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## **Human trafficking:** *Sketchy data and policy responses*

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### **Abstract**

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This article looks at the phenomenon of trafficking in human beings, with examples drawn from intergovernmental organizations, the European Union and the UK. It begins by outlining legal recognition of and current responses to trafficking, and goes on to present an overview of what we currently know and don't know about the extent and nature of this crime in relation to its various manifestations. The article critically examines policy responses to trafficking in the light of what are often, at best, sketchy data. The existence of a trafficking 'industry', both as an organized crime 'industry' and as an IGO and NGO 'industry', is introduced in the article through legal and policy responses that set out to identify, map and counter trafficking. The article concludes by asking where the focus on trafficking is heading, and if it will be supported in future by more robust evidence for policy development.

### **Key Words**

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data • human trafficking • legalisation • policy responses • victim-centred

### **Legal recognition of and responses to human trafficking**

Human trafficking encompasses labour and sexual exploitation, and its victims can include men and women, adults and children. Trafficking can

manifest itself both within and between countries, and therefore should not only be thought of as a transnational crime but one that can also take place within a country's borders. Exploitation—using means such as fraud, force, threat and deception—lies at the heart of trafficking; as such, human trafficking is often described as 'modern day slavery'.

### *International legislative developments*

The abolitionist movement against slavery has a history dating back hundreds of years, with 2007 marking the 200th anniversary of the abolition of the slave trade in Britain's colonies<sup>1</sup>. In the 20th century, notable legal developments against slavery include the League of Nations 1926 Slavery Convention and the United Nations 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. The UN's first convention dealing specifically with trafficking was the 1949 Convention on the Suppression of Trafficking in Women and the Exploitation of Prostitution of Others. The association of slavery with prostitution, and particularly with concerns related to the 'white slave trade' in women, came to a fore at the beginning of the 20th century. Since this time, the specific crime of trafficking has been linked with prostitution of women and, more recently, children, and less so with other areas of 'slave-like' exploitation in the labour market.

Renewed international interest in human trafficking emerged in the late 1980s and 1990s in response to increased population movements in the wake of war, civil conflict and, in Central and Eastern Europe, the fall of communism; events which were often accompanied by the illegal movement of people and exploitation of vulnerable populations at the hands of organized crime. In Europe, the European Parliament adopted its first resolution on the exploitation of prostitution and trafficking in human beings in 1989, which was followed in 1993 by a parliamentary resolution calling for international co-operation to combat trafficking in women and to improve the situation of victims. Currently, the United Nations Protocol to 'Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children', which supplements the 2000 UN Convention against Transnational Organized Crime (TOC), provides the legal reference point for an international definition of human trafficking<sup>2</sup>. While the protocol encompasses forced labour or services, the removal of organs, and prostitution, the onus of the international community's attention in practice, as evidenced by the UN's Global Programme Against Trafficking (GPAT), lies disproportionately with sex trafficking.

The UN Convention against TOC also has a supplementary protocol against the Smuggling of Migrants by Land, Sea and Air, which includes a separate definition of smuggling<sup>3</sup>. In legal terms, smuggling becomes trafficking once a person who is being smuggled experiences exploitation at any point from recruitment through to arrival at their destination. Yet, media reporting and political debates on illegal immigration have often

conflated human trafficking with human smuggling; with the terms used interchangeably. Legal distinctions between smuggling and trafficking are not so easy to apply in reality, as smugglers also exploit those who want to move from one country to another by, for example, charging exorbitant fees for their services. This overlap is reflected in many policy responses that place illegal immigration, human smuggling and human trafficking together under the ‘migration–crime–security’ nexus (Goodey, 2003a). In this regard, the 1997 joint action by the Council of the European Union to Combat Trafficking in Human Beings and the Sexual Exploitation of Children is illustrative of this mixed response, with its objective being to:

... establish common rules for action to combat trafficking in human beings and sexual exploitation of children in order to contribute to the fight against certain forms of unauthorised immigration and to improve judicial cooperation in criminal matters.<sup>4</sup>

In the same way as this joint action muddies concerns about victimization within the framework of criminality, illegal immigration and judicial co-operation, the UN trafficking protocol can be critiqued as an adjunct to a convention that seeks primarily to combat organized crime (Reilly, 2006). In this regard the convention’s focus rests with crime against state parties rather than on individual victims of trafficking. As an illustration: where the trafficking protocol provides for assistance to and protection of victims it does so in the language of ‘soft law’; for example, with the use of phrases such as ‘in appropriate cases and to the extent possible under its domestic law, each State Party shall ...’<sup>5</sup>, and ‘each State Party shall consider’<sup>6</sup> (van Liempt, 2006). However, these kinds of compromises are common to a lot of legislation dealing both with conventional and organized crime, and reflect the fact that the law is traditionally constructed with a definition of and response to crime as, first, against the state, and, sometimes a distant second, against the individual.

### *EU and UK legislative developments*

In the 10 years following the 1997 joint action by the Council of the European Union, European legislators have been busy in the anti-trafficking field. For example, in 2002, the Council of the European Union adopted its own framework decision on combating trafficking in human beings; in 2003, the framework decision on combating the sexual exploitation of children and child pornography was adopted, which addresses child trafficking. And, in 2004, the Justice and Home Affairs Council adopted the directive on residence permits issued to third-country nationals, *who cooperate with the authorities*, who are victims of trafficking or who have been the subject of an action to facilitate illegal immigration; so serving to remind us that legislation that purports to be ‘for’ trafficking victims is sometimes more focused on the needs of law enforcement in acquiring victim testimonies. More encouragingly, as ‘victim-centred’ legislation, the

Charter of Fundamental Rights of the European Union specifically prohibits trafficking in human beings under one article, and, in so doing, serves to emphasize trafficking as a human rights violation.

