

The Vienna Forum to fight Human Trafficking
13-15 February 2008, Austria Center Vienna
Background Paper

016 Workshop: Profiling the Traffickers

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BACKGROUND PAPER

**WORKSHOP 016
PROFILING THE TRAFFICKERS**

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I. INTRODUCTION – Who are traffickers?

For a universally condemned, but globally evident issue, surprisingly little is known about human traffickers - those who enable or partake in the trade and exploitation of individual human beings. Data and information about how people come to commit trafficking crimes, their respective roles in networks of traffickers, their relationships to other criminals and to victims, and a strong understanding of trafficking modus operandi would help establish means by which actual traffickers can be identified, stopped and prosecuted, as well as preventing potential traffickers from becoming so.

Further to the objectives of the Trafficking in Persons Protocol, a detailed understanding and analysis of traffickers would:

- *prevent* trafficking through proactive efforts to deter individuals from becoming perpetrators or facilitators of the crime,
- *protect* vulnerable persons from falling prey to criminals as victims of trafficking, and to
- *prosecute* traffickers through the enhanced ability of law enforcers to bring them to justice.

The gap in knowledge, globally, of traffickers and their methods of operation contributes to the widespread failure to identify traffickers and those who assist them. Often investigations are reliant on victims themselves reporting incidents. Where victims escape or are successfully removed from exploitative situations, and traffickers are identified and prosecuted, the willingness and ability of the victim to testify against his or her traffickers is often the lynchpin of securing a conviction. The pressure that this places upon a traumatized victim is acute, and combined with often inadequate legislation, will not always result in a conviction. The fact that convictions, worldwide, have remained relatively low continues the cycle of trafficking by propagating the belief among traffickers and potential traffickers that the abuse and exploitation of vulnerable people can continue with relatively little risk of detection or penalty.

While there is increasing effort in the anti-trafficking community to target those who are active at the point of exploitation, this represents but one part of a complex and multifaceted crime. Similarly, intensive efforts to arrest and bring to justice low-level culprits of trafficking-related crime fail to recognise that those persons who facilitated the trafficking, may represent only a segment of a larger, transnational network of people. Available information suggests that the vast majority of traffickers who are active at the many stages of human trafficking do not come into contact with the criminal justice system at all.

Criminal Profiling

One method of targeting criminal offenders is through criminal profiling. Also known as 'criminal investigative analysis' or 'criminal intelligence analysis', criminal profiling is an investigative tool increasingly used by law enforcement around the world to assist in solving violent crime.¹ Profiling is conducted from both an investigative and a behavioural perspective, to logically and systematically analyse offenders' methods, characteristics and traits. The profiles and assessments that a criminal analyst offers can assist law enforcement in identifying and investigating suspected offenders and conducting operational activities. In fighting the crime of trafficking in persons, profiles of traffickers may for instance assist police and border officials in identifying and intercepting traffickers (and their victims) at the point of entry into or exit from a country.²

From the pre-departure stage through to the point that a victim leaves or is removed from an exploitative situation, there are many actors who come into contact with both traffickers and

¹ For more information on criminal intelligence analysis visit the International Criminal Police Organization (INTERPOL) at <http://www.interpol.int/Public/cia/default.asp> and the Royal Canadian Mounted Police (RCMP) at http://www.rcmp-grc.gc.ca/techops/crim_prof_e.htm

² Source: Crime Reduction Toolkits (United Kingdom), available at www.crimereduction.homeoffice.gov.uk/toolkits/tp0601.htm

victims. Among these people are individuals who commit or are complicit in the commission of trafficking offences, and criminals on the periphery of trafficking operations who facilitate the commission of crime. All of these people represent opportunities to combat trafficking.

The table below is intended to stimulate discussion on the following, amongst other issues:

- *Who comes into contact with victims during the trafficking process?*
- *What role can/do such actors play in committing trafficking or trafficking-related crimes?*
- *What role can/do such actors play in preventing trafficking or trafficking-related crime?*
- *Which of these actors should be prosecuted?*
- *What can the anti-trafficking community (international organizations, non-governmental organizations, law enforcements, legislators and governments) do to reduce the involvement of these actors in trafficking in persons and trafficking-related crimes?*

	Pre-Departure	Departure	Transport Travel Transit	Arrival	Exploitation	Identification	Rehabilitation Repatriation Reintegration
Friends and Family	Recruitment. Can identify persons potentially vulnerable to human trafficking.	May facilitate departure financially or physically	Involved with transportation of travel	Friends / family members may receive person in transit or upon arrival at destination.	May exploit victims	May alert authorities of potential trafficking situation. Provide information and intelligence.	Victim rehabilitation, repatriation, reintegration and protection. Receive training to reduce stigma and discrimination, and likelihood of revictimisation.
Broader Community	Recruitment. Can identify persons potentially vulnerable to human trafficking.	Where aware of trafficking can play a role in preventing trafficking at borders.	Where aware of trafficking can play a role in preventing trafficking while victims are being moved in origin, transit and/or destination locations.		In destination country can exploit victims (as client of person trafficked into sexual exploitation, use of trafficked domestic worker, factory worker etc)	In destination location can identify potential victims of trafficking.	Victim rehabilitation, repatriation, reintegration and protection. Receive training to reduce stigma and discrimination, and likelihood of revictimisation.
Travel Agent	Make travel arrangements for trafficked victims and for exploiters (sex tourists, transplant tourists)		Facilitate actual travel	Arrange contact upon arrival in destination	Organize tourism for purpose of sexual exploitation (sex tourism / sexual exploitation of children / transplant tourism).	Identify potential victims of trafficking, traffickers, and potential exploiters.	Involved in returning victims to place of origin.
Police	Possible contact with potential traffickers and/or potential victims		Involved in immigration. Possible interceptions in 'safe houses'.	Interception at border, interception at 'safe houses'	Corruption in 'tipping off' prior to investigations. Investigation of potential exploitation. Investigations of other crimes may reveal trafficking.	Identification through raids, tip off or other intelligence. Investigation of potential exploitation. Investigations of other crimes may reveal trafficking. Ensure victim protection.	Ensure victim protection. Act to ensure that victim receives appropriate assistance.

