

Towards Human Trafficking Prevention:
A Discussion Document

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I Introduction

This discussion paper provides an overview of important issues related to the prevention of human trafficking for the purposes of commercial sexual exploitation and forced labour. The paper will be distributed to experts attending International and National Expert Meetings on human trafficking prevention to promote discussion at the meetings. The meetings will be held on March 21-22nd and 23-24th, 2011 respectively, in Montreal, Canada.

The prevention aspects of human trafficking have received little attention.¹ The overall purpose of these meetings is to assist in the development of a comprehensive framework for the prevention of human trafficking that looks beyond current enforcement and victim support strategies. The meetings will provide an opportunity to consider current practices and findings from a range of international and national partners and experts.

To provide a common basis for the discussion, this paper sets out current definitions of the concept of human trafficking, and the range of responses that have been developed both nationally and internationally.² The paper outlines the international guidelines on human rights and human trafficking and crime prevention that provide a framework for developing a comprehensive strategy on prevention. The paper also considers some of the conceptual and practical problems associated with trafficking in persons at national and international levels, and looks at some of the key issues relevant to the prevention of trafficking, and some suggested responses. It considers what a comprehensive anti-trafficking prevention strategy might include.

II International Protocols

Human trafficking has been defined in the additional *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children to the Convention against Transnational Organized Crime*, which was adopted by the General Assembly in 2001 and came into force in December 2003. The Protocol was ratified by Canada in May 2002. The framework of the protocol called for three main responses to human trafficking: **prevention, protection and prosecution**. A fourth P, '**partnership**', was added to the framework in 2008 by the UN Secretary General. This meeting will explore human trafficking prevention, the first and most elusive of the "three P's".

The **Trafficking Protocol** defines trafficking in persons to mean:

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

¹ See, e.g., United Nations Secretary General (2010). *Trafficking in women and girls*. Report of the Secretary General A/65/209, para. 18.

² Among other sources it draws on a 2010 paper prepared by one of the authors (NB) for Status of Women Canada and the Government of Manitoba (See Barrett, N. (2010)).

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 9 of the Trafficking Protocol requires States Parties to establish comprehensive policies, programs and other measures to prevent and combat trafficking in persons. In the same article, States Parties agreed that they shall:

- endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons. (Art. 9(2))
- cooperate with non-governmental organizations and other elements of civil society on prevention policies and programmes. (Art. 9(3))
- take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity. (Art. 9(4))
- adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking. (Art. 9(5))

Other international norms and standards also support a preventive approach to trafficking in persons, with resolutions relating to the rights of children and young people, women, victims, and labour, including:

- The Convention on the Rights of the Child (1989)
- Convention on the Rights of the Child - Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000)
- The UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (1990)
- The United Nations Declaration on the Elimination of Violence against Women (1973)
- The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse (1989)
- UN High Commission on Human Rights *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (2002).
- ILO *Declaration of the Fundamental Principles and the Right to Work* (1998)
- ILO Conventions on the Minimum Age of Employment (No.138, 1973) and The Worst Forms of Child Labour (No.182, 1989).

³ A victim's consent is irrelevant to the question of whether or not trafficking occurred where one or more of the delineated means is employed. See Trafficking Protocol, *infra* note 5, Art. 3 (b). Further, the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation meets the trafficking definition even if none of the means in subparagraph (a) are employed. See Trafficking Protocol, *infra* note 5, Art. 3(c).

While over 121 countries have ratified the Trafficking Protocol and many have enacted legislation, progress on prevention over the past ten years has been slow in countries of origin, transit and destination.⁴

Differences between smuggling and trafficking

The crimes of smuggling and trafficking in persons are often confused or conflated, despite the fact that there is a separate international protocol for each crime, with clear definitions.⁵ As mentioned, human trafficking is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them.⁶ Migrant smuggling involves the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident.⁷ As it is not uncommon for instances of smuggling to turn into trafficking at some point after the border crossing, preventing smuggling will assist efforts to prevent international trafficking. It is important, however, that authorities do not assume all border-crossing cases to be smuggling, but instead investigate the possibility of human trafficking and identify those being trafficked as victims rather than criminals.

The following table outlines the significant differences between the two crimes.⁸

| Element | Smuggling | Trafficking |
|------------------------------------|--|---|
| Type of crime | Crime against State – no victim (violation of immigration laws/ public order; by definition smuggling does not require violations of smuggled migrants rights) | Crime against person – victim; violation of the rights of the victim of trafficking by definition (violation of person’s human rights; victim of deceit, coercion and exploitation that give rise to duties by the State to treat the individual as a victim of a crime and human rights violation) |
| Why we fight it? | To protect sovereignty of the state | To protect a person against human rights violations; obligation of the State to provide adequate protection to its citizens |
| Nature of crime duration of | Commercial; relationship between smuggler and migrant ends | Exploitative; relationship between trafficker victim continues in order to maximize |

⁴ US Department of State. (2010). *Trafficking in persons report 10th Edition*, p.16. Retrieved from <http://www.state.gov/g/tip/rls/tiprpt/2010/>

⁵ See the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (2000) and the Protocol against the Smuggling of Migrants by Land, Sea and Air, (2000), both supplementing the United Nations Convention against Transnational Organized Crime, (2000).

⁶ See Trafficking Protocol, Art. 3 (a).

⁷ See Smuggling Protocol, Art. 3 (a). In Canada, smuggling falls under § 117 of the Immigration and Refugee Protection Act, S.C. c. 27 (2001). (IRPA) which states that “no persons shall knowingly organize, induce, aid or abet the coming into Canada of one or more persons who are not in possession of a visa, passport or other document required by this Act.”

⁸ Chart adapted from Differences between smuggling and trafficking. (n.d.). Retrieved March 11, 2011 from International Centre for Migration Policy Development website: <http://www.anti-trafficking.net/differencebetweensmugglingand.html>

| Element | Smuggling | Trafficking |
|------------------------------|--|---|
| customer relationship | after illegal border crossing achieved and fee paid | economic and/or other gains from exploitation |
| Rationale | Organised movement of persons for profit | Organised recruitment/movement and (continuous) exploitation of the victim for profit |
| Border crossing | Illegal border crossing is a defining element (§ 117 of Canada's IRPA) | Purpose of exploitation is the defining element, border crossing typically not an element of the crime (this is true for the Canadian Criminal Code human trafficking offense but not § 118 of Canada's IRPA, which requires a border crossing) |
| Consent | Migrant's consent to illegal border crossing | Either no consent, or initial consent made irrelevant because of use of force, coercion, at stage of the process. Where children are involved consent is irrelevant. |

Labour trafficking

The ILO states that there is no internationally agreed upon definition of labour trafficking,⁹ making it challenging to elaborate tailored policy responses. While “forced labour” is included in the international human trafficking definition as a form of exploitation, the term is not defined in the Trafficking Protocol.¹⁰

The ILO outlines three main types of forced labour, any one of which can be facilitated by human trafficking.¹¹

1. Forced labour imposed by the State includes three main categories, namely forced labour exacted by the military, compulsory participation in public works, and forced prison labour. This last category includes not only forced labour camps but also work imposed in modern semiprivatized or fully privatized prisons. Forced labour imposed by rebel groups is also included in this category.

⁹ ILO. (2005). *A global alliance against forced labour. Global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*. Report of the Director-General, 2005, para. 11, Retrieved from http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081882.pdf. Terms such as “modern slavery” are often mistakenly used by advocacy groups, the media and the general public to refer to poor working conditions. Labour trafficking cannot, however, simply be equated with low wages, poor working conditions or the real or perceived absence of employment alternatives, however regrettable these situations may be.

¹⁰ In Canada, labour trafficking is defined with a bit more clarity. Under the Canadian Criminal Code, R.S.C c. C-46 (1985), exploitation to prove trafficking includes where a person causes another to provide labour/service by causing the victim to believe that their safety or the safety of a person known to them would be threatened if they failed to provide the labour/service (precise definition in section III below).

¹¹ See ILO. (2005). *Global Alliance Against Forced Labour* supra, p. 10, para. 40.

2. Forced labour imposed by private agents for commercial sexual exploitation includes women and men who have involuntarily entered prostitution or other forms of commercial sexual activities, or who have entered prostitution voluntarily but who cannot leave. It also includes all children who are forced into commercial sexual activities.

3. Forced labour imposed by private agents for economic exploitation comprises all forced labour imposed by private agents other than for commercial sexual exploitation. It includes, among other things, bonded labour, forced domestic work, or forced labour in agriculture and remote rural areas.