The UK, as an EU Member State coming under certain European legislative obligations and as a signatory to the UN Convention and its trafficking protocol, has, since 2000, been actively incorporating anti-trafficking measures into domestic law. In 2002, a specific offence of trafficking in relation to prostitution was introduced for the first time into UK legislation as part of the Nationality, Immigration and Asylum Act 2002. This was followed by the Sexual Offences Act 2003, which went further than the UN Protocol by not requiring traffickers to use coercion, deception or force during recruitment of trafficking victims. Further, in 2004, legislation covering trafficking for labour exploitation was introduced under the Asylum and Immigration Act 2004. In the same year, and in response to one particular tragedy in Morecambe Bay, England, when over 20 Chinese illegal workers drowned as they were cut off by rising tides when cockle-picking, the Gangmaster (Licensing) Act 2004 was adopted in an attempt to undermine the grey world of illegal workers and the gangmasters who control them. Although this Act was not directly addressed to trafficking, it presented a landmark in recognition of the plight of illegal immigrant workers who are often victims of exploitative practices at the hands of organized crime.

These legislative developments in the UK have not been received without criticism from some quarters, and in particular from human rights NGOs, for failing to incorporate provisions addressing victims' needs and rights, and for continuing to focus on trafficking as a problem of organized illegal immigration/organized crime rather than a human rights abuse (Goodey, 2003b; Craig et al, 2007). In response to growing criticism about its lack of a victim-centred response to trafficking, and to coincide with the 200th anniversary of the UK's abolition of slavery, the government launched its Action Plan on Tackling Human Trafficking in March 2007 and, at the same time, signed the Council of Europe Convention on Action against Trafficking in Human Beings, which includes a recovery period and assistance for victims of trafficking of at least 30 days.

The above only begins to outline the various pieces of legislation at the international, EU and UK level that recognize and address the crime of human trafficking. It is clear that there has been a great deal of activity in recent years in recognition of and legal responses to human trafficking; in particular to trafficking in relation to the sex industry. However, the question is—what information has served to inform these legal developments? In other words, what do we know about the extent and nature of human trafficking?

### **The scale of the trafficking problem**

Accurate data on the extent of trafficking in human beings does not exist. General figures are often given by inter-governmental and non-governmental

organizations whose sources and reliability can be difficult to verify. This situation is not unique to data on human trafficking, but is typical of criminal justice data in the area of serious and organized crime, which remains under-reported, under-detected and, therefore, under-prosecuted. The problem in the case of human trafficking is that its human victims are often unaware of how to report their abuse or are unable to do so, particularly when they are minors. It is also typically the case that victims are scared to report their abusers for fear of reprisals against themselves or their families. In addition, victims are often distrustful of the police and criminal justice authorities as being able or willing to assist them should they report their victimization. These factors, combined with the problems of corrupt policing and criminal justice personnel, serve to undermine criminal justice responses to the crime of human trafficking and make accurate estimates of its scale difficult.

In the introduction to a UN publication, as part of the UN Global Initiative to Fight Human Trafficking (UN.GIFT), the following sentence typifies how the scale of trafficking is presented – ‘*Billions of dollars are being made at the expense of millions of victims of trafficking*’<sup>7</sup>. Rather than critique this sentence as inaccurate, it is symptomatic of international efforts that have been around for some years now to try to highlight the problem of what is largely an undocumented crime. In Europe, the same ‘guesstimates’ have been used to map the scale of the trafficking phenomenon since it came increasingly to the attention of NGOs and EU Member State governments from the early 1990s on. As noted by Aromaa and Lehti (2007) with respect to Europe, the highest figure used by a variety of NGOs—of 500,000 women and children trafficked annually for prostitution into the ‘old’ EU Member States—probably came from a ‘common unmentioned source’ (which is often given as the IOM).

The United Nations, particularly through the UN Office on Drugs and Crime (UNODC) and the International Labour Organisation (ILO), has developed a range of global estimates of the extent of human trafficking.

The 2006 UNODC report ‘Trafficking in Persons: Global Patterns’ used content analysis of print material from a range of international and national sources to map how often certain countries are cited as origin, transit and destination countries for trafficking, and to map the characteristics of trafficking, its offenders and victims, according to how often certain characteristics are cited. A simple citation index was established on the basis of the number of times a country or trafficking characteristic was referred to in print material, ranging from very low to very high. On this basis, the citation index report indicates the following for Europe: Belgium, Germany, Greece, Italy and the Netherlands are ranked *very high* as destination countries, while Austria, Bosnia and Herzegovina, the Czech Republic, Denmark, France, Kosovo, Poland, Spain, Switzerland and the UK are ranked *high* as destination countries.

Although the UNODC report makes it clear that it does not set out to provide an estimate of the extent of trafficking, the real problem is that its findings are easily interpreted as reflecting a ‘count’, rather than a citation count,

of the extent and nature of trafficking. To this end, a country having a *very high* citation index as a destination for trafficking victims is perhaps as much a reflection of its active policies to combat trafficking and put information in the public domain as it is of the country's position as a main destination for victims. The results of the report also make it clear that the subject of *sex* trafficking tends to dominate publications, while trafficking for *labour* exploitation receives less attention. To this end, the patterns of trafficking reported in the citation index appear to underestimate the global extent of labour trafficking. This critique was also levelled at the UN's Global Programme against Trafficking in Human Beings by an internal evaluation report, which concludes that the programme had placed too little emphasis on trafficking for labour exploitation and on trafficking in human organs<sup>8</sup>.

