

THE TRAFFICKING IN HUMAN BEINGS PREVENTION: A CRIMINOLOGICAL PERSPECTIVE¹ - PART ONE

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Abstract

Our investigation intends to individualize particular and different kind of trafficking in persons and their quantitative official incidence at international, European and Italian level, also to specify the activities realized by the organizations involved about. Our aim is to prospect new criminological perspectives on trafficking starting from the role of indicators, the econometric principles of cost - benefit analysis, the theory of the rationale choice, up to reach a new model about the 5 P's strategies.

Keywords: *trafficking, human beings, prevention, data, criminological perspective.*

Introduction

We have divided our investigation in different steps finalized:

1.To individualize particular and different kind of Trafficking in Persons and their quantitative official incidence at International, European and Italian level

2.To specify the activities realized by the Organizations involved in the Trafficking in Human Beings

3.To prospect new criminological perspectives on Trafficking in Human Beings Prevention as follows:

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

b)The Econometric Principles of the Cost-Benefit-Analysis (c/b/a) and the

Theory of the Rationale Choice of the Criminal Behavior applied to the Trafficking in Human Beings Prevention

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

4.To suggest a New Model about the 5 P's Strategies

1. Data on Trafficking in Human Beings

It's not possible to propose preventive and contrast actions regarding a criminal phenomenon if we don't know it in deep and exhaustive way. So for our survey we make use and give note of the different kind of statistical sources on trafficking from: a) the global point of view, b) the European point of view, c) the Italian point of view, in order to prospect, obviously, the only quantitative

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official incidence of this kind of criminality and of the activities undertaken by Organizations involved in this field.

a) From the global point of view the statistical data elaborated by

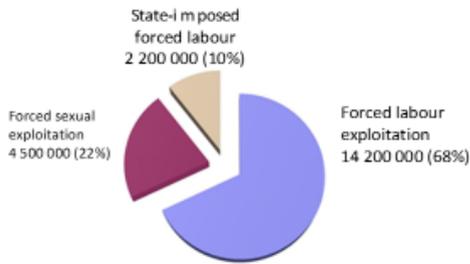
a1.) ILO (ILO Global Estimate of Forced Labour 2012)

a2.) UNODC (Global Report on Trafficking in Persons 2014)

a3.) U.S. Department of State (Trafficking in Persons 2014) show a very hard and considerable trend.

ILO Global Estimate of Forced Labour Results and methodology 2012

For the period 2002 – 2012, the total number of victims 20.9 million, so divided:

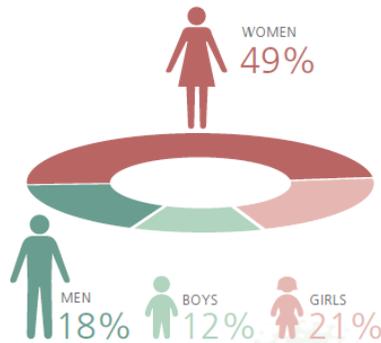


a2.) UNODC – Global Report on Trafficking in Persons, 2014

CORE RESULTS

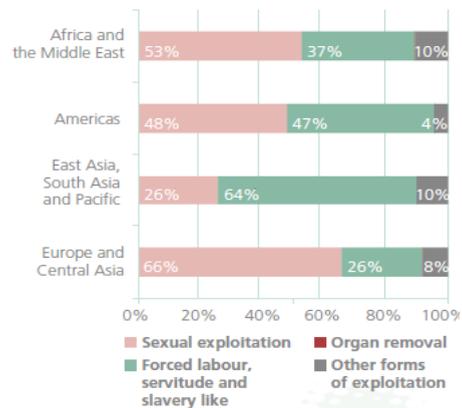
- Data coverage: 2010-2012 (or more recent).
- Victims of 152 different citizenships have been identified in 124 countries across the world.
- At least 510 trafficking flows have been detected.
- Some 64 per cent of convicted traffickers are citizens of the convicting country.
- Some 72 per cent of convicted traffickers are men, and 28 per cent are women.
- 49 per cent of detected victims are adult women.
- 33 per cent of detected victims are children, which is a 5 per cent increase compared to the 2007-2010 period.

