HUMAN RIGHTS AND CITIZENSHIP COLLECTION

1

*IN*HUMAN TRAFFICKING

AUTHORS

Paulo Machado
Joana Daniel-Wrabetz
Marco Teixeira
Manuel Albano
Marta Pereira
Boaventura de Sousa Santos
Conceição Gomes
Madalena Duarte
Tom Ellis
James Akpala
Rita Penedo
Alexandre Santos

In *UMAN* Trafficking

*IN*HUMAN TRAFFICKING

INHUMAN TRAFFICKING

OTSH OBSERVATÓRIO DO TRÁFICO DE SERES HUMANOS
OBSERVATORY ON TRAFFICKING IN HUMAN BEINGS

/NHUMAN TRAFFICKING

CONTENTS

Trafficking in human beings is the slavery of modern times and is one of the gravest criminal phenomena confronting the international community. Cooperation between the police forces, criminal policy bodies, judicial authorities, governments and non-governmental organisations of different States is essential to prevent and suppress this phenomenon.

Trafficking in human beings undermines the cornerstone of our Constitution – the essential dignity of the human person – and is the cause of devastating human tragedies. Combating it is a duty for all democratic States.

Rui Pereira
MINISTER OF THE INTERIOR

UNDERSTANDING TRAFFICKING IN PERSONS: FROM THE GLOBAL TO THE LOCAL

Paulo Machado

There is a paradox in modern societies which this collection of articles seeks to highlight and explain. According to the available data, even though the sources do not agree on the numbers, it is widely accepted that trafficking in human beings, in its different forms, has been increasing in the world; this, in a world that increasingly strives for collective and individual freedoms, the self-determination of peoples and the upholding of human rights. Even when some leading social institutions (in religious or ideological circles) appear to argue the opposite, we need to be circumspect and recognise the trend in the social dynamic of everyday life, the real impact of the globalisation of attitudes – contrasting with old-established customs and practices, or even the legal system – in order to understand that in terms of individual freedom, men and women anywhere, in any country or region, do not aspire to realities that are all that different[1].

---

[1] See, on the subject of fertility, the research study by Youssef Courbage and Emmanuel Todd (2007), *Le rendez-vous des civilisations*.

The study commissioned from the research team at the Centre for Social Studies of the University of Coimbra[2], headed by Boaventura Sousa Santos (Santos et al., 2008), raises the central question that underlies these initial lines:

"Trafficking should not be seen exclusively as a problem of illegal immigration, with all political and legislative efforts directed to that end. It calls for specific solutions that involve seeing it largely as a systematic violation of human rights rather than simply as a problem of frontier control and internal security" (p. 6).

As people trafficking is one of the crimes that has only recently been the subject of legislation in Portugal[3], it is worth examining how this social problem which represents the violation of a person's freedom and self-determination manifests itself. It is a violation that imperils the sanctity of its victims' physical and moral integrity, the paramount value of free societies. The social problem of trafficking lies, therefore, in the very significant (and almost always cruel) divergence between the protected values and the acts committed.

According to a report of the United Nations High Commissioner for Refugees (UNHCR, 2008), the number of victims of trafficking totals over 2.5 million a year, with sharp differences between regions of the world and between countries. This is an unconfirmed estimate but one which reflects the presumed scale of a problem that does not sit with the

---

[2] This research study arose from a commission by the CAIM project. From March 2005 until its completion in 2009, the Ministry of the Interior maintained a development partnership (DP) called CAIM – Cooperação-Acção-Investigação-Mundivisão [PT-2004-047] – led by the Commission for Equality and Women's Rights (CIDM). CAIM was a pilot project in the area of prostitution and trafficking in women with a wide range of objectives. In addition to CIDM and the Ministry of the Interior, a number of other bodies participated in this DP, including the Ministry of Justice (MJ), the International Organization for Migration (IOM), the Family Planning Association (AFP) and the High Commission for Immigration and Ethnic Minorities (now ACIDI).

[3] I refer to Article 160 of the Criminal Code (Law 59/2007 of 4 September – Twenty-third amendment to Criminal Code, approved by Decree-Law 400/82 of 23 September). Article 160 provides for the prosecution of criminal conduct of the highest gravity involving sexual exploitation, forced labour or organ extraction. The crime includes the offer, supply, enticement, acceptance, transport, housing or sheltering of persons by the use of certain means. Where it involves minors, it is a crime if committed by any means, and is regarded as aggravated where serious measures are employed. Article 160 also creates new offences related to trafficking, such as the adoption of minors for reward, the use of the services or organs of trafficked persons and the withholding, concealment, damage or destruction of identity or travel documents.

supreme value we attach to the freedom of individuals. It also reflects almost exactly the world distribution of poverty and social inequality if we consider the regions of origin of most victims of trafficking. The 1st National Anti-Trafficking in Human Beings Plan lists some of the causes that feed this crime: "(...) problematical causes and consequences: organised crime, sexual exploitation and forced labour, the endemic asymmetries between the more developed and more needy countries, gender and human rights issues, the breakdown of family and community support".

It is true that this monstrous estimate includes situations as diverse as the kidnapping of children to work as beggars in Asian cities, the enticement of African women for prostitution in European port cities or the exploitation of South American workers forced to work for no wages and held against their will on haciendas (farms), many of them producing drugs. But at the end of the day, are they all that different? What social processes lead to some being unprotected and at the mercy of their tormentors?

Despite a shared universal humanity that condemns these expressions of interpersonal violence – because it is violence that we are dealing with when we talk about people trafficking – a shared humanity that overcomes political, ideological or religious differences, the stealing of victims' freedom continues to occur.

Many societies have been revising their legal remedies, including criminal remedies, in order to combat these criminal practices more effectively. Overarching these, the international community has armed itself with potent instruments (conventions, treaties, international police and judicial cooperation agreements) which imply a concerted strategic and procedural approach on a global scale, precisely because they are shaped by the fundamental principles of universal and non-negotiable human rights.

Concomitantly, concerns in the areas of prevention of these crimes and support for its victims have resulted in a varied range of public responses, accompanied by initiatives and effective collaboration by a wide range of non-governmental organisations.

Portugal is no exception in this. The adoption in early 2008 by the Assembly of the Republic (Resolution 1/2008 of 14 January) of the Council

of Europe Convention on Action against Trafficking in Human Beings, which expressly states the need to implement mechanisms to monitor anti-trafficking activities, demonstrates that Portugal is aligned with the international agenda and that it understands the changes that have been observed in some of the most inhumane types of crime. As usual, the (mistaken) view that Portugal, by its nature, is immune from or not susceptible to certain types of crime, in particular serious crime, because its peripheral geographical situation and its compassionate traditions, facilitates the occurrence of cross-border crime and, above all, inhibits a firm and formal cultural rejection of the behaviours which feed this crime.

The prevention of human trafficking, an imperative of civilization, is not compatible with calculations of probability, nor does its particular harm allow for any margins of error. The first and biggest of all errors may be the absence of a clear criminal definition that reflects the range of purposes and processes that characterise it. The amendment of the Criminal Code following the publication of Law 59/2007 of 4 September, as already mentioned, criminalised trafficking in persons (Article 160 of the Code) for the purposes of sexual exploitation, forced labour or organ removal. The crime includes the offer, supply, enticement, acceptance, transport, housing or sheltering of persons by the use of certain means. Where it involves minors, it is a crime if committed by any means, and is regarded as aggravated where serious measures are employed. Article 160 also creates new offences related to trafficking, such as the adoption of minors for reward, the use of the services or organs of trafficked persons and the withholding, concealment, damage or destruction of identity or travel documents.

Law 23/2007 of 4 July – on the entry, residence, departure and expulsion of aliens from national territory had already provided (in its Section V) for the granting of residence permits to victims of human trafficking or of the facilitation of illegal immigration who cooperate with the authorities: in this respect, transposing Council Directive 2004/81/EC of 29 April. Decree-Law 368/2007 and Regulatory Decree 84/2007, both of 5 November, set out for that purpose the definition of trafficking victim. The establishment of this definition is all the more important insofar as the provisions are, in the words of the legislation, es-

sential to the prosecution of human trafficking networks without, however, adopting a utilitarian definition, in that it seeks to protect the alien as a victim of a serious crime of violation of human rights (see Regulatory Decree 84/2007 of 5 November: p. 8010). Furthermore, the legal concept of a trafficked person as a mere illegal immigrant is dropped, a perspective owed to the Warsaw Convention on Action against Trafficking in Human Beings approved by the Council of Europe.

Irrespective of its intended purpose and the means employed, trafficking in persons is a criminal practice which violates the fundamental principles of societies that value human dignity and self-determination and which legally guarantee universally accepted human rights. Furthermore, human trafficking most particularly violates the victims and is often associated with a wide array of other crimes, both against people and economic, against society. Unlike other crimes, trafficking in persons is rarely idiopathic and is governed by the logic of organised crime, feeding on and feeding other antisocial behaviours, either criminal or simply misdemeanours.

Something that also appears highly paradoxical is its bifid nature – based on networks that act on a transnational scale yet manifesting itself at the stage of the direct exploitation of victims on a local scale. In other words, the movement of the victim across jurisdictions, as determined by the rationale of the trafficking scheme, is followed by different sorts and intensities of direct local complicity fuelled by the connivance of the unscrupulous entrepreneur (in the case of trafficking for forced labour), the pimp and (so often) the "client" himself (in the case of persons trafficked for sexual exploitation).

However, this direct local complicity is not merely material and can manifest itself in a more diffuse way and in the form of a community moral deficit wherever the existence of well-founded suspicions about places of entertainment or work situations is not matched in practice by demand for official social control and public denunciation of criminal activities.

I want to suggest in this reflection that the crime of trafficking in persons which, like any other crime, is the result of human behaviour at an individual or group level, may be better understood (and thus prevented)

if and when the socio-ecological factors that underlie it and which are manifested on a more aggregate scale are identified. Strictly speaking, this understanding will come from the nexuses that we can establish between the individuals (perpetrators, accomplices, victims, witnesses) and their ecological environment.

The social ecology of crime demonstrates that certain types of crime occur more frequently (with greater probability) in certain social and physical contexts than in others, because the former possess characteristics which, under various conditions, can be regarded as congruent with or permissive – or even predictive – of this criminality.

Although one should not lose sight of the fact that the commission of any crime is the responsibility of its agent(s), it is vital to recognise that, personal factors aside, criminal acts are strongly influenced by the interactions that those responsible for such acts establish with the physical environment, with other people, with different social groups, and also by their assessment of the risk involved in breaching social norms and society's cultural values. This is a crucial issue that allows us to separate, conceptually, action on a global scale, particularly through a broad awareness that is graphic about the risks that potential victims run – but which can include investigative practices married to international police cooperation and the key support of NGOs – and repression on a local scale, dictated by this dramatic truth: there are no victims without a context of victimisation, in which lies the evidence of (at least some of) the perpetrators and accomplices.

In communities that are more permissive of the violation of social norms, which give less weight to fundamental human rights, or in which civic causes – particularly those relating to combating illegal labour or sexual exploitation – have less impact, the risk assessment made by the agents of these crimes will be less unfavourable. That assessment is largely about the specific place and not about the transnational dimension of the crime committed, although the latter should inform (and be informed by) what we could call procedural uniformity on victimisation.

In this sense, statistical harmonisation efforts are of particular importance, as evidenced (and put into practice) by the EU project "Trafficking in Human Beings, Data Collection and Harmonised Information Man-

agement Systems – DCIM EU"[4] co-funded by the European Commission and directed by the Department of the Interior.

Another delicate issue in the understanding that we need to have of the crime of trafficking is about not confusing crime statistics with the reality of crime. This is a caveat which is not only valid for human trafficking, but which is especially true of this crime.

The available data report the number of recorded crimes (see Table 1), which totalled 82 occurrences in the last two years. Given its particular gravity and the criminal policy guidelines, and having regard to the special powers of the Judicial Police, it is not surprising that it was this police force which recorded the largest number of reported crimes.

TABLE 1: **Human trafficking crimes recorded by police forces**		
Year	2009	2008
Recording Entity	No. of Crimes	No. of Crimes
Public Security Police	9	10
Judicial Police	18	16
National Republican Guard	10	15
Total	39	43

Source: DGPJ/Ministry of Justice
Last update on: 18/02/2010

[4] The overall objective of the project, which was completed in 2010, was to contribute to improving the quality and reliability of data on human trafficking in the four countries that participated in the project (the Czech Republic, Slovakia, Poland and Portugal) in the areas of prevention, protection and prosecution. More specifically,
- to develop common criteria for data and information collection on 1) the victims of trafficking and 2) the alleged/convicted traffickers and the criminal justice process;
- to prepare a manual for the collection of anti-trafficking data, including indicators/variables for the collection of data on victims and data on traffickers and tools for the collection, treatment and analysis of the two sets of indicators/variables;
- to create a basis for the efficient collection and analysis of data on human trafficking;
- to install and test suitable software for the collection of data on victims and data on traffickers/legal and court data in Portugal.

In terms of victims (see Table 2), it is worth stressing that in the last two years about one third were below the age of 25, a proportion that increases considerably if we only look at 2009. This finding is particularly disturbing because it highlights the importance of implementing preventive awareness actions targeted at young people, both in the countries of origin and destination countries of victims.

TABLE 2: **Injured/aggrieved parties and victims (individuals) involved in human trafficking crimes recorded by police forces, by age group in 2008 and 2009**

Year	2009	2008
Age Group	No. of persons involved	No. of persons involved
Total	38	29
16-24	17	5
Over 24	19	21
N/S	.....	.....

Source: DGPJ/Ministry of Justice
..... Nil result/protected by statistical confidentiality
N/S Not stated
Last update on: 12/04/2010

Similarly, matching the comments I made previously regarding a comprehensive approach to trafficking crime, which manifests itself at different levels of social reality from global to local, it should be pointed out that there are regional differences revealed by the data in Table 3 which make the territory (i.e. the communities within it) an explanatory variable of the phenomenon and its expression on the ground.

The same multilevel approach can benefit our understanding of the data in Tables 4 and 5, from which we can see that the crime of trafficking is typified by its multiple connections with other criminal activities, lending it added complexity. In other words, investigating the crime of trafficking means understanding that other criminal activity may, under certain conditions, conceal this heinous crime, which does not manifest

itself in isolation or randomly. I am referring to crimes against human life and against physical integrity, economic crimes and crimes against property, among others.