Transport (staff at airports, airlines, train stations, bus stations, buses, harbours, boats, taxi drivers)	Encounter trafficking victim / trafficker arranging travel.		Transport operators (airlines, boats, trains, buses) may come into contact with traffickers and victims		Taxi drivers or other transport operators may come into contact with victims and traffickers	Taxi drivers or other transport operators may play a role in identifying traffickers and victims	
Immigration / border officials	May be in contact with potential victims and traffickers (eg. migrants who fall victim to traffickers, traffickers themselves)		May intercept possible traffickers / victims. Immigration / border officials may be complicit in trafficking			May be able to intercept and identify potential traffickers and victims at borders.	
Hotelier / landlords / estate agents			May be used during transit, either unknowingly or complicitly as 'safe houses'		May be used as venues for exploitation (eg. Illegal brothels) either unknowingly or complicitly.	May be able to identify potential exploitation occurring in their premises	May be used as emergency temporary shelters of victims. Role in protection.
Client / End user	Create demand for trafficked persons				Clients of people trafficked for sexual exploitation. Exploiters of persons trafficked for labour. Organ recipients.	Clients of people trafficked for sexual exploitation can play a role in identifying potential victims and traffickers	
NGO worker / service provider	May be able to identify persons potentially vulnerable to human trafficking					May be contacted by potential victim, or person(s) who have identified potential victims / traffickers (eg through hotlines)	Key role in supporting and assisting victims.
Medical and other health-care practitioners	May recruit victims of trafficking for purposes of organ removal, trafficking of babies. Come into contact with people vulnerable to human trafficking		Ambulance workers and mortuary workers may be involved in trafficking victims and/or organs / body parts		Traditional doctors (eg voodoo priests) perform ceremonies to control victims. Medical professionals perform abortions, organ transplants, deliver babies etc	Come into contact with potential victims of trafficking.	Provide medical treatment and care (including HIV testing) to victims of trafficking.
Lawyers / Judges	May come into contact with people vulnerable to human trafficking and potential traffickers.				May be involved in drawing-up debt-bondage agreements between trafficker and victim		Prosecute / defend traffickers, legal aid for victims, ensure victims receives appropriate treatment, care, protection and compensation. Ensure fair trial.
Teachers	May come into contact and identify people potentially vulnerable to human trafficking						Reintegration and rehabilitation. Skills to increase independent livelihood and decrease revictimization.

II. CHARACTERISTICS AND TRAITS OF TRAFFICKERS

GENDER OF TRAFFICKERS

Traffickers can be men or women. One interesting question to consider in relation to the gender of traffickers is: *What is the role of traffickers in relation to their gender?*

Of 664 suspected traffickers profiled in a German study 78.1% were male, 21.9% were female (the sex of 1,8% was unknown).

[Source: German Bundeskriminalamt (BKA) Bundeslagebild Menschenhandel 2006 report]

The roles played by women in trafficking-related criminal groups vary. In some criminal groups, women play a significant role in the trafficking process. For example, trafficking in women from Nigeria to Italy appears to be mainly managed by women with men relegated to largely secondary functions.³ Contrasted with this, however, are situations where the function of female traffickers is to help the male, leaving her at the margins of criminal activity.⁴

Another enlightening question may be: *What is the gender of traffickers in relation to their victims?*

Recruiters of victims are often selected for their ability to quickly establish trust with victims they are recruiting; a UNODC study found that female traffickers were often used to recruit victims who would quickly perceive them as credible and authoritative.⁵ Trafficking operations consisting of only male traffickers, or both male and female traffickers have been reported as trafficking in women, men and children. Contrasted to this are operations in which traffickers are exclusively female; available information indicates their victims tend to be women or girls.⁶ Studies have suggested that, in some countries, traffickers who sexually abuse their women and child victims are almost always male.⁷

Victims of trafficking as traffickers

Some traffickers are former victims themselves. For instance, in some countries, a 'Madam' in a destination country supervises, controls and organizes girls and women trafficked for sexual exploitation, coordinates their activities and collects income they make. Many such 'Madams' that have been the subject of research started as victims themselves, and once their 'debt' has been paid to their own 'Madam' they in turn use the same method to make money.⁸

Reasons that a trafficked victim becomes a trafficker include fear of threatened or actual violence, and / or as a 'graduation' of their role within a trafficking enterprise.

With regard to the former, it has been reported that some people engage in the crime of trafficking as a result of fear of and intimidation by their trafficker(s), and a relationship of dependency. This may be most commonly understood through the well-known condition of 'Stockholm Syndrome' and other

Case Study: Victim turned Recruiter

Lily was a victim of trafficking. After she escaped from her abusers, she was assisted in returning to her place of origin. Soon after she returned, Lily's abusers located her and threatened her and her baby; Lily was presented with the option of returning with her trafficker or recruiting others to replace her. In desperate fear for the safety of herself and her baby, Lily recruited her twin sister and best friend.