Detected victims of trafficking in persons, by age and gender, 2011



Source: UNODC elaboration on national data.

Forms of exploitation among detected trafficking victims, by region of detection, 2010-2012 (or more recent)



Source: UNODC elaboration on national data.

a3.) U.S. Department of State *Trafficking in persons report 2014*

Data on trafficking investigations, prosecutions, convictions, victims identified.

| YEAR | PROSECUTIONS | CONVICTIONS | VICTIMS IDENTIFIED |
|------|---------------|-------------|--------------------|
| 2006 | 5,808 | 3,160 | |
| 2007 | 5,682 (490) | 3,427 (326) | |
| 2008 | 5,212 (312) | 2,983 (104) | 30,961 |
| 2009 | 5,606 (432) | 4,166 (335) | 49,105 |
| 2010 | 6,017 (607) | 3,619 (237) | 33,113 |
| 2011 | 7,909 (456) | 3,969 (278) | 42,291 (15,205) |
| 2012 | 7,705 (1,153) | 4,746 (518) | 46,570 (17,368) |
| 2013 | 9,460 (1,199) | 5,776 (470) | 44,758 (10,603) |

b) From the European point of view the statistical data elaborated by EUROSTAT (Trafficking in Human Beings 2015) in 2013 with the "first working paper" in Trafficking in Human Beings in Europe and the "second working paper" at EU level on statistics on trafficking human beings and contains data for the years 2010-2011 and 2012. The Paper includes statistical data from all 28 EU Member States and the following EU Candidates and EFTA/EEA (Iceland, Norway) countries (Montenegro, Norway, Serbia, Switzerland and Turkey).

EUROSTAT, Trafficking in human beings, 2015

Registered victims (identified and presumed Victims)

| | |
|---|------------|
| identified and presumed victims in the 28 EU member states over the three years 2010-2012 | 30.146 |
| female | 80% |
| Child victims were trafficked for sexual exploitation. | Over 1 000 |
| Victims were trafficked for sexual exploitation. | 69% |
| female victims of sexual exploitation | 80% |
| male victims of labor exploitation | 71% |
| EU citizens victims | 65% |

2009 – 2421 identified and presumed victims

2010 - 2381 identified and presumed victims

2011 – 1560 identified and presumed victims

2012 – 2631 identified and presumed victims

In the period 2000 – 2012 ex art. 18 d.lgs 286/98 and ex art. 13 L. 228/2003 21 795 victims of trafficking (1171 minors) have been assisted according ex art. 18. During the 2014 1451 (88 minors) assisted ex art. 18.

The last Italian data source is the analysis realized annually by the Direzione Nazionale Antimafia

CRIMINAL PROCEEDINGS ENTERED

DURING THE PERIOD 1.1.2010 /30.06.2014

IN RELATION TO THE ARTS. 600, 601, CRIMINAL CODE (MEASURES AGAINST TRAFFICKING IN PERSONS)

Art. 600 c.p. – Riduzione in schiavitù,

| | |
|---------------------|-----|
| 2010 | 302 |
| 2011 | 406 |
| 2012 | 270 |
| 2013 | 157 |
| 2014 up to 30.06.14 | 78 |

C – From the Italian point of view

According to Eurostat for the period 2008 - 2012 in Italy we had:

2008 – 1624 identified and presumed victims



Art. 601 c.p. - Tratta e commercio di schiavi

| | |
|------|-----|
| 2010 | 152 |
| 2011 | 267 |
| 2012 | 192 |
| 2013 | 195 |
| 2014 | 37 |