Here too, we can rely on the etiological process of trafficking which we can formulate from the data on victims of trafficking for sexual exploitation (which are recorded by the Observatory on Trafficking in Human Beings – OTHB). This helps us to understand the transnational dimension which characterises the majority of reported cases and the difficulty of taking preventive or repressive action in the stages that make up the victim's route, in fact until the exploitation of the victim manifests and declares itself. The transnational nature of the crime, because it is supported by networks which are often organised on a worldwide scale, also makes liaison with international organisations to improve knowledge and share indispensable information. It is essential to assemble information gathered from various players ranging from the police and criminal justice authorities to victim support agencies, non-governmental organisations (NGOs) and international organisations.

TABLE 3: **Agents/suspects and defendants (individuals) identified in connection with recorded human trafficking crimes, by NUT in 2008 and 2009**

Year			2009	2008
NUT I	NUT II	NUT III	No. of agents	No. of agents
	Total		55	60
Continental Portugal	North	Cávado	3	4
		Ave	....	....
		Greater Porto	7	5
		Douro	....	....
	Centre	Baixo Vouga	4	....
		Baixo Mondego	9	13
		Pinhal Litoral	....	....
		Dão-Lafões	....	....
		Serra da Estrela	....	....
		Beira Interior Norte	8	....
		Oeste	....	....
	Lisbon	Setúbal Peninsula	5	....
	Alentejo	Baixo Alentejo	3	3
	Algarve		....	4
	Azores Autonomous Region		....	....
	Madeira Autonomous Region		....	4
N/A	N/A	N/A	11	18

Source: DGPJ/Ministry of Justice. Last update on: 18/02/2010
N/S – Not stated.   N/A – Not applicable

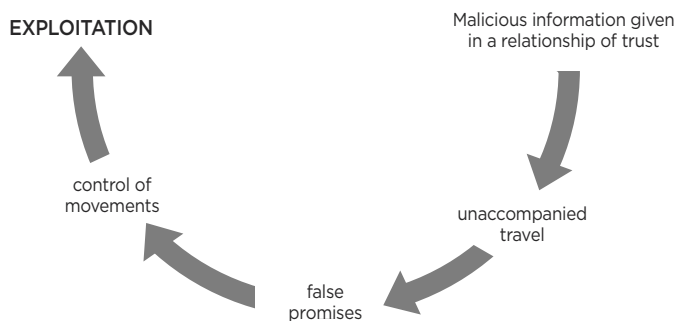DIAGRAM 1: **Etiology of the trafficking process**

TABLE 4: **Other crimes associated with prosecution proceedings for the crimes of trafficking in persons, trafficking in persons and procuring, facilitating illegal immigration and procurement of illegal labour in 2008**

Trafficking in persons and procuring	Sexual abuse of children/dependent minors Breach of trust Homosexual sexual acts with adolescents Threats or coercion Procurement of illegal labour Conspiracy Facilitating illegal immigration Money laundering Copyright infringement Conversion/transfer or dissimulation of goods/products Gambling crimes Firearms-related crimes Unlawful possession of firearms Forgery/damage/withholding of documents/other items Making false statements/other Aggravated burglary Spousal/partner abuse Abuse of minor/helpless person Simple/grievous bodily harm Other pecuniary crimes Other crimes of perversion of justice Kidnapping/abduction/hostage taking Explosive substances/weapons Trafficking in minute quantities/trafficking-consumption of low gravity Trafficking/illegal activities (including planning) Violation/destruction of official seals and documents/unlawful practice of a profession
Facilitating illegal immigration	Threats or coercion Procurement of illegal labour Conspiracy to facilitate illegal immigration Conspiracy Simple and aggravated fraud Counterfeiting currency/securities/others Gambling crimes Electoral crimes Firearms-related crimes Unlawful possession of firearms Issue of unfunded cheques Forgery/damage/withholding of documents/other items Making false statements/other Simple/grievous bodily harm Sheltering/material assistance to a criminal Trafficking in persons and procuring
Conspiracy to facilitate illegal immigration	Threats or coercion Facilitating illegal immigration Forgery/damage/withholding of documents/other items Other pecuniary crimes
Procurement of illegal labour	Facilitating illegal immigration Unlawful possession of firearms Simple/grievous bodily harm Other pecuniary crimes Trafficking in persons and procuring

Source: DGPJ/Ministry of Justice

TABLE 5: **Defendants in criminal prosecutions in courts of first instance for crimes of trafficking in persons, procuring and trafficking in minors, procuring/ trafficking in persons, facilitating illegal immigration, conspiracy to facilitate illegal immigration, procurement of illegal labour, and trafficking in persons and procuring, by crime, in 2008**

Year		2008
Total		**235**
Trafficking in persons	Trafficking in persons	....
Trafficking in persons and procuring	Trafficking in persons Procuring Attempted procuring Aggravated procuring	4 181 3
Procuring and trafficking in minors	Procuring/trafficking in minors Aggravated procuring/trafficking in minors	5 ....
Facilitating illegal immigration	Facilitating illegal immigration Attempted facilitation of illegal immigration Aggravated facilitation of illegal immigration	27 3
Conspiracy to facilitate illegal immigration	Conspiracy to facilitate illegal immigration	....
Procurement of illegal labour	Procurement of illegal labour	5

Source: DGPJ/Ministry of Justice
Notes:
a) The counting of defendants is based on the most serious crime alleged against them
b) As from 2007, statistical data about proceedings in courts of first instance have been collected from the courts' computerised information system and represent the situation of the proceedings recorded in that system.
c) Data updated on 12-04-2010
.... Nil result/protected by statistical confidentiality

To sum up, we can state that:

1. Combating the crime of trafficking in human beings, in all its forms, is an ethical, moral and political imperative.
2. For the organisations that have the responsibility and powers to carry it out, it is a responsibility to which we must devote our greatest efforts.
3. The difficulties are, however, immense. They are related mainly to the opacity of the phenomenon since it involves an invisible section of the population.

4. Added to this is the fact that trafficking victims, because they are normally in situations of extreme vulnerability, are often unable to report the crime of which they are the target.
5. The difficulty in collecting information about the problem of human trafficking also reflects the diversity of information sources, which can be either public bodies and civil society organisations with different action objectives, such as the investigation, prevention and control of those who profit from this crime and the support and protection of their victims.
6. Notwithstanding the problems that have been identified, we are now far better prepared than we were only a few years ago to tackle a crime that shocks us as human beings.

BIBLIOGRAPHIC REFERENCES

COURBAGE, Youssef, TODD, Emmanuel, *Le rendez-vous des civilisations*, Paris, Seuil, 2007.

SOUSA SANTOS, Boaventura, GOMES, Conceição, DUARTE, Madalena, BAGANHA, Maria Ionnis, *Tráfico de mulheres em Portugal para fins de exploração sexual*, Lisbon, CIG, 2008.

UNHCR, *Review of UNHCR's efforts to prevent and respond to human trafficking*, UNHCR, Geneva, 2008.

INTERNATIONAL COOPERATION IN THE PREVENTION OF HUMAN TRAFFICKING

Joana Daniel-Wrabetz

"We have not even managed to stem the tide
And more people are being trafficked than ever before" [1]

After **J.**'s mother and brother died, her father sent his daughter, who was only 8 years old at the time, to work as a domestic servant. J. worked 18 hours a day but was never paid. She slept in the veranda and ate leftovers. Very often she wasn't given anything to eat at all. They frequently beat her, mainly when she was trying to rest. When the lady of the house was not at home she was raped by her boss (guardian). She was not allowed to go out, but even if she were, she wouldn't have had anywhere to go. She did not know if her father was still alive. Some years later J. received help from a local NGO [2].

When **A.** was 8 years old, a man took her and her sisters to a neighbouring country and forced them to beg on the streets until they were adolescents, when he sold them to a prostitution network. If she did not bring a certain amount of money every day, she was beaten. At the age of 14, A. ran away and ended up in the hands of the local authorities. She was taken to

[1] Kyung-Wha Kang, Deputy High Commissioner for Human Rights, on the occasion of the thematic debate on the Trafficking of Human Beings, 62nd UN General Assembly, GA/10712, 3 June 2008
[2] Office to Monitor and Combat Trafficking in Persons. Trafficking in Persons Report 2009.

an orphanage but was not allowed to go to school since she did not have any identification documents. A few months later she ran away from the orphanage and got involved with a pimp who forced her to work as a prostitute for local men and tourists. This girl was recently arrested on charges of drug possession. She will probably spend the next two years in a juvenile prison, where she will finally learn to read and write[3].

1. Human trafficking as a contemporary form of inhumanity

Human trafficking is a heinous crime that goes beyond geographical, social, cultural and religious barriers, destroying the lives of thousands of people in various countries, while generating millions of euros in profits for traffickers and exploiters.

When one speaks of trafficking in human beings, it is not just with regard to illegal "transportation", as in the case of clandestine immigration. The term "human trafficking" encompasses a far more pernicious reality, which is the abuse, exploitation and enslavement of individuals.

When one speaks of trafficking in human beings, it is not just the trafficking in women and children[4] for sexual exploitation, which is undoubtedly one of the most serious forms of this phenomenon and that which receives the most attention from the media. It is equally important to acknowledge other forms of human trafficking such as trafficking in individuals to harvest their organs and the trafficking of youths to carry out robberies, the trafficking in children for adoption and begging, trafficking for labour exploitation in its various dimensions: in the agricultural sector, the textile industry, the hotel industry, civil construction, restaurants, domestic work... the list is unfortunately a long one.

When one speaks of trafficking in human beings, it is not just a subject that is the sole responsibility of the borders and aliens services, police forces and some organisations that specialise in this area, but rather something that affects us directly. It is the exploitation of individuals that may be next to us, whose freedom and protection could be in our hands if we are well informed and if we know how to identify the signs.

[3] *Idem.*
[4] UNICEF has calculated that some 1.2 million women and children are trafficked every year.

Even though various legal instruments have been adopted at national and international level since the 1990s in order to combat this crime and despite the innumerable protocols and conventions that have been signed in this regard, legislation in this area is still fairly limited in many countries. The number of cases in which traffickers/organised crime gangs have been convicted – or convicted with severe penalties – is hence still not very significant, thus conveying the message that crime pays. Trafficking in persons is considered to be the third most profitable business after arms and drug trafficking. A business where a human being is looked upon as a mere reusable and always profitable "commodity". In the words of a trafficker: *You can buy a woman for $10,000 and you can earn your money back in a week if she is young and beautiful. Then all the rest is profit*[5]. According to a recent study by the International Labour Organisation (ILO) entitled "Action Against Trafficking in Human Beings 2008", there are about 12.3 million victims of forced labour, of which 2.4 million are trafficked, generating annual profits of 32 billion US dollars for their traffickers[6].

Cooperation in the fight against trafficking in human beings is done at national, regional and transnational level. The States that have a national structure to coordinate initiatives or a national plan to combat trafficking in persons have an institutional structure that ensures cooperation between the various enforcement agencies that exist in the country. In the case of Portugal, this cooperation has been framed within the I National Action Plan against Trafficking in Human beings (2007/2010). The various mechanisms for cooperation specify the roles and responsibilities of the different agencies and are especially useful in cases where a given individual has been identified as a victim of trafficking and consequently needs to be accompanied by various agencies, according to the diverse forms of assistance[7]. In the absence of formal

[5] MALAREK, Victor, *The Natashas. Inside the New Global Sex Trade*. New York: Arcada Publishing. Quoted in SOUSA SANTOS, Boaventura *et al. Tráfico de Mulheres em Portugal para fins de Exploração Sexual,* Gender Studies Collection No. 5, CIG, Lisbon, 2008, pp 35-36.

[6] ILO – "Action Against Trafficking in Human Beings", 2008, p.1.

[7] The role of the various support systems in the OSCE participating States is described in the publication: *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook,* Warsaw, 2004. http://www.osce.org/publications/odihr/2004/05/12351_131_en.pdf

coordination mechanisms, a concerted action between the various agencies involved in combating trafficking in persons has developed in a slower and more difficult manner[8].

Since this is a crime that is characterised by its transnational component – involving countries of origin, transit and destination –, no nation will be successful acting alone. Recognising the need for cooperation is the first step towards formalising this very same cooperation. In order for this cooperation to bear results, it needs to be based on concerted action between various agents and to be implemented at all levels, nationally as well as internationally: cooperation between States, police and judicial forces, institutions providing support to victims, international governmental and non-governmental organisations, the private sector and the media, encompassing the three main areas in terms of combating trafficking in persons: Preventing Trafficking, Protecting Victims and Convicting Traffickers.

2. Knowing how to spread the message of prevention

Various legal instruments call for international cooperation as an essential element in terms of combating trafficking in human beings, defining minimum parameters for protecting victims and criminalizing the offenders, stressing the great importance of developing preventive measures. It is this latter aspect that is the subject of this text. What is meant by preventing trafficking in human beings? Are there sufficient information campaigns in this regard? How can one evaluate the effectiveness of such campaigns? What indicators are used to assess results? Is counting the number of pamphlets distributed, as has been suggested in some national plans to combat trafficking in human beings, a reliable indicator of the success of preventive measures? Various projects have likewise been suggested in the area of social and economic development, but there is still a dearth of analyses of results that could indicate which measure is more effective and in what circumstances. This text will not provide

---

[8] DOTTRIDGE, Mike, "Responses to Trafficking in Persons: International Norms Translated into Action at the National and Regional Levels" in *An Introduction to Human Trafficking: Vulnerability, Impact and Action"*, UN.GIFT Background Paper for the Vienna Forum, 2008, p.113.

the answers for all these questions, which require a more in-depth and careful study, but it seeks to pave the way for a debate in this area.

Firstly, this study will provide a summary of the existing legal framework at international level, with an emphasis on the role of transnational cooperation and the development of preventive measures to combat trafficking in human beings. It will then focus on the role of some international organisations in terms of promoting partnerships, highlighting some of the more significant initiatives, ranging from campaigns to more specific training projects. Finally, the third part of this study will analyse the effectiveness of preventive methods currently implemented and will examine the question of *vulnerability*.

3. Framing prevention in legal terms

The documents presented herein were chosen on account of their relevance in terms of calling for international cooperation and their emphasis on preventive methods to combat trafficking in human beings.

At the level of the United Nations (UN), a number of very relevant documents have been adopted, with particular reference to the United Nations Convention Against Transnational Organised Crime, which was adopted on 15 November 2000 and came into force on 29 September 2003, and the aim of which is to promote cooperation in order to prevent and combat transnational organised crime more effectively (Art. 1). The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime*[9], more commonly known as the Palermo Protocol, seeks to prevent and combat trafficking in persons, paying particular attention to women and children, to protect and assist the victims of such trafficking, with full respect for their human rights, and to promote cooperation among States Parties in order to meet those objectives (Art. 2). The Palermo Protocol also contains a chapter exclusively devoted to "Prevention, cooperation and other measures", of which particular reference is made to Article 9, as transcribed below:

[9] Adopted on 15-11-2003, and came into force on 25-12-2003.