Under the Trafficking Protocol, “exploitation” includes different kinds of conduct, including forced labour or services, slavery or practices similar to slavery, and servitude. Of these, forced labour and practices similar to slavery are likely of most relevance in the Canadian context. Forced labour has been defined in other international conventions as the condition in which the work or service is exacted under menace of penalty and is undertaken involuntarily.¹² “Practices similar to slavery” has been previously defined to include debt bondage and serfdom,¹³ the former of which is reported to be a significant problem worldwide. Debt bondage is a condition that arises when a person pledges his or her personal services, or the services of a person under his control, as security for a debt in circumstances in which either the value of those services as reasonable assessed is not applied to reducing that debt, or the length and nature of those services are not limited and defined.¹⁴

How to identify labour trafficking?

In 2009, the International Labour Organization (ILO) developed six sets of human trafficking indicators to assist with identifying labour trafficking. These include indicators of deceptive recruitment, coercive recruitment, and recruitment by abuse of vulnerability, exploitation, coercion at destination and abuse of vulnerability at destination.¹⁵ The strong and medium indicators of exploitation, the hallmark of trafficking for forced labour are outlined here:

Strong indicators of exploitation:

- **Excessive working days or hours**, including the concept of forced overtime, being denied breaks and free time, being on call 24 hours a day, seven days a week, and being subjected to a heavy and excessive workload vis-à-vis the working hours.

Medium indicators of exploitation:

¹² ILO. Forced Labour Convention, C29. (1930) see also European Convention on Human Rights (1950), Art. 4.

¹³ Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, (1956), Art. 1.

¹⁴ *Ibid.*

¹⁵ ILO. (2009). *List of indicators of trafficking in human beings*. Retrieved from http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105884.

- **Bad living conditions** as indicated by a lack of freedom of choice as to the location or living conditions, the force to live in overcrowded, unhealthy, unsanitary conditions, or such where there is limited or no privacy.
- **Hazardous work**, which can relate to the nature of the task or the hazardous working environment, such as extreme heat or cold, and can also comprise degrading, humiliating, and dirty work.
- **No respect of labour laws or contract** which includes cases where the victim was forced to work without a contract or under an unlawful contract, where the contract was not respected or where there was deception about the nature of the job, the employer, or the possibility to work.
- **No social protection** as indicated by the absence of social insurance and sick leave as well as being forced to work during pregnancy.
- **Low or no salary and wage manipulation** which includes cases where the individual is paid in “goods”/ “in-kind” payment.
- **Very bad working conditions.**
- **No access to education.**

The ILO’s overarching policy recommendation is that forced labour be addressed through a multi-layered approach that joins labour and criminal justice responses and integrates human and labour rights protections into policy and practice.¹⁶

III Canada’s existing legislation and coordination structure

Canadian Legislation and Current Initiatives

Canada ratified the Trafficking Protocol in 2002, and implemented several laws pursuant to it.

Canada’s human trafficking laws

In June 2002, section 118 of the *Immigration and Refugee Protection Act*¹⁷ prohibited human trafficking into Canada, with a maximum penalty of life imprisonment and/or a fine of up to one million dollars. The IRPA provision does not require proof of exploitation, but focuses on the deceptive or coercive means used to bring a person into Canada. No convictions have been obtained under this provision.

In 2005, Canada amended its *Criminal Code*¹⁸ to specifically prohibit human trafficking. A new Section 279.01(1) states that:

Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or who exercises control or influence over the movements

¹⁶ Some countries, such as Brazil, have developed innovative responses to labour trafficking given their experience that most instances of forced labour go hand in hand with other violations of labour laws, which may not meet criminal standards. See Skrivankova, K. (2010). *Between decent work and forced labour: Examining the continuum of exploitation*. York, U.K: Joseph Rowntree Foundation, p. 11.

¹⁷ *Immigration and Refugee Protection Act*, S.C. c.27. (2001). c. 27) [*Immigration and Refugee Protection Act*]

¹⁸ *Criminal Code*, R.S.C. c. C-46 (1985). [*Criminal Code*].

of a person, for the purposes of exploiting them or facilitating their exploitation, commits an indictable offence.

Section 279.02 prohibits the receipt of a financial or other material benefit from the commission of the trafficking in persons offence. Section 279.03 prohibits withholding or destroying travel or identity documents in order to facilitate the commission of the trafficking in persons offence.

Section 279.04 defines exploitation, for the purpose of the trafficking in persons offences, as:

(a) cause[ing] them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service; or

(b) cause[ing] them, by means of deception or the use or threat of force or of any other form of coercion, to have an organ or tissue removed.¹⁹

In terms of **coordinating structures**, Status of Women Canada has been working to develop a Federal, Provincial and Territorial Strategy on Human Trafficking. The *Interdepartmental Working Group on Trafficking in Persons*, co-chaired by Public Safety and Justice Canada, coordinates the human trafficking agendas of 17 government departments and agencies, and continues to work on the development of a broad-based strategy. The Royal Canadian Mounted Police (RCMP) has created a series of cross-governmental/sector groups, including the *Human Trafficking National Coordination Committee* (HTNCC), established in 2005 as a focal point for enforcement in relation to trafficking-related organized crime. A public awareness campaign (Blue Blindfold) was launched in September 2010 as a partnership between Public Safety, the RCMP HTNCC, and the Canadian Crime Stoppers Association.

In terms of **victim assistance and protection**, a *Temporary Residence Permit* (TRP) is offered to certain internationally trafficked victims, and a number of non-government organizations provide services and supports to victims, although not in a coordinated fashion with government agencies. There has also been some work to increase public awareness through general and targeted media campaigns run by the government, and by various NGOs and others.²⁰ There has also been pressure, within Canada and outside, to investigate missing and murdered Aboriginal women and girls, although no link to trafficking has been demonstrated to date.²¹

Provincial and Territorial initiatives

¹⁹ *Ibid.*

²⁰ See Barrett, N. (2010). op. cit, and Gervais, C. (2005). *Report on Promising Practices for the Prevention of Human Trafficking*. Report for the National Crime Prevention Centre, Department of Public Safety and Emergency Preparedness Canada, Ottawa, Canada.

²¹ Native Women's Association of Canada. (2010). *What their stories tell us: Research findings from the Sisters in Spirit initiative*. Retrieved from http://www.nwac.ca/sites/default/files/imce/2010_NWAC_SIS_Report_EN_Lite_0.pdf, concluded that human trafficking could not be shown to be a significant factor in the disappearance of Aboriginal women due to limitations in their research.

Within the provinces and territories, a range of initiatives reflect specific regional concerns about both domestic and international trafficking. British Columbia is the only jurisdiction with a dedicated office, the Office to Combat Trafficking in Persons (established in 2007). In Manitoba there have been a series of recent initiatives including a Human Trafficking Response Team, which involves a range of government and civil society organizations and programs that emphasize the at-risk Aboriginal population.

Alberta has formed an Action Coalition on Human Trafficking bringing together government and non-government organizations, survivors and community members. Prince Edward Island (PEI) has an advisory group of provincial, federal, police and community members. Quebec has established an inter-ministerial committee to facilitate services for foreign female victims of trafficking.²² Ontario has its own ad hoc Human Trafficking Team, composed predominantly of NGOs.²³

The development of a broad-based and more integrated strategy could benefit from the work of these existing groups.

IV UN Principles and Guidelines on Human Rights & Human Trafficking and Crime Prevention

The United Nations has offered two sets of principles/guidelines that should be used as guideposts when developing a human trafficking prevention model.

In 2002, the UN's OHCHR²⁴ released the Recommended Principles and Guidelines on Human Rights and Human Trafficking. At the outset, the "do no harm" principle (Principle 3) is important to note, which states, "anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked." Three of the Principles and one Guideline specifically focus on human trafficking prevention. Principles 4 to 6 read:

4. Strategies aimed at preventing trafficking shall address demand as a **root cause** of trafficking.
5. States and intergovernmental organizations shall ensure that their interventions address the factors that increase **vulnerability** to trafficking, including **inequality, poverty and all forms of discrimination**.
6. States shall exercise due diligence in identifying and **eradicating public-sector involvement or complicity** in trafficking. All public officials suspected of being implicated in trafficking shall be investigated, tried and, if convicted, appropriately punished.

Guideline 7 adds that effective prevention strategies should be based on existing experience and accurate information and offers nine considerations for states to follow when developing policies and programmes, including:

1. Analyzing the factors that generate demand for exploitative commercial sexual services and exploitative labour and taking strong legislative, policy and other measures to address these issues.

