

THE TRAFFICKING IN HUMAN BEINGS PREVENTION: A CRIMINOLOGICAL PERSPECTIVE¹ PART TWO

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Abstract

Our study aims to prospect new criminological perspectives on trafficking in human beings starting from the role of indicators, the econometric principles of cost-benefit analysis, the theory of rationale choice, up to reach a new model about the 5 P's strategies.

Keywords: *trafficking indicators, Rational Choice, Interdisciplinary/Transnational, 5 P's strategy.*

1. New Criminological Perspectives on Trafficking in Human Beings Prevention

a) The Role of Trafficking Indicators according to a Dynamic Multidisciplinary Dimension: Trafficking Indicators, Risk/Vulnerability Factors, Risk Situation

The Trafficking in Human Beings prevention has been always associated to a numerous trafficking indicators specified and identified in the operative activity and formalized when the trafficking has already happened, as the following by:

a.1) UNODC Human Trafficking indicators 2014 (indicators divided in general, children, domestic servitude, sexual exploitation, labour exploitation, begging and petty crime)

GENERAL INDICATORS

people who have been trafficked may:

- believe that they must work against their will
- be unable to leave their work environment
- show signs that their movements are being controlled
- feel that they cannot leave
- show fear or anxiety
- be subjected to violence or threats of violence against themselves or against their family members and loved ones
- suffer injuries that appear to be the result of an assault
- suffer injuries or impairments typical of certain jobs or control measures
- suffer injuries that appear to be the

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result of the application of control measures

- be distrustful of the authorities
- be threatened with being handed over to the authorities
- be afraid of revealing their immigration status
- not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else
- have false identity or travel documents
- be found in or connected to a type of location likely to be used for exploiting people
- be unfamiliar with the local language
- not know their home or work address
- allow others to speak for them when addressed directly
- act as if they were instructed by someone else
- be forced to work under certain conditions
- be disciplined through punishment
- be unable to negotiate working conditions
- receive little or no payment
- have no access to their earnings
- work excessively long hours over long periods
- not have any days off
- live in poor or substandard accommodations
- have no access to medical care
- have limited or no social interaction
- have limited contact with their families or with people outside of their immediate environment
- be unable to communicate freely with others
- be under the perception that they are bonded by debt
- be in a situation of dependence
- come from a place known to be a source of human trafficking
- have had the fees for their transport to

the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination

- have acted on the basis of false promises
- age-generally younger people of both genders are prone to be trafficked for all purposes
- Gender - in sexual exploitation mainly female. in other forms of trafficking, victim types vary according to nature of exploitation etc.
- location of origin - developing economies, locations in crisis or transition;
- documentation - travel or identity documents held by others;
- last location - location associated with exploitation of commercial trafficking processes;
- transport - escorted travel even for short distances;
- Circumstances of referral - referred after recovery by no, client rescue, self-referral, etc.

CHILDREN

children who have been trafficked may:

- have no access to their parents or guardians
- look intimidated and behave in a way that does not correspond with behavior typical of children their age
- have no friends of their own age outside of work
- have no access to education
- have no time for playing
- live apart from other children and in substandard accommodations
- eat apart from other members of the "family"
- be given only leftovers to eat

- be engaged in work that is not suitable for children
 - travel unaccompanied by adults
 - travel in groups with persons who are not relatives the following might also indicate that children have been trafficked:
 - the presence of child-sized clothing typically worn for doing manual or sex work
 - the presence of toys, beds and children's clothing in inappropriate places such as brothels and factories
 - the claim made by an adult that he or she has "found" an unaccompanied child
 - the finding of unaccompanied children carrying telephone numbers for calling taxis
 - the discovery of cases involving illegal adoption

SEXUAL EXPLOITATION

people who have been trafficked for the purpose of sexual exploitation may:

- be of any age, although the age may vary according to the location and the market
 - move from one brothel to the next or work in various locations
 - be escorted whenever they go to and return from work and other outside activities
 - have tattoos or other marks indicating "ownership" by their exploiters
 - work long hours or have few if any days off
 - sleep where they work
 - live or travel in a group, sometimes with other women who do not speak the same language
 - have very few items of clothing
 - have clothes that are mostly the kind typically worn for doing sex work only know how to say sex-related words in the local language or in the language of the client group
 - have no cash of their own
 - be unable to show an identity

document the following might also indicate that people have been trafficked for sexual exploitation:

- there is evidence that suspected victims have had unprotected and/or violent sex.
- there is evidence that suspected victims cannot refuse unprotected and/or violent sex.
- there is evidence that a person has been bought and sold.
- there is evidence that groups of women are under the control of others.
- advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality.
- it is reported that sex workers provide services to a clientele of a particular ethnicity or nationality.
- it is reported by clients that sex workers do not smile.