2013-2014

2. Activities of the Organizations involved in the Trafficking in Human Beings

a) also the Interpol (3rd Interpol Global Trafficking in Human Beings Conference 12-14 November 2014) tasks are directed to contrast all kind of transnational organized crimes (drugs - related crime, people smuggling - trafficking in human beings, financial crime and money laundering, intellectual property rights, counterfeiting medicines), but the special action realized in the field of human trafficking is specifically linked to the aspect represented by the abuse of the vulnerability of the victims, as the trafficking in women for sexual exploitation, the trafficking for forced labour, the commercial sexual exploitation of children in tourism and the trafficking in organs, all criminal behaviors whose business reach a multi-billion-dollar form in the sector of international organized crime constituting a modern-day slavery. Consequently Interpol's response, given the complexities of the topic suggests a multitude of strategies in order to

| Art. 600 c.p. - Riduzione in schiavitù | | | |
|--|---------------------|---------------------------|---------------------------|
| Nazione di Nascita di Indagati e Persone Offese | | | |
| 1 luglio 2013 - 30 giugno 2014 | | | |
| Nazione di nascita | Nr. Indagati | Nazione di nascita | Nr. Persone offese |
| Romania | 72 | Romania | 39 |
| Italia | 39 | Italia | 12 |
| Albania | 21 | Nigeria | 7 |
| Marocco | 9 | Bulgaria | 6 |
| Bulgaria | 6 | Bangladesh | 4 |
| Nigeria | 2 | Albania | 2 |
| Polonia | 2 | Marocco | 2 |
| Altre nazionalità | 7 | Altre nazionalità | 8 |
| Luogo non indicato | 7 | Luogo non indicato | 48 |
| TOT | 165 | TOT | 128 |



*Direzione Nazionale Antimafia – Relazione Annuale 2014
(periodo 01/07/2013 – 30/06/2014)*

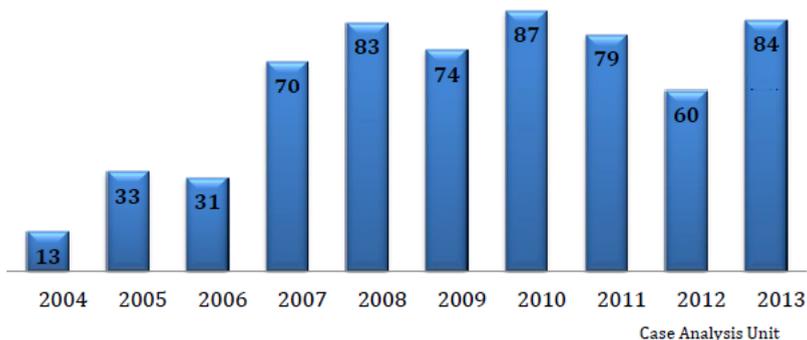
| Art. 601 c.p. - Tratta e commercio di schiavi | | | |
|---|--------------|--------------------|--------------------|
| Nazione di Nascita di Indagati e Persone Offese | | | |
| 1 luglio 2013 - 30 giugno 2014 | | | |
| Nazione di nascita | Nr. Indagati | Nazione di nascita | Nr. Persone offese |
| Romania | 32 | Romania | 19 |
| Albania | 17 | Eritrea | 8 |
| Marocco | 5 | Nigeria | 7 |
| Italia | 4 | Siria | 7 |
| Nigeria | 3 | Bulgaria | 6 |
| Pakistan | 2 | Italia | 2 |
| Altre nazionalità | 3 | Altre nazionalità | 4 |
| Luogo non indicato | 4 | Luogo non indicato | 25 |
| TOT | 70 | TOT | 78 |

"attempt" of reducing this criminal problem, like operation and projects (concrete action in the field to dismantle human trafficking networks), Interpol tools (technical tools and systems for sharing information globally), partnerships (strengthening the approach by working across sectors), events and conferences with the participation and experiences of experts across the world.