Article 9
Prevention of trafficking in persons

1. **States Parties shall establish comprehensive policies, programmes and other measures:**
    a) To prevent and combat trafficking in persons; and
    b) To protect victims of trafficking in persons, especially women and children, from revictimization.

2. **States Parties 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.**

3. **Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.**

4. **States Parties shall 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.**

5. **States Parties shall 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, which leads to trafficking.**

The *Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography* highlights the importance of cooperation and international coordination between national authorities, international non-governmental organisations and international organisations, (Art. 6 and Art. 10 §2 and §3), emphasising the importance of "strengthening international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism" (Art. 10 §3)[10].

[10] Full text available at: http://www.unicef.pt/docs/pdf/protocolo_facultativo_venda_de_criancas.pdf

In the same perspective, the International Labour Organisation (ILO) *Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* (No. 182, 1999) considers *"the worst forms of child labour"* to be *"(...) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children (...)"* (Art. 3 a) and calls for the adoption of *"appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education"*[11] (Art. 8).

The *Council of Europe Convention on Action against Trafficking in Human Beings*[12], signed in Warsaw on 16 May 2005 (also known as the Warsaw Convention) and in force since January 2008, devotes Chapter VI to *"International Cooperation and Cooperation with Civil Society"*[13], and Chapter II to *"Prevention, Cooperation and Other Measures"*, of which Articles 5 and 6 are particularly relevant and are therefore transcribed below:

> **CHAPTER II**
> **Prevention, cooperation and other measures**
>
> **Article 5**
> **Prevention of trafficking in human beings**
>
> 1. **Each Party shall take measures to establish or strengthen national co-ordination between the various bodies responsible for preventing and combating trafficking in human beings.**
> 2. **Each Party shall establish and/or strengthen effective policies and programmes to prevent trafficking in human beings, by such means as: research, information, awareness raising and education campaigns, social and economic initiatives and training programmes, in particular for persons vulnerable to trafficking and for professionals concerned with trafficking in human beings.**

---

[11] Full text available at: http://www.ilo.org/public/portugue/region/eurpro/lisbon/pdf/conv_182.pdf

[12] Full text available at: http://www.dgpj.mj.pt/sections/relacoes-internacionais/copy_of_anexos/convencao-do-conselho-da

[13] According to Chapter VI, Art. 32, *"The Parties shall co-operate with each other (...) for the purpose of: a) preventing and combating trafficking in human beings; b) protecting and providing assistance to victims; c) investigations or proceedings concerning criminal offences established in accordance with this Convention".*

3. Each Party shall promote a Human Rights-based approach and shall use gender mainstreaming and a child-sensitive approach in the development, implementation and assessment of all the policies and programmes referred to in paragraph 2.

4. Each Party shall take appropriate measures, as may be necessary, to enable migration to take place legally, in particular through dissemination of accurate information by relevant offices, on the conditions enabling the legal entry in and stay on its territory.

5. Each Party shall take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them.

6. Measures established in accordance with this article shall involve, where appropriate, non-governmental organisations, other relevant organisations and other elements of civil society committed to the prevention of trafficking in human beings and victim protection or assistance.

Article 6
Measures to discourage the demand

To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures including:

a) research on best practices, methods and strategies;

b) raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings;

c) target information campaigns involving, as appropriate, *inter alia*, public authorities and policy makers;

d) preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.

This Convention also sets up an international group to monitor its implementation, the Group of Experts on Action Against Trafficking in Human Beings (GRETA).

Especially worthy of note is the OSCE (Organization for Security and Cooperation in Europe) Action Plan to Combat Trafficking in Human Beings[14], in which Chapter IV is devoted to prevention. Apart from the

[14] Decision No. 557 of 24 July 2003. Full text available at:
http://www.osce.org/press_rel/2003/pdf_documents/07-3447-pc1.pdf

measures to be implemented by each participating State, the Plan also focus on those to be followed within the organisation itself. Similarly, the *Ministerial Declaration on Trafficking in Human Beings*, adopted in Oporto in 2002, recognises the need to address the "*root causes of trafficking and to reduce the economic and social inequalities and disadvantages, which also provoke illegal migration, and which may be exploited by organised criminal networks for their profit*"[15]. This document further acknowledges the need to fight corruption, which facilitates the proliferation of criminal networks. The involvement of the Office of the Coordinator of OSCE Economic and Environmental Activities is viewed as the best way of addressing all economic aspects of trafficking in human beings. While recognising that "*in countries of destination, demand for the activities of persons trafficked for the purposes of sexual exploitation, forced labour, slavery or other practices similar to slavery is an integral factor in trafficking in human beings*", they urged "*countries of destination to take measures to effectively address such a demand as a key element in their strategy for effectively preventing and combating trafficking in human beings, and to exercise zero tolerance towards sexual exploitation, slavery and all forms of exploitation of forced labour, irrespective of its nature*"[16].

In the European Union (EU), various initiatives aimed at harmonising efforts to combat trafficking in persons were begun during the early 1990s. *Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings* laid down minimum measures to be adopted by each Member State. At a joint conference held in September 2002, the European Commission and the International Organisation for Migration (IOM) adopted the *Brussels Declaration on Preventing and Combating Trafficking in Human Beings*[17], together with a series of recommendations to be adopted by the Member States of the European Union. Consequently, the European Commission set up a group of 20 experts ("*Experts Group on Trafficking in Human Beings*"), which published a report in December 2004, containing 132 recommendations for measures to be

---

[15] Full text available at: http://www.osce.org/documents/odihr/2002/12/2107_en.pdf

[16] *Idem.*

[17] Full text available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2003:137: 0001:0009:EN:PDF

adopted by Member States, of which 45 measures pertain to the issue of prevention[18]. It is likewise important to highlight the *European Union Action Plan*[19], adopted in December 2005, on best practices, standards and procedures for combating and preventing trafficking in human beings.

Finally, mention should also be made of actions promoted in other regions via intergovernmental organisations such as the Association of Southeast Asian Nations (ASEAN) and the Economic Community of West African States (ECOWAS)[20], which have signed various declarations condemning trafficking and have adopted action plans in order to improve cooperation and the coordination of their member States' efforts to stop trafficking in human beings[21]. The ECOWAS Secretariat has published an *"Initial Plan of Action against Trafficking in Persons"* (2002-2003) and, together with the Economic Community of Central African States (ECCAS), launched a *"Joint Plan of Action against Trafficking in Persons, especially Women and Children in West and Central Africa"* (2006-2009). In its turn, a high-level ASEAN meeting on Transnational Crime was followed by a declaration that focused particularly on the criminal justice system and its responses to combat trafficking in human beings[22].

As can be seen, there is a vast array of legal instruments that highlight the importance of developing partnerships in the area of prevention as a crucial factor in terms of combating human trafficking. Various measures have been suggested, with a special emphasis on measures that seek to reduce poverty, underdevelopment and inequalities, considered to be the primary causes of vulnerability. The following chapter seeks to demonstrate the passage from theory to practice. How are these instruments, rules and directives put into practice? Who does what at the level of pre-

---

[18] See Chapter IV– Root Causes for Trafficking, Points 43 to 88.
http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf

[19] Official Journal C 311 of 09.12.2005. Full text available at:
http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XG1209(01):EN:NOT

[20] *Assistance for the Implementation of the ECOWAS Plan of Action against trafficking in Persons: Training Manual* (New York, United Nations Office on Drugs and Crime, 2006),
http:www.unodc.org

[21] DOTTRIDGE, Mike, op.cit, p.107.

[22] ASEAN, Responses to Trafficking: Ending Impunity for Traffickers and Securing Justice for Victims Jakarta, ASEAN, 2006, p.1 .

vention? A few examples will be cited so as to illustrate the various strategies and measures currently underway in this critical area of preventing trafficking in human beings.

4. Prevention: How? Partnerships to Prevent Human Trafficking

IN A HISTORIC DECISION, GHANA SENTENCES HUMAN TRAFFICKERS

Three Chinese were sentenced to 41 years in prison for trafficking Asian women into West Africa

———

Vienna, 23 July 2009[23] – A court in the city of Accra, the capital of Ghana, created history recently when it sentenced three Chinese human traffickers to 41 years in prison. The traffickers recruited women in China – sometimes from their own communities – by offering them jobs in restaurants in Ghana. Upon arriving in that country the women would discover that these restaurants did not exist. They would be deprived of their travel documents and they became victims of sexual exploitation.

The traffickers were arrested by Ghana's Anti-Trafficking Unit within the Criminal Investigation Department (CID), after a journalist published an investigative report.

The police officer who headed the action, Patience Quaye, had attended the "train-the-trainer" programme (a UNODC training programme) and other activities aimed at improving the pro-active capacity of criminal justice against human trafficking in Ghana (...).

The work of Ghana's Anti-Human Trafficking Unit represents a landmark for entities working in the field of criminal justice in this nation. This intelligence investigation is a promising example for criminal justice officials, not just in West Africa but also in other regions around the world, by resulting in a prison sentence and a subsequent case against members of an international organised network of human traffickers (...).

The exemplary work of the Anti-Human Trafficking Unit and the National Task Force also highlights the need for UNODC to continue to provide technical assistance – as was received by Mr. Quaye – in order to strengthen the capacity of enforcing agencies to combat human trafficking in West Africa and to protect the victims of the trade.

[23] This article was published on the UNODC's Brazilian website: http://www.unodc.org/brazil/pt/ASCOM_20090723_02.html

News reports such as the one transcribed above are increasingly common and it is necessary to view them from two distinct perspectives. If, on the one hand, they reveal the heinous nature of this crime, in this specific case the trafficking of women for sexual exploitation, on the other hand they also disseminate the successes that are gradually being achieved in terms of combating these crimes and dismantling criminal organisations. Upon reading this news item, it is clear that there were some aspects that proved to be essential for the success of this operation: in the first place, at the level of the media, the interest of an investigative journalist. Then, the existence of an Anti-Human Trafficking Unit within the Criminal Investigation Department with specific training programmes for police officers, the result of cooperation with the United Nations Office on Drugs and Crime (UNODC: "train-the-trainer" programme), which promotes *"capacity building with regard to investigation, the protection of victims and witnesses, procedural issues, public awareness raising and the prevention of human trafficking, as well as fomenting international cooperation"*[25]. Finally, the independence of a judge who was aware of this issue, who did not judge the victims for illegal immigration but instead sentenced the real culprits[26].

So what is the relevance of this example in the context of prevention? Despite the enormous and undeniable success of this operation, isn't this example essentially the result of a lack of prevention? What could have been done to prevent these women (recruited from the traffickers' own communities, with a job offer to work in restaurants in Ghana) from

---

[25] "Em decisão histórica, Gana sentencia traficantes de seres humanos", Vienna, 23 July 2009, UNODC: http://www.unodc.org/brazil/pt/ASCOM_20090723_02.html.

[26] According to the Palermo Protocol: *"'Trafficking in persons' shall 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 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; b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article; d) 'Child' shall mean any person under eighteen years of age".*

falling into the snares of criminal networks, such as the one described here, and being sexually exploited?

Beginning with the first issue, apart from obviously rescuing the women in question, the success of this operation conveys the message to traffickers that "crime doesn't pay", that the risks involved (thanks to the growing involvement of the media and the competence of police agents, amongst other factors) do not justify the profits that can be obtained. There is a growing interest and commitment to put an end to this scourge. As for the second and third questions, unfortunately the answer is not so simple, since one does not know the reasons that induced each of these women to accept this employment offer. Was it poverty? Was it vulnerability? Was it an escape from a complicated family situation? Was it simply an opportunity to travel to Africa? There is no standard reply applicable to all victims of trafficking (this issue will be examined in the next chapter). However, various possible answers can be tested, which are reflected in the different projects underway, of which a few will be cited herein merely as examples.

Using the case transcribed above as a point of departure, an important issue at stake in some countries is precisely trying to understand what were the underlying causes of the vulnerability of some victims. Some assistance mechanisms send victims of trafficking to institutions/agencies that operate at local level. This fact helps these same local agencies to coordinate their efforts, not just to protect the victims of trafficking, but also to act preventively with regard to individuals and communities that have the same characteristics as the victims, i.e. characteristics that to a certain extent seem to increase their probability of also becoming victims of trafficking[27].

In some European countries, such as in the case of Austria, after a considerable number of victims have been identified as having originated from a given nation, projects are developed with a view to improving the living conditions of potential victims of human trafficking in their countries of origin. In this context, Austria's international activities have especially focused on Southeast Europe and the Balkans. In Southeast

[27] DOTTRIDGE, Mike, *op. cit.*, p.106

Europe, Austria cooperates with international organisations and local non-governmental organisations, promoting, inter alia, information campaigns addressed to the local populations, while simultaneously developing projects to improve the socio-economic conditions of potentially "high-risk" groups; they also promote training programmes for police forces and support the return of victims so as to prevent them from once again becoming easy prey for trafficking networks[28].

Outlined below are a few examples of activities, projects and campaigns implemented by some of the most important international and regional organisations in the area of preventing trafficking in persons. The International Organisation for Migration (IOM), created in 1951, is an intergovernmental organisation working in the field of migrations, which cooperates with governmental, intergovernmental and non-governmental partners. IOM is dedicated to promoting orderly and human migration for the benefit of all, cooperating at international level on migration issues and providing humanitarian assistance to migrants with special needs, including refugees and internally displaced persons. IOM plays an extremely important role in helping victims of trafficking and it is usually this organisation that assists with voluntary repatriation.

Through its Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, the OSCE supports the development and implementation of anti-trafficking policies in its 56 participating States[29], providing assistance at four levels: policy development, fieldwork, technical support and coordination with other international organisations. The mandate of the Special Representative is to alert the international community about the complexity of the problem of trafficking in human beings, to suggest measures to solve the problem and to provide assistance in national policy development with a view to ensuring more efficient internal and international cooperation.

The Office of the Special Representative draws on the organisation's in-house expertise and closely coordinates with relevant institutions in

---

[28] 1st Austrian Report on Combating Trafficking in Human Beings (March 2007 February 2008).

[29] The 56 OSCE participating States are divided into 5 main regions: South Eastern Europe, Eastern Europe, Western Europe and North America, South Caucasus, and Central Asia. More information on OSCE available at: http://www.osce.org/

this area, such as the Office for Democratic Institutions and Human Rights (ODIHR), the Office of the Coordinator for OSCE Economic and Environmental Activities (OCEEA), the Strategic Police Matters Unit (SPMU), the Senior Gender Adviser, as well as with a vast network of contact points at field missions. One of its main goals is to avoid duplication, ensure complementarity and coherence, and seek to develop an integrated approach in preventing and combating trafficking in human beings in the OSCE region[30].

