preventing potential re-trafficking. Permanent residence should be granted to victims of trafficking regardless of whether they co-operate with authorities in the criminal investigation. Special protection should be extended to child victims of trafficking. Furthermore, the principle of non-punishment and non-criminalization of victims must be fully implemented.⁴⁰¹ Lastly, governments should take efforts to ensure (material and other) compensation to victims, for both its restorative and preventive effect.⁴⁰²

4) To establish and/or strengthen the co-ordination of anti-trafficking efforts and the position of the National Rapporteur or equivalent mechanism to monitor and constantly improve anti-trafficking responses;

In line with the recommendation of the OSCE Action Plan to Combat Trafficking in Human Beings as well as regional and international standards,⁴⁰³ States should strengthen co-operation and collaboration in their anti-trafficking efforts at national and transnational levels and establish or strengthen national co-ordination mechanisms, including Anti-Trafficking Commissions, or Task Forces, for ensuring the development and implementation of comprehensive, multidisciplinary anti-trafficking measures, by way of National Anti-Trafficking Strategies and Action Plans.

Further, countries should establish or strengthen the position of the National Rapporteur or equivalent mechanism, to monitor and evaluate anti-trafficking responses and their (also unintended and undesirable) consequences and impact, in order to ensure comprehensive and sustainable anti-trafficking responses and approaches that are human rights-based and victim-centred. The National Rapporteurs should issue public annual reports covering all forms of exploitation and including recommendations for additional legislation, enforcement, monitoring, investigation and prosecution of trafficking cases, appropriate victim support and rehabilitation. Other tasks include the (collection and) analysis of data and the carrying out or support of research, promoting the standardization and comparability of data, and the identification and sharing of best practices, also at the international level. Lastly, they can be instrumental in furthering transnational networking with their counterparts.

To this end, National Rapporteurs should be given the necessary legal authority and access to data, and the necessary independence from the operational actors to carry out their tasks efficiently.

5) To tackle corrupt practices if trafficking measures are to be successful;

Corruption in many countries facilitates, either directly or indirectly, human trafficking. Actions can range from knowingly issuing visas or passports to trafficked victims, allowing the passage of victims at border crossings, to turning

400 *Inter alia*, UNOHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, E/2002/68/Add.1 (20 May 2002); Council of Europe Convention No. 197 on Action against Trafficking in Human Beings (2005)

401 Victims must not be punished and/or criminalized for offences committed while being trafficked, such as the violation of immigration laws, administrative and criminal laws. See Council of Europe, *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report*, Council of Europe Treaty Series – No. 197 (Warsaw, 16 May 2005), <http://www.coe.int/t/dg2/trafficking/campaign/docs/convntn/cets197_en.asp>, accessed 31 March 2010.

402 OSCE ODHR, *Compensation for Trafficked and Exploited Persons in the OSCE Region* (Warsaw, 2008), p. 13.

403 OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005). See also the *UN Trafficking Protocol* (2000): as well as the *Council of Europe Convention on Action against Trafficking in Human Beings* (2005).

a blind eye to exploitation or even taking part in the (sexual or other) exploitation of victims. It endangers the trust of victims in law enforcement and hampers their rescue and protection. Trafficking and other crimes will continue to thrive in societies where corruption is prevalent. Governments must provide training, increase salaries for professional staff and prosecute officials involved in corrupt practices.

B. Recommendations Related to Prevention and Protection

6) To enhance prevention as the cornerstone of all anti-trafficking efforts;

In line with the motto of the OSCE Conference of September 2009, “An Ounce of Prevention is Worth a Pound of Cure”, prevention should be the cornerstone of all anti-trafficking efforts. Primary prevention programmes must aim at preventing individuals from becoming victims of trafficking. These programmes must target those at risk and the most vulnerable in a society. Additionally, efforts should be taken to devise preventive programmes targeting potential and actual traffickers.⁴⁰⁴ More general awareness raising campaigns must be directed at the general public to prevent family and friends from inadvertently recruiting victims and supporting trafficking operations. Special prevention programmes should be aimed at preventing re-trafficking of former victims. Special attention must be given to prevent former victims from becoming traffickers.