²² *Sous-comité Interministériel sur la Traite des Femmes Migrantes.*

²³ See the responses to the questionnaire on current provincial and territorial human trafficking prevention activity for further details.

²⁴ United Nations Office of the High Commissioner for Human Rights. (2002). *Recommended principles and guidelines on human rights and human trafficking.*

2. Developing programmes that offer livelihood options, including basic education, skills training and literacy, especially for women and other traditionally disadvantaged groups.
3. Improving children's access to educational opportunities and increasing the level of school attendance, in particular by girl children.
4. Ensuring that potential migrants, especially women, are properly informed about the risks of migration (e.g. exploitation, debt bondage, and health and security issues including exposure to HIV/AIDS) as well as avenues available for legal, non-exploitative migration.
5. Developing information campaigns for the general public aimed at promoting awareness of the dangers associated with trafficking. Such campaigns should be informed by an understanding of the complexities surrounding trafficking and of the reasons why individuals may make potentially dangerous migration decisions.
6. Reviewing and modifying policies that may compel people to resort to irregular and vulnerable labour migration. This process should include examining the effect on women of repressive and/or discriminatory nationality, property, immigration, emigration and migrant labour laws.
7. Examining ways of increasing opportunities for legal, gainful and non-exploitative labour migration. The promotion of labour migration by the State should be dependent on the existence of regulatory and supervisory mechanisms to protect the rights of migrant workers.
8. Strengthening the capacity of law enforcement agencies to arrest and prosecute those involved in trafficking as a preventive measure. This includes ensuring that law enforcement agencies comply with their legal obligations.
9. Adopting measures to reduce vulnerability by ensuring that appropriate legal documentation for birth, citizenship and marriage is provided and made available to all persons.

In addition, the **United Nations Guidelines for the Prevention of Crime**²⁵ offer an overarching framework for the development of a human trafficking prevention model.

Overall, prevention is quite narrowly defined in many United Nations and international conventions and protocols, and there is a tendency to conflate victim services or prosecution needs with prevention.²⁶ Both internationally and within Canada, the majority of the work which has been undertaken in relation to human trafficking has involved criminal justice and security activities, as well as the provision of protection and support services to victims of trafficking. This includes legislation, increased policing and border controls, protocols and training, and support for, and

²⁵ There are two sets of guidelines. UN ECOSOC. (1995). *Resolution 1995/9: UN Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention*, Annex. Retrieved from <http://www.un.org/documents/ecosoc/res/1995/eres1995-9.htm>; and UN ECOSOC. (2002). *Resolution 2002/13: UN Guidelines for the Prevention of Crime*, Annex. Retrieved from http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/resolution_2002-13.pdf

²⁶ Goodey, J. (2008). 'Human Trafficking: Sketchy data and policy responses.' *Criminology & Criminal Justice*, Vol. 8 (4) pp. 421-442.

liaison with, non-government organizations providing services to trafficking victims. While some of this activity can be seen as preventive in terms of its presumed deterrent effects, there has been much less focus on prevention approaches that act to prevent people from becoming victims of traffickers in the first place, apart from awareness raising campaigns.

The UN Standards and Norms for crime prevention recognize that crime has many causes, including social, economic and environmental factors, and emphasize the roles and responsibilities of governments at all levels to establish *pro-active*, rather than reactive, prevention strategies. Housing, health and job creation, recreation, education, social services and environmental services, can all impact the likelihood that people will become victims or offenders. When these sectors work in partnership with the police and the justice sector, using strategies which are based on good evidence and knowledge about crime problems and their causes, then crime and victimization can be effectively prevented.

Two sets of guidelines of crime prevention establish the international standards and provide guidance on the principles and approaches that can be applied. They are the *UN Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention* (ECOSOC Resolution 1995/9, Annex) and the *UN Guidelines for the Prevention of Crime* (ECOSOC Resolution 2002/13, Annex).²⁷

The 1995 UN Guidelines argue that ‘urban crime is characterized by a multiplicity of factors and forms’, which require a multi-agency and coordinated response at the local level. This response should be based on two principles:

- a local approach to problems using a detailed analysis of crime problems and their causes and consultation with local actors; and
- the development of an integrated crime prevention action plan to respond to those problems and their causes.

The 2002 UN Guidelines for the Prevention of Crime define crime prevention (§ 3) as:

‘comprising strategies and measures that seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes.’

They also set out a series of **eight principles** on which crime prevention interventions should be based:

- **government leadership** – at national, sub-regional and local levels;
- **socio-economic development and inclusion** – the integration of crime prevention into relevant social and economic policies, and a focus on the integration of at-risk communities, children, families and youth;
- **cooperation and partnerships** between government sectors and organizations, and with civil society and the business sector;
- **sustainability and accountability** - with adequate funding to establish and sustain programmes and their evaluation, and clear accountability for funding;

²⁷ See also the UNODC. (2010). *Handbook on the crime prevention guidelines: Making them work*. . Vienna: United Nations Office on Drugs and Crime.

- the use of a **knowledge base** - with strategies, policies and programmes based on a broad multidisciplinary foundation of knowledge and evidence about crime problems, their causes, and effective practices;
- respect for the **rule of law and human rights**, and the promotion of a **culture of lawfulness**;
- **interdependency** - taking account of the links between national and local crime problems and international organized crime; and
- **differentiation** - developing strategies that respond to the different needs of men and women, and vulnerable members of society.

The guidelines also outline **four main types of approaches to crime prevention** which can be utilized and combined within an overall strategy:

- **Crime prevention through social development** which includes a range of different kinds of social, educational, health and training programmes, such as those which target at-risk children or families early in their lives, to provide them with supports and child-rearing skills, or school-based programmes.
- **Community – or locally-based crime prevention** which aims to change the conditions in neighbourhoods that influence offending and victimization, and builds on the knowledge and experience of community members.
- **Situational crime prevention** which includes a range of approaches which aim to reduce the *opportunities* for people to commit crimes, to *increase the risks and costs* of being caught, and to *minimize the benefits*.
- **Crime prevention through reintegration** which refers to all those programmes which work with children, young people or adults already involved in the criminal justice system, or in custody and returning to the community, or with those coming out of care.²⁸

The UN Guidelines provide a *set of principles* which have been adopted internationally, and outline a *methodology* which can be used to respond to many types of offending and victimization. They offer a framework for the development of a strategy to prevent human trafficking which is in keeping with those outlined in the UN OHCHR 2002 Recommendations discussed above.²⁹

Canada's existing crime prevention model

Canada's own crime prevention model reflects the UN guidelines. The National Crime Prevention Centre (NCPC) at Public Safety Canada was originally established in 1998 and together with its five Regional Offices is responsible for implementing the National Crime Prevention Strategy (NCPS). The Centre provides national leadership on effective and cost-effective ways to prevent and reduce crime including through intervening to reduce risk factors before crime happens, and promoting the implementation of effective crime prevention practices. Its current priorities include focused work with families, children and youth at risk; priority crime areas such as youth gangs and drug-related

²⁸ Such groups may include victims of trafficking or be especially vulnerable to exploitation.

²⁹ Similar principles can be found in recent guides to the prevention of human trafficking eg. Dottridge, M. (2010). *In pursuit of good practice in responses to child trafficking: Experiences from Latin America, Southeast Europe and Southeast Asia*, Netherlands:Terre des Hommes Foundation, p. 13.

crime; reducing recidivism among high-risk offenders, and fostering prevention in Aboriginal communities. NCPC works closely with its Provincial and Territorial partners and stakeholders.³⁰

V Some conceptual and practical issues relating to trafficking in persons

In order to help clarify ways forward, this section considers some of the factors which currently impede a clear assessment of the prevention (and other) options for human trafficking.