The International Centre for Migration Policy Development (ICMPD)[31] is an international organisation that was created in 1993 as a support mechanism for informal consultations, expertise and providing services at the level of multinational cooperation on migration and asylum related issues. Its anti-trafficking programme seeks to assist countries at national and regional level by facilitating solutions in the fight against trafficking in persons. The ICMPD is currently developing a project, in which Portugal also participates[32], aimed at developing and implementing preventive and support measures directed to vulnerable populations in Brazil: *Promoting Transnational Partnerships – Preventing and Responding to Trafficking in Human Beings from Brazil to EU Member States. Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum.*

EUROPOL[33], the European Union agency responsible for handling criminal intelligence, aims at improving the effectiveness and cooperation of the competent authorities in the Member States in preventing and combating serious forms of international organised crime. EUROPOL's mission is to contribute significantly towards the implementation of European Union legislation in the field of combating organised crime, with particular emphasis on the pursuit of criminal organisations.

---

[30] http://www.osce.org/cthb/23703.html

[31] http://www.icmpd.org/10.html. For further information see www.anti-trafficking.net

[32] The ICMPD is also a partner of the international project entitled "Trafficking in Human Beings: Data Collection and Harmonised Information Management Systems", financed by the European Commission (contract No. JLS/2007/ISEC/458), coordinated by the Observatory for Human Trafficking in Portugal.

[33] http://www.europol.europa.eu/index.asp?page=facts_pt&language=pt

The European Commission's assessment manual entitled *Measuring Responses to Trafficking in Human Beings in the European Union*, by Mike Dottridge, is especially worthy of note. It presents a clear list of principles that should be followed by all EU Member States in order to put an end to human trafficking, followed by a description of specific measures to be adopted, namely: a) increasing the technical capacity of institutions; b) improving administrative control; c) developing actions that complement criminal justice interventions, and d) using the information about trafficking as a preventive technique. A result indicator and a verification method have also been proposed for each measure[34].

There are various agencies within the United Nations system that, in one form or another, are involved in combating human trafficking[35]. From among the many initiatives acting at international level in the fight against human trafficking in its various dimensions, below are outlined the most significant in terms of Prevention. On 26 March 2007, a date that marked the bicentenary of the abolition of the transatlantic slave trade by Great Britain and the United States of America (1807 and 1808, respectively[36]), the United Nations Office for Drugs and Crime (UNODC) launched the "Global Initiative to Combat Human Trafficking": UN.GIFT. The UN.GIFT programme is managed by UNODC in cooperation with the International Labour Organisation (ILO), the International Organisation for Migrations (IOM) the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the Organisation for Security and Cooperation in Europe (OSCE).

---

[34] Mike Dottridge, Consultancy for the Directorate-General for Justice, Freedom and Security, European Commission. *Measuring Responses to Trafficking in Human Beings in the European Union: An Assessment Manual* (18 October 2007)
http://ec.europa.eu/justice_home/fsj/crime/trafficking/doc/assessment_18_10_07_en.pdf

[35] For further information on the various agencies involved in combating human trafficking and their mandates, see: *Multi-Agency Synopsis of Mandates and Research Activities Related to Combating Human Trafficking,* New York, 2008.

[36] In Portugal, a law dated 25 February 1869 abolished slavery throughout the Portuguese empire, by the definitive date of 1878. Slavery had been abolished even earlier, on 12 February 1761, but only in Portugal and in India; in 1836, the slave trade was abolished throughout the Portuguese empire. The first slaves to be liberated were those owned by the State, by a decree dated 1854, followed by the slaves owned by the Church, by a decree dated 1856.

The UN.GIFT programme represents a grid for action for all those involved in combating human trafficking: governments, academics, the private sector, civil society and the media, so that they can provide mutual support to each other, work together and create effective mechanisms to combat trafficking in persons. The objectives of UN.GIFT are: to inform/raise awareness, develop knowledge and provide technical assistance[37]. One of the innovative aspects of UN.GIFT is the development of partnerships to increase the involvement of civil society and the private sector.

In order to mobilise global opinion with regard to this issue, in March 2009 the UNODC launched the "Blue Heart" campaign[38]. This initiative aims to raise public awareness of human trafficking and its impact on society, and seeks to encourage the involvement of civil society. The campaign enables those who "use" this heart to show their solidarity towards the victims of trafficking. According to the promoters of this initiative, "*The Blue Heart represents the sadness of trafficking victims, while reminding us of the cold heartedness of those who buy and sell human beings. The UN blue colour likewise demonstrates the commitment of the United Nations to combat this crime against human dignity*".

In December 2007, the United Kingdom launched the campaign called "Blue Blindfold – Open Your Eyes to Human Trafficking"[39]. The major goal of this campaign is to inform and raise awareness via the creation of a symbol that can be recognised internationally. The campaign is aimed at trafficking victims, the general public, professionals active in the fight against trafficking in persons and police agents. According to the head of the Centre for Human Trafficking: "*The blindfold (a blue band covering the eyes) represents the blindness of people with regard to the fact that trafficking in human beings does not happen in a far-away place, but is instead something that happens at a local level and has an impact on local communities. It does not represent the victims of human trafficking. The blindfold is a symbol of our ignorance and of the need to keep our eyes open*

---

[37] Further information on UN.GIFT available at: www.ungift.org
[38] For further information on this campaign, contact UNODC PO Box 500, 1400 Vienna, Austria, E-mail: blueheart@unodc.org
[39] http://www.blueblindfold.co.uk. A second launch took place in February 2008.

to what is happening around us. If people see something, we want them to react, to report the case to the local police authorities and to not turn a blind eye to this reality"[40]. The United States Centre for Illegal Immigration and Trafficking has supported this initiative. It has adopted this symbol and is currently promoting the campaign amongst federal and local agencies throughout the country.

In Portugal, amongst the various initiatives carried out in the area of prevention, the "You Are Not for Sale"[41] campaign against human trafficking developed by the Council of Europe (COE) is especially worthy of note on account of its dissemination and its impact at national level. This campaign was launched in Portugal by the Aliens and Borders Service (SEF) in November 2007, and included the publication of a COE book in the Portuguese language, published by the Ministry of Internal Administration/Aliens and Borders Service, in the form of a comic book with four stories describing situations of this phenomenon. The same campaign was later launched in Brazil and in various Portuguese-speaking nations. According to the promoters of this initiative: *"The objective of the campaign is to combat trafficking in human beings, acting to protect victims by raising awareness and preventing the crime by means of information. The target audience is civil society, especially students, health care professionals and agents who deal with problematic social issues. Through the awareness raising actions they carry out, SEF teams seek to disseminate information about the phenomenon of human trafficking, its main causes, who the victims are, how to deal with victims, how to recognise and prevent the crime, what individuals can do to help prevent and combat human trafficking, and what the situation is in international and national terms. (...) The awareness raising sessions have an approximate duration of 45 to 60 minutes, with time for answering questions at the end of the session. A form to provide a summary analysis and assessment of the initiative is also distributed"*. On 18 October 2008, the European Day against Trafficking in Human Beings, the government launched another information and awareness campaign with the mottos "Wake Up to This Reality" and "Report It!", which had a significant media impact.

[40] *Idem.*
[41] http://www.nao-estas-a-venda.sef.pt

5. Getting close to those who need help

As has been seen, there is a growing, widespread call for the joining of efforts around the issue of preventing human trafficking, and diverse awareness raising campaigns and training initiatives have been developed for those who work in this area. From institutions providing support to victims to public prosecutors, judges and polices forces, international agencies and organisations from various countries have made a great effort to combat this lacuna. However, while many campaigns raise awareness and help to identify victims, they are too late to prevent the crime. To what extent have these campaigns been truly effective? Are they really transmitting the necessary information to those who need it most? Do these campaigns really influence the choices of those willing to emigrate? There are at least two kinds of attitudes that require attention: for some potential emigrants, these campaigns are often interpreted as political actions to prevent immigration; for others, this is the only solution. This is illustrated by the words of a young boy, a trafficking victim, who, before leaving, when asked by a member of an NGO as to whether he was duly aware of the dangers of illegal immigration and of accepting offers of employment abroad, replied: *"Yes, but the nightmare that I don't know is preferable to the nightmare that I live every day at home"*[42].

One of the major challenges nowadays is to provide support to vulnerable populations, both in their countries of origin as well as in the countries of destination. This is the moment we should be asking ourselves whether the information and educational campaigns have really been sufficient, or whether the increase in cases of trafficking could be related to limited efforts in the area of prevention. It is essential to understand the particular conditions of vulnerability, so that measures to prevent human trafficking can be minimally effective. This is the issue that will be examined in the following chapter.

[42] CLARK, Michèle, *op. cit*. p.66.

6. Prevent to protect: Who?

K., 28 years of age, left Indonesia to work as a maid in a country in the Gulf. Allegedly, the woman who employed her burnt her repeatedly with a hot iron, forced her to eat faeces, abused her psychologically and poured cleaning products on her open wounds. She pierced her tongue with a knife, pulled out her teeth and forced her to swallow them. Her employer beat her own children if they tried to protect her and threatened to kill K. if she tried to escape. She forced her to work many hours every day, would lock her inside the house and sent her back to Indonesia before K. could ask the authorities for help. K. lost her sight in one eye and in some parts of her body her flesh is still melted at the sites where her employer burnt her[42].

B. is a relatively young woman living in Southeast Asia. B. has a son and lives in a difficult family environment, with few means of survival. Desperate, she sought a way of sustaining her son and contacted a woman who was recommended to her by a family member, who told her that she could get her a job as a waitress in a neighbouring country[43].

K's story is a real situation of someone who, in a quest for a better life, lived through a horrible experience that left her with physical and psychological scars for the rest of her life. B. is just one of the many examples of individuals who, owing to situations of poverty and vulnerability, prefer to risk the unknown...

To once again cite the example quoted in the previous chapter, understanding the causes that gave rise to the vulnerability of the Chinese women who were trafficked to Ghana is an important point of departure to develop better strategies and programmes to prevent trafficking.

We live in an age of rapid socio-economic changes, in which the creation of new employment opportunities has not kept pace with demographic increases. With rising unemployment and poverty, there is a growing temptation to improve living standards through emigration. Simultaneously, thousands of emigrants are returning to their countries of

[43] *Trafficking in Persons Report 2009: Victims' Stories.* Office to Monitor and Combat Trafficking in Persons.
[44] UNODC – http://www.unodc.org/unode/en/human-trafficking/prevention.html

origin owing to a lack of opportunities abroad and heightened animosity and xenophobic phenomena[45]. Most European countries will have to deal not just with an increase in immigrants but also with a growing number of individuals in situations of extreme vulnerability, women, children and men who have been the victims of trafficking for exploitation or individuals who, having emigrated to "richer" European countries, become easy prey for exploiters[46].

According to the estimates of the latest report published by the ILO in January 2009, the economic crisis will cause a dramatic increase in the number of unemployed and those with precarious jobs. If the crisis continues, over 200 million workers, mainly in developing countries, could be pushed into a situation of extreme poverty.

This is a time when it is of fundamental importance to prevent trafficking in human beings. Prevention perforce entails raising awareness, disseminating information and training. Training not just in terms of "potential victims" but also training for all those who directly work with these "potential victims", from social assistants to police and juridical forces, consular staff, employment agencies and travel agents, amongst others. Ever since the Palermo Protocol was adopted the international community has witnessed the implementation of innumerable initiatives in this area, as shown in the previous chapter, but almost a decade later the trafficking in human beings has increased and will continue to increase, according to various experts in this field[47].

To what extent have the information and training campaigns been successful if the number of victims continues to grow? To what extent has a given action been or is successful? What are the most effective measures? For many people, the simple fact that more attention is being paid to this form of organised crime only gives it more visibility. Agents from some countries emphasise that simply because they dedicate their

---

[45] Eva Biaudet, Ex-OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings. Paper presented at the seminar on "Side Effects of Free Mobility", Helsinki, 26 March 2009.
[46] *Idem.*
[47] According to EUROPOL's report *Trafficking in Human Beings in the European Union: A EUROPOL Perspective*, issued in June 2009, in the past 12 months there has been an increase in instances of trafficking in children for labour exploitation.

efforts more seriously and effectively to combating trafficking in human beings the number of cases that they identify is, for obvious reasons, greater than in countries that have decided not to make this one of their priorities[48]. It is necessary to highlight the fact that one of the major obstacles hindering a better understanding of the real dimension of this crime is the lack of a uniform method of compiling and analysing data. Many of the cases that are considered to be human trafficking in one country are judged in another as aiding and abetting illegal immigration, prostitution, pimping, exploitation of labour, etc. An in-depth knowledge of all the aspects related to this crime is essential in order to develop effective measures for prevention. This situation has given rise to various projects aimed at developing indicators that are comparable at international level[49].

According to the most recent EUROPOL report, the rise in criminality, especially in terms of trafficking in human beings within the area of the European Union, is directly linked to the absence of border controls, resulting in a significant reduction in the opportunities for many EU law enforcement agencies to intercept traffickers and identify victims of trafficking. According to the same report, *"Before 'Schengen', only the more sophisticated crime groups could operate at a cross border level. Thus, the absence of physical border controls provides significant opportunities for smaller or mid level groups and individuals to operate in more than one country. In addition, many former 'markets' and source countries are now part of the European Union. Other major source countries such as the Russian Federation, Ukraine, Belarus, Turkey, Moldova and the Western Balkans as a region are now one border crossing away. Individuals from these*

---

[48] Some experts consider the case of harvesting and trafficking human eggs to be used for fertility treatments to be trafficking in human beings. This is not a consensual position but the situation has resulted in a European Parliament resolution: Trade in human egg cells, at http://www.europarl. europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P6-TA-2005-0074+0+DOC+ PDF+V0//EN

[49] The following projects can be highlighted: a) "Headway- Improving Social Intervention Systems for Victims of Trafficking" a transnational project developed under the European Union EQUAL Initiative (2007); b) *Guidelines for the Collection of Data on Trafficking in Human Beings, including comparable indicators,* developed by the Austrian Home Ministry in partnership with the International Organisation for Migration (2009); c) *Operational Indicators on Trafficking in Human Beings,* the result of a DELPHI survey, implemented by ILO in partnership with the European Commission (2009).

countries are now routinely identified in the course of EU law enforcement investigations as either victims or traffickers"[50]. According to the same report, nowadays it is practically impossible to identify a person being trafficked while in transit.

In the opinion of Eva Biaudet, Ex-OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings, success will always be limited as long as trafficking in human beings is viewed only from the perspective of transnational organised crime. One of the major challenges in terms of combating trafficking in human beings is to know how to identify the risks, not of criminality, but the risks of vulnerable individuals becoming easy prey in cases of abuse and exploitation[51].