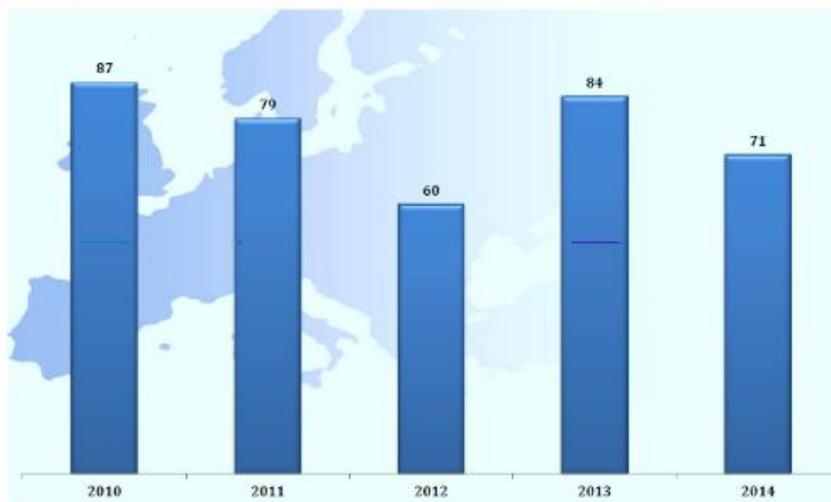
b) the Eurojust relative data (Action Plan against Trafficking in Human Beings 2012 for the period 2004-2011 and Eurojust

-Annual Report 2013) show that the cases of trafficking registered in the Eurojust Case Management System represent only the 5.6% (470 cases) of the total number of cases registered at Eurojust (8251). As a follow-up the strategic project "Eurojust's Action against Trafficking in Human Beings" and the adoption of the "Action Plan against Trafficking in Human Beings" 2012-2016, that is bringing up to date will give an actual vision of the phenomenon.

Number of registered THB cases 2004-2013

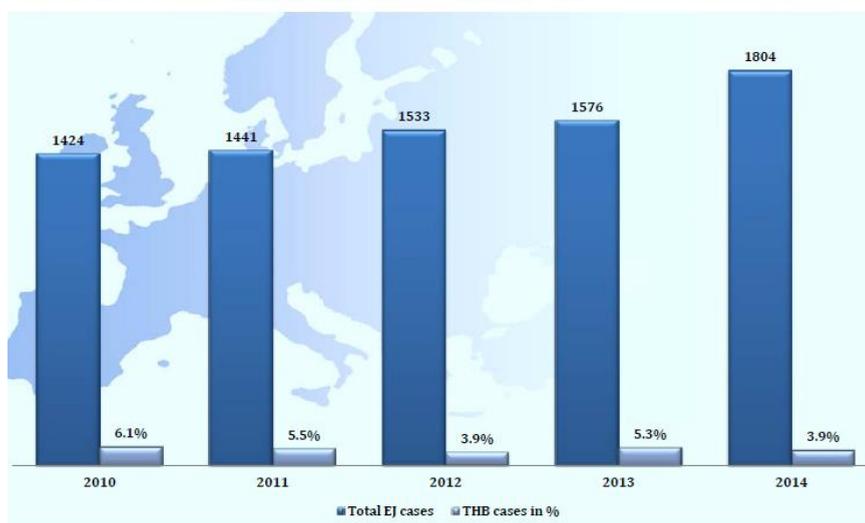


Total number of THB cases



Case Analysis Unit

Eurojust THB cases in %



Case Analysis Unit

In any case the numbers of Trafficking in Human Beings cases at Eurojust are remained almost stable in the last few years, but in 2013 are increased by 40% over 2012:

| | | |
|-------------------------------------|------|------|
| Data on Trafficking in Human Being: | 2012 | 2013 |
| Number of cases registered: | 60 | 84 |

Implementation of the Eurojust Action Plan against Trafficking in Human Beings 2012-2016