Lack of data and the necessary data

Information and knowledge about human trafficking is constantly evolving, but data collection on the incidence, prevalence and characteristics of human trafficking continues to be a major challenge world-wide. This presents a challenge for the development of prevention initiatives. Given its clandestine nature, technological changes, links to organized crime and adaptability, as well as the reluctance of victims to report their situation, estimates of the extent of trafficking at the international and national level are very difficult to make with any certainty.³¹ This applies to trafficking for sexual purposes, but even more so for the purposes of labour. Reported estimates of the numbers of people trafficked globally, for example, range from 600-800,000 to 2.4 million a year, with estimates of up to 27 million living in slavery.³² UNICEF estimates that some 2 million children are trafficked for sexual purposes a year. UN GIFT suggests that the majority of international trafficking would appear to be for the purposes of sexual exploitation, other reports suggest it is for labour, reflecting the differences in sources used and the lack of fully comprehensive data.³³

In Canada, the RCMP has rescinded prior estimates of trafficked persons in the country due to the difficulty of obtaining information. To date, only seven human trafficking convictions have been entered and there is only one judicial opinion considering the Canadian anti-human trafficking laws, leaving law enforcement with little guidance from the judiciary to interpret a relatively new and broad law. Although there is little data on labour trafficking in Canada, the RCMP suggest that the majority of potential forced labour cases they are aware of involve third parties hiring foreign workers who are already legally in the country. They identify sectors of concern, including agriculture, sweatshops, processing plants, domestic work, food retail chains, restaurants and technology. The first labour trafficking arrests under the Canadian Criminal Code, however, involved the alleged exploitation of some 16 Hungarian men by their employer for work in the construction industry. Canada's *Live-in Caregiver* program has also been identified as potentially facilitating

³⁰ See National Crime Prevention Centre, www.publicsafety.gc.ca.

³¹ See UNODC. (2009). *Global report on human trafficking*; US State Department. (2010). *Trafficking in persons report* 10th edition. Washington DC: US Department of State. See also International Centre for the Prevention of Crime. (2010). *International report on crime prevention and community safety: Trends and perspectives 2010*. Montreal.

³² Mattar, M. & Van Slyke, S. (2010). Editorial introduction: Identifying human trafficking victims. *Criminology & Public Policy*, Vol. 9 (2).

³³ UN Gift. (2009). *Global report on trafficking in persons*. UNODC (stating the 79% of human trafficking is for sexual purposes); ILO. (2009). *Cost of coercion*. Report I(B) International Labour Conference 98th Session, pp. 1, 30 (estimating that 12.3 million people worldwide were in some form of forced labour or bondage: 4.2 million in the sex industry and 8.1 million outside the sex industry.); See also US Department of State (2010).

labour exploitation.³⁴ The RCMP emphasizes that it lacks jurisdiction to investigate labour violations that are not criminal, which has been identified as a barrier to enforcement of labour trafficking in other countries.³⁵

Data on prosecutions is not always reliable, as many countries having a range of legislative provisions under which trafficking activities are associated. The police may prefer to use charges that are more easily prosecuted than those which fall under anti-trafficking legislation. Information on the provision of services to victims across countries may be better quantified, but there is a major lack of research beyond qualitative and anecdotal material.³⁶ This means that patterns of victim experiences and characteristics, of routes and networks, or of trafficking perpetrators working in different settings and contexts cannot be clearly identified, quantified or assessed. Data collection in Canada appears to be limited by the numbers of cases identified and willingness of victims to come forward compared with some other countries, in particular the United States, Australia, and several European countries. There is a clear need to have more in-depth analysis of the reasons and contexts in which trafficking occurs in order to understand why and how trafficking can be prevented.³⁷

Uneven focus on certain purposes and victims of trafficking

Trafficking for the **purposes** of sexual exploitation has received much more attention from the media, and in public discourse and action than other forms of human trafficking.³⁸ Both the age and sex characteristics of victims vary in relation to the main purposes of trafficking (see table below).

Range of purposes and target groups likely to be victims of human trafficking

| Purpose/Target | Women | Girls | Men | Boys |
|----------------------------|--------------|--------------|------------|-------------|
| Sexual exploitation | x | x | | X |
| Labour/services | x | x | x | X |
| Marriage | x | x | | |
| Migration | x | x | x | X |
| Organs | x | x | x | X |

The **age** of victims is a significant factor. To some extent there has been greater attention to adult victims than to the involvement of children and young people.³⁹ The experiences and needs of children, young adolescents and adults will vary and prevention programs need to recognize this.⁴⁰

³⁴ Royal Canadian Mounted Police. (2010). *Human trafficking in Canada*, Ottawa, pp. 33, 36; Barrett, N. *supra* note 2, pp. 32-36 (also suggesting review of Canada's Seasonal Agricultural Worker Program).

³⁵ See, e.g., recommendations that Australia expand its criminal law to cover a lower threshold of exploitation, such as abuse of vulnerability for gain. David, F. (2010). *Labour trafficking*, Australian Institute of Criminology, p. 49-50.

³⁶ Gervais, C. (2005). *Report on promising practices for the prevention of human trafficking*. Report for National Crime Prevention Centre, Public Safety and Emergency Preparedness Canada; Kelly, L. (2005). *International Migration* Vol. 43 (1-2)

³⁷ Goodey, J. (2008). *op. cit.*

³⁸ This is beginning to change. See for example Jokinen, A., Ollus, N. & Aromaa, K. (Ed.) (2011). *Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia*. Helsinki: HEUNI.

Apart from the age of victims, it is important to assess the **ethnic and cultural backgrounds** of victims and potential victims, since some groups may be more vulnerable than others.

A **gender analysis** of human trafficking reveals that there are a number of significant gender differences in terms of the roles played, the work undertaken, the attitudes towards, and the willingness to act on the part of government and civil society.⁴¹ What are the prevention issues for women and men perpetrators and victims of human trafficking? How does that affect the kinds of prevention approaches which might be most useful and effective?

Regional differences in the types of trafficking are also very evident. In Africa for example, this ranges from trafficking for the purposes of marriage in Saharan Africa, for sexual purposes and sex tourism in East Africa and for labour purposes in Southern Africa.⁴² In Canada, distinct regional differences are similarly suspected.

Given the considerable regional differences in terms of the purposes of trafficking and likely victims, within and across countries of origin, transfer and destination, data collection also needs to be able to capture some of the key trends, e.g. in relation to the commercial sexual exploitation of children or labour trafficking involving both adults and children and young people. *The importance of developing context-related strategies and interventions is evident; a strategic approach needs to take account of all these factors as far as possible, given the limitations of data and information.*

Domestic v. international trafficking: how do prevention models differ?

There are further conceptual problems posed by the existence of domestic as well as transnational human trafficking. Canada, for example, is both a transit and a destination country in terms of international trafficking, and also has domestic trafficking, or trafficking within Canada's borders. This means that Canadians may be not only victims of trafficking but also enablers and users of trafficking victims.

Within Canada, much but not all, domestic trafficking between provinces and territories for the purposes of sexual exploitation involves Aboriginal women and girls.⁴³ In addition, there are concerns about child sexual exploitation through the internet.

Different moral and ideological attitudes

The prevention of human trafficking for sexual purposes can also raise a number of moral, legal and rights issues in different countries, depending on attitudes and legislative responses to prostitution

³⁹ UN GIFT and a number of European studies have tended to focus on adult victims, but UNICEF among other organizations has been concerned with child trafficking.

⁴⁰ Dottridge, M. (2007). *A Handbook on planning projects to prevent child trafficking*. Lausanne: Terre des Hommes Foundation; and (2010) op. cit.

⁴¹ Larsen, J.J. (2010). Migration and people trafficking in Southeast Asia. *Trends & Issues* No. 401. Canberra: Australian Institute of Criminology ; Aradau, C. (2005). *Good practices in response to trafficking in human beings*. Copenhagen: Danish Red Cross.

⁴² Raviv, T. (2010). *Migrant smuggling and trafficking*. Paper given at International Conference on International Organized Crime: The African Experience, Courmayeur, Italy 10-12th December.

⁴³ Sikka, A. (2009a). *Trafficking of Aboriginal women and girls in Canada*. Ottawa: Institute of Governance and (2009b) *Addressing the trafficking of Aboriginal girls: Child welfare and criminal justice responsibilities*. Policy Brief. Ottawa: Institute of Governance; Barrett, N. (2010). op. cit.

and the sex trade. A wide range of responses to the issue of prostitution have been developed throughout the world. In some European countries such as Germany and the Netherlands, prostitution is legalized, and in others, such as Romania, it is criminalized.⁴⁴ Other countries, such as Sweden, criminalize the purchase of sex but decriminalize the sale of sex. Preventing trafficking may thus require different kinds of approaches, depending on the legal situation in a country.