The factors that contribute towards the proliferation of trafficking are not just linked to a question of border controls, but they are evident at different levels and at different places. Relevant factors exist both at the places of origin as well as at the places where the exploitation takes place. So what causes the vulnerability of men, women and children in the context of trafficking in human beings? According to Rende Taylor "*...It is necessary to go beyond the factors of poverty and a lack of education*" so as to recognise the subtleties of the challenges and frustrations faced by people who live in the less developed parts of this rapidly changing world[52]. In the same vein, Mike Dottridge states that, "*Although the poverty factor is frequently cited as one of the causes for trafficking, in practice, most individuals in situations of extreme poverty are not trafficked, which shows that poverty is a context, not a specific cause*"[53].

A pioneering study prepared in Portugal, entitled "Trafficking in Women in Portugal for Purposes of Sexual Exploitation", also approaches the issue of vulnerability and "special vulnerability", the latter giving rise to more doubts, according to some magistrates who were interviewed. "*This is a key issue, which defines the scope of the law and leads to different perceptions about the real dimension of this kind of crime (...)*

---

[50] EUROPOL *op. cit.*

[51] Eva Biaudet, "Side Effects of Free Mobility", Helsinki, 26 March 2009.

[52] L. Rende Taylor, "Dangerous Trade-Offs: The Behavioral Ecology of Child Labor and Prostitution in Rural Northern Thailand", *Current Anthropology*, vol. 3 (June 2005).

[53] Mike Dottridge "Responses to Trafficking in Persons: International Norms Translated into Action at the National and Regional Levels", UNODC, UN.GIFT, New York, 2008.

Isn't the girl from Goiás, who has three children, is a single mother, unemployed, with miserable parents, who comes to Europe in these circumstances, in an especially vulnerable situation? (...)"[54] In its conclusions, this same study also states: "*If it is true that we cannot, and nor should we, assume that trafficking results exclusively from economic inequalities and situations of extreme poverty, the truth is that poverty distinctly tends to be feminine and trafficking is not indifferent to this fact. Trafficking is fuelled by poverty and the social inequalities faced by women who thus become more vulnerable to false promises of better living conditions in other countries*"[55].

Vulnerability should not be viewed as a synonym for poverty, since this runs the risk of being limiting. The definition of vulnerable is one "*who can be hurt or attacked; fragile*", "*with few defences*"[56]. Michèle Clark, an expert in the field of trafficking in human beings, emphasises the fact that vulnerability refers to the condition of a person in a specific context. From this point of view, any response to vulnerability must consequently, "*keep in mind factors that are external to an individual as well as whether his or her mechanisms to be able to deal with a given situation are enough to protect him or her against the negative impact of these external conditions*"[57]. She therefore proposes the following definition of vulnerability: "*vulnerability is a condition that results from the way in which certain individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context of their communities*"[58].

This definition takes into account what Clark calls "*conditions of vulnerability*", detailing the particular specificities for children, women, situations of poverty, social and cultural exclusion, limited access to education, political instability, wars and conflict, socio-cultural and legal

---

[54] Sousa Santos, et al. *Tráfico de mulheres em Portugal para fins de exploração sexual*, CIG, Gender Studies Collection No. 5, Lisbon, 2008, p. 292.

[55] Sousa Santos *op. cit.*, p.329.

[56] Definition of "vulnerable" in the Porto Editora Portuguese language dictionary.

[57] For a more in-depth study about vulnerability in the context of trafficking, see the essay by Michèle Clark: "Vulnerability, Prevention and Human Trafficking: The Need for a New Paradigm" in *An Introduction to Human Trafficking: Vulnerability, Impact and Action,* UN.GIFT Background Paper for the Vienna Forum, 2008.

[58] *Idem.*

context, and a change in country or region. These conditions, which are more common in the countries of origin, are further compounded by the issue of demand in the host countries: the demand for cheap labour, for women, for children...

According to EUROPOL specialists, although many individuals could become "perfect victims", nowadays one cannot speak of a model-type of trafficking victim, since there are a series of cases that do not conform to this stereotype, who do not evidence the most common characteristics such as: situations of extreme poverty, an abusive family situation, a lack of education, amongst others[59]. Individuals with a higher education, including university qualifications and with second and third languages, that are in employment and stable relationships are now considered as vulnerable, but for different reasons: *Greater freedom of movement and travel, low cost international transport and global communication links, combined with previously unavailable opportunities to work overseas and self confidence are all contributory factors in the recruitment by traffickers of persons who would not normally be thought of as vulnerable. The common factor in relation to how people from diverse backgrounds become victims of trafficking is deceit, usually via the promise of employment, good working conditions and a salary that does not exist"[60].

7. Conclusion

This text has examined the issue of international cooperation in the prevention of trafficking in human beings, at various levels. After providing an overview of the international legal instruments in force and examples of various projects underway, it focused on issues of vulnerability, questioning the effectiveness of prevention measures currently implemented when compared to the rise in the number of victims of trafficking.

According to the latest study prepared by the United States of America about the situation of trafficking in human beings at world level, published in July 2009, notwithstanding all the efforts and progress achieved during recent years, Portugal is still in the second tier of the ranking of

[59] EUROPOL, *op.cit.*
[60] *Idem.*

countries that do not fulfil the minimum requirements to eliminate this trafficking, despite the significant efforts that have been made to eradicate this phenomenon[61]. An in-depth knowledge of all the aspects related to human trafficking is an essential step, not just to protect and assist victims but also to prevent the crime. The development of operational indicators that can be compared at international level is an important step in this regard, but an evaluation method still needs to be developed to ascertain the impact and effectiveness of the projects underway.

As has been stated, trafficking in human beings is characterised by dehumanisation or the sub human way of looking at victims, viewed as a mere "commodity", both in terms of sexual exploitation as well as the exploitation of labour. As with any business, human trafficking also follows the market rules of "demand" and "supply". If, on the one hand, this "supply" is ensured by criminal networks, corruption, a lack of education, poverty and a dearth of information about employment opportunities and working conditions in other countries, on the other hand there are the laws of "demand" and a lack of scruples on the part of many entrepreneurs, who seek to augment their profits by abusing this very same vulnerability, by means of violence, lies and coercion. In order to combat human trafficking, a modern form of slavery, it is first necessary to win an initial battle: that of our indifference, the consequence of our ignorance about this phenomenon. "Many consumers would certainly be disturbed if they knew that the products they have just bought (food, clothes or jewellery) were produced by men, women and children living in situations of slavery"[62], in many cases at the cost of their physical and mental health, and in others even at the cost of their lives.

---

[61] The report highlights the fact that Portugal has not yet developed awareness campaigns in order to educate clients of prostitutes about trafficking for sexual exploitation and has not yet provided specific training for the servicemen who participate in peace missions at international level before their departure. U.S. Department of State, Office to Monitor and Combat Trafficking in Persons. Trafficking in Persons Report 2009. www.state.gov/g/tip/rls/tiprpt/2009/

[62] U.S. Department of State. *Trafficking in Persons Report 2009*.

BIBLIOGRAPHIC REFERENCES

i) UN
United Nations Convention Against Transnational Organised Crime. Adopted on 15-11-2000 – came into force on 29-09-2003. Available at: http://www.gddc.pt/cooperacao/materia-penal/textos-mpenal/onu/ ConvCrimOrganiz.pdf. 31 p.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. Adopted on 15-11-2003 – came into force on 25-12-2003. Available at: http://www.gddc.pt/cooperacao/materia-penal/textos-mpenal/ onu/protocolotr%E1ficopt.pdf. 11 p.

Guia Legislativo para a implementação do Protocolo Adicional à Convenção das Nações Unidas contra a Criminalidade Organizada Transnacional relativo à Prevenção, à Repressão e à Punição do Tráfico de Pessoas, em especial e Mulheres e Crianças.

Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography. Adopted by Resolution A/RES/54/263 of the UN General Assembly on 25-05-2000 – came into force on 18-01-2002. Available at: http://www.unicef.pt/docs/pdf/protocolo_facultativo_venda_de_criancas.pdf

ii) ILO
Convention No. 182 (1999) concerning the Prohibition and. Immediate Action for the Elimination of the Worst Forms of Child Labour. International Labour Organisation (ILO). Available at: http://www.ilo.org/public/portugue/region/eurpro/lisbon/pdf/conv_182.pdf

"Action against Trafficking in Human Beings" 2008.
Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/--- declaration/documents/publication/wcms_090356.pdf

iii) COE
Council of Europe Convention on Action against Trafficking in Human Beings, signed in Warsaw on 16 May 2005, in force since January 2008. Available at: http://www.dgpj.mj.pt/sections/relacoes-internacionais/copy_of_anexos/ convencao-do-conselho-da

iv) OSCE
Action Plan to Combat Trafficking in Human Beings. Decision No. 557 of 24 July 2003. PC Jour/462. Available at: http://www.osce.org/press_rel/2003/pdf_documents/07-3447-pc1.pdf

Ministerial Council Declaration on Trafficking in Human Beings. Ministerial Council, Porto 2002, MC (10). Jour/2. Available at: http://www.osce.org/documents/odihr/2002/12/2107_en.pdf

v) EU
Council Framework Decision 2002/629/JHA on Combating Trafficking in Human Beings, adopted on 19 July 2002. Official Journal L 203 of 01.08.2002. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002F0629: EN:NOT

European Union Action Plan, Official Journal C 311 of 09/12/2005. Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XG1209(01):EN:NOT

Brussels Declaration on Preventing and Combating Trafficking in Human Beings, adopted at the European Conference on Preventing and Combating Trafficking in Human Beings – Global Challenges for the 21st Century, held between 18-20 September 2002 (JO C 137 of 12.06.2003) Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2003:137:0001: 0009:PT:PDF

OTHER REFERENCES

ASEAN, *Responses to Trafficking: Ending Impunity for Traffickers and Securing Justice for Victims,* Jakarta, ASEAN, 2006, p.1.

Assistance for the Implementation of the ECOWAS Plan of Action against Trafficking in Persons: Training Manual, New York, United Nations Office on Drugs and Crime, 2006, http://www.unodc.org

BIAUDET, Eva, paper presented at the "Side Effects of Free Mobility" seminar, Helsinki, 26 March 2009.

CLARK, Michèle, "Vulnerability, Prevention and Human Trafficking: The Need for a New Paradigm", in *An Introduction to Human Trafficking: Vulnerability, Impact and Action*", UN.GIFT Background Paper for the Vienna Forum, 2008.

Thematic Debate on Trafficking in Human Beings, 62nd UN General Assembly, GA/10712, 3 June 2008.

DOTTRIDGE, Mike, "Responses to Trafficking in Persons: International Norms Translated into Action at the National and Regional Levels", in *An Introduction to Human Trafficking: Vulnerability, Impact and Action*", UN.GIFT Background Paper for the Vienna Forum, 2008.

DOTTRIDGE, Mike, *Measuring Responses to Trafficking in Human Beings in the European Union: An Assessment Manual,* Consultancy for the Directorate-General for Justice, Freedom and Security, European Commission. (18 October 2007) http://ec.europa.eu/justice_home/fsj/crime/trafficking/doc/assessment_18_10_07_en.pdf

EUROPOL, Report on Human Trafficking. June 2009.
http://www.europol.europa.eu/index.asp?page=facts_pt&language=pt

Headway – Improving Social Intervention Systems for Victims of Trafficking
EU EQUAL Initiative, European Social Fund, 2007. ISBN 978-83-920512-6-8.

Austrian Home Ministry and IOM Vienna, *Guidelines for the Collection of Data on Trafficking in Human Beings, including comparable indicators,* February 2009, 143 pp. ISBN 978-92-9068-464-0.

ICMPD – Anti-Trafficking Programme.
http://www.icmpd.org/10.html.
www.anti-trafficking.net

I Plano Nacional de Combate ao Tráfico de Seres Humanos (2007/2010), Comissão para a Cidadania e a Igualdade do Género. Presidência do Conselho de Ministros. Lisbon 2008.

I Austrian Report on Combating Trafficking in Human Beings (from March 2007 to February 2008).

National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook, Warsaw 2004.
http://www.osce.org/publications/odihr/2004/05/12351_131_en.pdf)

UN General Assembly – President of the 62nd Session.
http://www.un.org/president/62/statements/humantrafficking030608.shtml

UN.GIFT available at: www.ungift.org.

UN Multi-Agency Synopsis of Mandates and Research Activities Related to Combating Human Trafficking. New York, 2008.

UNODC: "Em decisão histórica, Gana sentencia traficantes de seres humanos"
http://www.unodc.org/brazil/pt/ASCOM_20090723_02.html.

UNODC *Human Trafficking.*
http://www.unodc.org/unodc/en/human-trafficking/electronic-toolkit-to-combat-trafficking-in-persons---index.html

SOUSA SANTOS, Boaventura, GOMES, Conceição, DUARTE, Madalena, BAGANHA, Maria Ioannis, *Tráfico de Mulheres em Portugal para fins de Exploração Sexual,* Gender Studies Collection 5, CIG, Lisbon, 2008.

TAYLOR, Rende L. "Dangerous Trade-Offs: The Behavioral Ecology of Child Labor and Prostitution in Rural Northern Thailand", *Current Anthropology*, vol. 3 (June 2005).

U.S. Department of State. Office to Monitor and Combat Trafficking in Persons. *Trafficking in Persons Report 2009*. www.state.gov/g/tip/rls/tiprpt/2009/

TRAFFICKING IN PERSONS, FROM SOCIAL AWARENESS TO THE REALITY OF POLICE

Marco Teixeira

To be a man is to be responsible. It is to feel that one is contributing to the building of the world
Antoine de Saint-Exupéry

In life there are no solutions. There are forces in movement: you must create them and solutions will follow
Antoine de Saint-Exupéry

Those who deny freedom to others, deserve it not for themselves.
Abraham Lincoln

Migration flows and population mobility are one of the characteristic dimensions of modernity which result in the emergence of new challenges for police institutions due to the criminal exploitation of this type of social/spatial mobility.

Within this context of spatial mobility, where the search for a better social condition forces people to migrate or to emigrate, a number of criminal phenomena emerge, exploiting the legitimate will for a new social condition with a criminal intention, destroying dreams and infringing the most elementary rights to citizenship and to human dignity.

Trafficking in Persons emerges within this context which crosses social expectations and national legal systems. Hence, to consolidate the field of our exposition, we must clarify conceptually the penal definition of this type of crime.