LABOUR EXPLOITATION

- people who have been trafficked for the purpose of labor
 - exploitation is typically made to work in sectors such as the following: agriculture, construction, entertainment, service industry and manufacturing (in sweatshops).
 - **people who have been trafficked for labor exploitation may:**
 - live in groups in the same place where they work and leave those premises infrequently, if at all
 - live in degraded, unsuitable places, such as in agricultural or
 - industrial buildings
 - not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing
 - be given only leftovers to eat
 - have no access to their earnings
 - have no labor contract
 - work excessively long hours
 - depend on their employer for a number

of services, including work, transportation and accommodation

- have no choice of accommodation
- never leave the work premises without their employer
- be unable to move freely
- be subject to security measures designed to keep them on the work premises
- be disciplined through fines
- be subjected to insults, abuse, threats or violence
- lack basic training and professional licenses
- the following might also indicate that people have been trafficked
 - for labor exploitation:
 - notices have been posted in languages other than the local
 - language.
 - there are no health and safety notices
 - the employer or manager is unable to show the documents required for employing workers from other countries.
 - the employer or manager is unable to show records of wages paid to workers.
 - the health and safety equipment is of poor quality or is missing.
 - equipment is designed or has been modified so that it can be operated by children.
 - there is evidence that labour laws are being breached.
 - there is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages

DOMESTIC SERVITUDE

people who have been trafficked for the purpose of domestic servitude may:

- live with a family
- not eat with the rest of the family
- have no private space
- sleep in a shared or inappropriate space

- be reported missing by their employer even though they are still living in their employer's house
- never or rarely leave the house for social reasons
- never leave the house without their employer
- be given only leftovers to eat
- be subjected to insults, abuse, threats or violence

BEGGING AND PETTY CRIME

people who have been trafficked for the purpose of begging or committing petty crimes may:

- be children, elderly persons or disabled migrants who tend to beg in public places and on public transport
- be children carrying and/or selling illicit drugs
- have physical impairments that appear to be the result of
 - mutilation
- be children of the same nationality or ethnicity who move in
 - large groups with only a few adults
 - be unaccompanied minors who have been “found” by an adult of the same nationality or ethnicity
 - move in groups while travelling on public transport: for example, they may walk up and down the length of trains
 - participate in the activities of organized criminal gangs
 - be part of large groups of children who have the same adult
 - guardian
 - be punished if they do not collect or steal enough
 - live with members of their gang
 - travel with members of their gang to the country of destination
 - live, as gang members, with adults who

are not their parents

- move daily in large groups and over considerable distances
- the following might also indicate that people have been
 - trafficked for begging or for committing petty crimes:
 - new forms of gang-related crime appear.
 - there is evidence that the group of suspected victims has moved, over a period of time, through a number of countries.
 - there is evidence that suspected victims have been involved in begging or in committing petty crimes in another country.

a.2) ILO OPERATIONAL INDICATORS OF TRAFFICKING IN HUMAN BEINGS, 2009 (subdivided in 4 macro-areas regarding adult or children victims for sexual exploitation or for labor exploitation):

a.2.1) INDICATORS OF TRAFFICKING OF ADULT FOR SEXUAL EXPLOITATION³

a.2.2) INDICATORS OF TRAFFICKING OF ADULTS FOR LABOUR EXPLOITATION

a.2.3) INDICATORS OF TRAFFICKING OF CHILDREN FOR SEXUAL EXPLOITATION

a.2.4.) INDICATORS OF TRAFFICKING OF CHILDREN FOR LABOUR EXPLOITATION

And each macro-area divided in his turn in specific/detailed indicators, further on distributed in strong, medium and weak indicators

a.2.1) INDICATORS OF TRAFFICKING OF ADULTS FOR SEXUAL EXPLOITATION (Deceptive Recruitment, Coercive Recruitment, Recruitment by Abuse of Vulnerability, General Exploitation, Coercion at destination, Abuse of Vulnerability at Destination):

INDICATORS OF DECEPTIVE RECRUITMENT STRONG INDICATOR

- deceived about the nature of the job or location

MEDIUM INDICATORS

- deceived about conditions of prostitution
- deceived about content or legality of work contract
- deceived about family reunification
- deceived about housing and living conditions
- deceived about legal documentation or obtaining legal migration status
- deceived about travel and recruitment conditions
- deceived about wages/earnings
- deceived through promises of marriage or adoption

WEAK INDICATOR

- deceived about access to education opportunities

INDICATORS OF COERCIVE RECRUITMENT

STRONG INDICATORS

- abduction, forced marriage, forced adoption or selling of victim
- debt bondage
- threats of violence against victim
- violence on victims

MEDIUM INDICATORS

- confiscation of documents
- isolation, confinement or surveillance
- threat of denunciation to authorities
- threats to inform family, community or public violence on family (threats or effective)
- withholding of money