This also raises questions about individual choices and coercion. Drawing a clear line between consensual and non-consensual activities is not easy. Are young and vulnerable women inevitably victims or are they making informed choices? Attitudes towards prostitution vary considerably between governments, advocacy groups and academics among others (see below). In Canada, under both the Criminal Code and the Immigration and Refugee Protection Act (IRPA), the consent of the victim to be trafficked is irrelevant as long as the elements of human trafficking can be shown. The RCMP reports that the irrelevance of consent was at times overlooked by law enforcement when investigating potential trafficking cases, citing individual views on the sex trade as an example.⁴⁵

Supply and demand

From a criminal justice and prosecution perspective, limiting the extent of organized criminal activity and thus the **supply** of trafficking victims has been a key objective.⁴⁶ Legislation or regulations to protect those supplying sexual services have been in place in various forms in a number of countries for some time. There has also been considerable and appropriate attention to the protection and support of victims, although often in the hope that their testimony will help in the prosecution of perpetrators. This has resulted in a strong focus on individual victims and perpetrators.

There has been less attention internationally and nationally on the **demand** for trafficked services. Various UN and other international bodies recommend that strategies for preventing trafficking address demand as a root cause of trafficking.⁴⁷ There is now increasing attention on the regulation of illegal labour in industrial and service sectors. Some governments are trying to shift some of the burden of labour trafficking enforcement to businesses, requiring them to certify that their supply chains are free of forced labour.⁴⁸

Overall, a prevention strategy should include initiatives targeting both supply and demand.

VI Who is at risk? Where is the risk?

As the table above suggests, children, young people and adults of both sexes are vulnerable to trafficking exploitation. In relation to trafficking for both sex and labour purposes, as with other types of crime and victimization, victims are more likely to have fewer educational and social

⁴⁴ See e.g. OSCE. (2008). *Efforts to combat trafficking in human beings in the OSCE area: Coordination and reporting mechanisms*. Vienna: OSCE.

⁴⁵ Royal Canadian Mounted Police. (2010)., *supra* note 30, p. 43.

⁴⁶ See e.g. Albanese, J. S. (2011). *Transnational Crime and the 21st Century. Criminal enterprise, corruption and opportunity*. Oxford: Oxford University Press, ch. 5.

⁴⁷ See the Trafficking Protocol, Art. 9 (requiring states to discourage the demand to exploit); United Nations High Commissioner for Human Rights. (2002). *Recommended principles on human rights and human trafficking*, Guidelines 5 and 7; Council of Europe, Convention on Action Against Trafficking in Human Beings, (2005). Arts. 6 and 19.

⁴⁸ See, e.g., the State of California's Supply Chains Transparency Act, discussed below.

opportunities than others, to come from backgrounds of economic and social disadvantage, from families with histories of long-term unemployment, poor health, violence, substance abuse, or social service intervention etc. This applies as much to those people trafficked from the former Eastern European countries to Western Europe, from rural African areas to Saharan Africa or South Africa, or within the Asia Pacific region or to North America or Australia, as it does to migrant or Aboriginal victims of trafficking in Canada. In each context there will be a number of **push factors** encouraging people to leave, and **pull factors** which attract them to places or countries.⁴⁹ A 2008 global UN study identified the following risk factors for human trafficking:⁵⁰

- Young
- Female
- Poor⁵¹
- Socially and/or culturally excluded
- Undereducated
- Coming from dysfunctional families and/or institutions
- Desiring a better life but facing limited economic opportunities.

These individual vulnerabilities are often exacerbated by unstable political environments, by social, cultural and legal frameworks that reinforce power imbalances including discriminatory labour practices, and gender inequalities, and by movement under duress resulting in internal displacement, migration and refugee situations.

In Canada, groups who appear to be more vulnerable to being trafficked than others include:⁵²

- Poor, illegal migrants
- Young aboriginal women
- Young people coming out of state care (at age 18)
- People with histories of sexual violence
- Domestic workers
- Seasonal workers
- Unskilled workers in sectors with labour shortages: agriculture, sweatshops, processing plants, restaurants, technology.

There are considerable conceptual difficulties of separating out **vulnerability to trafficking**, (and specific prevention options) from **vulnerability to other forms of exploitation or victimization**. This is especially the case in relation to Aboriginal communities in Canada and elsewhere, and women and girls in particular.

⁴⁹ Wooditch, A. (2010). The efficacy of the trafficking in persons report: A review of the evidence. *Criminal Justice Policy Review*, Vol. XX (X), pp. 7-9.

⁵⁰ Clark, M. A. (2007). Vulnerability, prevention and human trafficking: the need for a new paradigm?' In *UN Global Initiative to Fight Human Trafficking*. New York: UNODC, p. 69-75.

⁵¹ High rates of unemployment and the pull of jobs and higher wages are seen as more important than poverty in itself by many observers, e.g. Larsen, J.J. (2010). op. cit. p. 2.

⁵² See e.g., Royal Canadian Mounted Police. (2010). op. cit., p. 32; US Department of State. (2010). op. cit. p. 104-106; See also Barrett, N. *supra* note 3.

Trafficking is strongly associated with specific **places of risk**, transport hubs, border areas, certain industries, remote and rural areas, schools, hotels, and entertainment or tourist districts, and red light districts. In Canada, there are remote and rural male-dominated centres such as logging and mining or natural resource exploitation sites, and agricultural areas, which present specific challenges.

In short, prevention programmes need to develop, implement and support strategies at the local level which consider who is at risk, the pull and push factors, and closely consider places of risk.⁵³

VII Who are the traffickers?

Similarly, there are debates over the profile of human traffickers. Do they predominately belong to organized criminal groups, or are they more commonly individual actors? While groups such as the Organization for Security and Cooperation in Europe (OSCE) cite links and overlap between human trafficking and other organized criminal networks, commentators state that this link is “presumed” rather than based on reliable evidence.⁵⁴ Are traffickers predominantly men?

A number of recent studies have argued that there is no common characteristic among traffickers.⁵⁵ One commentator notes that there has been a marked overestimation of the sophistication of organized crime, and understatement of the diversity of legitimate-illegitimate interactions.⁵⁶ Several reports indicate that traffickers can include networks of small groups, individuals, friends and families and that an increasing trend is the involvement of female traffickers, who often act not only as recruiters, but also as organizers.⁵⁷ Women appear to be frequently involved as traffickers for sexual purposes where the victims are women or children. These networks can involve ‘grey areas’ of legal/non-criminal and non-legal individuals (as with the illegal art and antiquities market) such as hoteliers, telephone operators, taxi drivers, landlords etc.⁵⁸ Thus human traffickers do not necessarily conform to the stereotypical large organized crime group, but may work as **criminal networks**.⁵⁹ They also adapt quickly to legislative changes, and technologies.

Third Party Agencies

⁵³ Sorgoni, F. (2011). ‘Outreach work and spatial welfare practices to prevent and fight urban crime in Italy.’ In *Practical Approaches to Urban Crime Prevention*. (2011). Proceedings of the Workshop held at the 12th UN Congress on Crime Prevention and Criminal Justice, Salvador, Brazil, April 2010. Montreal: ICPC & UNODC.

⁵⁴ See Farrell, A., McDevitt, J. & Fahy, S. (2010). Where are all the victims? Understanding the determinants of official identification of human trafficking incidents. *Criminology & Public Policy*, 9 (2) p. 222.

⁵⁵ Aronowitz, A., Theuermann, G., & Tyurykanova E. (2010). *Analysing the business model of trafficking in human beings to better prevent the crime*. Vienna: OSCE, p. 10.

⁵⁶ Felson, M. (2006). *The Ecosystem for Organized Crime*. Paper No. 26. Helsinki: HEUNI p. 7.

⁵⁷ Eg. Aronowitz, A., Theuermann, G., & Tyurykanova E. (2010). *Analysing the business model of trafficking in human beings to better prevent the crime*. Vienna: OSCE, p. 10; see also UN GIFT. (2009). op. cit. p. 45ff.

⁵⁸ See Proceedings of the International Conference organized by ISPAC in 2008 on organized crime in Art and Antiquities, in Manacorda, S. & Chappell, D. (Ed.) *Crime in the Art and Antiquities World. Illegal Trafficking in Cultural Property*. ISPAC. New York: Springer.

⁵⁹ See Viuhku & Jokinen. (2009). *Human trafficking and organized Crime. Trafficking for sexual exploitation and organized procuring in Finland*. Publication Series No. 62. Helsinki: HEUNI, P. 131.

The recent RCMP review found that the majority of trafficking allegations for forced labour involved third party agencies, such as recruiters, placement agencies or “labour leasing” agencies.⁶⁰ Such agencies can be hired by Canadian employers to supply them with workers and arrange the worker’s visa and arrival procedures. Third party agencies were found to misrepresent information to both the foreign workers and the employers. Foreign workers were found to have been exposed to financial exploitation, harassment and misinformation about job-opportunities.⁶¹ Live-in caregivers are especially vulnerable to being lured by non-existent job opportunities.