Mid-term report, 2014

c) Also the Europol, in order to support Trafficking in Human Beings operations has infrastructures in place to successfully provide investigators with a platform for the secure exchange of information on trafficking in human beings data, transmitted rapidly through the network of Europol National Units in each EU Member State and in third countries with which operational cooperation agreements are in place. Europol Information System is a database with which Europol provides for Member States to give directly criminal information, including trafficking in human beings data.

d) The strategic analysis realized by the Europol's analytical activities in the field of Trafficking in Human Beings is well supported also in United Kingdom by the work of the Serious Organized Crime Agency (SOCA, UKHTC: a Strategic Assessment on the Nature and Scale of Human Trafficking in 2012), whose data on potential victims are well structured: with a specific key points:

- 2255 potential victims of Human Trafficking encountered in 2012 show an increase of 178 (9%) compared to those reported in 2011

- of these 2255 potential victims, 778 has received a positive conclusive decision or are awaiting

- 1246 (55%) are female and 910 (40%) male

- The gender of 95 (5%) of potential victims is unknown

- 1607 (71%) are adults and 549 (24%) children

- The age of 99 (5%) is unknown.

- Sexual exploitation (35%) and labor exploitation (23%) have been the two most prevalent exploitation types reported and about as a minor have been sexual exploitation (28%) and criminal exploitation (24%).

e) The OSCE/OECD - Organization for Security and Co-operation in Europe (Annual Report of the OSCE Office of the Special Representative and Coordinator for Combating Trafficking Human Beings 2014) too, in his annual reports and in his numerous meetings, continues and aims to offer an overview of the wide range of activities carried out and the progress achieved in combating trafficking (as modern - day slavery) and exploitation according to human rights, social justice and the rule of law principles. The OSCE among his complex tasks to realize from his constitution (Helsinki 1975) to now, has specified, among other ones, the principle of the respect of the human rights in particular of the rights of the people belonging to minority. The trafficking of human beings considered whether a threat to the security or a question of human rights enlarges, according to OSCE position, his content until to embrace human rights and the respect of the law, the corruption and the control of criminality, the discrimination and the inequality, the economic policies, the work and the smuggling.

f) Although the trafficking in human beings is not frequently reported at the

external border of the European Union, this phenomenon is, by its transnational nature, closely related to the national borders and the work of border guards undertaken by FRONTEX.

Over the past years FRONTEX has followed the EU trend and given increasing priority to the issue of Trafficking in Human Beings and his main role is the identification of victims and traffickers during border control procedures.

His statistical data and relative analysis/reports of national rapporteurs provided by Member States and SAC (Schengen Associated Countries) concern and reflect, after that the potential victims have crossed the border, cases of trafficking detained inside the EU.

For the year 2009 the data collected report 3.023 potential victims of trafficking from third countries, while only 2.075 in the 2008, with an increase of 27%. Most of the third-country potential victims came from West Africa countries, followed by nationals from South America, East Asia and North Africa. Most of the potential victims have been trafficked for purpose of sexual exploitation, but also for forced labor or services showing an increasing trend. The same increasing trend is also observed regarding male victims numbers: in 2009 have in 2008. Another significant data concern the number increasing of minor's potential victims in 2009, coming, especially, from Nigeria and Guinea, trafficked for sexual exploitation and other activities associated with begging or other illegal behavior, such as petty theft... A relative low number of potential victims have been identified by the border control authorities, while most identification has taken place inland. About the nationalities of potential traffickers not European predominate Nigerian, Chinese and Brazilian ones.

g) European Union Policy on Trafficking in Human Beings

As the trafficking in Human Beings has become an increasing concern and a high priority for the entire EU and its Member States, the EU policy action realized by the European Commission, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions has always provided for legal instruments addressed to trafficking in human beings focusing on prevention, protection of victims, prosecution of criminals and partnership with the various actors involved (v. infra 3C) realizing, in this way, a correct approach based on human rights, victims centered, gender specific and child sensitive and aiming for coherence across all relevant policy fields.