Preventive measures should also be aimed at situations or factors which pose a high risk of exploitation, such as unregulated and unprotected labour markets. For instance, the current practice of linking work permits for third country nationals to one particular employer renders migrants extremely vulnerable to exploitation and should be changed. Generally, more legal and safe labour migration possibilities, including circular/temporary migration regimes, should be created, especially for women, who are currently relegated to illegal migration channels and mostly unprotected labour markets.

7) To involve all relevant stakeholders including government agencies, civil society actors, NGOs, the private/corporate sector, religious institutions and the media in the fight against human trafficking;

Partnership is essential if the fight against human trafficking is to be successful. Each member of the partnership brings an expertise essential to guaranteeing success. The media can play an important role in raising awareness among the general public and, along with religious leaders, creating an atmosphere of acceptance and understanding for trafficked victims. The media, furthermore, has been used to uncover or infiltrate human trafficking rings and, through hotlines, to reach out to victims.

A victim-centred approach aimed at the full recovery of victims, the protection of their rights and their (re-)inclusion into society can only be achieved in partnership with civil society. What is more, successful police investigations in Germany, the United Kingdom and the United States have often involved partnerships between NGOs and the police. The involvement of NGOs ensures the protection of victims' rights throughout the entire process, including the right to claim for compensation, and helps victims overcome their fear of the police. This in turn may lead to greater co-operation in investigations and court proceedings.

8) Self-regulation including codes of conducts, fair trade practices and supply chain management to be introduced by private industry to ensure that trafficked persons and slave labour are not involved in the production of the company's products and services;

Private industry must be mobilized to ensure slave labour and trafficked persons are not used in any part of the supply chain of their products, for example, by adopting and enforcing ‘fair trade policies’ as an integral part of their supply chain management, (industry-wide) codes of conduct, or other similar measures. If an industry or business is unable to ‘police itself’, the media can be mobilized to create awareness among the public to boycott products produced by a particular company. Further, private industry can set up barriers to trafficking: airlines, bus companies and others can introduce more thorough checks of documentation or conduct investigations of adults travelling with unrelated minors. Companies involved with money transfers can work more closely with law enforcement to block the transfer of illegally generated funds from leaving/entering countries of destination and origin. Private industry can invest in source countries offering job training and placement to high risk individuals or repatriated victims.

404 Please refer to the recommendations for targeted research on potential and actual perpetrators below, as a precondition for developing targeted prevention programmes.

9) To establish National and Transnational Referral Mechanisms (NRMs and TRMs) for the protection of victims' rights, including identifying all trafficked persons and for ensuring their referral to and support/protection by appropriate services;

Pursuant to the OSCE Ministerial Decision of 2003⁴⁰⁵ and other international documents, and in order to implement a victim-centred approach, States are encouraged to establish National Referral Mechanisms⁴⁰⁶, that is, co-operative inter-agency frameworks for comprehensive and institutionalized victim assistance and support, at the national level, but also at transnational levels,⁴⁰⁷ to ensure victim identification and referral to services, while protecting their rights.

Focusing on the process management of individual trafficking cases, the NRMs and TRMs should cover the entire sequence of measures from identification, assistance and protection, to participation in and support during legal proceedings and legal redress, to return/resettlement and/or social inclusion of the victims in their destination, origin or a third country. In particular, mechanisms must also be established to harmonize the assistance of trafficked persons with investigative and prosecution efforts.