Labour agencies can either act in the capacity of a placement agency or a labour leasing company. In the first case, they provide only for recruitment service and visa applications, while the contractual relationship is solely between the employer and the worker. Placement agencies have been accused of charging foreign workers high “services fees” for their employment.⁶² In the latter case, the agency is responsible for applying for the Labour Market Opinion (LMO) required before a permit can be issued. They also recruit workers and possibly train them as well as paying them for their work. The labour leasing company and the employer establish a contract. Foreign workers are lured with high pay and “guaranteed work visas” and then subjected to high recruitment fees, wage garnishing and poor accommodation.⁶³ Business practices of third party agencies and recruiters are often unregulated and unmonitored.

With regards to sex trafficking, sex tourism has received more attention in recent years than before, and initiatives targeting the hotel industry, small businesses and corporate industry continue to increase.⁶⁴

VIII Types of approaches – international examples

Internationally, there has been considerable prevention activity initiated by the UN and other organizations. They often work with national governments and local and international NGO’s to design and implement projects which reflect the specific country circumstances.⁶⁵ The UN-GIFT initiative, launched in 2007, uses four main approaches: collective advocacy, evidence-based knowledge, coordination and innovative public-private partnerships, and capacity development.⁶⁶ The UN’s *Blue Heart Campaign* was launched in 2009, and the UN *Global Plan of Action to Combat Human Trafficking* in 2010.

The work of UNODC, UNICEF, ILO, OHCHR, and IOM⁶⁷ all provide good examples of trafficking prevention campaigns, tools and training on awareness-raising, capacity building and social and

⁶⁰ Royal Canadian Mounted Police, (2010). op. cit. p. 32 .

⁶¹ *Ibid.* .

⁶² *Ibid.*, at 34.

⁶³ *Ibid.*, at 34.

⁶⁴ UNODC. (2010b), pp. 47-51; Gervais, C. (2005). op. cit.

⁶⁵ See Gervais, C. (2005). op. cit for information on some innovative international and national NGO’s p.27 ff.

⁶⁶ This is supported by a range of UN agencies and followed on from the UN Global Programme Against Trafficking (GPAT).

⁶⁷ International Office on Migration

educational development programmes.⁶⁸ The OSCE⁶⁹ has a special representative who coordinates anti-trafficking work in the region, and has reviewed reporting mechanisms, approaches to perpetrators, and good practices.⁷⁰ The European Union issued its latest Regional Directive in March 2011 on anti-trafficking policy. While it strengthens laws to prosecute traffickers, and takes a victims-centred approach, it includes some prevention measures targeting demand, vulnerable groups, training and public education.⁷¹

In general, there is a move beyond awareness-raising campaigns to activities that emphasize the human rights of victims and potential victims, health and social services, labour and employment solutions, and training and capacity-building. Many of these organizations work in partnership with governments and other sectors, including non-governmental organizations. Human trafficking initiatives which offer promising prevention approaches and practices include a variety of different strategies, including:

National strategies and mechanisms⁷²

- *National Action Plans*: These plans set out a country's strategy for addressing human trafficking. The better action plans include specific actions, timetables, and responsible parties throughout, and include, e.g., the UK's Action Plan on Tackling Human Trafficking (2007), which balances sex and labour trafficking and Brazil's National Action Plan, which includes prevention and reintegration measures for victims, and a mobile inspection unit to track labour trafficking.⁷³ Norway's Plan of Action to Combat Human Trafficking 2006-2009, contains 37 measures indicating which ministries are responsible for implementation.⁷⁴
- *National Rapporteurs*: These independent auditors are generally mandated to report on the extent of the problems of trafficking and the policies developed to respond to them. Examples include the Dutch Rapporteur established in 2000, the Finnish Rapporteur, and the EU (regional) Anti-Trafficking Coordinator, appointed in December 2010.
- *National Referral Mechanisms*: These cross-sector partnerships connect government and non-governmental organizations to respond to trafficking. Many of the countries that use this approach have so far been on the "reintegration" end of the crime prevention spectrum, providing services for victims. Germany and Belgium have notable referral mechanisms, with

⁶⁸ See e.g. UNICEF. (2006). *Guidelines on the protection of child victims of trafficking*. NY., UNICEF. (2003). *Reference Guide on protecting the rights of child victims of trafficking in Europe*, NY. ; IOM. (2007). *Handbook on direct assistance for victims of trafficking*. Geneva.

⁶⁹ Organization for Security and Cooperation in Europe

⁷⁰ See OSCE. (2008); (2010). and Aradau, C. (2005). op. cit.

⁷¹ See *Human Trafficking: Commission welcomes Council adoption of stronger EU rules*. Press Release IP/11/332 Brussels 21st March 2011. <http://ec.europa.eu/anti-trafficking>

⁷² See Barrett, N. (2010). op. cit. for more details.

⁷³ See Home Office & Scottish Executive; ILO. (2009). *Cost of coercion*. op cit., pp. 37-41.

⁷⁴ Norwegian Ministry of Justice and the Police. 'Stop Human Trafficking' www.jd.dep.no; other Nordic countries also have national action plans.

high levels of cooperation between government and non-governmental sectors.⁷⁵ The US Bureau of Justice Assistance funded the establishment of 42 Task Forces from 2004, bringing together law enforcement and voluntary and state service providers, who meet on a regular basis to exchange experience and knowledge.⁷⁶

- *Promoting Women's Equality*: Sweden has developed a very comprehensive approach to reducing human trafficking for sexual purposes, which includes a series of policies to promote women's equality, reduce violence against women in general, and legislation that criminalizes the buying rather than the selling of sexual services. There has been extensive work over the past 10 years by the Prosecutor in Sweden to identify and prosecute gang-related trafficking from Eastern European countries. The Swedish government has recently reviewed its policies toward prostitution after a decade of experience, including the link between its prostitution laws and human trafficking for sexual purposes within the country. The review considers reports from the Swedish Police and concludes that Sweden's prostitution laws have made the country a poor market for human trafficking, with levels of street prostitution halved in comparison with neighbouring countries.⁷⁷

Promising international, regional and national strategies often include **a range of projects and interventions** targeting different aspects of trafficking. The Nordic countries took part in a two-year regional initiative against trafficking in women ending in 2003.⁷⁸ The ILO, in collaboration with non-government organizations, has developed a comprehensive project in Armenia, Azerbaijan and Georgia, for example. This includes supporting the development of national frameworks, strengthening criminal justice responses and victim supports, developing preventive labour market projects, awareness-raising, and working with the private sector to improve local job opportunities.⁷⁹

Legislation, regulation and inspection

The use of legislation or regulations to monitor and control premises, businesses and agricultural or industrial sites has been instrumental in helping to reduce and prevent trafficking. Many of these

⁷⁵ See also OSCE. (2008). *Efforts to combat trafficking in human beings in the OSCE area: Coordination and reporting mechanisms*. Vienna.

⁷⁶ Wooditch, A. (2010). op. cit. and Stolz, B.A. (2010). 'Human trafficking policy. *Criminology & Public Policy*, Vol. 9 (2) pp. 267-274.

⁷⁷ Skarhed, A. (2010). *Forbud mot kop av sexuall tjänst. En utvärdering 1999-2008*. Stockholm: Swedish Ministry of Justice; for on-line commentary see Bucken-Knapp, G. (2010). *Prostitution policy news Sweden*. Nordic Prostitution Policy Reform, www.nppr.se.