[Derived from EUROPOL, "Trafficking of Women and Children for Sexual Exploitation in the EU: the involvement of Western Balkans Organised Crime 2006", p.29.]

³ UNICRI, Trafficking of Nigerian Girls to Italy, 2004, p. 222

⁴ Levenkron, Nomi., 'Another Delivery from Tashkent: Profile of the Israeli Trafficker', (2007, Hotline for Migrant Workers), pp.40-41. More information about this report is available at www.hotline.org.il.

⁵ 'Trafficking in Human Beings in Brazil', available at www.unodc.org/pdf/brazil/folder_tsh_ing_port.pdf, and discussed in UNODC's Trafficking in Persons: Global Patterns Report (Case Study 11 at p.75), available at <http://www.unodc.org/unodc/en/human-trafficking/publications.html>

⁶ 'Trafficking in Persons: Global Patterns', UNODC, 2006, p.72.

⁷ See for instance, Nair, PM., 'A Report on Trafficking in Women and Children in India' 2002 – 2003, p.148.

⁸ 'Trafficking in Persons: Global Patterns', UNODC, 2006, p.74.

psychological responses which see a victim identify with their captor's view of the world, and grow sympathetic to them.

In the latter situation, moving from a situation of victim to trafficker can represent an improvement in circumstance and may be viewed by the victim and traffickers as a form of 'promotion'. For instance, some victims of trafficking are 'promoted' from a role as primary exploited persons and given responsibility in controlling other victims.⁹ An Indian-based study on trafficking in women and children for the purposes of sexual exploitation explicated this point, noting that some victims of sexual exploitation – in the absence of other livelihood options and with no scope to escape – would often 'graduate' to the role of trafficker.¹⁰

These situations where a person has transitioned from being a victim to being a trafficker, or is controlling/exploiting victims while simultaneously being controlled/exploited him- or herself raises the challenge of *balancing the principle of non-punishment of victims with principles of non-impunity for traffickers*.

In order for a trafficked person to be meaningfully recognized as a victim, the principle of non-punishment applies, making victims immune from liability for their involvement in unlawful activities where such involvement is a direct consequence of their situation as a trafficked person.¹¹ This is borne out in Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings, which states that: "Each Party, shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so."¹²

Sarah and her partner, a couple in their mid-30s, moved from Romania to Austria in the 1990s. Not happy with their monthly income, they decided to open an illegal escort agency in their town and trafficked girls and young women from Romania for the purpose of sexual exploitation.

[Unless otherwise referenced, this and the following boxes have been derived from prosecuted trafficking in persons cases globally. All names have been changed]

Discussion points:

How are principles of non-punishment of victims and non-impunity of traffickers to be balanced where a person is both a victim of trafficking and a trafficker?

What policy should States adopt regarding victims who become traffickers or trafficking accomplices?

- How is that policy to be informed?

- Should a trafficker's former status as a victim be considered only at the sentencing stage or should it be a consideration not to prosecute under certain conditions (such as threat of harm)?

- Are legislatures aware of this issue and is there adequate legislative capacity to reconcile competing principles?

⁹ Levenkron, Nomi., 'Another Delivery from Tashkent: Profile of the Israeli Trafficker', (2007, Hotline for Migrant Workers),, p.52

¹⁰ Nair, PM., 'A Report on Trafficking in Women and Children in India' 2002 – 2003, p.141.

¹¹ United Nations High Commissioner for Human Rights, 'Recommended Principles and Guidelines on Human Rights and Human Trafficking', E/2002/68/Add.1, Guideline 7. The term non-punishment is used rather than non-criminalization so as to enable its application in legal systems without prosecutorial discretion.

¹² Article 26, Council of Europe Convention on Action against Trafficking in Human Beings, CETS, No. 197. This is further borne out in Recommendation 1.8 of the OSCE Action Plan to Combat Trafficking in Persons which recommends "ensuring that victims of trafficking are not subjected to criminal proceedings solely as a direct result of them having been trafficked." (Decision 557, Revision 1, 7 July 2005).

NATIONALITY OF TRAFFICKERS

Given that almost every country is a country of origin, transit and/or destination, logically traffickers can be of any nationality. A question to consider is: *What is the nationality of traffickers in relation to the countries in which they operate?*

Knowledge of both the countries in which traffickers operate as well as their country of nationality, may offer insight into the *modus operandi* of traffickers and the role they play in the process. For instance, recruitment of victims may be significantly facilitated where the recruiter speaks the same language and derives from the same culture as recruits.¹³ Many organised crime groups established in diaspora communities have been shown to maintain strong ethnic links with their states of origin.¹⁴

In several countries, the majority of offenders are nationals of the country in which the trafficking case is investigated.¹⁵ For instance, the Dutch National Rapporteur reported that, between 1998 and 2002, the most common nationality of suspects of trafficking, in that country was Dutch. However, in other countries, available information suggests greater complexities - a study in Germany showed that 52% of German-national traffickers had a different nationality at birth.¹⁶ Similarly, the majority of detected traffickers in Italy between 1996 and 2003 were born in Albania.¹⁷

Mr and Mrs T are French Nationals, both originally from Togo. On a visit to Togo, they promised Vanessa's father that they would take her back to France with them and put her in school, after she had worked for them for a period to repay the debt of bringing her with them to France. Vanessa was held in domestic servitude by Mr and Mrs T for several years.

