



Australian Government
Australian Institute of Criminology

People trafficking

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Overview

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2. **What do we know about TIP?**
3. **AIC's Trafficking in Persons Research Program**
 - Overview of key projects
4. **Organised crime and TIP**
 - Definitions
 - Schools of thought
 - Structure of criminal involvement in trafficking
 - Australian research
 - Summary



What is trafficking?

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs

Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children



Elements of trafficking

ACT		MEANS		PURPOSE	
Recruitment		Threat or use of force		Exploitation of the prostitution of others	
Transportation		Other forms of coercion		Sexual exploitation	
Transfer		Abduction		Labour exploitation	
Harbouring		Fraud		Slavery or other slavery-like situations	
Receipt of persons	+	Deception	+	Organ removal	= trafficking in persons
		Abuse of power			
		Abuse of a position of vulnerability			
		Giving or receiving of payments or benefits to achieve the consent of a person having control over another person			



How does people smuggling differ from TIP?

Smuggled victims can be later trafficked, and vice versa – in practice they can intersect, but there are three key differences:

1. Exploitation
2. Illegal entry or illegal residence
3. Victim



What do we know about people trafficking to date?

- Globally, sexual exploitation is by far the most commonly identified type of people trafficking (79%) followed by forced labour (18%) (UNODC 2009)
- Australia is viewed as a destination for persons trafficked out of southeast Asia
- In Australia, to date:
 - most reported victims of trafficking have been women working in the sex industry
 - don't match stereotypes
 - defendants have included both males and females with a large proportion being brothel owners and managers



Trafficking in Persons Program

In 2007, the AIC received funding from the Australian government to conduct a four year research program on trafficking in persons.

Program aims:

- To build on the existing knowledge in Australian and the region
- To identify gaps in knowledge and conduct targeted research
- To collaborate with other researchers working in the area
- To disseminate research findings to stakeholders and the community

Brief overview of the following activities:

- Regional environmental scans on vulnerabilities, protections and incidence of trafficking
- Labour trafficking
- Community awareness and attitudes survey



Regional environmental scans: Asia- Pacific

- The Asia region is known to be a region of origin, transit and destination for people trafficking
 - Southeast Asia a 'hot spot' for people trafficking
- Trafficking generally flows from less developed to developing countries
- Link between ethnicity of the trafficker and victim, e.g. exploitation of North Korean refugees in China by ethnic Koreans with Chinese citizenship
- Government responses concentrate on the trafficking of women and children for sexual exploitation
- Little known of trafficking in the Pacific, however some serious documented cases of people trafficking or situations reflecting elements of trafficking:
 - often involve facilitators based outside of the region
 - Victims' country of origin vary- India, Korea and China deceptively recruited to the region
 - reports of female minors trafficked for sexual exploitation or marriage in the Solomon Islands and Papua New Guinea



Labour Trafficking

Results of this study highlighted:

- precise extent and prevalence of labour trafficking within Australia remains unknown, but instances of labour trafficking do occur
 - suggests lack of awareness by 'frontline' agencies and services that certain exploitative practices are criminal under Australian law
- cases of unreported labour trafficking exist in an environment of broader unlawful conduct
- intermediaries such as agents and recruiters have an important role beyond the migration process
- employer capacity to use the gaining of permanent residency as a method of control



Community awareness and attitudes survey

Run nationally in mid-2009:

- 1,617 respondents
- When asked to define people trafficking:
 - 9% correctly identified all three elements in the UN definition
 - almost one third provided either partial or incorrect definitions, and
 - majority (61%) confused people trafficking with people smuggling.
- Stereotypes of 'typical' trafficking victims and 'typical' cases abound:
 - Victims identifiable through poor English language skills, no freedom of movement, an Asian background, and not in possession of personal documents such as passports.
 - over 1000 people are trafficked into Australia each year
 - trafficked persons believed to primarily originate from Afghanistan
 - international organised crime networks believed to be primarily responsible for people trafficking



Other projects in the AIC TIP research program

The AIC program has also encompassed several stand alone projects on a range of issues, including:

- Sex worker migration and vulnerabilities to trafficking
- Analysis of data collected by the International Organization for Migration in Indonesia
- Child trafficking in the Asia-Pacific region
- Marriage arrangements and trafficking
- Trafficking for the purpose of organ removal, and
- Organised crime and trafficking in persons among others.



The role of organised crime in the trafficking of persons

- Complex picture has emerged

Defining organised criminal groups

“...a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.”

(Article 2a UN Convention against Transnational Organised Crime)



Schools of thought

Two schools of thought:

- The traditional view- centralised, hierarchical, bureaucratic structure, with leaders and followers.
- The enterprise model- flexible and adaptive networks that easily expand and contract as required

Other commentators have argued for a spectrum of organised crime:

Enterprise model ←————→ Traditional model



Structure of criminal involvement in trafficking

Great deal of diversity in the spectrum of criminal involvement

- Organised:
 - traditional model with clear leadership and subordinate roles that follow a rigid chain of command. The groups are known to operate according to codes of honour, family and clan ties, and vows of secrecy
 - loosely connected networks following the entrepreneurial model, play separate yet coordinated roles in the process and may operate on an independent basis where members do not necessarily know each other in the absence of direct contact
- Unorganised: individuals, family and friends of the victim
 - An individual or duo can be responsible for orchestrating all stages of the trafficking process, from recruitment to transportation and exploitation. Existing trust-relations are abused in order to recruit victims

The crucial factor determining the structure of criminal involvement is profit maximisation.



Research in the Australian context

Parliamentary Joint Committee on the Australian Crime Commission concluded (in 2005), there appeared "no strong involvement of organised crime in people trafficking locally."

2009 Inaugural Report of the Anti-People Trafficking Interdepartmental Committee notes:

"The groups detected in sex trafficking have been small rather than large organised crime groups. Those involved tended to use family or business contacts overseas to facilitate recruitment, movement and visa fraud. People trafficking matters have also generally involved other crime types, including immigration fraud, identity fraud, document fraud and money laundering." (Commonwealth of Australia 2009: 26).

"Offenders active in this area have shown adaptability to law enforcement activity and migration governance. However, the groups involved in human trafficking identified to date do not appear to have the same high levels of organisation and sophistication as drug traffickers. Many of the facilitators and escorts in the sex-trafficking industry in Australia are Asian. Although a small number of cases have involved victims from Eastern Europe and West Africa, intelligence does not indicate any shift towards the involvement of organised crime groups in human trafficking from these regions to Australia." (Commonwealth of Australia 2009: 27).



Summary

Several themes emerge from the current literature which can inform and frame future research in this area, including:

- the level of organisation involved in the trafficking process varies by degrees
- organised people trafficking may not meet the recognised definition of organised crime but the manner in which it may be organised is a concern
- while 'traditional' networks are less likely to be involved in the trafficking process, the process can involve a high level of organisation between a variety of actors
- trafficking offenders can use pre-existing networks or develop links and networks in response to opportunities
- such types of 'organised' trafficking in persons can contribute to considerable challenges in detecting and prosecuting the crime



Future research

AIC work in this area continues as many questions remain regarding the role of organised criminal groups in people trafficking:

- What does the literature tell us, about how closely the individuals / groups involved in the trafficking process resemble the ideal of organized crime?
- Are offenders acting alone, or *in concert* with others?
- Is it a crime committed by *structured* groups?
- Do these groups *exist* for a period of time?
- Are they acting in concert for a common purpose, or are their actions related instead to specific parts of the larger process?
- Are they acting for material or other financial benefit?



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Questions or comments?

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