The NRM should comprise a central operational unit as well as national and local (community level) multidisciplinary groups for monitoring vulnerable sectors and markets. It is essential to involve all relevant actors and stakeholders at the national and local levels, including government actors, local authorities, law enforcement, social welfare workers/street workers, NGOs, and especially community based organizations. To be able to address trafficking for labour exploitation, it should also include labour unions, labour inspections and other labour related agencies, including migrant workers' organizations. Further, personnel of closed reception or detention centres should also be trained to detect possible victims of human trafficking. All involved actors must define and agree upon criteria and standard operating procedures for the identification and referral of trafficked persons and standards of victim support. All involved actors must also be trained systematically and accordingly, preferably jointly. There is further need to develop such standards and procedures including victim support services, tailored to the different victims and exploitative markets (labour exploitation, domestic servitude, child trafficking). Special operating procedures for identification and victim support are needed for victims of domestic trafficking and for minors.

10) To develop a systematic approach to identifying the phases of trafficking and by which stakeholders could make the greatest impact (the basis of the Barrier Model);

It is likely that in the course of human trafficking, individuals from a number of diverse organizations unknowingly come into contact with trafficked victims. The partners at each stage of the process must be identified. At the recruitment stage, these could be Internet sites, owners or employees of bars and clubs; at the transportation phase, these could be airlines, travel agencies, bus companies or border guards; at the entrance or work phase, these could be the municipal government, the Chamber of Commerce or labour inspectorates.

It is therefore essential to develop policy responses, and operational interventions covering the entire trafficking chain, or the entire business process/supply chain, to include customers (e.g., monitor clients' internet sites), retailing/service providers (e.g., monitor the marketing activities of trafficking organizations), assembly/manufacturing (mechanisms used to break victims and make them comply) and supply (entire process from sourcing trafficked persons from their original location to presenting them – or commodities/goods produced by them – to the potential clients). This is the basis of the 'Barrier Model' presented in Chapter 6.

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

11) To focus on the business side of trafficking and the markets which support its existence with a view to achieve a more long-term impact;

Rather than investigating individual cases of human trafficking, a more permanent solution demands addressing the market factors which facilitate trafficking. These include examining trafficking as a process to study the role of traffickers throughout the trafficking chain; examining victims at high risk or of high value; studying countries or origin, transit and destination; examining the seasonality of trafficking (in the construction, fishing or agricultural industry,

405 OSCE Ministerial Council, *Decision No. 2/03 on Combating Trafficking in Human Beings* (December 2003). Therein, Ministers committed to "strive to render assistance and protection to victims of trafficking [...] and establish effective and inclusive national referral mechanisms [...]".

406 "A National Referral Mechanism (NRM) is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. The basic aims of an NRM are to ensure that the human rights of trafficked persons are respected and provide an effective way to refer victims of trafficking to services." In: OSCE-ODIHR, *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook* (Warsaw, 2004), p. 15.

407 On the issue of Transnational Referral Mechanisms (TRMs), please refer to: International Centre for Migration Policy Development (ICMPD), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons South-Eastern Europe* (Vienna, 2009).

prostitution during large-scale sporting events); examining the process by which victims are recruited, transported, marketed and exploited; and examining the demand side of trafficking and how this fuels the crime.

12) To address both supply and demand factors aiming at eradicating human trafficking;

Conditions in source countries serve as push factors for individuals to leave and seek their fortune in destination countries. Factors contributing to the ready supply of (potential) victims are best addressed in source countries where individuals are recruited. These include, but are not limited to relative poverty; unequal opportunities for employment; political instability and social exclusion; gender bias and discrimination and violence against women, children or ethnic minorities; government corruption; natural disasters and war; and organized criminal groups.⁴⁰⁸ Cultural practices of child fosterage in certain societies may facilitate the illegal adoption or exploitation of child domestic workers.⁴⁰⁹ It is essential that countries identify risk factors that push local residents and citizens into becoming victims of domestic trafficking.

While in the case of human trafficking, it has been argued that supply creates the demand, market principles dictate that it is the demand that fuels the supply. Without addressing the demand for trafficked victims and their services in destination countries, it will be impossible to effectively eradicate the problem. Measures targeting demand must be addressed at exploitation in both the sex and labour markets. Awareness raising can be aimed at customers to reduce demand for prostitutes who are sexually exploited. Awareness raising campaigns aimed at customers to purchase fair trade products can have an impact on reducing the demand for trafficked persons in the labour market. Other measures include the revocation of licences of businesses that use trafficked persons or the prosecution of those who knowingly rent rooms or apartments to trafficked victims or traffickers. A reduction in the number of available individuals (victims) offering services increases the price of their services. An increase in price for sexual services will result in a reduction in demand.