The 2007 legislative review of the legal-criminal system[1] amended the Penal Code significantly, namely in the penal incrimination of Trafficking in Persons. Analysing the bill[2], one realizes the legislative intent is to extend the crime of Trafficking in Persons to labour exploitation and organ extraction, no longer being confined to sexual exploitation (as until then), which is the reason why the crime of Trafficking in Persons now appears in Chapter IV – Crimes Against Personal Freedom (Article 160). Likewise, and in search for a legislative definition more adjusted to reality, besides trafficking for exploitation in another country, internal trafficking, without border crossing – which in the previous disposition was one of the requirements of the incriminating rule of law – is now also punished.[3]

Thus the Crime of Trafficking in Persons presents the following penal typification:

Article 160
Trafficking in Persons

1. **Whoever offers, delivers, entices, accepts, transports, harbours or lodges a person for the purpose of sexual exploitation, labour exploitation or organ extraction:**
   a) By means of violence, abduction or serious threat;
   b) Through ruse or fraudulent manoeuvre;
   c) With abuse of authority resulting from a relationship of hierarchical, economic, labour or family dependency;
   d) Exploiting psychic inability or a situation of special vulnerability of the victim; or
   e) By obtaining the consent of the person who holds control over the victim; is punished with imprisonment from three to ten years.

---

[1] Amended by Law no. 59/2007 of 4 September.

[2] Bill no. 98/X, adopted at the Council of Ministers of 7 September 2006. Explanatory Statement, pp. 1, 9 and 10.

[3] The previous penal rule of law presented the following wording, introduced by Law no. 65/98 of 2 September and by Law no. 99/2001 of 25 August:

Article 169 – Trafficking in Persons

Whoever, by means of violence, serious threat, ruse, fraudulent manoeuvre, abuse of authority resulting from a relationship of hierarchical, economic or labour dependency, or exploiting any situation of special vulnerability, entices, transports, harbours or lodges a person, or contributes to create the conditions for the practice of prostitution or relevant sexual acts by that person in a foreign country, is punished with imprisonent from 2 to 8 years.

2. **The same penalty is applied to whoever, by any means, entices, transports, harbours or lodges a minor, or delivers, offers or accepts him or her for the purpose of sexual exploitation, labour exploitation or organ extraction.**

3. **In the case foreseen in the previous paragraph, if the agent uses any of the means foreseen in the sub-sections of paragraph 1 or acts professionally or with the intent to profit, he is punished with imprisonment from three to twelve years.**

4. **Whoever, by means of payment or another compensation, offers, delivers, solicits or accepts a minor, or obtains or declares consent in his or her adoption, is punished with imprisonment from one to five years.**

5. **Whoever, having knowledge of the practice of the crime foreseen in paragraphs 1 and 2, uses the services or organs of the victim, is punished with imprisonment from one to five years, if no other more serious penalty will apply to him or her by another legal disposition.**

6. **Whoever confiscates, conceals, damages or destroys identification or travel documents of a person victim of the crime foreseen in paragraphs 1 and 2, is punished with imprisonment up to three years, if no other more serious penalty will apply to him or her by another legal disposition.**

To facilitate the assimilation of some of the distinctive elements of this offence, we chose to list schematically three aspects which we consider to be nuclear to the penal typification[4]: the "process", the means and the objectives. In our opinion, these are markers or boosters of the distinction between this type of crime and other offences directly linked or associated to it (for example, procurement, smuggling of migrants, coercion, etc.).

Social awareness of this type of crime is based on a reduced social visibility, boosted by the modus operandi used by the traffickers who aim, above all, at reducing the loss of their "assets", the trafficked people. Making their criminal activity develop in the social shadow with the least external evidence possible, always seeking to neutralize the possibility of the recourse of the victims to the formal departments of social control (such as the criminal police body), the traffickers adopt a number of methods of control that confine the social and relational autonomy of the victims.

[4] Adapted from Anke Strauss, *OAS/IOM introductory course on the human rights of migrants, including migrant workers and their families*, Washington DC – March 6, 2008.

Process

| 1 Recruitment | 2 Transport | 3 Harbouring or lodging | 4 Receipt |

Means

Deceit   Threat or Use of Force   "Abduction" or "abuse of power"

Objectives

Exploitation

| Labour | Sexual Exploitation | Organ Removal | Adoption, etc. |
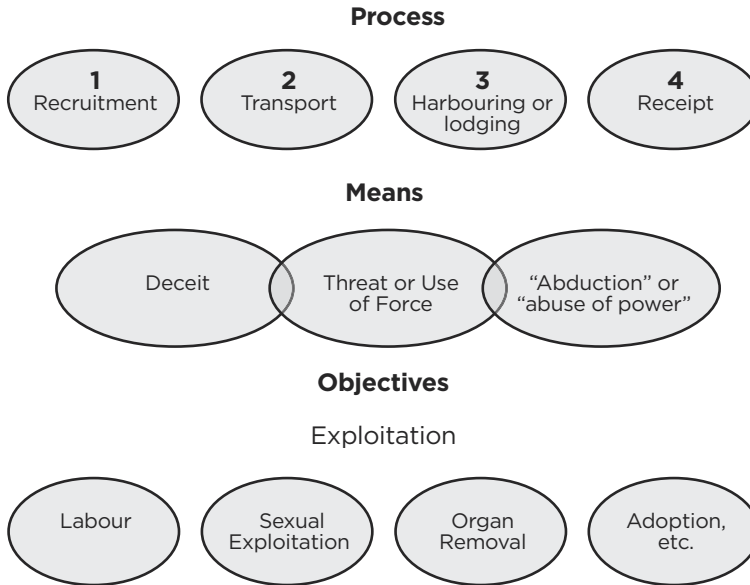
In this line of thought, the external signs/indications of this criminal activity are scarce, which makes their tracing by the police and the common citizen more difficult. This situation partly explains the scanty news gathered on this topic as well as the scarcity of information produced in these fields.

We can point to some of the factors or social conditions that directly contribute to explain the conjuncture of "social obscurantism" that seems to be one of the features of this type of criminal phenomenon:

- lack of its consideration as a common social problem. In general, and although at present the borders of this field are becoming less clear, trafficking in human beings is regarded as a problem of a small group of people and one whose dimensions do not affect the social as a whole;
- Linguistic barrier. In fact, a significant number of signalled victims are not of Portuguese nationality and their knowledge of the na-

[5] Taken and adapted from: U.S. Department of Justice (2006), *Report on Activities to Combat Human Trafficking – Fiscal Years 2001-2005*, Washington, DC, p. 12; Deborah Weisel (2005), *Analyzing Repeat Victimization, Problem-Oriented Guides for Police, Problem-Solving Tools Series* No. 4, U.S. Department of Justice, Washington, DC.

tional language is limited or null, which hinders their capacity to express or communicate their situation;

- Unknown external social environment. Being displaced from their country, with the effects of insecurity that such a situation alone causes, further dilutes the self-confidence of the victim and limits his or her possibility to interact with the institutions/organizations which are more prepared and suited to break the cycle of exploitation in which the victim was submerged;
- Culture of fear. A typical characteristic of the strategies of control over the victims which, given its relevance, we will now look at more closely.

The maintenance of the situation of exploitation of the trafficked victims, as a distinctive factor of the crime of trafficking in persons, as compared to other penal typologies, is based on the establishment of excessive strategies of control, aiming to perpetuate the exploitation and to make the activity of the victims profitable.

Within this context, we must mention the most common, in order to perceive the most frequent modus operandi, suggesting a possible typification:

- Restriction or control of movements, which implies preventing the free movement of the victims, through complete confinement or their limited movement under the supervision of a fellow trafficker;
- Direct threats and offences to physical integrity. Resort to these methods serves both to establish a "relationship of power" or fear and to control and break the resistance offered by the victims. This type of conduct is more significant/frequent in the initial phase of exploitation;
- Indirect/mediate threats. The use of threats to families (in the countries/regions of origin), emotionally interfering with the victim regarding the preservation of family well-being, is a very significant factor of pressure and emotional control for the maintenance of the abusive and exploitative relationship;

- Confiscation of documents. More common among non-EU citizens, it is a way of maintaining the victim in the situation of exploitation as it hampers a possible attempt to return to the country of origin and interferes with any attempt to contact police entities or public institutions in search for assistance.

On the Reality of Police...

The work of the police, as criminal police bodies (OPCs in Portuguese), with regard to trafficking in persons, includes a number of constraints that hinder access to penal information/evidence, resulting forthwith from the relationship of control imposed by the traffickers.

My reflection is naturally connected with the fact that I am functionally integrated into a police institution mainly directed at the first response to criminal incidents and that, in some specific situations, I can assume the investigation of some offences. I intend to refer concretely to the fact that the Police of Public Safety (PSP) is a criminal police body of general jurisdiction, according to the Law on the Organization of Criminal Investigation[6], a fact which is connected with the functional powers of the PSP, laid down in its regulation[7].

From the evaluation of some of the constraints resulting from the experience of the police, we can list, on a merely exemplifying basis, those that seem more relevant and frequent:

- Linguistic barrier. The lack of knowledge or difficulty in the command of the Portuguese language causes an increased difficulty in gathering testimonial evidence that may support subsequent investigatory/police proceedings, chiefly at the level of precautionary measures regarding the instruments of evidence[8], often of vital im-

---

[6] See Law no. 49/2008 of 27 August, published in "Diário da República" (DR) 165, Series I, 2008.08.27, article 3(1)(c), combined with article 6.

[7] See Law no. 53/2007 of 31 August, published in DR 168, Series I, 2007.08.31, namely those stated in some of the sub-sections of paragraph 2 of article 3, of which we refer the following: b) To guarantee public order and tranquillity and the safety and protection of people and goods; c) To prevent crime in general, in coordination with the other security forces and services; h) To take part in the control of the entry and exit of people and goods in national territory; i) To protect, help and assist citizens and to defend and preserve goods that are in danger due to human action or to nature.

portance in the attempt to crystallize the evidence. In parallel, for some idioms the number of translators/interpreters is limited and this can hinder their availability to take part in certain acts of first contact of the victim with the police authorities[9];

- Victims' distrust of the police authorities, which results from the strategies of "control" of the exploiters, instilling fear of repatriation and detention by the police, associated with the fact that there is a pernicious institutional image of police authorities in the countries of origin;

- Existence of "cover-up stories", as this is a closed environment where the victims are trained to verbalize cover-up stories in order to avoid the signalling of the traffickers. Such a fact implies an increased effort to discover the fallacy of those situations, affecting the celerity of the proceedings and causing further difficulty in discovering the material truth, which is the goal of criminal investigation and penal action;

- Search for immediate answers/solutions for the situation. The expectation of the victims implies finding a fast and definite exit from the situation, one which involves not only the criminal dimension of the problem, but also its social dimension (for instance, employment, accommodation, health care, etc.), which implies an autonomization of the victim for his or her social survival.

In this field, attending to all its constraints, police action must be as balanced as possible, so as to be able to strip the traffickers of their defensive strategies. At the same time, it should be careful enough to contribute to the empowerment of the victim(s), seeking to avoid the possibility of the action by the police and the system of criminal justice becoming a cause of secondary or vicarious victimization. This concern results immediately from the fact of considering that it is the dignifying of the human being to the detriment of the primacy of the State that is in

---

[8] See Art. 249 of the Code of Criminal Procedure.
[9] This situation can be alleviated during certain hours with recourse to the SOS Immigrant line (808.257257 – from a fixed line or 21.8106191 – from mobile lines), the Telephone Translation Service (STT in Portuguese) of the High Commission for Immigration and Intercultural Dialogue (ACIDI, I.P. in Portuguese).

question in the genesis of penal incrimination, the safeguard of the personal self-determination within social relationships established between peers being the ultimate end.

In our view, police activity of first contact with this type of criminal occurrences – from the very beginning, because it is often the first point of contact with the formal system of social regulation – must always take into consideration some objectives/ends in the treatment of this type of occurrences:

- As first concern, it is important to create an atmosphere of objective and subjective safety to allow the consolidated gathering of all the data on the situation. Therefore, the physical safety of the victim is a first concern and, in this sense, we should try to develop a safe environment where the necessary clarifications may be obtained to outline the situation, moving away all the "disturbing" elements from that safety framework;
- To adopt techniques that facilitate communication and empathy, based on the knowledge of the dynamics of trafficking (to know the "actors", the strategies of control, the situational and psychological variables, etc.), in order to allow the establishment of a fluid communication channel and to have access to qualitatively valid information[10];
- Considering that it is often at the moment of the first police reaction to the crime that it is possible to gather relevant evidence, namely within the scope of the rules of law contained in Art. 249 of the Code of Criminal Procedure, in accordance with the precautionary measures concerning the instruments of evidence, police agents must proceed to the exams, seizures, inspections, searches and inquiries that otherwise would render the future success of these proceedings impossible. They must not, however, neglect the need of articulation with the OPC(s) with more direct jurisdiction over the investigation of this type of crime[11];

---

[10] Always bearing in mind that it is crucial to ask some key questions in order to gather information that may or not consolidate the existence of this type of crime.

- To articulate with other structures of social support – public or NGOs – the future guiding of the victim(s), so that they are ensured access to a set of valencies (such as health care, accommodation, labour guiding, etc.) which police necessarily do not have, promoting a holistic approach to the situation. We consider that only by means of a structuring and concerted action will it be possible to contribute to the empowerment of the victims, assuming that police entities, as organizations signalling these situations, can play a relevant role in this articulation, covering two of the strategic areas of intervention stated in the I National Plan Against Trafficking in Human Beings (2007-2010)[12]: to protect, support and integrate; to investigate criminally and suppress.

Police activity in cases of trafficking in persons is often faced with situations that analogously can resemble crossroads. It is in constant search for balance among the several factors that converge in this type of situations, namely the personal/family situation of the victim, often with contours of human calamity, the duties and restrictions resulting from the legal-criminal system, and the opaque context in which trafficking and exploitation are developed, within a specific referential framework in terms of vocabulary and very particular rules of conduct.

It is in this dichotomy, sometimes hard to balance, that police action is carried out, between the duties and needs of penal action and the human/social condition of the victims.

May we, policemen, be able to find the best paths and solutions...

---

[11] See Law no. 49/2008 of 27 August, Art. 7 (4)(c).
[12] The plan proceeds from Resolution no. 81/2007 of the Council of Ministers, DR of 22.06.2007, establishing four strategic areas of intervention: 1) To know and spread information; 2) To prevent, raise awareness and train; 3) To protect, support and integrate; 4) To investigate criminally and suppress trafficking.

BIBLIOGRAPHIC REFERENCES

STRAUSS, Anke, *OAS/IOM introductory course on the human rights of migrants, including migrant workers and their families,* Washington DC – March 6, 2008.

U.S. Department of Justice. *Report on Activities to Combat Human Trafficking – Fiscal Years 2001-2005.* Washington, DC, 2006.