INDICATORS OF TRAFFICKING OF ADULTS FOR SEXUAL EXPLOITATION

INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY MEDIUM INDICATORS

- abuse of difficult family situation
- abuse of illegal status
- abuse of lack of education (language)

- abuse of lack of information
 - control of exploiters
 - difficulties in the past
 - difficulty to organize the travel
- economic reasons
- false information about law, attitude of authorities
 - false information about successful migration
 - family situation
 - general context
 - personal situation
 - psychological and emotional dependency
 - relationship with authorities/legal status

WEAK INDICATOR

- abuse of cultural/religious beliefs

INDICATORS OF EXPLOITATION

MEDIUM INDICATORS

- bad living conditions
- excessive working days or hours
- hazardous work
- low or no salary
- no respect of labour laws or contract signed
- no social protection (contract, social insurance, etc.)
- very bad working conditions
- wage manipulation

INDICATORS OF COERCION AT DESTINATION

STRONG INDICATORS

- confiscation of documents
- debt bondage
- forced tasks or clients
- isolation, confinement or surveillance
- threats of violence against victim
- violence on victims medium indicators
- forced into illicit/criminal activities
- forced to act against peers
- forced to lie to authorities, family, etc.
- threat of denunciation to authorities
- threat to impose even worse working conditions

- threats to inform family, community or public under strong influence
- violence on family (threats or effective)

- withholding of wages

INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION

MEDIUM INDICATORS

- dependency on exploiters
- difficulty to live in an unknown area
- economic reasons
- family situation
- personal characteristics
- relationship with authorities/legal status

WEAK INDICATOR

- difficulties in the past

a.2.2) INDICATORS OF TRAFFICKING OF ADULTS FOR LABOUR EXPLOITATION (Deceptive, Recruitment, Coercive Recruitment, Recruitment by Abuse of Vulnerability, General Exploitation, Coercion at Destination, Abuse of Vulnerability at Destination):

INDICATORS OF DECEPTIVE RECRUITMENT

STRONG INDICATOR

- deceived about the nature of the job, location or employer

MEDIUM INDICATORS

- deceived about conditions of work
- deceived about content or legality of work contract
- deceived about family reunification
- deceived about housing and living conditions
- deceived about legal documentation or obtaining legal migration status
- deceived about travel and recruitment conditions
- deceived about wages/earnings
- deceived through promises of marriage or adoption

WEAK INDICATOR

- deceived about access to education opportunities

- deceived about travel and recruitment conditions

- deceived about wages/earnings
- deceived through promises of marriage

or adoption

INDICATORS OF COERCIVE

RECRUITMENT

STRONG INDICATOR

- violence on victims

MEDIUM INDICATORS

- abduction, forced marriage, forced adoption or selling of victim

- confiscation of documents
- debt bondage
- isolation, confinement or surveillance
- threat of denunciation to authorities
- threats of violence against victim
- threats to inform family, community or public

- violence on family (threats or effective)

- withholding of money

INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY

MEDIUM INDICATORS

- abuse of difficult family situation
- abuse of illegal status
- abuse of lack of education (language)
- abuse of lack of information
- control of exploiters
- economic reasons
- false information about law, attitude of authorities

- false information about successful migration

- family situation
- personal situation
- psychological and emotional dependency

- relationship with authorities/legal status

WEAK INDICATORS

- abuse of cultural/religious beliefs
- general context

- difficulties in the past

- difficulty to organize the travel

INDICATORS OF EXPLOITATION

STRONG INDICATOR

- excessive working days or hours

MEDIUM INDICATORS

- bad living conditions
- hazardous work
- low or no salary
- no respect of labour laws or contract

signed

- no social protection (contract, social insurance, etc.)

- very bad working conditions

- wage manipulation

WEAK INDICATORS

- no access to education

INDICATORS OF COERCION AT DESTINATION

STRONG INDICATORS

- confiscation of documents
- debt bondage
- isolation, confinement or surveillance
- violence on victims

MEDIUM INDICATORS

- forced into illicit/criminal activities
- forced tasks or clients
- forced to act against peers
- forced to lie to authorities, family, etc.
- threat of denunciation to authorities
- threat to impose even worse working conditions

conditions

- threats of violence against victim

- under strong influence

- violence on family (threats or effective)

- withholding of wages

WEAK INDICATOR

- threats to inform family, community or public

INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION

MEDIUM INDICATORS

- dependency on exploiters

- difficulty to live in an unknown area
- economic reasons
- family situation
- relationship with authorities/legal status

WEAK INDICATORS

- difficulties in the past
- personal characteristics

a.2.3) INDICATORS OF TRAFFICKING OF CHILDREN FOR SEXUAL EXPLOITATION (Deceptive Recruitment, Coercive Recruitment, Additional Exploitation, Coercion at Destination Abuse of Vulnerability at Destination):