It is essential to develop targeted and effective demand-reduction policies and measures based on targeted research.

13) To take measures aimed at increasing the cost and risk to human traffickers which in turn should reduce profits;

A number of related measures can be taken to increase cost and risk to human traffickers. Proactive controls in high risk markets can increase risk to traffickers (and result in the rescue of victims). Such measures include proactive investigations into newspaper advertisements and Internet sites advertising 'exotic' women, services or pornography. Additional proactive controls of farms during harvest season, the fishing or construction industries during high season or at times when seasonal workers are employed have to be taken. Local multidisciplinary teams could be used to monitor vulnerable sectors.

Measures should be introduced to affect more controls over mobile phones, apartments, hotels and sectors which are difficult to control such as the escort branch. Reforming and strengthening law enforcement, border guards and other related (labour) inspectorates, and increasing successful prosecutions with mandatory prison time increases the risk and cost to traffickers. Increased training and the eradication of corrupt practices will strengthen the judicial system's ability to fight human trafficking.

Mixed international investigative teams could be effective in combating international trafficking. International support is essential in aiding financial investigations and assisting in asset seizure and confiscation when proceeds from human trafficking are invested in another country. Governments must also provide for administrative approaches to controlling trafficking through withdrawal of licences. Table 6.1 in Chapter 6 provided more detailed information on measures that could be taken to increase cost and risk to traffickers while decreasing profit.

D. Recommendations Related to the Investigation of Human Trafficking

14) Trafficking modus operandi constantly changes. Therefore, in line with the Market Reduction Approach, to conduct regular risk assessments regarding persons and markets most at risk at the national and local levels;

It is essential to carry out regular risk assessments to track changing patterns of human trafficking, to include the type of victim recruited, the method and place used to recruit the victims and the markets in which they are exploited. Risk assessment should examine the supply (availability of the product or service as well as the ease of movement

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

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

and sale), regulation of the market (ease of entry of the trafficked victim into the market as well as the level of government corruption and law enforcement's competence and capability to deal with trafficking), competition (history of involvement of organized crime in the market, harm and profitability) and demand (customer demand for the product and whether the demand is elastic or inelastic). This information can only be generated with evidence-based data.

15) To ensure collection of evidence-based, reliable data which is essential to risk assessments and monitoring high risk victims and markets;

This data is best collected and analysed at the local level for the purpose of local risk assessments, however all data should be forwarded or made available to a national focal point. National data should be collected, analysed and made public by a National Rapporteur or equivalent mechanism (see also Recommendation 4).

16) To establish interdisciplinary national expertise centres on human trafficking to foster interagency co-operation, and involve civil society partners;

Establish interdisciplinary national expertise centres to bundle knowledge on, among others, trafficking businesses, modus operandi, traffickers, markets, and investigative techniques. These national expertise centres would be involved in conducting risk assessments and could also evaluate past investigations and Justice interventions. These centres could advise on policies and operational practices making recommendations for change based upon risk assessments. Members of the centres should include representatives from law enforcement, border patrol, the prosecution service and justice system, labour inspectorates, social and health services, social/street workers, NGOs and representatives or service providers from grass-roots, community-based organizations (including those servicing migrant and sex workers).

At the same time, expertise must be established and strengthened within the Justice system as well. This can be accomplished through training for prosecutors and judges to increase expertise within the court system.

17) To ensure that investigations are proactive, intelligence-led and victim-centred;

Criminal investigations should be based on systematically gathered intelligence. Investigations into high risk markets should be proactive. Victims remain essential to the criminal proceedings. Given the fact that many victims are hesitant to testify against their traffickers, investigations must rely upon evidence other than the statements of victims. It is important for law enforcement to gather independent evidence such as that obtained through court-ordered wiretaps, surveillance, informants or other means. The protection and safety of the victim takes centre place in the investigation of trafficking.