In contrast with UNODC, the UN's ILO office has undertaken various pieces of research in recent years that attempt to critically assess different methodologies for estimating the extent and nature of global trafficking, and which place equal emphasis on labour exploitation as well as sexual exploitation (Kutnick et al., 2007; De Cock, 2007; Ghinararu and van der Linden, 2004). In a 2007 report on 'Methodologies for global and national estimation of human trafficking victims', ILO contrasts its method for estimating the global scale of trafficking with that of the US government. Based on their different approaches, the ILO calculates that between 275,068–508,931 people are actively being trafficked both within and between countries at any given point in time, and that at least 2.45 million people are caught by trafficking across the world. In comparison, the US government estimates that between 600,000–800,000 people are trafficked across international borders each year.<sup>9</sup> These numbers are markedly lower than the 500,000 figure used by NGOs in the late 1990s and early 2000s to describe the annual extent of sex trafficking into the old EU-15 Member States alone. More recently, after some criticism of figures being presented that are difficult to substantiate, estimates about the scale of trafficking are more modest and are usually accompanied with a word of warning concerning the figures. As an example of a more cautious shift in the presentation of numbers, the International Organisation for Migration (the IOM) states the following on its internet counter-trafficking pages:

'Although the global scale of human trafficking is difficult to quantify, as many as 800,000 people may be trafficked across international borders annually, with many more trafficked within the borders of their own countries'.<sup>10</sup>

### **The nature of the trafficking problem**

What we know about the detailed nature of trafficking is largely based on qualitative victims' accounts gathered by NGOs and some IGOs, such as the IOM, which actively assist victims. As official criminal justice statistics

on trafficking are either non-existent or inadequate in many countries and regions throughout the world<sup>11</sup>, NGO and IGO reports, together with the media and researchers, present the richest sources of information on the nature of trafficking, and in particular on victims' experiences.

### *The situation in Europe: from the Balkans to the 'old' EU*

In Europe, some of the most detailed reports on trafficking are focused on sex trafficking in the countries of Central and Eastern Europe, and the south-eastern European region; namely the Balkans (Velkoska, 2007). This reflects the fact that these regions include origin, transit and destination countries for sex trafficking, with some engaged in two or all three practices—particularly in the case of the Balkans. The role that the transition from communist to capitalist market economies has played in both the creation of poverty, in particular female poverty, and opportunities for (legal/illegal) migration from east to west, and for organized crime to exploit this situation, is now well documented (Nikolic-Ristanovic, 2000, 2002). At the same time, civil war in the Balkans has served to exacerbate the negative economic situation of women, and has provided a ready market for organized crime and prostitution<sup>12</sup>. A combination of economic and social push and pull factors, including a thriving sex industry, has meant that there is a steady supply and demand for women and girls. The entry in 2004 of 10 new countries into the EU, and in 2007 of a further two, Bulgaria and Romania, which are typically countries of origin for sex trafficking, has meant that the job of trafficking has become easier for traffickers.

Various NGOs—such as La Strada<sup>13</sup>, the Coalition Against Trafficking in Women (CATW)<sup>14</sup>, and The Global Alliance Against Trafficking in Women (GAATW)<sup>15</sup>—are active in prevention, advocacy and victim assistance, and have published information about the nature of sex trafficking in Europe. The IOM<sup>16</sup>, as the largest international organization working in the field of migration, is also very active in Europe in providing assistance to trafficking victims, as part of its migrant return programme, and in the process has collected a significant volume of information on trafficking. In 2003 the IOM established its Regional Clearing Point (RCP) in the Balkans, which resulted in co-ordinated data collection on trafficking cases gathered by the IOM shelters through which trafficking victims pass prior to being returned 'home'. In the mid 2000s, the RCP data indicated a drop in trafficking cases in the Balkans. This drop was variously attributed by different parties to successes in combating trafficking, or as an indication that traffickers were becoming more successful in hiding their activities from law enforcement, or as a consequence of the IOM's policy of repatriation (with the suggestion that victims were no longer turning to the IOM for assistance and, therefore, were not being registered through the RCP (Lindstrom, 2007)).

Among EU Member States, which represent destination countries for trafficking, a handful of government bodies and criminal justice agencies

collect data and publish reports on the extent and nature of trafficking. In 'western' Europe, two of the most comprehensive reports come from the German Federal Police (the Bundeskriminalamt (BKA)) and the Dutch National Rapporteur on Trafficking.

The 2005 BKA situation report<sup>17</sup>, which refers to police data from 2004, indicates that there were 370 investigations involving 972 victims, of whom 845 were non-Germans; in other words, 127 were German. In comparison, the recorded figures for 2003 were higher, with 431 investigations involving 1235 victims, of whom 1108 were non-Germans; again, 127 were German. The situation report, which is focused on sex trafficking, characterizes victims as female, aged between 18–25 years, and as originating in the main from Bulgaria, Romania, Russia and the Ukraine. The BKA also indicates that, on average, 40 per cent of suspects are German nationals; in 2004, of the 297 German suspects recorded, 55 were not born in Germany. Other dominant suspect nationalities are Bulgarian and Russian. It is also noteworthy that 182 of the 370 investigations recorded in 2004 only involved a single suspect per investigation. This could indicate a number of factors—including the loose 'organization' of sex trafficking networks that allows only for the identification of individual suspects rather than criminal groups. Alternatively (or in parallel to loose networks), the fact that there was a lone suspect could reflect the nature of sex trafficking, particularly where there is some relationship between trafficker and victim, such as a relative or 'boyfriend', which facilitates close relationships of abuse and dependency.

The 2007 report by the Dutch National Rapporteur on Trafficking, which refers to 2005 figures collected by the Foundation against Trafficking in Women (STV), the police, and the prosecutor's office, indicates a similar pattern to Germany with respect to the nature of trafficking in the Netherlands.<sup>18</sup> Of the 424 (possible) victims registered in 2005, the main countries of origin, after internal cases of Dutch victims of trafficking, were Bulgaria, Russia and Nigeria. In previous years, Bulgarian, Romanian and Nigerian victims also dominated the figures, and Dutch nationals to a lesser extent; which may reflect an increased focus on internal trafficking in recent years. Of the 135 suspects who were registered in 2005, the largest group comprised people born in the Netherlands, with the next largest being Moroccans and Turkish suspects. In previous years Romanian and Bulgarian suspects tended to dominate numbers of known suspects. And, as with the BKA report, the Dutch National Rapporteur also notes that trafficking tends to involve individuals who might not be working as part of what we would traditionally consider as 'organized crime'. In this regard, the Rapporteur indicates that there are few registrations of trafficking offences in combination with the offence of 'participation in a criminal organization', which might show that traffickers work alone as 'loverboys' to exploit victims, and that 'quick hit' cases, rather than organized crime operations, may be the norm.