INDICATORS OF DECEPTIVE RECRUITMENT

STRONG INDICATOR

- deceived about the nature of the job or location

MEDIUM INDICATORS

- deceived about access to education opportunities
- deceived about conditions of prostitution
- deceived about content or legality of work contract
- deceived about family reunification
- deceived about housing and living conditions
- deceived about legal documentation or obtaining legal migration status
- deceived about travel and recruitment conditions
- deceived about wages/earnings
- deceived through promises of marriage or adoption

INDICATORS OF COERCIVE RECRUITMENT

STRONG INDICATORS

- abduction, forced marriage, forced adoption or selling of victim
- debt bondage
- isolation, confinement or surveillance
- threats of violence against victim
- violence on victims

MEDIUM INDICATORS

- confiscation of documents
- threat of denunciation to authorities
- threats to inform family, community or public
- violence on family (threats or effective)

withholding of money

INDICATORS OF COERCIVE RECRUITMENT

STRONG INDICATORS

- abduction, forced marriage, forced adoption or selling of victim
- debt bondage
- isolation, confinement or surveillance
- threats of violence against victim
- violence on victims

MEDIUM INDICATORS

- confiscation of documents
- threat of denunciation to authorities
- threats to inform family, community or public
- violence on family (threats or effective)

withholding of money

INDICATORS OF ADDITIONAL EXPLOITATION

STRONG INDICATOR

- hazardous work

MEDIUM INDICATORS

- bad living conditions
- excessive working days or hours
- low or no salary
- no social protection (contract, social insurance, etc.)
- very bad working conditions
- wage manipulation

INDICATORS OF COERCION AT DESTINATION

STRONG INDICATORS

- confiscation of documents
- debt bondage
- forced into illicit/criminal activities
- forced tasks or clients
- isolation, confinement or surveillance
- threats of violence against victim

- under strong influence
- violence on victims

MEDIUM INDICATORS

- forced to act against peers
- forced to lie to authorities, family, etc.
- threat of denunciation to authorities
- threat to impose even worse working conditions
- threats to inform family, community or public
- violence on family (threats or effective)
- withholding of wages

INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION

STRONG INDICATOR

- dependency on exploiters

MEDIUM INDICATORS

- difficulties in the past
- difficulty to live in an unknown area
- economic reasons
- family situation
- personal characteristics
- relationship with authorities/legal status

a.2.4) INDICATORS OF TRAFFICKING OF CHILDREN FOR LABOUR EXPLOITATION (Deceptive Recruitment, Coercive Recruitment, Abuse of Vulnerability, General Exploitation, Coercion at Destination, Vulnerability at Destination):

INDICATORS OF DECEPTIVE RECRUITMENT

STRONG INDICATOR

- deceived about access to education opportunities
- deceived about the nature of the job, location or employer

MEDIUM INDICATORS

- deceived about conditions of work
- deceived about content or legality of work contract
- deceived about family reunification
- deceived about housing and living conditions

- deceived about legal documentation or obtaining legal migration status

- deceived about travel and recruitment conditions

- deceived about wages/earnings
- deceived through promises of marriage or adoption

INDICATORS OF COERCIVE RECRUITMENT

STRONG INDICATORS

- abduction, forced marriage, forced adoption or selling of victim

- debt bondage

- threats of violence against victim

- violence on victims

MEDIUM INDICATORS

- confiscation of documents
- isolation, confinement or surveillance
- threat of denunciation to authorities
- threats to inform family, community or public

- violence on family (threats or effective)

- withholding of money

INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY

MEDIUM INDICATORS

- abuse of cultural/religious beliefs
- abuse of difficult family situation
- abuse of illegal status
- abuse of lack of education (language)
- abuse of lack of information
- control of exploiters
- difficulties in the past
- difficulty to organize the travel
- economic reasons
- false information about successful migration

- family situation

- general context

- personal situation

- psychological and emotional dependency

- relationship with authorities/legal status

INDICATORS OF EXPLOITATION

STRONG INDICATORS

- excessive working days or hours

MEDIUM INDICATORS

- bad living conditions
- hazardous work
- low or no salary
- no access to education
- no respect of labour laws or contract

signed

- very bad working conditions
- wage manipulation

INDICATORS OF COERCION AT DESTINATION

STRONG INDICATORS

- confiscation of documents
- debt bondage
- forced into illicit/criminal activities
- forced tasks or clients
- isolation, confinement or surveillance
- threats of violence against victim under

strong influence

- violence on victims

MEDIUM INDICATORS

- forced to act against peers
- forced to lie to authorities, family, etc.
- threat of denunciation to authorities
- threat to impose even worse working

conditions

- threats to inform family, community or public

▪ violence on family (threats or effective)