Risk assessments should be carried out for all phases of the investigative process, to ensure the safety and protection of victims. Where necessary, this assessment must encompass countries of origin, transit and destination. Everything must be done before, during and after the investigation to protect the safety and rights of the victim. This includes providing medical, psychological, legal and economic support. This takes precedence over information/intelligence gathering for the purpose of criminal investigations and prosecutions. With an emphasis upon recovery and protection of the victim, the likelihood is also increased that the victim may co-operate with investigators.

18) To strengthen international operational co-operation which is essential for successful investigations into human trafficking and money laundering and investments of criminal proceeds, and prosecutions;

In cases of international trafficking, co-operation between investigative agencies in source, transit and destination countries is essential to the successful investigation and prosecution of traffickers involved in all phases of the trafficking process. To further this end, joint international investigation teams would be of great value, also in terms of reducing the risks of corruption.

19) To ensure that investigations into human trafficking include financial investigations;

Financial intelligence units must be created and strengthened. Asset investigation and financial analysis of bank accounts and transactions as well as money laundering practices should be a standard part of any investigation into human trafficking. Financial investigations will help trace the links and contacts that traffickers have with the upperworld, identify which upperworld branches are most at risk and which companies collude with traffickers.

Financial intelligence units with the necessary expertise should investigate money laundering practices. Following the identification of investments generated through illicit activities, governments should initiate steps to seize and confiscate assets.

20) To conduct successful seizure and confiscation of assets as a key factor in tackling the ‘business’ of human trafficking.

Seizure and confiscation of assets will decrease or eliminate the profits generated through human trafficking. This approach deals with the ‘business’ of human trafficking by way of decreasing or eliminating the profits. States should enhance their efforts to implement measures to compensate victims of trafficking and exploitation.⁴¹⁰

E. Recommendations for Future Targeted Research

(1) Governments are strongly encouraged to support targeted research on the ‘crime side of trafficking’;

A deep understanding of how trafficking enterprises work – their members, roles, modus operandi and the markets in which they exploit their victims – will allow governments to take measures to prevent and successfully intervene in trafficking operations. To this end, it is the key recommendation that governments should support targeted research on the ‘crime side of trafficking’.

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

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

Specifically research should be undertaken on:

(2) Explaining trafficking at the individual level – Rational choice model and Neutralization theories

- According to rational choice theories, there may be ‘crime specific’ models of decision-making for different types of crime.⁴¹¹ Research should thus explore if there are trafficking-specific models of decision-making, or ‘choice-structuring’ for the crime of human trafficking with a view to prevent the crime;
- Research is needed on individual traffickers to include their profiles, backgrounds, justifications, if they decided ‘rationally’ to enter the crime of trafficking. A parallel, but no less important question is whether or not traffickers desist or would desist from trafficking if they believed that their criminal activities would no longer generate a profit and that legal and attractive income generating opportunities were available. The relationship between trafficking and other criminal activities perpetrated by traffickers should be the focus of research. Do they have criminal convictions for other crimes or is human trafficking “an entry-level crime”?
- Motives for human trafficking need to be explored. Is trafficking only an economic crime or are there other motives (for example, a manifest misogyny, in the case of sex trafficking)? What influence do peer groups exercise in the trafficker’s decision to enter the crime? Research should try to understand why someone ended up as trafficker, in other words, what were the critical moments or events that made a person choose to turn to human trafficking. Research should also test the *Neutralization Theory*: what justifications, rationalizations and techniques of neutralization are utilized by the traffickers?

Ultimately, research should explore the motivations, rationalizations, techniques of neutralization and behaviour of individual traffickers. Research should focus on the factors and circumstances conducive to their engagement in human trafficking with a view to identifying interventions, awareness raising and other measures to prevent potential traffickers from becoming involved in the business.