In the UK, Kelly and Regan's 2000 report for the Home Office was the first major publication to try to map the extent and nature of the sex

trafficking industry in the UK. Based on 1998 figures received from 36 of the 43 police forces in England and Wales, the report indicates that only five police forces handled trafficking cases in 1998, which resulted in a total of 18 trafficking cases involving 71 victims who were most likely trafficked to the UK from Central and Eastern European countries and Thailand. However, as Kelly and Regan note, this low official figure can be contrasted with two large trafficking cases in England and Wales, prior to 1998, each of which involved upwards of 100 women from Thailand and Brazil. In acknowledging that official figures can grossly underestimate the scale of sex trafficking, Kelly and Regan calculate that the ‘true’ number of trafficked women in the UK in 1998 could have been anywhere between two and 20 times greater—that is, involving between 142 and 1420 victims. However, what their report does not describe is the characteristics of trafficking suspects or convicted traffickers.

The same is true for publicly available information concerning the UK’s largest police raid on brothels and massage parlours, which was undertaken under Operation Pentameter in 2006 and Pentameter II in 2007. Once again, the information made available tells us the gender (all female), age (majority between 18–25 years) and countries of origin of the victims (ranging from Brazil and India through to the ‘new’ EU Member States), but provides no details about the suspects apart from the numbers arrested and charged.<sup>19</sup> Critiquing Operation Pentameter, O’Connell Davidson, writing in *The Guardian*<sup>20</sup>, refers to the ‘hyperbole and emotive rhetoric about sex slaves’ in Britain, which she states is fuelled by inaccurate and exaggerated information concerning the extent of the problem, and a lack of focus on the actual circumstances and needs of prostitutes. She sees police operations such as Pentameter as serving primarily the ‘migration–crime–security’ focus, with many raids leading to the deportation of trafficking victims.

### *What we (don’t) know about the traffickers*

In comparison with the volume and range of information available from both NGO and IGO sources on victims of trafficking, information centred on suspects and perpetrators, such as that supplied by the BKA and the Dutch rapporteur, is comparatively sparse. While it can be argued that sensitive data cannot be put in the public domain that might jeopardize ongoing and future convictions, it remains the case that research attention has not been focused on traffickers. Admittedly any area of organized crime is difficult, and dangerous, to research, but it appears that there is a gap in criminological research concerning traffickers themselves. The typical route to find out about traffickers’ modus operandi is to interview trafficking victims about their stories. These accounts reveal a great deal about victims’ circumstances prior to recruitment and what made them vulnerable to trafficking, and also provide invaluable detail about victims’ experiences of exploitation during the trafficking process and afterwards—but these accounts are victim rather than offender-centred.

Surtees (2005, 2008), who has interviewed trafficking victims in south-eastern Europe, notes that traffickers, according to victims' accounts, appear far more diverse in their profiles than the representation of (typically) male traffickers would suggest. Surtees' research indicates that female traffickers are as numerous as male traffickers in some countries (such as Moldova). She also suggests that traffickers, or rather recruiters, might not always be aware that they are recruiting people to be trafficked. In other words, some recruiters, unlike traffickers, may believe they are finding legitimate jobs for family members and acquaintances. Also, the extent to which male/female trafficking pairs work together, and the extent to which transnational co-operation exists between traffickers is difficult to verify in the absence of primary research with traffickers. As Surtees comments (2008: 44): 'Future research on traffickers should, where possible, also include alternative data collection methodologies, such as interviews with traffickers or a secondary analysis of court cases'. Less reliance on victims' testimonies and more research with traffickers could reveal a great deal about traffickers' personal life histories and the operation of trafficking as 'organized' crime.

A rare example of primary research with non-convicted traffickers concerns interviews conducted in 2003 by Troshynski and Blank (2008); however, unfortunately, these researchers' accounts tell us more about the research methodology and ethics of interviewing traffickers than they do about the business of trafficking as seen through traffickers' eyes. Given the difficulties of interviewing convicted let alone non-convicted traffickers, perhaps the most valuable untapped source of information is court cases. To this end, an online database provided by the Office for Democratic Institutions and Human Rights (ODIHR)<sup>21</sup> the Office for Security and Cooperation in Europe (OSCE's) Office for Democratic Institutions and Human Rights) offers a handful of detailed accounts of trafficking cases. These cases are rich sources of information about the recruitment process and the nature of exploitation, and also provide details about traffickers' personal histories and the nature of trafficking networks.

To a large extent, the focus on victims in publicly available reports on trafficking reflects the fact that NGOs, such as La Strada and the Coalition against Trafficking in Women, have been primary movers in highlighting the crime of human trafficking. In their efforts to identify and support victims of trafficking, NGOs have sought to inform people about the victims' experiences. Where NGOs do refer to perpetrators it is typically to describe the means by which they recruit and exploit victims. The same approach can be noted in reports that emanate from inter-governmental organizations, such as the UN and the IOM. Arguably, though many NGOs and researchers would beg to disagree (Apap, 2002), these IGOs' trafficking programmes have gradually shifted from an organized crime and illegal immigration focus to one that is victim-centred. One could speculate that this shift has echoes in how all victims of crime were gradually placed centrestage in the 1980s and 1990s in countries that were experiencing high levels of crime—

such as the United States and the UK (Crawford and Goodey, 2000; Goodey, 2005b). By placing the victim centrestage, the spotlight of attention turns away from the more difficult problem of trying to stop crime (or illegal immigration for that matter) by focusing, instead, on the relatively ‘easy’ issues of victim assistance and crime prevention based on potential victims. With this in mind, and given the focus of trafficking data collection on victims, the next section critically explores policy responses to human trafficking in the context of the European Union and the UK.