- withholding of wages

INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION

MEDIUM INDICATORS

- dependency on exploiters
- difficulties in the past
- difficulty to live in an unknown area
- economic reasons
- family situation
- personal characteristics

- relationship with authorities/legal status

a.3) EUROPEAN COMMISSION INDICATORS

The third series of indicators is linked to the proposal of the Italian Presidency (September 2014), in relation to combatting trafficking in human beings, to prepare an “Handbook on trafficking in human beings-indicators for investigating police forces”. The initiative represents a fundamental point of reference and an essential source of information on the phenomenon in order to realize an update list of indicators on trafficking, focusing on the investigative and law enforcement profiles and offering specific indicators for the traffickers. The revised list of indicators extrapolated by the practice, is classified in relation to the type of exploitation and include new indicators of traffickers, divided according to editing activities police offices, investigative tools, national action plans and current forms of international police cooperation adopted by Member States for preventing and combatting trafficking in human beings.

Both sets of indicators :

a.3.1) those relating to the victim and

a.3.2) those relating to the traffickers are subdivided into:

a.3.1.a) Indicators common to all types of exploitation

a.3.1.b) Indicators for each type of exploitation (sex, labour, other...)

a.3.1.a) Indicators of Victim of Trafficking common to all form of exploitation

- Needy condition for various reasons (economic, family, discrimination)

- Deception about working and/or living conditions

- Specific methods of transport and arrival (in group and without knowing each other, following pre-established routes, having different reference persons in the various phases, etc.)

- Subjugation to traffickers (for trust, fear of threats and/or physical or psychological violence)

- Deprivation of self-determination capacity (in terms of movement, working conditions and hours, choice of accommodation, interpersonal relations, ability to turn to authorities, etc.)

- Isolation as regards communication (taking away/deprivation of means of communication)

- Unavailability of identity documents (due to lack/deprivation) or availability of forged documents

- Total or partial withholding of the money earned (debt bondage)

- Reticence and/or inconsistent/contradictory statements

- Vulnerability and exploitation linked to irregular presence on the national territory concerned

- Vulnerability through not knowing the language and the laws of the country of destination

- Vulnerability and exploitation following threats of retaliation against the victim's relatives, also in the event of reporting to the authorities

- False statements of legal age to avoid measures to protect minors

- *Missing-person cases, homicides*

a.3.1.b. Indicators of victims of trafficking for sexual exploitation

- Trauma

- Cultural conditioning

- Isolation, uprooting

- Being convinced of being unable to abandon prostitution for various personal or social reasons

- Impossibility of avoiding prostitution even if in unfavourable physical conditions (pregnancy, illness, unprotected sex)

- Existence of a loving relationship with the trafficker

- *Recurring reports of minors prostituting themselves*

- Availability of counterfeit documents proving the existence of (fictitious) kinship relations between victims and traffickers

- Forced marriages and marriages of convenience with citizens of the destination States.

a.3.1.b. Indicators of victims of trafficking for labour exploitation

- Large number of immigrants in the place of accommodation

- Large numbers living at the place of work

- Obligation to lodge in a given place

- Deprivation of freedom of movement throughout the working day, with impossibility of leaving the work place

- Continuous monitoring during the working day (also through video-surveillance systems) and leisure time

- Impossibility of exercising fundamental freedoms, including trade-union freedoms, in the workplace, and of benefiting from the envisaged welfare and social security guarantees

- Not knowing the identity of employers/guards and knowing only their fictitious names

- Frequent transfers in the national territory

- Legal and economic working conditions considerably below the minimum standards laid down by legal contractual rules

- Forced labour in seriously unsafe/unhealthy places, impossible/difficult access to health services

- Impossibility of choosing an employer and negotiating working conditions and wages

- Partial deprivation of wages (due to unreasonable deductions, failure to comply with collective agreements, payment of the "debt bondage")

- Acceptance of work arrangements enforced by means of violence, threat or intimidation
- Possible punishment at work, including the use of violence
- Possible (sexual or non-sexual) violence for the purpose of subjugation and control

- *Fictitious possession of bank accounts which are used by the traffickers*

- *Obligation to pay the employer or pay for work permit to get the job*

DOMESTIC WORK

- *Servitude condition*
- Forced cohabitation
- Forced activities other than work (sex)

a.3.1.b. Indicators of victim of trafficking for other types of exploitation (begging, perpetration of criminal activities, trafficking in organs)

- *Daily forced employment in criminal activities (bag-snatching, pickpocketing, burglary, vehicle theft, shoplifting, drug pushing) for several hours during the day*

- *Forced hospitalisation*
- *Forced cohabitation, sometimes also paying*
- *Impossibility of living and moving autonomously*
- *Presence of a "controller"*
- *Forced begging for several hours each day, inter alia to pay the debt bondage for the travel*

- *Vulnerability due to disability or other psychological or physical condition of inferiority (for instance, pregnancy) for the purpose of begging*