AGE OF TRAFFICKERS

As a child, Maria was trafficked and exploited in Italy. She is now 20 years old and has trafficked two 16 year old girls from her village in Albania into Italy for the purpose of sexual exploitation.

Traffickers can be children through to elderly adults. Various national studies show a range of age among known traffickers:

- Benin: traffickers ranged from 15 – 42 years of age¹⁸
- Czech Republic: 19 – 51 years of age¹⁹
- Israel: 19 – 58 years of age²⁰
- Togo: early 20s to 50²¹

An interesting question to consider is: *What is the age of traffickers relative to their victims?*

In many cases, it has been found that recruiters are older than those they recruit. This has been attributed to the heightened ease with which an older person can manipulate and ultimately

¹³ Levenkron, Nomi., 'Another Delivery from Tashkent: Profile of the Israeli Trafficker', (2007, Hotline for Migrant Workers), p.39.

¹⁴ EUROPOL, "The Threat from Organized Crime", www.europol.europa.eu, pp.2-3

¹⁵ *Trafficking in Persons: Global Patterns* (2006), UNODC: <http://www.unodc.org/documents/human-trafficking/HT-globalpatterns-en.pdf>.

¹⁶ German Bundeskriminalamt (BKA) Bundeslagebild Menschenhandel 2006 Report, available in German at www.bka.de/lageberichte/mh/2006/mb2006.pdf. Earlier reports from 2002 and 2004 are available in English at www.bka.de.

¹⁷ WEST, 2005.

¹⁸ Sample of 16 people. Source: UNODC Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo, September 2006, available at <http://www.unodc.org/unodc/en/human-trafficking/publications.html>. This research is based on thirteen case files examined by the research team.

¹⁹ Sample of 31 people. 'Trafficking in Women: the Czech Republic Perspective', Prague: Institute of Criminology and Social Prevention (2004, UNODC and UNICRI).

²⁰ Sample of 325 traffickers of women for the purpose of sexual exploitation between 1990 and 2007. Levenkron, Nomi., 'Another Delivery from Tashkent: Profile of the Israeli Trafficker', (2007, Hotline for Migrant Workers).

²¹ Sample of 19. UNODC, Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo, September 2006, available at <http://www.unodc.org/unodc/en/human-trafficking/publications.html>. This research is based on ten case files examined by the research team.

recruit a younger person. On the other hand, many children are forcibly recruited into armed conflict as child soldiers by other children.

Discussion point:

UNHCHR recommended guideline No. 8 concerning special measures for the protection and support of child victims of trafficking recommends "ensuring that children who are victims of trafficking are not subjected to criminal procedures or sanctions for offences related to their situation as trafficked persons." What are the implications on the culpability of child victims of trafficking who become traffickers themselves?

FAMILY / MARITAL STATUS OF TRAFFICKERS

Mr Sanchez is the leader of a trafficking ring in Mexico. He employs his sons to work in the business; his youngest – a 19 year old – transports victims (young women and girls) from where they are housed to where they are sexually exploited.

Some traffickers are married or in domestic partnerships and some are single. Some have children, some have none.

What is perhaps interesting to consider in profiling the family and marital status of traffickers is: *Are families, spouses and partners aware, complicit or actively involved in the criminal activities of the trafficker to whom they are related?*

There have been cases where spouses, partners, children, parents and other relations have been oblivious to the criminal activities of their relatives. There have also been situations of families being collaboratively engaged in trafficking operations; family networks can comprise husbands, wives or domestic partners, children, parents and extended family. Such arrangements can exist across borders (for instance, a mother recruits women in country A, and sends them to be 'pimped' by her daughter in country B).

Mr Schmidt, his wife and his mother are a family who traffic young girls and young women from Eastern Europe to Western Europe for sexual exploitation in their family-run brothel.

A study of traffickers conducted in India showed that of 160 traffickers, one-third stated that their family members were involved in their trafficking activities. Of these, 43% said that their spouses took part in their trafficking business, 21.6% involved their children, and 35% said that their extended family (siblings, cousins, etc) were involved.²²

Another interesting question to consider in relation to the family status of traffickers is: *Do traffickers ever victimize their own family members?*

A study in the Ukraine revealed that 11% of female victims were trafficked with active cooperation of their husbands.²³ In an Indian study, one fifth of traffickers admitted to having trafficked their own relatives. Of those, 30.3% had trafficked a daughter, 39.4% had trafficked their sisters and cousins, 9.1% had trafficked their wives, and over one fifth had trafficked their nieces. Three quarters of these traffickers had trafficked their relatives when the victim was under 18 years of age.²⁴ Extreme poverty can also drive people to traffic their own family members; such as parents trafficking their daughters into forced marriage or sexual exploitation. An Azerbaijan study conducted by the Protection Project revealed that most Azeri women and girls are trafficked by friends, acquaintances, neighbours or relatives.²⁵

²² Nair, PM., 'A Report on Trafficking in Women and Children in India' 2002 – 2003, p.144.

²³ "Trafficking in Women and Children for the Purposes of Sexual Exploitation" by Tatiana A. Denisova, Zaporizhiv State University, <http://www.ojp.usdoj.gov/nij/international/programs/TraffickingWomen.PDF>

²⁴ Nair, PM., 'A Report on Trafficking in Women and Children in India' 2002 – 2003, p.148.

²⁵ International Organization for Migration, 'Shattered Dreams: A Report on Trafficking in Persons in Azerbaijan' (Geneva: International Organization for Migration, August 2002).