## Policy responses

### *A victim-centred response?*

A three-pronged response to human trafficking is now well established in inter-governmental and NGO circles, from which policy and practical initiatives variously emanate. The three approaches are: prevention of trafficking, protection and support of victims, and prosecution of traffickers—in other words, the three ‘Ps’ of trafficking. Two of the three—prevention, and protection and support, are firmly rooted in a victim-centred response to trafficking (Goodey, 2004a, 2005a; Gallagher, 2006).

A victim-centred focus has become an established way of addressing crime *indirectly* by addressing victims (Goodey, 2005b). In this regard, the increasing attention that has been given throughout the 1990s and 2000s to victims of trafficking is, in part, a response to the real problem that the causes of trafficking, rather than the symptoms, are much harder to treat. If we can agree that human trafficking is fuelled by inequality in global markets, and by conflict and war, then these are problems that are obviously difficult to respond to in comparison with more immediate and tangible initiatives that offer assistance to victims of these inequalities—in this case, trafficking victims.

Lindstrom (2007), referring to the Balkans, classifies the different responses to trafficking by the international community as follows: the migration approach—exemplified by the IOM; the law enforcement approach—exemplified by Europol; the human rights approach—exemplified by NGOs, which is essentially victim-centred; and the economic approach—which is close to the human rights approach, but which emphasizes the economic causes of trafficking and looks at alternative routes out of poverty for potential victims and those who have been trafficked. Lindstrom, along with other commentators, argues that the migration and law enforcement approaches dominate current responses to trafficking in Europe, and are embedded in the construction of the ‘migration–crime–security’ nexus that forms the backbone of EU responses to trafficking. However, it is apparent too, as evidenced by the focus on prevention and protection, that the victim’s place in trafficking policy and practice has become increasingly important over recent years.

In the EU, some notable European Commission-funded programmes since the mid 1990s have supported anti-trafficking initiatives. These include the DAPHNE programme, which specifically concerns violence against women and children, as well as programmes that have focused on police and judicial co-operation, such as STOP and, more recently, AGIS. For example, in 2002, a European Conference on Preventing and Combating Trafficking in Human Beings was organized under the framework of the European Commission's STOP programme, and took place in the European Parliament with the co-operation of the IOM, the European Commission, the Parliament and EU Member States. The conference resulted in the so-called 'Brussels Declaration' on Preventing and Combating Trafficking in Human Beings, which, in turn, resulted in the Commission establishing an expert group on trafficking in human beings; with the remit to write a report containing concrete proposals for implementing the Brussels Declaration<sup>22</sup>.

Alongside the European Commission, the Council of Europe and, in particular, the OSCE, through its ODIHR office, have put human trafficking centre-stage in their policies. As a reflection of the centrality of their human rights mandate, the Council of Europe and ODIHR have stressed the human rights approach to combating trafficking. To this end, the OSCE has convened a number of high-level conferences to enhance co-operation between IGOs, NGOs and OSCE Member States in the area of trafficking, and has assigned a Special Representative for Combating Trafficking in Human Beings. The OSCE's output is centred on both policy development and practical responses to trafficking, ranging from the production of a practical handbook for national referral mechanisms to protect the rights of trafficked persons (OSCE, 2004), through to a publication on compensation for trafficking victims (OSCE, 2008b).

The US Department of State, through its office to monitor and combat trafficking in persons, also plays an important global role in forming policy responses on and allocating resources to trafficking; though it is less influential in the EU, which is governed and funded by its own stakeholders. In its annual report on trafficking in persons the Department of State assigns a 'Tier' to each country, which indicates the extent to which it is considered to be in compliance with US anti-trafficking policies (rather than taking the UN Convention against TOC and its accompanying Trafficking Protocol as the sole basis for compliance): Tier 1 indicates compliance with US anti-trafficking policies, through to Tier 3 indicating the lowest level of compliance. For many countries in the developing world, their placement in this tier ranking is significant, as a Tier 3 placement can mean that the government will have sanctions imposed on it by the US government; such as withholding non-humanitarian and non-trade-related foreign assistance. For this reason, the placement of countries within a particular Tier is not without its critics. According to the 2007 report<sup>23</sup>, no EU Member State falls under a Tier 3 classification, but Cyprus is put on a Tier 2 'watch list' to indicate that it is in danger of falling under a Tier 3 category. Although the

US Department of States report differs from other approaches by classifying countries and threatening sanctions, it does follow the established approach of looking at each country's compliance with anti-trafficking policies with respect to the 'three Ps' of prevention, protection and prosecution.

Rather than see approaches to trafficking as distinct, as suggested by Lindstrom (2007), with each actor playing its separate part, one can argue that there is increasing evidence of a crossover in roles and approaches to trafficking, as well as examples of co-operation between different actors; for example, law enforcement manuals on combating trafficking now contain sections on treatment of victims and victim assistance. At the beginning of the 1990s these kinds of developments would have been unthinkable, with the relationship between law enforcement and anti-trafficking NGOs typically hostile. As a reflection of these changes, no policy paper on trafficking can be written now without reference to victims and acknowledgement of their needs, though not necessarily their concrete 'rights'. The UK government's March 2007 'Action Plan on Tackling Human Trafficking' is illustrative of this trend, with the first page of the executive summary stressing the need for a 'human rights' approach to trafficking.