- *Vulnerability for being a member of a minority for the purpose of begging and/or perpetrating illegal activities*

- *Reports of non-compliance with compulsory education laws for under-age victims*

- *Recurring reports of minors involved in begging and/or illegal activities*

- *Illegal international adoption of foreign minors*

- Extreme poverty or conditions of need

a.3.2.a. Indicators of traffickers common to all forms of exploitation

- Recruitment, transport and use of physical and/or psychological violence, threat and intimidation

- Recruitment with misleading promises of better working and/or life conditions

- Recruitment of children by paying sums of money to their parents

- Management of administrative and/or logistical and/or working aspects (confiscation of identification documents, provision of falsified documents, finding housing, searching of criminal connections in other countries, planning route, transfer and transport patterns across states and arrival in the country of destination, determining and controlling the working conditions)

- Preventive indoctrination of victims, including how to behave with law enforcement authorities

- Control/prevention of victims' movements and communications (taking away/depriving the means of communication)

- Organising into criminal "cells" sometimes of different nationalities, with specific expertise in each phase of trafficking

- Transfer of the victim to other criminal groups (for or without payment)

- Membership of traffickers in family-run criminal groups

- Total or partial withholding of the victim's earnings for "debt bondage" or as a result of extortion

- Threats of retaliation against the victim's family, including in the event of reporting to the authorities

- Violence against victims for punishment (sexual assault, kidnapping, injuries, homicides)

- Management of remittances abroad
- Corruption
- Statement of false relationships for custody of child victims

a.3.2.b) Indicators of traffickers for the purposes of sexual exploitation

- Management of prostitution working hours

- Coercion into prostitution using cultural pressures

- (Sexual/non-sexual) violence against victims for the purpose of subjection and control

- Total control of earnings
- Sentimental bond with the victim instrumental to the exploitation

- Impeding the possibility of repatriation and of resorting to police authorities or care services

- Recruitment of victims regularised through forced marriages and marriages of convenience

- Use of the internet and social networks to recruit victims and procure customers

- Intimidating power of the association bond

- Control of victims, including through the administration of drugs and alcohol

- Use of the internet /social networks to maintain open lines of communications among traffickers to escape interception

- Procurement of forged documents attesting to (fictitious) family relationships between victims and traffickers

a.3.2.b. Indicators of traffickers for the purposes of labour exploitation

Relating to the trafficker:

- Allocation of workers to employers and negotiations on working conditions and wages

- Enslavement of victims in their work place: they are constantly monitored by a video surveillance system

- Use of violence, threats and intimidation to impose illegal working conditions, to control and sanction

- Wages are subject to illegitimate partial deductions

- The identity of employers/supervisors is hidden

- Supervision of the victims' leisure time

- Impeding the possibility of repatriation and of resorting to police authorities or care services

- Handling of bank accounts forcibly opened in the name of victims to gain economic, tax, welfare and pension benefits due to workers

- Relating to the employer:

- Work organisation and employment of workers by using violence, threats, intimidation

- Coerced labour in seriously unsafe/unhealthy places

- Steady recourse to intermediaries or unlawful supply of labour

- General tolerance of illegal labour recruiters or guards in the work place

- Wages below the legal minimum and serious violation of labour laws and of social insurance and accident prevention legislation

- Prevalence of illegal workers

- Management of work supply such as "fast fashion workers" under extremely competitive conditions

- Use of "employment agencies" to recruit seasonal workers, with job postings (with board and lodging) on the web which, in fact, turn out to have much lower standards than those advertised

- Seasonal jobs offers resulting in regularisation through residence permits paid by the employee, which allow access to the whole Schengen area labour market

DOMESTIC WORK

- Servitude conditions
- Forced cohabitation
- Request for non-work (sexual) related activities

a.3.2.b) Indicators of traffickers for the purposes of other types of exploitation (begging, coercion into criminal activities, trafficking in organs)

- Management of places and conditions of use
- Management of accommodation facilities
- Management of assignment to "controllers"
 - Administrative management
 - Partition of the territory
 - Continuous control of the victims, including through violence, threats and intimidation
- Selection of victims in relation to their criminal use
- Management of illegal international adoptions of foreign children
 - Exploitation of children in order to obtain public subsidies
 - Exploitation of disabled people also in other Member States

All these “trafficking indicators”, obviously found in the post-trafficking phase, are traditionally utilized in order to detection and prosecution, but considering them from another analysis perspective, they may be used also for the prevention phase if linked to the “*risk/vulnerability / factors*”.