OCCUPATION, EDUCATION AND CRIMINAL HISTORY OF TRAFFICKERS

Jane moved from Ghana to the USA when she was a teenager, where she studied to become an accountant. Jane has two young children. She and her husband attempted to traffic a woman from Ghana into the United States to exploit her as a domestic worker and nanny to her children.

More needs to be known about traffickers, before during and after their involvement with human trafficking.

An interesting question to consider is: *Do traffickers have criminal histories?*

The few studies that have been conducted show that some traffickers have a criminal history in trafficking or other crimes, while others have never been involved in crime or have no criminal record. For instance, a study conducted in the Czech Republic revealed that of 31 traffickers sampled, 12 had a criminal record, while 19 had no criminal record.²⁶ In an Israeli study of 325 traffickers, 47.3% had no prior criminal record.²⁷

Independent of their involvement with crime, it is also perhaps interesting to consider: *What is their relationship to trafficking before they become traffickers?*

In India, a study of 160 traffickers of people into the commercial sexual exploitation industry, revealed that prior to becoming traffickers, a majority of these people had a strong nexus with the industry into which they would ultimately supply trafficked persons.

- 37.5% had been victims of sexual exploitation in brothels, or were brokers or pimps.
- 35% were brothel owners who transitioned into trafficking through their close relations with traffickers.
- 22% inherited the 'business' from parents, guardians or people who they were living with.
- Only 5.6% were entirely newcomers who entered the trade through their association with other traffickers.

Of the third of respondents who had previously been exploited in brothels, many were elderly women who could no longer service clients.²⁸

Another finding of that report found that many 'employees' of traffickers would become traffickers themselves; a significant number of traffickers were found to have started as 'amateurs' in the field working as 'spotters' (locating vulnerable persons to be trafficked, for instance), eventually moving up to a higher rung in the trafficking hierarchy.²⁹

Another issue which may be useful in profiling traffickers is: *What legitimate work do traffickers do outside of their trafficking activities?*

Some documented traffickers have a professional occupation aside from their criminal trafficking activities. They work as lawyers, doctors, policemen, politicians, drivers, sportspeople, chefs, mechanics etc³⁰. Alternatively, some are unemployed and / or facing situations of extreme poverty, living primarily from their trafficking activities.

Some traffickers have little to no education while others have been found to be highly educated to a post-graduate level. Given this, a pertinent question is: *what is the educational level of traffickers in relation to those they traffic?*

A study conducted in Brazil, found that perpetrators had a higher level of education than those they had trafficked³¹ while other studies have reported that traffickers come from similarly disadvantaged economic, social, and educational backgrounds as the people they traffic.

²⁶ 'Trafficking in Women: the Czech Republic Perspective', Prague: Institute of Criminal and Social Prevention (2004, UNODC and UNICRI).

²⁷ Levenkron, Nomi, 'Another Delivery from Tashkent: Profile of the Israeli Trafficker' (2007, Hotline for Migrant Workers), pp.40-41. More information about this report is available at www.hotline.org.il

²⁸ Nair, PM., 'A Report on Trafficking in Women and Children in India' 2002 – 2003, p.143.

²⁹ Nair, PM., 'A Report on Trafficking in Women and Children in India' 2002 – 2003, p.144.

³⁰ See for instance, Nair, PM., 'A Report of Trafficking in Women and Children in India' 2002 – 2003, p.143.

³¹ UNODC, Combating Trafficking in Human Beings in Brazil, www.unodc.org.br

A key point is that not enough research has yet been undertaken into who traffickers were before they became traffickers, how they came to be traffickers, and who they are outside of being traffickers. What is known reveals that the only unifying factor between traffickers of differing economic, social, cultural and educational backgrounds is that their motive for trafficking is almost always financial; some traffickers hope to grow rich while others are merely struggling to make a living and provide for their families.³²

Discussion point:

Many traffickers come from similarly economically disadvantaged circumstances to the people they traffic. Does this suggest that the root causes of vulnerability to falling victim to trafficking may, at times, be similar to the root causes of committing the crime of trafficking?

III. DISTINCTIONS BETWEEN ROLES OF TRAFFICKERS

An understanding of the different roles played by traffickers throughout various stages of trafficking and at each tier of the trafficking hierarchy is necessary to facilitate the identification and arrest of traffickers, and the disruption and/or ending of their activities and operations. Understanding the roles played by those who commit trafficking-related crimes would also provide necessary intelligence for investigations. Increased knowledge in turn would strengthen law enforcement capacity to intervene at various stages of the process. The more information that is known about actors at each tier of the trafficking hierarchy, interventions can be mounted earlier in the process.

Hierarchy of Roles

The notion of trafficking hierarchies is discussed further below (under section IV Categorization of Trafficking Groups) but is raised here to highlight the role of individuals in the wider structure. Traffickers can be considered in terms of their function in the hierarchy of roles in the trafficking organization or operation. One way of conceptualising such a hierarchy has been suggested as follows:

- *Master trafficker*: At the apex of hierarchy. Enjoys high level of anonymity. Manages, modulates and orients activities. Profits the most from trafficking activities.
- *Primary traffickers*: Identifies sources of supply and demand, procures, buys and sells humans in various locations.
- *Secondary traffickers*: Delivers human cargo to primary traffickers; often included here are relatives or acquaintances of victims, petty criminals and local goons.
- *Grassroots intelligence gatherers*: Visits locations (markets, railway stations, etc) to gather intelligence about vulnerable persons. Report to primary or master trafficker.³³

³² Levenkron, Nomi., 'Another Delivery from Tashkent: Profile of the Israeli Trafficker', (2007, Hotline for Migrant Workers), p.76.