⁷⁸ Nordic Baltic Campaign Against Trafficking in Women. Final report 2002. (2004), Copenhagen: Nordic Council of Ministers, ANP 2004:715. www.norden.org

⁷⁹ ILO, (2009-2011). *Strengthening of comprehensive anti-trafficking responses in Armenia, Azerbaijan and Georgia*.

can be seen as applying situational crime prevention approaches in reducing the rewards, and increasing the risks and effort required for those profiting from, or facilitating, trafficking.⁸⁰

- *Enhanced labour monitoring*: The UK Gangmaster's Licensing Authority (2006) has strong monitoring powers that are used to regulate and prevent domestic and agricultural labour trafficking and abuse. Some commentators suggest that stand-alone laws criminalizing forced labour are needed, although other states, including Canada outlaw forced labour and sex trafficking in the same provision in their criminal code.
- *Burden-shifting to business*: The State of California's Supply Chains Transparency Act requires retail sellers and manufacturers with more than \$100 million annually to disclose their efforts, if any, to combat slavery and human trafficking. It also requires the Franchise Tax Board to send a list of companies required to report to the Attorney General. United States federal legislation on conflict minerals in the Democratic Republic of Congo does not directly ban the use of conflict minerals, but puts the onus on companies to disclose information on the origin of the minerals and whether they have undertaken 'due diligence' in identifying the source and chain of supply (through independent 3rd party audits).⁸¹
- *Private sector initiatives*: Some companies have embraced self-monitoring to prevent human trafficking. The British Biscuit, Cake, Chocolate and Confectionery Association reports that U.S. manufacturers were spending approximately \$12 million (USD) annually to develop anti-trafficking monitoring and certification schemes.⁸² Bettys & Taylors of Harrogate, a coffee and tea business (UK) has trained its buyers as social auditors to ensure that workers throughout their supply chain are fairly treated. Manpower Inc., a large U.S. employment services company, was the first company to sign the *Athens Ethical Principles*, which includes a zero-tolerance policy for working with any entity that benefits from human trafficking.⁸³ The Athens Principles have now been signed by over 12,000 organizations either individually or through their industry federations.⁸⁴

The use of regulation to control organized crime activities has also been used in some countries. In the Netherlands, for example, the city of Amsterdam has established three initiatives since 2000 initially intended to curb the increase in organized criminal activities relating to drugs, prostitution

⁸⁰ Finkenauer, J. and Chin, K-O. (2010) 'Sex trafficking: a target for situational crime prevention'. In *Situational Prevention of Organized Crimes*. Bullock, K.; Clarke, R. and Tilley, N. (Ed.) Cullumpton: Willan Publishing.

⁸¹ See the U.S. Conflict Minerals Law, included in Section 1502 of the Dodd–Frank Wall Street Reform and Consumer Protection Act, Pub. L .111-203. (2010).

⁸² OSCE. (2010). op. cit.p. 70.

⁸³End Human Trafficking Now! Campaign. (2006). *The Athens Ethical Principles*.. Athens. Retrieved from http://www.ungift.org/docs/ungift/pdf/Athens_principles.pdf.

⁸⁴ OSCE. (2010). op. cit.

and corruption.⁸⁵ Referred to collectively as an ‘administrative approach,’ they included a Red Light District Manager, a Bureau for Screening and Auditing under the mayor, to review infrastructure projects, and an Integrity Bureau for regulating municipal departments and monitoring developments. Only one initiative has been evaluated (with inconclusive results), there is thus far no clear evidence that the approach has been effective in reducing sex trafficking, and some displacement effects are reported. Nevertheless, the approach warrants attention.

Socio-educational and community-based projects and targeted programmes

Since the causal factors placing people at risk of trafficking are very similar to those that make them vulnerable to other kinds of victimization, or to becoming involved in offending, socio-educational and community-based trafficking prevention programmes are quite similar to other crime prevention and community safety programmes. These programmes take account of the overall context of exploitation and risk factors, but include components that deal specifically with trafficking risks. They can also include programmes which work with young men and boys to change attitudes towards girls and women, inculcate respectful relationships, and provide alternative role models.⁸⁶ Non-government organizations often initiate and play a strong role in these types of socio-educational and community-based programmes.

International programmes include projects supported by ILO, UNICEF, UNHCR and IOM.⁸⁷ UNHCR, for example, has developed health, educational and leadership programmes, jobs and skills training projects and projects to support families and communities.

General and targeted public education and awareness programmes

Two main types of public education are common, concerned with both supply and demand: i) general public awareness programmes using the media, film, advertising and public announcements, etc., and ii) those which target specific at-risk groups or potential users. These range from school and curriculum-based programmes to programmes targeting business and industries to create a culture of awareness and responsibility.⁸⁸

It is generally recommended that prevention campaigns should disseminate accurate and realistic information about migration and trafficking in a way that is widely available and accessible, rather than using scare tactics. A very wide range of innovative approaches have been identified including film and theatre, radio programmes and “edutainment”, comic books, and hotlines which aim not

⁸⁵ Nelen, H. (2010). ‘Situational organized crime prevention in Amsterdam: the administrative approach.’ In *Situational Prevention of Organized Crimes*. Bullock, K.; Clarke, R. and Tilley, N. (Ed.) Cullumpton: Willan Publishing.

⁸⁶ Baker, G. et al. (2007). *Engaging men and boys in changing gender-based inequity in health*. Promundo. Geneva: WHO; Barker, G. et al., (2010). *What Men Have to Do With It. Public Policies to Promote Gender Equality*. Washington DC.: ICRW and Promundo.

⁸⁷ See Gervais, C. (2005). op. cit.

⁸⁸ See, e.g., The Athens Ethical Principles (2006) op. cit. note 79; UNODC. (2010). *Human trafficking and business: Good practices to prevent and combat human trafficking*. UN GIFT.

only to warn people about the dangers of trafficking, but also to help to change attitudes towards the treatment of victims of trafficking, or the exploitation of women.⁸⁹ For example:

- Sweden shows human trafficking films in schools as a way to raise awareness among youth and inform them of available services.
- The Philippines has developed a communications plan for human trafficking awareness and education which involves 14 government departments and works in partnership with a national alliance of women's organizations.⁹⁰
- In Serbia, the NGO ASTRA uses hotlines not only to support and identify victims, but to provide information and education on trafficking prevention, which they supplement with materials and counselling on legal migration. They work with youth, and hold educational seminars and meetings on trafficking prevention.⁹¹

Social inclusion and reinsertion programmes

The development of social integration and reintegration services for victims of trafficking is relatively well established in a number of countries, and some programs have experienced quite high success rates in reintegrating trafficked victims back into society. Examples include:

- The Girls Education Mentoring Services (GEMS) in the United States, which works with young women between 12-21 years who have been victims of trafficking and sexual exploitation, use survivor leadership and mentoring approaches. Over 70% of those entering the program have been successfully reintegrated.⁹²
- The NGO "On the Road" in Italy provides 'spatial-welfare' and place-based services /supports to trafficking victims, especially young girls and women, many of whom are illegal migrants, in partnership with local municipalities, transport services and the police. They use a range of outreach teams, social mediators, guidance programmes and educational and vocational training. This work often takes place within larger projects for marginalized and excluded groups.⁹³

IX Some discussion guidelines: What should a comprehensive crime prevention framework for human trafficking look like?

Given the complex realities of human trafficking, prevention initiatives need to be related to local contexts and situations, as well as being flexible and able to adapt over time. Overall, a comprehensive strategy based on UN Guidelines should have a number of characteristics, including working cross-sectionally with a number of governments departments; horizontally with other

⁸⁹ See Gervais, C. (2005). pp. 18ff.

⁹⁰ Gervais, C. (2005). Op. cit.

⁹¹ www.astra.org.rs/eng Aradau, C. (2005). op. cit. pp. 67ff.

⁹² Barrett, N. (2010). op. cit. p. 39.

⁹³ Sorgoni, F. (2011). op. cit.; Barrett, N. (2010). p. 40-41; Aradau, C. (2005). op. cit. pp. 98ff.;

governments and their departments; and with civil society partners including non-government organizations and the business and private sector. It would need to establish a series of short, medium and longer-term goals, and funding streams, leverage resources, and include strong monitoring and evaluation components.

The development of specific initiatives also requires a clear diagnosis of the context and situation, and vulnerable groups and sectors, which at the local level can be assisted by the use of safety audits.⁹⁴ Only through tracking the progress of initiatives can better evidence of their effects and effectiveness be gained.

Governmental jurisdictions

The nature of a country's governmental structure will affect the type of strategy that can be developed. For Canada a major goal is to **move towards a shared understanding** of Federal/Provincial-Territorial/city responsibilities and shared approaches.

The following are some of the issues and questions that need to be addressed:

- ❖ What would be the most appropriate allocation of responsibilities across federal, provincial/territorial and local municipal levels?
- ❖ Should a National Strategy stand alone or be integrated with other crime prevention (and criminal justice) activities?
- ❖ Should the National Crime Prevention Centre and its regional offices play a leading role?
- ❖ Should more provincial human trafficking offices be established?
- ❖ What are potential privacy law, data protection and protocols issues for data sharing between jurisdictions?
- ❖ Which sectors should be involved?
- ❖ What is the potential for public-private partnerships and corporate social responsibility?
- ❖ How can sustainable funding be ensured?
- ❖ How would accountability issues be addressed?

Some of the above issues may already be addressed in existing Federal/Provincial/Territorial agreements and collaborative strategies.