The Trafficking in Human Beings is basically a commercial activity finalized to profit and, consequently, strongly influenced by social, economic, cultural, environmental, situational and, not last, political factors. The economic law of supply and demand “rules” in this way also in the Trafficking in Human Beings and if the demand may change according to trafficking for labour or trafficking for sex, the supply of trafficking

may be seriously influenced by the risk factors that create or facilitate the vulnerability to be trafficked. Among the risk or vulnerability factors can be mentioned:

Risk factors

- poverty
- corruption
- financial transaction
- money laundering
- weak rule of law
- political oppression
- lack of social and political opportunities
 - lack of human rights and/or discrimination based on caste, ethnicity, gender, religious affiliation, among other biases
 - lack of access to education and jobs
 - gender stratification
 - family disruptions (as seen in death resulting from armed conflict or hiv/aids, leaving children with no adult support)
 - family dysfunction (caused by drugs, alcohol, or violence) that leaves children outside of parental care and renders them particularly vulnerable
 - dislocation and/or danger caused by civil unrest, internal armed conflict, war, or militarism
 - economic disruptions to family finances caused by natural disasters (such as droughts or floods that cause a rural family to be without food stocks or income) or environmental degradation
 - domestic violence (driving women and children to run away and live in the streets)
 - institutional factors (such as the failure of the state to register the children of the poor—in such cases, the state cannot keep track of the children’s welfare)
 - presence of traffickers, recruiters, loan sharks, and other predatory individuals within a community

The vulnerability can modify over time, often as a result of the convergence of

factors, so that the “poverty” alone does not necessarily create vulnerability to be trafficked, but combined with other factors, their confluence can produce a higher risk for being trafficked. In this situation, the so-called “poverty-plus,” its possible specify as the “plus factor” (like illness or family dysfunction) operates in order to increase the vulnerability of the “poor”.

It’s clear that at this point the potential trafficking indicators adding up to the risk or vulnerability factors give life, according to a dynamic-multidisciplinary perspective, to a risk situation that realizes the transformation of the potential victimization into the real victimization

The traditional use of the trafficking indicators is, according to this new perspective, modulated through the help of the risk/vulnerability factors in order to specify those factors “*attivatori*” (the plus factor), that is those factors that show a major etiological weight and, therefore, a specific target for the activities prevention with cost saving and realization of major benefits respecting completely the econometric principles of the cost/benefit/analysis (*c/b/a*).

$$T I + R/V/F = RS$$

Trafficking Indicators+Risk /Vulnerability Factors = Risk Situations

b) The Econometric Principles of the Cost – Benefit – Analysis (*c/b/a*) and the Theory of the Rational Choice of the Criminal Behavior applied to the Trafficking in Human Beings Prevention

Starting from the *cost / benefit / analysis*, transferred to the criminal activity it’s obvious that if the traffickers (single or criminal group) operate as business, with the clear objective to reduce the costs and the risks and increase the profits, it may be interesting to understand, deepen and explain the decision-making process of the potential human traffickers and consequently to realize a prevention policy.

According to a criminological perspective, the theory of the rationale choice of criminal behavior offers an excellent explanation of the traffickers activities, in the sense that they behave “rationally” and act in a calculated manner to maximize their economic welfare. In other words a person (the trafficker) commits an offence when the utility expected to be reached with his crime exceeds what could derive by spending time and resources in other activities. All this means that the trafficker chooses to be involved in trafficking human beings when the utility expected from his activities is superior to the one produced by a lawful activity, minus the costs incurred for realizing it, namely the probability of being arrested and condemned, the severity of punishment and other variables, such as profits deriving from illegal activities, all in a cost-benefit-analysis view. Utilizing this “*business matrix*” of trafficking in human beings, it would be possible to open a new and promising front against Trafficking and to make the Trafficking in human beings a higher risk and less profitable criminal enterprise. As to say that without robust criminal justice responses, Human Trafficking will remain a low-risk, high-profit activity for criminals, like exactly mentioned by Yuri Fedotov in his Preface to Global Report on Trafficking in Persons, Unodc, 2014 .

c) The Trafficking in Human Beings Prevention according to a Theoretical Interdisciplinary/Transnational Structure

At this point one of the best ways to understand the complexity of the Trafficking in Human Beings it may be to frame the phenomenon according two approaches convergent and integrated:

The first approach is “to think” to the Trafficking in Human Beings as a “Transactional network” whose content is constituted by economic pushes for the

author -the trafficker (exploitation/gain) and sometimes also for the victim (vulnerability/economic improvement).

The second approach is “to center” the protection of the human rights (human rights centered approach) directed to guarantee to all people the fundamental right to be free and self-determinate.