³³ Nair, PM., 'A Report on Trafficking in Women and Children in India' 2002 – 2003, p.139-140.

Case Study: 'Sindikets' in Malaysia

In Western Malaysia, organized crime groups (known as "sindikets" or syndicates) involved in trafficking in persons (and/or migrant smuggling) from the Philippines comprise four levels.

- Level 1 includes persons about whose identity very little is known except that they are generally well-known people occupying positions of power.
- Level 2 includes individuals who receive orders, give directives down to level 3.
- Level 3 carries out the actual work of organizing activities on the group and works closely with the fourth level. This level includes the pimps, madams, or owners of small brothels.
- Level 4 includes 'errand boys' who arrange transportation, buy food for victims and pass on information. Actors at this level are also involved with recruitment, looking for potential new victims and clients, and new areas of possible expansion.³⁴

Throughout the process of trafficking, people (individual traffickers) are required to perform particular roles. In the United Nations High Commissioner for Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking, 'traffickers' are taken to be: recruiters, transporters, those who exercise control over trafficked persons, those who transfer and/or maintain trafficked persons in exploitative situations, those involved in related crimes, those who profit either directly or indirectly from trafficking, its component acts and related offences.³⁵

According to simplified phases of trafficking, traffickers can be considered as operating as:

- *Recruiters* who recruit victims
- *Transporters* who transport victims throughout various stages to the place of exploitation within a country (internally) and/or across borders (transnationally)
- *Exploiters* who exploit victims, including (but not only) through 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

Actors on the 'periphery' of trafficking

Trafficking syndicates are reported to employ specialized legal advisors in order to exploit legislative weaknesses. In the Philippines for instance, proof of identity of victims of trafficking is required for the prosecution of the employers of trafficking victims. An entertainment company for which many of the women surveyed worked and were deceived by, recorded all payments of salary to and debts incurred by the women employees according to the code numbers and not the name on their passports, therefore making it difficult to prove that the women in question were working for this company and hence bring charges against club owners.³⁶

Similarly, a trafficking syndicate from the Netherlands consisting of around 80 persons, made use of a series of external service providers, including a lawyer, a tax consultant, bookkeepers and a real estate agent.³⁷

RECRUITERS

The United Kingdom Human Trafficking Centre³⁸ offers the following information about recruitment of trafficking victims:

- 6 out of 100 recruitments are done by a close relative
- 3 out of 10 recruitments are done by a close friend

A Russian woman in her mid-thirties trafficked her young niece into the United States for the purpose of sexual exploitation.

³⁴ "Trafficking in Persons: Global Patterns" UNODC, April 2006, p.70.

³⁵ Available at www.unhcr.bg/other/r_p_g_hr_ht_en.pdf

³⁶ "Trafficking in Persons: Global Patterns" UNODC, April 2006, p.70.

³⁷ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

³⁸ More information about the United Kingdom Human Trafficking Centre and its work can be found at www.ukhtc.org

- Almost half of all recruitments are done by someone known to the victim
- Recruiters come from every age group
- Female recruiters are often better able to appeal to and establish the trust of young female victims
- Recruiters often come from the same disadvantaged social and economic background as those they recruit.
- Recruiters typically organise documents, tickets, meals and housing.
- Recruiters are likely to be part of an organized criminal network, including:
 - Illegal or illegitimate employment agencies
 - Passport, visa and other document forgers
 - Drivers, pimps, brothel owners, corrupt state officials.

Modus Operandi

Recruiters are usually extremely skilled at gaining the trust of victims in order to manipulate them. Often, recruiters are selected to perform this function because of their potential appeal to potential victims. For instance, a UNODC report completed in 2003³⁹ found that although the majority of traffickers were male, the recruitment of victims involved significantly more females (particularly where victims were recruited individually rather than several at a time). Their credibility and the rapport they established with victims was believed to be enhanced where recruiters were older than victims.

Other reports have found that recruiters have often come from the same ethnic group as their victims; a factor which facilitates their capacity to communicate with and build the trust of victims. While a number of women and girls trafficked into sexual exploitation are lured by advertisements in newspapers, in countries where print media is heavily regulated, traffickers resort to more 'direct' contact with victims.

A study in the Ukraine showed that 70% of traffickers entice victims with promises of work, participating in beauty contests, modelling, affordable vacations, study-abroad programs at universities and marriage services.⁴⁰ In India, traffickers were found to recruit women and children into sexual exploitation by adapting their enticement to the individual victim and the circumstance. Amongst the false offers used to this end were offering them jobs as domestic servants, in the film industry, in factories, making false marriage promises, offering to take them on pilgrimages or 'befriending' them with 'gifts (particularly homeless children).⁴¹

Relationship between Recruiters and Recruits

The relationship between the recruiter and the recruitee is insightful into both the modus operandi as well as traits and characteristics of traffickers. A 78-country IOM study conducted between 1999 and 2006 revealed that almost half of recruiters were known to their victims.⁴²

Some traffickers also recruit victims from among their own families or acquaintances. Extreme poverty can also drive people to traffic their own family members (as discussed above under Family / Marital Status of Victims).

TRANSPORTERS

The issue of transportation of victims of trafficking is complicated. It may merely involve the movement of a person within a country – potentially by the recruiter - but it also may involve transporting someone through and / or to other countries across borders.