Partnerships with NGO's, business and the private sector

Partnerships are a common characteristic of on-going trafficking prevention initiatives. Many governments and police departments partner with NGO's. The German Federal Police ("BKA"), for example, compile statistics on their human trafficking cases, including on how investigations are initiated. From their findings, they have concluded that cooperation between law enforcement and NGOs is vitally important in helping police identify trafficking victims and launch investigations. The German referral system has successfully established close relationships with NGO's and information sharing protocols, although it took time to do so.

⁹⁴ See EFUS (2007) *Guidance of Local Safety Audits: A Compendium of International Practice* (2007) and discussion of conducting safety audits relating to human trafficking. pp. 60-63.

The role of business and the private sector in the prevention of trafficking in partnerships is similarly crucial, not least because human trafficking is so closely interwoven into everyday life and transactions at the local level. As suggested above, some international and national businesses are partnering with NGOs and governments on innovative anti-trafficking campaigns, such as the Body Shop and ECPAT’s “Stop Sex Trafficking of Children and Young People” Campaign. The 2010 report by UN-GIFT on *Human Trafficking and Business: Good Practices to Prevent and Combat Human Trafficking* provides other good examples.⁹⁵ The US government has outlined some key approaches for ‘Breaking the (supply) chain’ in trafficking, involving elements of corporate social responsibility.⁹⁶

Increased training and guidance

Training and the development of guidance and protocols form essential components of a trafficking prevention strategy. This includes training not only for the police or border personnel, but also for service providers and other professionals who may come into contact with victims or users. In relation to improving police practices in the United States, a detailed review of experience over the period 2000-2006 made the following recommendations:⁹⁷

- Train more officers to identify and respond to human trafficking
- Develop protocols to guide human trafficking identification and response
- Collect and report data on human trafficking investigations
- Integrate human trafficking response into local crime-control activities

Additional Questions for Discussion

Prevention

- ❖ *To what extent have the UN Guidelines on prevention been applied to human trafficking in your jurisdiction?*
- ❖ *How useful is it to distinguish between international and domestic trafficking activities in terms of prevention strategies? Do the prevention options overlap?*
- ❖ *What is the most effective weighting between supply and demand programmes in a strategic prevention strategy?*
- ❖ *What are the most promising specific prevention strategies? Which are best suited to a federal system?*
- ❖ *What further research is needed to effectively plan prevention strategies?*
- ❖ *What approaches/techniques or programmes have been the most successful in helping stakeholders understand the scope and nature of human trafficking?*
- ❖ *What are the most effective ways to identify those likely to be vulnerable to sex trafficking and labour trafficking?*

Labour trafficking

- ❖ *Are the ILO indicators of forced labour useful in the labour trafficking context?*
- ❖ *What are some effective ways to regulate third party agencies, such as employment agencies?*

Sex-trafficking

- ❖ *Does regulation of the sex-trade help prevent human trafficking?*
- ❖ *What, if any, are the links between prostitution and human trafficking?*

⁹⁵ The UN GIFT Business Leaders Award to Fight Human Trafficking was given in Luxor in December 2010.

⁹⁶ US Department of State. (2010). op. cit. p. 30.

⁹⁷ Farrell, A., McDevitt, J. & Fahy, S. (2010). *supra*.

Other sectors that require training will include the business sector, hotel industry, timber or mining camps, transport personnel, health and social services, as well as NGOs providing support services.

Research and evaluation

As indicated above, much of the work undertaken in the past 10 years has not entailed detailed monitoring and evaluation, and projects reports tend to be largely descriptive. A number of researchers, governments and international organizations such as UNODC have called for a "second generation" of prevention measures that are more targeted in approach and measurable in terms of impact. UNODC reports a lack of evidence to prove that many prevention actions undertaken over the last decade have had a significant impact. There is now greater awareness of the need to evaluate. In relation to child trafficking projects, for example, it is suggested that projects should be based on a human rights approach, aim for assessability (to enable their effectiveness to be measured), sustainability and replicability, and promote child participation and cooperation.⁹⁸ Given the lack of data in many countries, and the complex nature of trafficking activities, evaluating the effectiveness of programmes is not simple. Public education and awareness strategies, for example, can be monitored in terms of increasing knowledge among target groups about the problems entailed, but it can be difficult to show that they have reduced the incidence of trafficking. Evaluating complex community programmes is similarly difficult, and requires a clear and logical set of objectives and their related activities to be outlined and monitored.⁹⁹ In the Netherlands, an international review of the effectiveness of cross-border prevention and intervention programmes targeting human trafficking for sexual exploitation is currently being undertaken.¹⁰⁰ It will select projects that meet the necessary standards for scientific evaluation.

Apart from the monitoring and evaluation of programmes, research on issues such as victim backgrounds, experience, trafficking approaches, facilitating sectors (hotel industry etc.), supply and demand, target risk-populations and places (in Canada, different regions) would all help to provide a better basis against which to assess the impacts of specific prevention initiatives. The Australian government provides a promising approach in this area. It has funded the *Australian Institute of Criminology* to undertake a four-year programme of research on a variety of aspects of human trafficking. The current focus is on labour trafficking.¹⁰¹ Finland is similarly undertaking research in this area.¹⁰²

Better data and intelligence coordination systems are clearly needed. The development of a set of indicators on trafficking for Canada might be considered.¹⁰³ Existing international indicators for the

⁹⁸ Dottridge, M. (2010). op. cit.

⁹⁹ For fuller discussion on evaluation in crime prevention see ICPC. (2010). op. cit. ch. 9 & 10; and Morgan, A. & Homel, P. (2011). *A model performance framework for community-based crime prevention*. Technical & Background Paper No. 40. Canberra: Australian Institute of Criminology.

¹⁰⁰ Van der Laan, P. et al., *Cross-border trafficking in human beings: Prevention and intervention strategies for reducing sexual exploitation*. Supported by the Norwegian and Dutch governments and the Campbell Collaboration.

¹⁰¹ See, e.g., David, F. (2010). and Larsen, J.J. (2010). op. cit.

¹⁰² See Jokinen et al. (2011) op. cit.

¹⁰³ The Canadian Center for Justice Statistics reports that a national data collection framework could be established to collect certain data relevant to human trafficking if funds were made available. See

identification of victims or perpetrators are quite broad, but could be adapted. It may be useful to establish *indicators of progress made* to track change, such as how many police and other professionals have been trained, how many protocols have been developed, and how many support services have been established.

The **Table below** illustrates the range of **possible options** as part of a comprehensive strategy - in relation to the level of government, types of trafficking, extent of involvement, partnerships etc.

Possible Components of a Comprehensive Prevention Strategy

| Type of approach | Target of strategy | Level of Government | Partners | Responsibility/ Examples | Time scale |
|--|---|--|---|--|---|
| National strategy | All purposes demand supply incl. org. crime | Federal | Prov/Terr. Municipal's Bus. & private sect. | Across government & FPT | Short, medium & long term |
| Provincial Territorial & Municipal strategies | All purposes demand supply incl. org. crime | Provincial/Terr. Municipal | Police, Civil society, NGO's, business | FPT & municipalities | Short medium & long term |
| Legislation | Labour laws Criminal code Immigration | Federal Provincial/Terr. | | Federal government | Medium to long term |
| Regulations & Protocols | All | Provincial/Terr., Municipal | Police, Business & private sector | Provinces, Territories, municipalities, police, businesses, NGO's | Medium to long term |
| Funding mechanisms | All | Federal Provincial/Terr. Municipal | Business, private sector | All levels of government | Phased initiatives, not just pilots |
| Public education and media awareness | Demand and supply | Federal Provincial/Terr. Municipal | NGO's business, private sect. | General and targeted | Short, medium, long term |
| Social & educational – Early risk factors; at risk groups and areas | Demand and supply | Federal Provincial/Terr. Municipal | NGO's business, private sect. | Place-based and targeted groups | Medium and longer term |
| Community-based prevention projects | Demand and supply | Federal Provincial/Terr. Municipal | Municipal, Police, NGO's, Private sect. | Place-based and targeted | Short Medium & long term |
| Situational prevention projects | Demand & supply; places & people | Federal Provincial/Terr. Municipal | All | Place-based and targeted | Short and medium term |
| Social reintegration, post care or criminal justice | | Federal Provincial/Terr. Municipal | NGO's private sector | Targeted to vulnerable and victims | Short & longer term |
| Victim support services | Place focused services | Federal Provincial/Terr. Municipal | NGO's | Eg. Survivor; training programs | Short & long term |
| Training Research & Evaluation | All | All | Universities NGO's | Professionals; Service workers | Short & long term |

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