United Nations Office on Drugs and Crime (UNODC). *Toolkit to Combat Trafficking in Persons.* United Nations, New York, 2006.

U.S. Department of State, United States of America. *Trafficking in Persons Report.* June 2008.

WEISEL, Deborah Lam. *Analyzing Repeat Victimization. Problem-Oriented Guides for Police, Problem-Solving Tools Series No. 4,* U. S. Department of Justice, Office of Community Oriented Policing Services, 2005.

THE FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS IN PORTUGAL 2007-2010

Manuel Albano

CO-ORDINATOR OF THE I PNCTSH
NATIONAL RAPPORTEUR ON TRAFFICKING IN HUMAN BEINGS

Trafficking in human beings, the modern form of slavery, constitutes a violation of human rights, and an affront to the dignity and integrity of any and all human beings.

At present we are aware that trafficking in human beings is a basic violation of human rights, and in line with that, international organisations have produced numerous documents that are considered to be fundamental to all the action that various states have already taken.

Yet, what do we consider to be trafficking in human beings? What are we referring to specifically?

Analysing in detail the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, one realises that its definition contains three distinct albeit intertwined aspects, which are:

- The recruitment, transportation, transfer, harbouring or receipt of persons;

- The use of threat or 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 exploitation of the prostitution of others or other forms of sexual exploitation.

It is quite clear now that trafficking in human beings affects both men and women, and is not specific to either gender. In effect, it is often closely related to discriminatory practices, namely situations where the power between entities is unequal. These situations are founded not only on gender inequality, but also on unequal access to goods and services, unequal access to education and labour, on ethnic or racial discrimination either in the countries of origin or the destination country of trafficked victims, among others. For that reason, it is fundamental to introduce a gender perspective that is transversal in the analysis of trafficking, as well as to adopt both preventive and protective measures for the assistance of all victims of trafficking.

Therefore, states must play a crucial role in the development of policies that include not only the application of all international instruments, particularly the United Nations Protocol and the Council of Europe Convention, but also of instruments of human rights in the fight against discrimination, violence against women and the rights of migrants. Although prevention is state responsibility, organised civil society must also be involved so that a preventive policy may be really effective.

Due to the complexity of trafficking, the joint efforts of different actors must be made from a holistic approach to the problem, in which the central element of all action taken should always be based upon a human rights perspective.

Trafficking in human beings covers a wide range of problems and realities such as migration, organised crime, sexual and labour exploitation, the endemic disparities between developed countries and countries in need of aid, gender inequalities, the violation of human rights, the erosion of family and community support groups, among others.

One of the most important factors in tackling the causes of trafficking is a thorough understanding of this phenomenon. Without a detailed scientific study of the causes and the consequences of the phenomenon, it cannot be tackled at all.

In order for this to happen, states must promote and encourage an investigation into trafficking in human beings, as well as create the necessary infrastructure for a closer monitoring of the phenomenon starting off with clear indicators, which can then be compared to other countries, so that the phenomenon and its root causes can be clearly understood.

Another critical factor relates to the training of law enforcement agents that deal with THB, as this is both essential and strategic in mounting an efficient attack. The objective of training is to enhance the technical capacity of all entities that have the fight against this terrible scourge as their mission. Training should have as its ultimate objective that all participants thoroughly understand the phenomenon as a crime, and that they should be provided with the instruments and capacities to respond to this crime. The entire training program should be built on a human rights approach, as well as raise awareness regarding the fight against discrimination, gender inequality, and the rights and special needs of children.

A multidisciplinary approach should be adopted to deepen the understanding of the need for coordination between the various agents involved, mainly between the authorities/services of the Administration, and also their coordination with non-governmental organisations and inter-governmental organisations. This means that the recipients of any training sessions should include judges, magistrates, members of criminal police forces, work inspectors, unions, journalists, social workers, health services staff, the military, consulate personnel, teachers from various levels of education, international organisations, NGOs, inter-governmental organisations, among others.

Trafficking in human beings, in its various forms (sexual and labour exploitation) has shown a marked increase and focus on feminine victims, which makes it necessary to implement a pro-active model in terms of strategies for the economic, legal and political empowerment of women.

In line with its fight for, and commitment to the promotion of human rights, Portugal has developed a policy based on the uncompromising defence of those rights, and consequently defined concerted lines of action through a set of political documents: III PNI; III PNCVD, PNAI, PII, I PNCTSH, among others. These lines of action are directly related to the promotion of human rights, and the respect for equality and for the recognition of diversity.

One of the crucial documents in this combat is the current National Plan Against Trafficking in Persons.

Some might ask: but is this phenomenon of trafficking in human beings also going on in Portugal? What is its extent and social impact?

This is a poignantly global and transnational phenomenon that cannot be restricted to some countries or certain regions of the world. According to United Nations reports, over 700 000 people, mainly women and children, are victims of trafficking for sexual and labour exploitation. Research, recent reports, and other sources have stressed a sharply growing trend associated with new complex and re-organised schemes which are permanently re-shaping the phenomenon itself; furthermore, the current economic crisis has contributed to worsen the situation.

In Portugal, the phenomenon has been studied for several years and the victims have been monitored as part of the CAIM Project (Co-operation, Action, Investigation, World View, a pilot project in the area of prostitution and trafficking in women in Portugal, financed by the PIC EQUAL, the laboratory that allowed for a deeper understanding of this reality from a perspective of multidisciplinary and inter-sectoral intervention, involving various governmental and civil society institutions.

The results of the project, as well as other concerns, provided the basis for political and legislative decisions to combat Trafficking in Human Beings, now being implemented according to the **1st National Plan against Trafficking in Persons 2007-2010** – Council of Ministers Resolution no. 81/2007, dated June 22, 2007.

This plan comprises four strategic areas (*1. Collecting and disseminating information; 2. Preventing, raising awareness and training; 3. Protecting, supporting and integrating; 4. Investigating criminally and suppressing*), es-

tablishing 63 measures, of which 43, or 2/3 of the measures, are either undergoing implementation or have already been implemented.

The following implemented measures deserve recognition:

- Creation of the **Technical Commission to Support the Plan's Coordination** which includes representatives of state agents who have responsibility for implementing the Plan, namely: PCM, MOI, MJ, MTSS and MNE.
- Implementation of the **Monitoring Centre for Trafficking in Human Beings** through Decree Law no. **229/2008 of November 27**. The Monitoring Centre's structure functions under the Ministry of the Interior (MOI) and has as its primary task the monitoring of the phenomenon. Information is provided to this monitoring centre through standardised data collection facilities such as the **Single Registration Directory**, used by Criminal Police Organizations (OPC), and the **Registration Directory**, used by NGOs for the identification of the phenomenon by signalling potential trafficking situations.
- The signing of the **Protocol of Collaboration and Co-operation for the Establishment of the Centre for Shelter and Protection of Victims of Trafficking and their under-age children** (CAP) between the PCM, MOI; MJ, MTSS, APF (*Association for Family Planning*), which took place on 2 June 2008, and was considered to be a ground-breaking measure of utmost importance.

The CAP operates in situations of required police protection and vigilance, in order to allow victims who come to the Centre to freely decide without constraints if they wish to return to their country of origin, to be integrated into the society of the host nation, or even to co-operate with the judicial system to denounce criminal networks.

It should be highlighted that this measure links up with the legal recognition of the residence permit granted to victims of trafficking in persons.

It is also worth mentioning:

- The launching of the Study made in 2007 on "Trafficking in Women in Portugal for Sexual Exploitation". This study was made public at the seminar on "Trafficking in Human Beings and Gender", held in October 2007, under the Portuguese Presidency of the EU, which resulted in the Porto Declaration. This Declaration was presented in Brussels at the inauguration of the European Day for the Fight Against Trafficking in Human Beings – 18 October 2007, and guided future orientations of the European Union in this regard.
- Creation of a network of Focal Points within the CPOs (Criminal Police Organisations), and of privileged interlocutors within the District Centres of Social Security to address any issues regarding trafficking that are closely connected with the organisation that manages the CAP's operation.

The Portuguese Government is unequivocally dedicated to the protection of the victims of trafficking. The main objective is to confer sustainability to an integrated model of support and protection provided to all victims of THB. It involves a working network that deals with any intervention made on behalf of the victims, within a framework of cooperation between the various institutions that work on the issues of trafficking in Portugal.

It is equally important to highlight the **National Campaign to Fight Trafficking in Human Beings**, launched in 2008, which is aimed at raising the awareness of public opinion. Since the campaign was also targeted on potential victims of trafficking, pamphlets were produced in nine languages, divulging an SOS Immigrant hotline that also included a support mechanism for THB victims.

This campaign attempted to focus its impact on the social conscience, both at an individual and a collective level. However, it is not only through these kinds of actions that consciences are roused or realities are changed. Thus, the campaign was the flagship in response to various measures referred to in the plan, and a step forward in carrying out awareness-raising and training programs throughout the nation, leading to a more assertive and efficient intervention, as well as a primary form of prevention.

This far-reaching and concerted action is in line with the international commitments that Portugal intends to honour, among which we should highlight

- **The United Nations Convention** against Transnational Organized Crime and the Protocol thereto to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, aiming at strengthening the protection provided by these instruments and developing the standards they contain;
- **The Council Framework Decision 2002/629/JHA of 19 July 2002** on combating trafficking in human beings, as well as the Council Framework Decision of 15 March 2001 on standing of victims in criminal proceedings, and the Council Directive of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;
- **The European Union Plan on best practices, standards and procedures for combating and preventing trafficking in human beings, adopted in December 2005 (2005/C 311/01)**, which is now being revised;
- **The Council of Europe Convention** (Warsaw Convention) on action against Trafficking in Human Beings of 16 May 2005, which promotes the strengthening of a framework covering prevention, combat and the protection of the rights of victims of trafficking, which was **ratified by Portugal on 14 January 2008 and brought into force on 1 June 2008**;

It is also important to draw attention to the establishment of a follow-up mechanism to this Council of Europe Convention – GRETA (Group of Experts on Action against Trafficking in Human Beings) – composed of a group of experts who will supervise the implementation of this Convention, in which Portugal has a representative.

In Portugal, in addition to the aforementioned political measures inserted in the 1st National Plan to Fight against Trafficking in Persons,

other legal documents that are part of an approach focused on the support and integration of victims have also been implemented, and are also worth mentioning:

- **Amendment of the Penal Code (art. 160)** which adopts specific classifications of this kind of criminal activity, which now enable a better approach to these situations, dealing with them in an autonomous way and not relating them to associated criminal problems, broadening the definition of trafficking to include sexual exploitation, labour exploitation and the removal of organs, punishment of the customer, criminalization of the confiscation, concealment and damaging of identification documents and other documents, and the penal accountability of legal persons.
- **Law no. 38/2009, of 20 July** that defines the goals, priorities and orientations of criminal policy for the two-year period 2009-2011. It lays down as specific objectives of criminal policy the prevention, suppression, and reduction of violent, serious or organised crime (including, among other crimes, trafficking in persons), as well as the promotion of the protection of victims, specifically defenceless victims, such as children and adolescents, pregnant women and the elderly, sick and disabled people, and immigrants; trafficking in persons is still considered a priority prevention crime included in the list of crimes that may be denounced through an electronic complaints system.
- **Immigration Law** – Law no. 23/ 2007, of 4 July which approves the legal regime of entry, permanency, exit and expulsion of foreign citizens from national territory that protects the victims of the crime of trafficking, creating to that effect a special regime for the granting of a residence permit. Furthermore, it introduces the concession of a period of reflection of 30-60 days, during which victims may decide whether they intend to co-operate with the judicial authorities.
- **Decree-Law no. 368/2007, of 5 November** which implements the granting of a residence permit to any foreign citizen deemed to be a victim of the crime of trafficking in persons, when justified by

special circumstances of the victim. The Ministry of the Interior issues this permit, on its own initiative or on a proposal from the relevant criminal police organisation or the co-ordinator of the 1st National Plan to Fight against Trafficking in Persons.

At a recent international conference, the UN Special Rapporteur on Trafficking in Persons, especially in Women and Children, Ms. Joy Ngozi Ezeilo, made the following statement:

"While addressing "root causes", innovative proposals need to be sought in tackling the complex issue of Human Trafficking".

The Special Rapporteur believes that regional and national strategies to fight trafficking are rooted in 5 main points: protection, prosecution, conviction, prevention, and promotion of international co-operation, as well as in redress, rehabilitation, and re-integration of victims, so as to enable them to play their role in society.

I believe that this is the challenge that we are presented with nowadays, which is the re-invention of the practices of intervention that will enable us to remain one step ahead of the perpetrators.

Trafficking in human beings is a problem of society, a problem that deals with the level of freedom and democracy existing in any given society. Slavery and liberty are antagonistic concepts. We must all reflect on this paradigm and find truly liberating responses in the line of **respect for human rights, meaning that our approach is focused on the victims**, which has always been a characteristic of our European and Portuguese tradition.

IT COULD BE ME,
YOU OR ANY ONE OF US

Marta Pereira

APF (the Portuguese Family Planning Association) is the organisation with responsibility for the management, operation and professional team of the **Shelter and Protection Centre (SPC)** for women and girls and their young children who are at risk and who are identified by the appropriate authorities as **victims of trafficking in human beings (THB)**. The Centre was created as an outcome of Project CAIM – Cooperação, Acção, Investigação e Mundivisão [Cooperation, Action, Investigation, and World View], a pilot project on prostitution and trafficking in women for sexual exploitation funded by the EU's EQUAL Initiative. In addition to APF, the participating organisations are the Social Security Agency, the Ministry of the Interior, the Presidency of the Council of Ministers (represented by the Commission for Citizenship and Gender Equality) and the Ministry of Justice.

The main purpose of the SPC is to provide temporary refuge for women and their children/minors in a safe place that offers them a welcoming environment and promotes their physical wellbeing, emotional stability and social inclusion.

To that end, the SPC provides the basic necessities of life (food, hygiene, shelter) and specialist support services of various types: legal, psychological, medical, social and educational assistance and/or preparation for work. These conditions constitute the platform required to create an Individual Support Plan for each woman sheltered in the Centre, underpinned by support and accountabilities, which should reflect her choices, her autonomy and her pathways to self-help and empowerment within the Centre.

Since 1 June 2008, the SPC has operated effectively as an emergency response to situations in which victims of THB are identified by providing a 24-hour Professional Team which liaises with the agencies identifying such victims, evaluates situations, provides emergency shelter for victims, channels them to the official support agencies and manages Life Plans.

The support and counselling provided to such a wide range of individual needs and situations requires enormous commitment, availability and dedication and streamlined processes and tools.