³⁹ 'Trafficking in Human Beings in Brazil', available at www.unodc.org/pdf/brazil/folder_tsh_ing_port.pdf, and discussed in UNODC's Trafficking in Persons: Global Patterns Report (Case Study 11 at p.75), available at <http://www.unodc.org/unodc/en/human-trafficking/publications.html>

⁴⁰ "Trafficking in Women and Children for the Purposes of Sexual Exploitation" by Tatiana A. Denisova, Zaporizhiv State University, <http://www.ojp.usdoj.gov/nij/international/programs/TraffickingWomen.PDF>

⁴¹ Nair, PM., 'A Report on Trafficking in Women and Children in India' 2002 – 2003, p.145.

⁴² IOM Counter Trafficking Database, 78 Countries, 1999-2006.

Modus Operandi

The mode of transportation use will depend on the trafficking route; public transport may be preferable for transporters for the anonymity it provides and the lack of attention it draws from law enforcement authorities in comparison to hired vehicles.

Where trafficking is transnational, it means potential encounters with border and immigration authorities. Police and border officials may be bribed, or trafficked victims may cross borders legally on a student, tourist or work visa and then overstay the permitted duration of that visa. When legal visas are not a possible course, traffickers will use falsified travel and/or identity documents, or valid documents which have been altered. Alternatively, no documentation is used as victims are simply taken across borders bypassing border points.

Another potential complication arises through the intersection of crimes relating to migrant smuggling and human trafficking; it is possible that a person who ultimately falls victim to trafficking was initially smuggled as a migrant. Complications concerning the roles played by criminals and corrupt authorities highlight the need for more research into this area, and more investigations en route.

EXPLOITERS

Exploiters comprise a range of actors, from those who exercise control over a victim to exploit them for profit, to the 'end user' of the victim who derives the service⁴³ the person was trafficked to provide.

With regard to the trafficking of persons for the purposes of sexual exploitation, there has been an assumption that a trafficker would provide persons to a pimp who would live off the profits from this exploitation. It has been reported however, that these roles may also overlap, with the trafficker also being the 'pimp'⁴⁴. In cases of labour trafficking, an exploiter would be the person who gains the benefit of the exploited person's labour, and in the case of trafficking in persons for the purpose of organ removal, the exploiter would be the 'organ broker' who financially benefits from the transaction as well as the recipient of the organ (or body part).

Can Clients be considered to be traffickers?

A key issue which arises in respect of exploitation is the question of who should be included and who should be excluded from the category of 'exploiters'.

The European Convention on Action against Trafficking in Human Beings (CETS No. 197) was adopted by the Committee of Ministers of 3 May 2005 and opened for signature in Warsaw on the 16th of May 2005. Article 19 of that Convention concerns 'Criminalisation of the use of services of a victim'. That article criminalizes 'the use of services which are the object of exploitation' where the user has knowledge that the person is a victim of trafficking.⁴⁵

Discussion points:

Questions which may emerge include:

- Can or should 'clients' of trafficked victims ever be prosecuted as 'traffickers'?*
- How to establish that such 'clients' or 'end users' had knowledge that that person was a victim of trafficking?*

⁴³ Or organ / body part in cases of trafficking for the purpose of organ removal.

⁴⁴ Levenkron, Nomi., 'Another Delivery from Tashkent: Profile of the Israeli Trafficker', (2007, Hotline for Migrant Workers), p.13.

⁴⁵ Article 19, Council of Europe Convention on Action against Trafficking in Human Beings, CETS, No. 197.

IV. CATEGORIZATION OF TRAFFICKING GROUPS

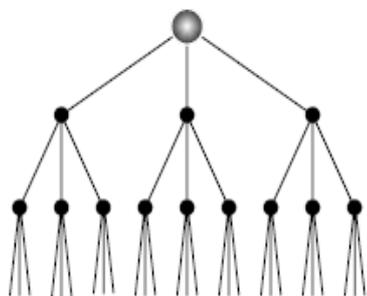
TRAFFICKING GROUPS AS CRIMINAL ENTERPRISES

Developing an understanding of traffickers also requires that the larger structures in which they can operate also be investigated. Trafficking in persons can be conducted through spontaneous informal low-level contacts, through to highly organized international networks. Small groups of individuals may comprise family networks or be connected through shared ethnicity, while large scale criminal networks may operate internationally and oversee the entire operation from the recruitment through to the exploitation of the victim.

Different criminal groups operate in different criminal structures; how groups are organizationally structured can give an indication of how activities are pursued. For instance, it has been established that the more hierarchical the group is, the more likely it is to engage in violence as an essential element in undertaking its activities.⁴⁶ Furthermore, this higher structural rigidity has also been shown to correlate to higher propensity for corruption and transborder activities.⁴⁷

In 2002, UNODC undertook a survey of forty selected organized groups in sixteen countries and one region, which provided five key structural models of organized crime groups:⁴⁸

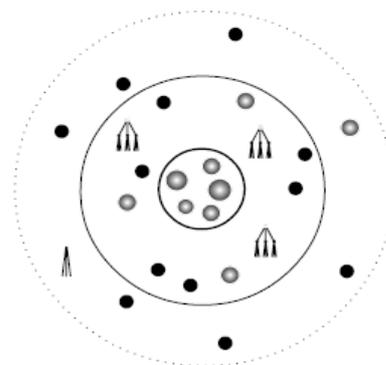
- **Rigid hierarchies** have a single boss, and are organized into several cells reporting to a centre, with strong internal discipline systems.
- **Devolved hierarchies** have a hierarchical line of command, often with regional structures with their own hierarchy and a degree of autonomy over their own functioning.
- **Hierarchical conglomerates** are associations of organized crime groups with a single governing body.
- **Core criminal groups** comprise core individuals horizontally structured.
- **Organized criminal networks** are defined by key activities of key individuals who often shift alliances and whose role is determined by the skill and the capital they may bring. Such networks may not consider themselves organized criminal entities.