This protection might be completely assured in a *transnational vision* linked to each phase of the trafficking process:

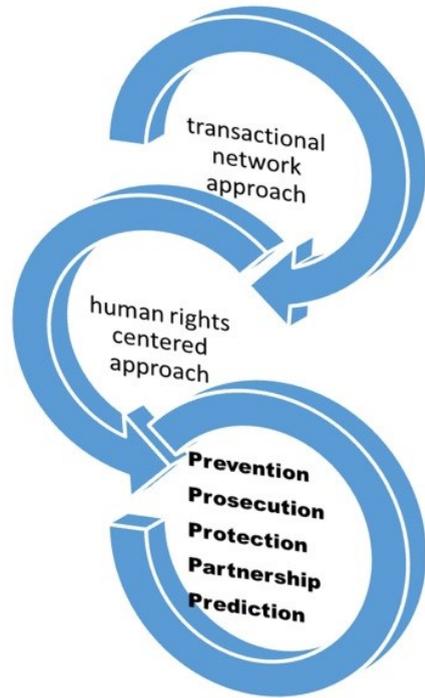
recruitment/manipulation/transit/constraint–sexual violence/destination/ sexual exploitation/method to exit from exploitation /social protection and reintegration.

It’s clear that if the whole trafficking process is not concluded in a positive way for the victim, other two new phases could verify represented by a next victimization or, even, by a potential “retrafficking” or role reversal with the consequence that it would be necessary to utilize a new strategy: the prediction one.

These two approaches integrated and convergent between them must constitute, always in a transnational dynamics, the conceptual base of the *5 distinct operative moments* or strategies that remodulate, after 11 years from the adoption of the “Osce Action Plan to combat Trafficking in Human Beings”, the P’s approach in a more strictly criminological perspective that is **Prevention, Prosecution, Protection, Partnership, Prediction.**

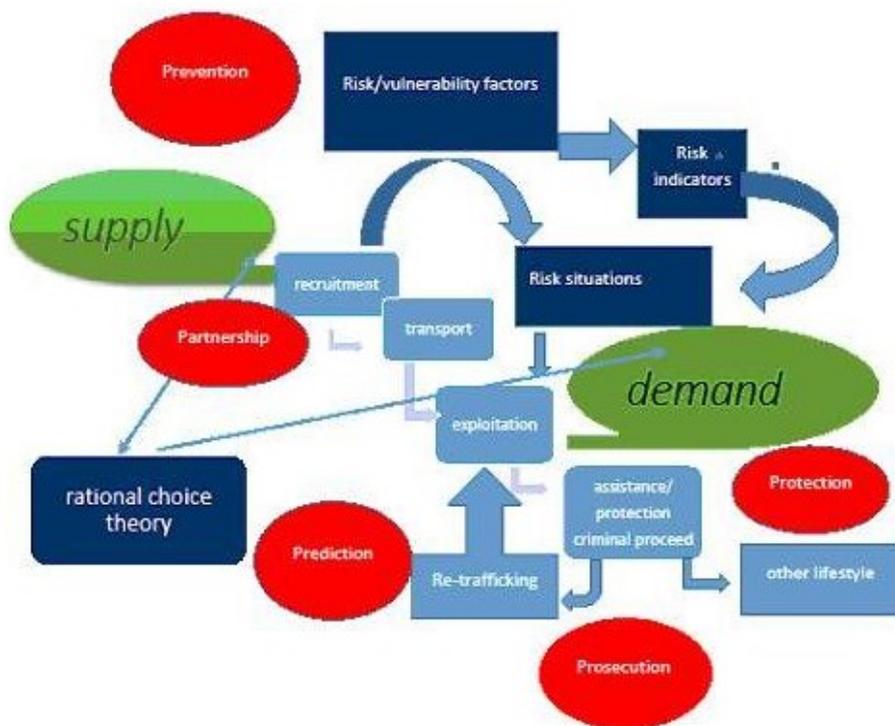
3. A New Model about the 5 P's Strategy

The actions realized by these 5 strategies must constantly interact according to a interdisciplinary / transnational dynamics in order to guarantee the monitoring, the evaluation, the comparison and the improvement of the best practice to implement following to an application / perspective concrete and actual:



This dynamic vision of the criminal policy (*Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime - Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims*) is perfectly in line with two excellent suggestions of different origin but in a fantastic way convergent:

“We must improve our knowledge and understanding of this crime if we are to make good policy decisions and targeted interventions” BAN KI-MOON UN General Secretary (in occasion of the



presentation of the Global Plan of Action against Trafficking in Persons).

“La tratta delle persone è un crimine contro l’umanità. Dobbiamo unire le forze per liberare le vittime e per fermare questo crimine sempre più aggressivo, che minaccia, oltre alle singole persone, i valori fondanti della società e anche la sicurezza e la giustizia internazionali, oltre che l’economia, il tessuto familiare e lo stesso vivere civile”.

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Conclusions

Our research on trafficking in human beings prevention has attempted, after to have prospected the statistical official situation of the phenomenon and the different roles played by the existing indicators, to propose a new kind and more complex indicator according the principles of the cost-benefit analysis and the theory of rational choice in order to suggest a new perspective of the human being prevention form a criminological point of view.

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