410 Financial investigations, investigations of money laundering connected to human trafficking and the freezing or confiscation of the assets of human traffickers have also been recommended in the Helsinki Ministerial Council Decision No. 5/08 on *Enhancing Criminal Justice Responses to Trafficking in Human Beings Through a Comprehensive Approach*. For more information on compensation to victims of trafficking and exploited persons, please refer to OSCE ODIHR, *Compensation for Trafficked and Exploited Persons in the OSCE Region* (Warsaw, 2008), <http://www.osce.org/publications/odihr/2008/05/31284_1145_en.pdf>, accessed 31 March 2010.

411 D. Cornish and R.V. Clarke, “Crime as Rational Choice”, in F. T. Cullen and R. Agnew, *Criminological Theory* (Roxbury Publishing Company: Los Angeles, 2003), p.278; See further Chapter 3.

(3) Explaining human trafficking at an organizational level – business models and market selection

- Research should test the *Routine Activities theory*, which puts forth the idea that “[...] in order for a crime to occur, motivated offenders must converge with suitable targets in the absence of capable guardians”.⁴¹² This theory would call for awareness among suitable targets (victims) and increased controls (by capable guardians)⁴¹³ to reduce the likelihood of motivated offenders coming into contact with the suitable target, thereby reducing the likelihood of trafficking. The effectiveness of awareness raising campaigns with high risk groups in high risk recruitment areas should be tested;
- Trafficking may be facilitated by legitimate businesses or individuals working for or with trafficking enterprises along or during this trafficking process. The degree to which these underworld figures are involved, may determine how long and how successfully trafficking organizations are able to operate. Targeted research should explore the interfaces between legitimate and illegitimate-irregular businesses and actors;
- Research must better integrate business and market theories to understand and combat human trafficking; research must examine and identify nodes along the business process/trafficking chain where interventions can and should be made to disrupt the business of trafficking;
- Studies are needed to explore the market variables of human trafficking to include supply, demand, regulators (facilitating and intervening factors) and competition, to understand the dynamics of the markets. Research should focus on trafficking market variables for different markets (sex trafficking, labour exploitation, child trafficking, domestic trafficking and others) at the local, national and regional level;
- A business analysis and strategy analysis should be conducted on trafficking networks and organizations operating at the local, national and international level. The study of trafficking cases should reflect the study of businesses – the process or supply chain, customers, service providers, assembly/manufacturing and supply, in order to systematically identify all possible intervention points;
- More research is needed to understand the demand side of human trafficking and what interventions can be taken to reduce the demand for trafficked persons in the sex and labour markets;
- Research should focus on the customers and consumers of exploitative sex. Research should point to the possible impact (and control for unintended negative impacts) of disincentives (higher prices for paid sex, criminalizing the purchase of sex). Research is needed into specific regulations and their impact on human trafficking and possible ways to mitigate these (migration policies, access to labour market, unregulated sectors, etc.);
- Research needs to examine awareness and public attitudes towards trafficking and exploitation and how to strengthen these;
- Victims included in previous studies or those in the databases of service organizations may not be fully representative of all victims. Research is needed on trafficked persons who are not prepared to leave their trafficking situation and/or are outside the ambit of law enforcement and anti-trafficking service providers. This may be due to control mechanisms used by traffickers;
- Research is needed to improve the identification of domestic victims. This includes the establishment of indicators for detecting and identifying domestic victims. The same applies to trafficking for all other exploitative markets besides sex trafficking;
- Future research should identify factors which lead to successful (international) investigations, in particular, successful prosecutions and asset seizure;

412 L. Cohen and M. Felson, “Routine Activity Theory”, in F. T. Cullen and R. Agnew, *Criminological Theory* (Los Angeles: Roxbury Publishing Company, 2003), p. 284; See Chapter 2 of this report.

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

(4) Evaluation Research

- Evaluation research is necessary to identify good practices. Evaluation research should be conducted on existing data collection schemes, asset forfeiture and demand reduction programmes and the effectiveness of anti-trafficking structures within and between countries.