The results of that survey showed a clear distinction based on the structure of the group and the extent to which the group was involved in human trafficking activities. Of six criminal groups engaging in criminal activities including trafficking in persons, five were classified as hierarchically structured, characterized by strong internal lines of control and discipline. Of these, four groups had a single leadership structure, a strong social or ethnic identity and violence was an essential means of

carrying out its activities.⁴⁹

Regarding the two groups whose primary activity was human trafficking, both were classified as “core criminal groups”, consisting of a limited number of individuals forming a relatively tight and structured core group surrounded by a loose network of “associates”, with the small size of the group helping to maintain internal discipline. Such groups determine their activities on the basis of opportunities for profit and seldom have a social or ethnic identity. In both of these groups, each member of the gang appeared to have had a specific role in the human trafficking process (for instance, recruitment, transport, protection or marketing).⁵⁰ These two groups have no name, and



⁴⁶ “Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries”, UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, p.30.

⁴⁷ “Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries”, UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, p.31.

⁴⁸ “Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries”, UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf

⁴⁹ “Trafficking in Persons: Global Patterns” UNODC, April 2006, p.69.

⁵⁰ “Trafficking in Persons: Global Patterns” UNODC, April 2006, p.69.

no district social or ethnic base. Both are structured more horizontally than hierarchically and are comprised of several nationalities, reflecting the countries in which they operate.⁵¹

Who might be part of an organized crime group?

The definition of "organized criminal group" contained in the Transnational Organized Crime Convention, is, as follows: "A structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes...in order to obtain, directly or indirectly, a financial or other material benefit"⁵². Participation in such a group is much broader than might be commonly understood. The words, "in order to obtain, directly or indirectly, a financial or other material benefit" include, for example, "...crimes in which the predominant motivation may be sexual gratification, such as the receipt or trade of materials by members of child pornography rings, the trading of children by members of paedophile rings or cost-sharing among ring members."⁵³

TRAFFICKING GROUPS AS BUSINESS ENTERPRISES

Given that profit is the primary objective of traffickers, regardless of the structures in which they operate, trafficking groups can also be categorized as different types of 'business' model.⁵⁴ Understanding them in this way offers insight into their *modus operandi* and resultantly, the means by which they can be stopped. One potentially controversial analysis outlines the following models:

Natural Resource Model (prevailing in Eastern Europe and Central Asia)

- Focus on short-term profits.
- Women are sold as if they were a readily available natural resource such as timber or furs
- Focus on the recruitment of women and their sale to intermediaries who deliver them to the markets; most often the women are sold off to the most proximate crime group
- Profits are disposed through conspicuous consumption or are sometimes used to purchase another commodity with a rapid turnover such as rubber boots for sale or cars for sale
- Significant violations of human rights because the traffickers have no long-term interest in wresting long-term profits from women and have no connections to their families

Trade and Development Model (Prevailing in East Asia)

- Operate as a business that is integrated from start to finish
- The control from recruitment to exploitation allows for high long-term profits
- Assets are returned through underground banking (eg through gold shops)
- Less significant violations of human rights because traffickers have long term interest in wresting long term profits from victims who often have connections to their families

Supermarket Model: Low Cost and High Volume (prevailing in Central and North America)

- Maximizing profits by moving large number of people and not charging significant sums for each individual. Based on large-scale supply and existing demand.
- May exploit vulnerable people (eg force young girls into brothels)
- Most of the "people movers" specialize in this trade
- Requires significant profit sharing with local border officials
- Millions of dollars of profits are returned and invested in land and farms
- Detection is difficult because trafficking is hidden within large scale smuggling operations

⁵¹ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, p.40.

⁵² Article 2(a), United Nations Convention Against Transnational Organized Crime, GA resolution 55/25, 15 November 2000.

⁵³ A/55/383/Add.1, paragraph 3. Also see Legislative Guides for the Implementation of the United Nations Convention Against Transnational Organized Crime and the Protocols thereto, UNODC, October 2004, p.411 and p.13.

⁵⁴ Louise I. Shelley, "Trafficking in Women: The Business Model Approach," Brown Journal of International Affairs, Vol. X, Issue I, 2003.

- High violations of human rights and fatalities because there is little profit to be gained from each individual

Violent Entrepreneur Model (prevailing in Balkans)

- Large number of women are sold off by crime groups
- Control of victims from recruitment to exploitation
- Opportunistic making use of the instability and civil conflict in the origin countries
- Groups take over existing markets by using force against established crime groups
- Significant use of corruption
- High profits used to finance other illicit activities or invest in legitimate businesses
- Extreme violations of human rights and brutal violence against victims

Traditional Slavery with Modern Technology (prevailing in West Africa)

- Multi-faceted crime groups, trafficking in persons being one part of their criminal profile
- Use of psychological as well physical pressure
- Combining modern transport links with traditional practices
- Significant financial resources
- Small amounts of the profits are returned to the local operations of the crime groups and occasionally to family members of victims
- Much of the profit is believed to flow to other illicit activities and are laundered
- Significant human rights violations occur as victims are exploited in the most physically dangerous conditions

This paper has been prepared to provide some broad background material for the workshop. Please note that fuller materials, including speaker summaries and workshop conclusions, will be included in the official report of the Vienna Forum.

If you have any further information regarding this topic, please contact:

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