In their edited book on transnational organized crime, Edwards and Gill (2003: p. 275) refer to the need to move towards a 'socialization of criminal policy', away from the current focus on the 'criminalization of social policy', with the argument that the latter has served the needs, primarily, of the crime and security industry rather than the societies in which crime occurs. Policy responses to human trafficking, unlike many other areas of organized crime, do focus on victims through programmes that address prevention and protection. However, it is debatable whether the current focus of trafficking has yet reached a 'socialisation of criminal policy'. Rather, one could argue that the move towards a 'victim-centred' focus is well on its way—with reference to the needs of individual victims of trafficking incorporated into policy and practical papers; in this regard the latest European Commission tender for a feasibility study on a European 'hotline' for victims of trafficking is evidence of a growing victim-centred response.<sup>24</sup>

However, a comprehensive human rights approach—which would force us not only to look at the individual but also at questions of economic, social and gender inequality that lie at the heart of trafficking—is some way off yet. Herein, Lindstrom's point—that the migration and crime response to trafficking still holds sway—is valid if one considers human rights as incorporating economic and social rights. Yet, it is clear that a shift towards a victim-centred response to trafficking has developed over recent years, as increasing emphasis and resources are being placed on victim assistance. The real test of how far these initiatives are 'for' victims is whether they exist separate to conditions that stipulate that the victim should co-operate with the authorities in order to receive certain services. To this end, the continued absence of open residence permits for trafficked victims, regardless of whether they co-operate with the authorities<sup>25</sup>, is still some way off *in practice*.

In Italy, which has long been praised for having residence permits for trafficking victims that do not require co-operation with the criminal justice authorities, there is criticism that these rights exist on paper but are not meted out to those in need *in practice* (Goodey, 2004b: 38). A recent proposal by the chair of the Justice and Constitutional Affairs Committee of the Italian Senate, on 5 June 2008, to amend the Security Decree Law to include prostitutes as a category of ‘dangerous persons to the security and public morality’—alongside traffickers—resulted in an intense debate in Italy and an outcry from NGOs.<sup>26</sup> As a result, the proposed amendment concerning prostitutes was removed five days later. However, the debate illustrates the extent to which the tide can quickly turn to lump illegal trafficked prostitutes into the same category as traffickers and other criminals when the political climate is right in consideration of concerns (real or imagined) about migration–crime–security.

### *A changing international focus?*

The international community’s collective response to human trafficking, and in particular sex trafficking, has gained momentum since the mid 1990s and does not appear to be slowing down. At the same time as we are told that the trafficking industry is growing, so the international anti-trafficking industry has grown in response to it. Not a month goes by without some conference or meeting being convened to address trafficking. Writing in May 2008 from Vienna, the international community has witnessed a number of major anti-trafficking events in this city alone since the beginning of the year: the February 2008 Vienna Forum to Fight Human Trafficking, which was organized as part of UN.GIFT (the United Nations Global Initiative to Fight Trafficking<sup>27</sup>), a meeting in April 2008 of the OSCE’s anti-trafficking focal points, and the 26–27 May 2008 OSCE conference on Child Trafficking.<sup>28</sup>

As evidenced by the 2008 Vienna Forum to Fight Human Trafficking, which attracted thousands of delegates from around the world, the resources currently devoted to trafficking are phenomenal. While the continued international focus on trafficking is to be welcomed, the absence of reliable data on many aspects of trafficking would suggest that careful consideration needs to be given to policy developments and funding to ensure attention is allocated to all areas of trafficking, including those not usually in the spotlight—such as trafficking for labour exploitation of men.

As an example, the degree to which anti-trafficking resources can be too focused on one aspect of trafficking is perhaps illustrated by the attention that was devoted to sex trafficking in the run up to the 2006 World Football Cup in Germany. In the same way that Germany comes out very high on the UN citation index, as a reflection of intense NGO and government attention on the problem of trafficking, the country was inundated with media and NGO reports of a predicted explosion in women being trafficked into the country to work as prostitutes during the World Cup. As the Presidency of the Council of Europe stated:

Taking into account the European Parliament's resolution of 15 March 2006 on forced prostitution in the context of world sports events, the Presidency emphasises the fact that major international events, including sports events, have shown to pose the risk to contribute to a temporary increase in trafficking in human beings.<sup>29</sup>

However, as the IOM notes in a March 2008 bulletin on trafficking that refers to sporting events and human trafficking, the actual extent of sex trafficking for the German World Cup 'was unrealistic and unfounded hype'. The IOM's own report on the 2006 World Cup (Hennig et al., 2007) shows that a mere five investigated cases concerned sex trafficking and were assumed to have a direct link to this sporting event. In comparison, as the report documents, over 300 German online articles were published in the period surrounding the World Cup that made reference to sex trafficking in connection with the event.

It could be argued that the increased attention given to the potential for trafficking during the World Cup worked as a crime deterrent. Or, it could be argued that all trafficking cases did not come to light, which would suggest that the resources devoted to anti-trafficking surrounding the 2006 World Cup were misspent, as they failed to identify more cases. Whichever way one looks at it—it appears that the resources devoted to counter-trafficking activities and media attention surrounding the World Cup were out of proportion to the scale of the problem. Critically, whether the same conclusion can be reached with respect to the resources currently devoted to other areas of trafficking is debatable. However, as the IOM March bulletin goes on to note:

'Regardless of the limited existing evidence on the link between such large-scale sporting events and increased incidences of human trafficking, it seems countries hosting recent and upcoming international sporting events are taking the issue seriously'.<sup>30</sup>

This is not to suggest that too much attention and too many resources are devoted to the specific area of sex trafficking, but rather that the focus also needs to pay attention to those areas that have been relatively neglected. At the same time, policy attention and resource allocation needs to be supported by better evidence of the scale and nature of the trafficking problem.