Very long has been the EU juridical proceedings (and almost repetitive): from the Framework Decision on "the Standing of Victims in Criminal Proceedings" (15 March 2001), the Council Directive 2004/81/EC of 29 April 2004 on "Residence Permit for Victims of Human Trafficking" issued to third country nationals who are victims of Trafficking in Human Beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, to the new Directive (adopted on 14 December 2010) on "Preventive and Combating Trafficking in Human Beings and Protecting the Victim" obliging the EU Member States to act on three fronts: Prosecuting Criminals Responsible for Trafficking in Human Beings, Protection the Victim and Preventing the Offences". This approach is again reflected in the EU Directive 2011/36 (in force on 5th April 2011) on "Preventing and Combating Trafficking in Human Beings and Protection its Victims". This Directive brings robust provision on victim protection, including national

mechanism for early identification and assistance of victims and supports the principles of non-punishment and unconditional assistance. And finally the next EU Directive 2012/29 of the European Parliament and of the Council (25 October 2012) establishing "Minimum Standards on Rights, Support and Protection of Victims of Crime", until to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region on "the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 ", adopted by the European Commission on 19 June 2012.

The strategy is a set of concrete and practical measures to be implemented in the period considered based on five key priorities:

- identified, protecting and assisting victims of trafficking
- stepping up the prevention of trafficking in human beings
- increased prosecution of traffickers
- enhanced coordination and cooperation among key actors and policy coherence with all people involved as well as the establishment of national law enforcement units specialized in human trafficking and the creation of joint European investigation team to prosecute cross-border trafficking cases
- Increased knowledge and effective response to emerging concerns related to all forms of trafficking in human beings.

In date 17 October 2014 the European Commission presented a mid-term report of the 2012-2016 Emu Strategy accompanied by the second Working Paper at the EU level on statistics on Trafficking in Human Beings for the years 2010-2011-2012. It's interesting to note that this Statistical Report on Victims and Traffickers is the only EU numerical data collection existing in the field and Trafficking in human beings

In this period EU Member States registered:

- On victims
 - 30.146 victim of trafficking in human beings
 - 80% of registered victims female
 - 16% of registered victims children
 - Over 1.000 child victims registered as trafficked for sexual exploitation
 - 69% of registered victims trafficked for sexual exploitation
 - 95% of registered victims of sexual exploitation female
 - 71% of registered victims of labour exploitation male
 - 65% of registered victims EU citizens

- On traffickers
 - 8.551 prosecutions
 - Over 70% of traffickers male (suspects, prosecutions and convicts)
 - 3.786 convictions

Remember, at this point, that during the meeting of 12 September 2014 organized by the Law Enforcement Working Party r (LEWP), the Italian Presidency presented a proposal in relation to combating trafficking in human beings, initiative which represents fundamental points of reference and an essential source of information on the phenomenon, whose aim is to update a list of indicators on trafficking, focusing on the investigative and law enforcement profiles and offering specific indicators on victims and on identification of perpetrators (see infra 3a).

And finally with the EU Trafficking reports, April 2013 and April 2015, the European Commission has intended to establish effective monitoring and evaluation procedures that do not create repetitive mechanism, as in the past, but to encourage the Member States to do own evaluation and monitoring of national strategies and activities undertaken in the

field, in order to reach and to know the final results of the EU Strategy towards the Eradication of Trafficking in Human Beings for the period 2012-2016.

Obviously it's not possible to realize a comparison among all these data, specially for a different juridical terminology used by countries that reflects a no-complete harmonization (as we have already showed in our previous research concerning the Trafficking of moldavian minors in Italy and in Europe realized in the frame of the project <<*Additional measures to fight child moldavian trafficked for sexual exploitation in Europe and Italy*>> - Programme EU Grant Contract N.

2009/1556290), but, in any case, they are only a picture of trafficking situation showing a very hard official quantitative incidence.

Conclusions

The analysis of quantitative official data on trafficking in human beings shows a very hard incidence of the phenomenon but it's not possible to realize a full comparison among all these data, specially for a different juridical terminology used by countries.

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