Developments in the past couple of years suggest that the focus of trafficking *is* turning more to areas that have traditionally received less attention than sex trafficking, which has tended to dominate debates.<sup>31</sup> To this end, a 2006 OSCE publication on legal responses to human trafficking for labour exploitation<sup>32</sup>, together with a 2008 OSCE publication on human trafficking for labour exploitation, forced and bonded labour',<sup>33</sup> are illustrative of a trend towards mainstreaming other areas of trafficking in parallel to the continued focus on sex trafficking. At the same time, attention is increasingly turning to the need for better data on the phenomenon of trafficking.

Of particular note is the European Commission's creation in April 2007 of a 'new' expert sub-group on 'trafficking in human beings', which is in addition to the earlier expert group established after the Brussels Declaration of 2002. The new expert sub-group on trafficking has emerged from the Commission's establishment of an expert group on the policy needs for data on crime and criminal justice, which was set up in response to the Commission's long-term goals to develop harmonized and comparable EU crime and criminal justice statistics.<sup>34</sup> Recognizing that existing criminal justice data on trafficking is not comparable and cannot provide an accurate estimate of the scale and nature of the crime, a steering group was formed within the trafficking sub-group to develop a methodology for building consensus from a range of external experts on a list of operational indicators that can characterize different trafficking situations. The work of the expert sub-group places equal emphasis on sexual and labour exploitation in the development of indicators, with experts identified for consultation through labour inspectorates, as well as NGOs and criminal justice personnel who have traditionally focused on sex trafficking. To this end, the group's work combines a balanced focus on different areas of trafficking, together with the need for improved indicators to be able to practically identify the phenomenon of trafficking in its diverse guises.

At the same time as more attention appears to be paid to labour exploitation as part of trafficking, the focus of sex trafficking appears to be turning more towards sexual exploitation of children. This attention reflects increased concerns to address and tackle the crime of paedophilia that have emerged in recent years, and would also seem to reflect a real concern about the under-documented area of child trafficking for sexual abuse. In the UK a number of key publications have highlighted that child trafficking is under-documented (CEOP, 2007; Sillen and Beddoe, 2007), and have brought to public attention the particular problem of unaccompanied minors 'disappearing' from care while in the UK; with the implication that these children are vulnerable to trafficking rings. The 2007 report 'Missing Out' by the UK branch of ECPAT (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Exploitation) presents the following stark figures as a result of interviews conducted with social services, statutory agencies and the voluntary sector in different regions of the UK (focusing on Manchester, Newcastle, Birmingham, Solihull and Coventry):

Across three regions there were 80 reported cases of known or suspected child victims of trafficking. Even more disturbing is that 48 (60%) of these children have gone missing from social services care and have never been found.<sup>35</sup>

The UK government's 2007 Action Plan on Human Trafficking also devotes one of four main chapters to the subject of child victims of trafficking. This attention to child trafficking in the Action Plan is acknow-

ledged, in part, as a response to calls by NGOs such as ECPAT to more fully engage with child trafficking (Home Office, 2006).

The UN Protocol to ‘Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’ illustrates the fact that trafficking in children is often mentioned in the same breath as trafficking in women. However, the real development recently has been the promotion of separate data collection and policy responses specifically on child trafficking; for example, the 2007 Annual Report of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings highlights ‘action against child trafficking’ as one of six priority areas in 2007, and indicates that child trafficking will be a priority area in 2008.<sup>36</sup> In parallel, there are calls to look at child trafficking as both sexual and labour exploitation (Dottridge, 2007). As an illustration of how this very specific area of child abuse is receiving increasing attention, the European Union Agency for Fundamental Rights (FRA) commissioned research in 2007 on ‘The Rights of the Child’, which focuses on the development of indicators in three areas—child poverty, children’s family relationships, and child trafficking. This focus on the child would seem to exemplify the increased attention that is being paid to trafficking as a human rights abuse or victim-centred crime; one in which the child cannot be seen as anything other than a victim.

## Conclusion

This article has presented an overview of where legislative and policy responses to trafficking have come from and where they are currently going with respect to developments at the international, European and UK level. With increased recognition of the problem of inadequate data on trafficking, as with so many areas of organized crime, there appears to be a renewed focus on the need for better data on which to build policy responses. This development reflects a general trend at the level of governments and IGOs to collect more robust data for policy development; particularly in the area of crime and criminal justice.

The focus of trafficking has, since the late 1980s, predominantly been on sex trafficking, with less attention paid to other areas that are arguably equally significant in terms of their magnitude and impact—though the data cannot ‘prove’ this assertion one way or another. At present, trafficking appears to be witnessing a subtle shift with respect to its focus of attention: trafficking for labour exploitation and child trafficking are increasingly receiving more attention. While many NGOs and academic commentators would dispute the idea that trafficking is being responded to as a victim-centred crime, this article suggests that a shift can be noted in this direction, at the same time as trafficking continues to be responded to as part of the ‘migration–crime–security’ nexus.

Finally, where perhaps too little attention is paid at present is with respect to knowledge concerning traffickers themselves; who they are and how they operate. While researchers, the international community and NGOs have built up a wealth of data on victims' experiences of trafficking, there is a real paucity of data and detailed information concerning traffickers. Another area that also remains under-researched is work on the demand side of trafficking. Although abolitionists call for the criminalization of all aspects of prostitution, and Sweden has gone so far to become the first country in the EU to criminalize the buying of prostitution, there is still a great deal we don't know about the demand side of prostitution that could provide some insights for policy responses in the area of trafficking prevention, and particularly in consideration of localized trafficking markets; although research on this theme is growing too<sup>37</sup>. The list of areas yet to be researched could be extended, but the message here is that the research onus in the field of criminology, and in non-criminological research in general, rests with victims. To this end there is much that the discipline of criminology could add to knowledge on trafficking that could be used for policy responses to address this crime.

## Notes

The opinions of the author expressed in this article do not represent those of the European Union Agency for Fundamental Rights.

- 1 See Anti-Slavery International: <http://www.antislavery.org/homepage/antislavery/history.htm>
- 2 Article 3(a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the 2000 UN Convention against Transnational Organised Crime, defines trafficking as: 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'.
- 3 Article 3(a) of the Protocol against the Smuggling of Migrants by Land, Sea and Air, which supplements the 2000 UN Convention against Transnational Organized Crime, defines smuggling as: 'the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident'.
- 4 Joint Action 97/154/JHA of 24 February 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning action to combat trafficking in human beings and sexual exploitation of children

- [Official Journal L 63 of 04.03.1997]; [http://europa.eu/scadp\\_lus/leg/en/lvb/l33072.htm](http://europa.eu/scadp_lus/leg/en/lvb/l33072.htm)
- 5 For example: II Article 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air.
  - 6 For example: II Article 7 of the Protocol against the Smuggling of Migrants by Land, Sea and Air.
  - 7 <http://www.ungift.org/docs/ungift/pdf/knowledge/ebook.pdf>
  - 8 Williams, P. (2005) Evaluation of the Global Programme against Trafficking in Human Beings, United Nations Office on Drugs and Crime, Independent Evaluation Unit Report; [http://www.unodc.org/pdf/Evaluation\\_04-Trafficking.pdf](http://www.unodc.org/pdf/Evaluation_04-Trafficking.pdf)
  - 9 Kutnick, B., Belser, P. and Danailova-Trainor, G. (2007) Methodologies for global and national estimation of human trafficking victims: current and future approaches, ILO publication, p. 1, 11.
  - 10 The IOM counter-trafficking internet pages; <http://www.theIOM.int/jahia/Jahia/pid/748> (accessed 23 May 2008).
  - 11 As an illustration: The US Department of State '2007 Trafficking in Persons Report' indicates that in 2006 for the whole of 'Europe', which encompasses Ireland in the west through to Russia in the east and Turkey in the south, there were only 2950 prosecutions and 1821 convictions for trafficking—which includes all forms of trafficking; <http://www.state.gov/documents/organization/82902.pdf>
  - 12 Including exploitation of prostitution by the very people that were supposed to be acting as peacekeepers in this region; according to a Council of Europe publication on the 'Octopus Programme' (2004), which partly explores the issue of trafficking, the list of bars that was classified as 'off limits' to UNMIK and KFOR staff because of these establishments' suspected involvement in trafficking went from 18 in late 1999, to 75 in January 2001 and 200+ in January 2004.
  - 13 <http://www.lastradainternational.org/?main=home>
  - 14 <http://www.catwinternational.org/>
  - 15 <http://www.gaatw.net/>
  - 16 <http://www.theIOM.int/jahia/Jahia/pid/748>
  - 17 [http://www.bka.de/lageberichte/mh/2004/lagebildmh\\_en.pdf](http://www.bka.de/lageberichte/mh/2004/lagebildmh_en.pdf)
  - 18 <http://english.bnrm.nl/reports/fifth/>—The Netherlands is currently the only EU Member State that formally regulates prostitution through licensing permits, which is the result of 2000 legislation that legalized some forms of voluntary prostitution of adults (Rijken and van Krimpen, 2008).
  - 19 <http://www.pentameter.police.uk/docs/pentameter.pdf>
  - 20 O'Connell Davidson 'Sex slaves and the reality of prostitution', *The Guardian*, Friday, 28 December 2007.
  - 21 See: [www.legislationonline.org](http://www.legislationonline.org)
  - 22 Report of the Experts Group on Trafficking in Human Beings (2004); [http://ec.europa.eu/justice\\_home/doc\\_centre/crime/trafficking/doc/report\\_expert\\_group\\_1204\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf)
  - 23 <http://www.state.gov/documents/organization/82902.pdf>
  - 24 European Commission tender JLS/2008/D2/004

- 25 The EC Temporary Residence Permit Directive (Directive 2004/81/EC, 29 April 2004), which is on the residence permit issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, *who co-operate with the authorities*, is indicative of the limited rights afforded to victims.
- 26 Based on the article Clandestini, norma anti prostitute Soggetti pericolosi da allontanare, *Repubblica* (5 June 2008). Available at: <http://www.repubblica.it/2008/06/sezioni/cronaca/sicurezza-politica-7/maroni-immigrazione/maroni-immigrazione.html> [accessed on 20 June 2008].
- 27 <http://www.ungift.org/>
- 28 For a list of some past and coming events on trafficking see: <http://www.humantrafficking.org/events>
- 29 Council of the European Union, 2725th Justice and Home Affairs Council meeting, Luxembourg, 27–28 April 2006, Council conclusions on ‘Trafficking in Human Beings’.
- 30 [http://www.theIOM.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/projects/showcase\\_pdf/global\\_eye\\_2nd\\_issue.pdf](http://www.theIOM.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/projects/showcase_pdf/global_eye_2nd_issue.pdf)
- 31 See report by Craig et al. (2007) for the Joseph Rowntree Foundation, which highlights the plight of migrant workers in different sectors in the UK.
- 32 [http://www.osce.org/publications/cthb/2008/01/23622\\_811\\_en.pdf](http://www.osce.org/publications/cthb/2008/01/23622_811_en.pdf)
- 33 [http://www.osce.org/publications/cthb/2008/05/31148\\_1143\\_en.pdf](http://www.osce.org/publications/cthb/2008/05/31148_1143_en.pdf)
- 34 EC 2006/581/EC
- 35 Beddoe, C. (2007), p. 5.
- 36 OSCE (2007) Annual Report of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings presented at the Permanent Council Meeting, 22 November 2007; [http://www.osce.org/publications/cthb/2007/12/28676\\_1001\\_en.pdf](http://www.osce.org/publications/cthb/2007/12/28676_1001_en.pdf)
- 37 O’Connell Davidson, J. ‘Men, middlemen, and migrants: the demand side of trafficking’ at: <http://www.eurozine.com/articles/2006-07-27-davidson-en.html> (accessed 20 June 2008).

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