In addition to the professional support provided to assist victims and ensure their social inclusion, there are also forms of support which have become crucial not only for day-to-day routines but also for the implementation of life plans. In particular, these include the support derived from self-learning by the team, especially in terms of knowledge of the unique, social and cultural realities of each woman's life, key tools for communicating, informing and guiding life courses; coordination with NGOs at transnational level; and compensation strategies when the response timescales of the official services do not meet the felt needs.

Added to these are the cooperation provided by the criminal police forces (CPFs) in terms of safety when victims need to attend court, immediate responses to ensure the safety and wellbeing of victims, and direct liaison with NGOs.

Victims' opinions of the SPC's operation, organisation and routines are extremely positive, with victims expressing feelings of belonging, safety, privacy, stability and support, which were the basic objectives underlying the establishment of the Centre.

Explaining or describing the work carried out during this first year in terms of support for victims of THB in Portugal, and specifically the work done by the SPC, is a complex process involving the views and opinions of a large number of players. That process could reflect some of the professional reports produced, direct testimony received or collected during the Centre's day-to-day work or the views of the partner organisations whose cooperation on a daily basis makes the Centre's work possible.

However, this article has chosen to give the word instead to the participants in this project whose role is concerned with direct, day-to-day counselling and support for the social inclusion of the women and girls sheltered by the SPC – the professional team. We have therefore opted to reproduce their opinions and thoughts about their experiences in the day-to-day work of the Centre in order to try to explain, through their accounts of their individual experiences, the transversality of the project.

15 months after the start of this project and reflecting on what has taken place, we can say that all the effort and time dedicated to this project has resulted in something extremely positive. Providing coordinated responses and ongoing services matched to each victim's biopsychosocial situation, contributing to their feelings of stability and security, and integrating them into society in the nearest possible future is the bread-and-butter work of the professional staff of the SPC. Our reward comes in a look, a smile, mirrored by small successes and dreams realised by the people we help. People who need this team and on whom we never turn our backs, simply because it would be impossible to refuse to respond to such pleas for help, where the feeling expressed is often one of great insecurity resulting from their struggle with the unknown.

From the beginning everything was planned in detail – the décor of a place designed to shelter people who are so special, so different from one another and yet so similar, who need their own space, their own time to reflect and achieve personal stability, but also need communal areas that encourage self-knowledge and hetero-knowledge. From the colours to the solar aspect, nothing was left to chance. And, of course, the security and protection of this place and especially of those it shelters was an aspect which received close attention.

Excursions outside this "refuge" are made with the greatest care and thought, knowing that any false move could have serious consequences.

Although all this care and thought have to be built into the Centre's daily routine, the project team's main goal is the social inclusion of the people it shelters. To achieve that goal, it is necessary to "put

one's best foot forward" and surmount the various obstacles that crop up every day.

Cultural diversity and the consequent differences in values, religious, dietary and interpersonal customs, among many other aspects, are factors that have to be taken into account in the daily routine of a place like the SPC.

Because we believe that one should help and teach through respect and never through the imposition of rules, the team's motto is to remember, respect and ensure that others respect the values of everyone who comes to us, and not to force them to behave according to our vision of the truth.

Happiness is only possible if you have the freedom to choose between different options and that is what we try to offer to those we shelter, remembering their rights and all the opportunities they deserve for their daily achievements.

Like Ghandi, we believe that "strength does not come from physical capacity. It comes from an indomitable will." We want every woman to succeed, regain strength and embrace life with renewed energy.

M.P.

Trafficking in Human Beings: the realities behind the concepts

I somewhat hesitantly mentioned the words "People Trafficking" when the "final touches" were being made to the products of the CAIM project, whose interlocutor for the Action 3 Development Partnership was the Family Planning Association, and the process of dissemination and incorporation of the pilot action model in this issue began.

With the backing of professional teams (internal and external to APF, Portuguese and transnational, from governmental and non-governmental organisations) working on the variety of phenomena associated with which this issue, a Project was born and implemented with the aim of identifying, preventing, combating and assisting the victims of a crime "with a long past but a short history" in Portugal. Poverty and social exclusion, gender inequality, illegal immigration and abetting it, sexual exploitation and prostitution, violence and individual lives with many common denominators.

Trafficking in Human Beings was the subject of a study by me, drawing together the outcomes of the work done by previous colleagues with responsibility for the subject. Day after day, legislation was analysed, concepts were defined, the various players involved were interviewed, good practices were exchanged, films were viewed, research data were analysed and presented, along with role-playing, skills training, myths, case studies ... all with the end objective of creating and optimising resources and networking in defence of Human Rights.

I am of the opinion that the reluctance to mention the words "People Trafficking" ceased as people became persuaded by the concepts that they had learned, just as I would claim that all this indispensable

structure that has enabled us to "open the door" to victims of THB was the best so far but is only the beginning of the reality of specialist help which, notwithstanding all the concepts, is, like any living reality, "an admirable new world".

The SPC is not just a hidden or secret place where a woman or girl identified as a victim of THB arrives in fear and finds safety. We need to understand that a woman who arrives there arrives in fear, but not necessarily, or not only, of those who were responsible for procuring or exploiting her. Fear has many faces. It has the face of shame and guilt, it has the face of self-blame and lying, fear of the refuge, of a new life, of an unfamiliar language, of strange rights, of a different culture, of children who are far away, of debts that must be paid today, of the mother, father or grandmother who does not know and will not know because they would never understand, of not having anywhere to go back to, of having to inform against those who were sometimes the only friends or lovers or family that these people had, of a day when they will no longer be protected and will be found and revictimised, or raped or killed.

There is nothing familiar or supportive, no recourse, no strategy to hand, for a foreign victim of human trafficking who has been in Portugal only a few months and who, now at the SPC, often cannot recognise any way of life other than slavery.

I feel that the work done, like all work and all directions, has multiple obstacles related to timescales, resources and systems, mainly because the thread linking each of the victims to the informed and free opportunity and decision to seek help is so slender. The life plans that are being made are not just a battle for rapid and adequate socio-economic independence, but chiefly a 24-hour task of counselling, of re-education, of tempering frustration, of the slow emergence of feelings, clarification of wishes, personal identity and hopes.

As an example, at the SPC a momentary lack of trust in the counselling can lead to the confidentiality of the location and the work being put at risk together with, in the last analysis, the woman herself, all the other victims at the centre or exploited by the same ring,

the women's families and the professional team, given that we are talking about organised crime.

In the day-to-day work of the SPC, we therefore support the idea that the complexity of this issue makes it a task that cannot be undertaken without close, efficient and consistent cooperation with the police, with organisations that collect and analyse data and describe the issue, and with all the partners in the social support networks, as part of a transnational intervention network.

It is with these realities that the SPC's professional team lives and works, matching them with acquired and constantly updated skills, creativity, effort, management – as far as possible – of resources and fears, and a strong desire to carry on the battle for Human Rights with which this journey began.

R.M.

My opinion about the SPC can be separated into several dimensions:
That of a counsellor and about the work as such;
That of a member of a multidisciplinary team;
Doubts, fears and worries.

As a counsellor I find the work very rewarding as well as important to the lives of the women who come to us. Each of these women, with her own individual circumstances and nature, finds in the counsellor the support to make up for all the handicaps and all the skills which, for one reason or another, life has not given them or has robbed them of. Not to mention those women who arrive and leave almost at the same time. To these women and with these women, a warmer reception, a more attentive ear, more skilful emotional handling, a more forthright response can make all the difference, at least at that moment. The day-to-day work of the Centre involves management at several levels because of the complexity of the issue of Trafficking and Sexual Exploitation. The counsellor has to manage different degrees of independence, clashing cultures, excursions outside the Centre, constant bureaucratic and institutional obstacles, and the frustrations and despair of the users. A series of extremely wide-ranging and at times totally unforeseen issues. However, every forward step in the life plans of each woman is a victory in terms of achievement for the counsellor.

If I could, I would paint everything I feel on a Canvas |
But there would not be colours, ink and brushes capable of doing it |
Each joy, each woe

Each fear, each achievement
Would not be perceptible to those who have never passed through here |
Who have never spent the night here
Who have never lived here
I spend more time here than with those I love
And it is Them I think about when the fear grips, when night falls |
And it is for Them that I convince myself that I am strong |
They, A, B, C | could be Me, You or any one of us |
That is why I brave the winter cold |
The summer nights |
The hours at the window gazing at the Moon
With which I share, talk, cry, smile, sing |
And since I cannot paint |
I scrawl my thoughts
Which fly | which have no value other than that I give them |
And in this daily struggle, which gives strength and energy |
I believe | I fight and ponder on this Project.

L.V.

The normal fears of those who face the unknown, the sharing of different emotions, small victories that seem like so many prizes to those who have suffered so much.

In this small fortress, we shelter, protect, chide and teach, trying to repair the damage in a joint effort and with some stumbles on the way.

They arrive with their self-esteem in tatters, disillusioned with "friends" and false promises.

Some of them leave "richer" and happier, others simply freer, and yet others, who lack willpower, return to the life that was their downfall.

Pastimes planned and shared by all

C.F.

I joined Project Espaço Pessoa to take a course from October to December 2004. In March of the following year I was invited by APF and the coordinator of Project Espaço Pessoa – an outreach centre for female and male prostitutes in Porto – to train as a social worker, combining my newly acquired skills with a lifetime's experience. A year later I joined the Multidisciplinary Team of Project CAIM. It was a very ambitious project, so there were great expectations together with some fears because it was something new – nothing similar had been done before. It was a question of learning from scratch. My contact with the users of Espaço Pessoa through my outreach work gave me some knowledge derived from contact with people of different nationalities and with the issue as such.

All the training I undertook was very important in terms of acquiring knowledge, and was a climax to my learning of new things. Personally, it was very rewarding and important to be able to gain knowledge in this area.

Even before the creation of the SPC we were receiving the first victims of this crime, and I experienced some difficulties because all the experience I had acquired was on paper, but the reality was very different. The women's ages and why they were at risk, and their life stories, had a positive impact on me. Experiencing this situation close at hand enabled me to acquire the tools to handle real situations. For me, all this was a learning experience and continues to be so even now, because each woman sheltered is unique.

I.A.

March 2009. A month and year I will never forget! The start of a new career direction which brought me into contact with a situation that until then I knew little about – human trafficking, in particular providing support and protection to the victims.

So, in that month of March 2009, I became a counsellor in the core team of the Centre for the Shelter and Protection of Victims of Trafficking, the structure of which is based on the intervention model developed under the CAIM Project, and which is managed by APF. I was delighted, firstly as a citizen of the world, because it was clear to me that "somebody cares and is concerned" about THB issues, in the form of the Council of Europe Convention on Action against THB 2005, and secondly, as a Portuguese citizen, to note that materials, tools and structures were also being developed in Portugal as a response in the prevention and suppression of THB and counselling/protection of victims of trafficking.

Today, after six months working at the SPC, I can confirm that sheltering victims of trafficking in a protected environment is essential to enable the victims to (re)build their lives, irrespective of whether they want to return to their country of origin or to put down roots in the society of the country that has taken them in. These people arrive at the SPC in an extremely fragile, emotionally dysfunctional state, with an exaggerated sense of insecurity and in fear of being ensnared once again by the ring that imprisoned them. This "little" description shows how the search for a better life led them on a journey to hell.

The SPC enables these people to (re)define their emotions, overcome their fears, anxieties and frustrations, and (re)build their lives. The SPC seeks to give victims empowerment, training and work.

It is our job, the professional staff of the SPC, to ensure that these victims, who have a face and an identity, have the right to smile again, to hope, to be happy (using each individual's notion of happiness).

It is not an easy task because these people bring with them baggage consisting of frustration and emotional and socio-economic problems which can often be traced back to the nature of their lives up to the time when they became victims.

This calls for huge dedication, strong motivation, lots of patience and great receptiveness. One also needs to be able to handle conflicts and fears. As I said before, it is not an easy task, but these qualities are the foundations on which the professional team is built.

Lastly, the work also calls for extremely good coordination, both within the core team of the SPC and with the various partners, and it is necessary that it actually happens (how could we treat a disease if there was no medical assistance? How could we ensure access to their rights, if there was no legal and social protection assistance? How could we feed people and provide welfare if there was no financial support? How could we provide occupational training if there were no agreements with training organisations?). However, notwithstanding all the help provided by partners, the support given is not always sufficient.

C.F.

Working at the Shelter and Protection Centre has been and is, first and foremost, the realisation of a personal and professional ambition to work in the field in which I was trained.

I also think that this Project is an appropriate and relevant response to an issue that demands to be considered and managed in line with the scale that it currently occupies in society.

With a team consisting of professionals with different but complementary training and experience who have enhanced the range of work and laid the foundations, through discussion and constructive criticism, for obstacles and challenges to be overcome and to make the Centre's operation and work increasingly efficient as a result.

I would add that this is a groundbreaking project in Portugal, and that for that very reason the opinions we have expressed here are especially relevant. Those opinions have also been informed by the various studies that have been conducted and by contact with and analysis of the good practices that have been used by shelter and protection institutions and centres dealing with this issue in other countries.

Contact with this issue and with the victims of trafficking has been and continues to be a challenge in view of the large number of variables. This is work that demands versatility, updating, constant questioning, cooperation and networking, with the team acting as a pillar. Without all these contributing aspects, it would be an almost impossible task, especially to achieve the results we have achieved.

It is these factors – the field, the work, the team of which I am part and the institution – APF, and specifically its professional guidance – which are the root of my motivation.

To list the main problems – in spite of all the willingness and co-

operation that exists – I would mention the excessively bureau-
cratic procedures of our system, particularly the issuance of visas
and residence permits, the law in Portugal concerning this crime,
the lack of clarity and multiple interpretations to which it gives
rise, the need for deeper knowledge of this issue and its manage-
ment by the judiciary, the police, consulates, embassies and social
security, and the shortage of dedicated funding. These problems
are far from rare, with so much bureaucracy often leading to the
renewed emotional destabilisation of victims.

R.L

TRAFFICKING IN WOMEN IN PORTUGAL FOR PURPOSES OF SEXUAL EXPLOITATION: AN EMPIRICAL PORTRAIT

Boaventura de Sousa Santos

Conceição Gomes

Madalena Duarte

Introduction

Trafficking in human beings has received unprecedented attention in the media over the past few years, becoming one of the central issues on the political agenda of various governments and organisations of regional and international scope. However, this is not a recent phenomenon, nor is it currently confined to the frontiers of some countries and/or regions of the world. Markedly global and transnational, the main novelty lies in the fact that it is, today, a highly profitable business and with an enormous capacity to attract organised criminal groups who have increasingly enhanced their methods of action. Furthermore, the growing creativity of the traffickers, in addition to some legal loopholes and the difficulties that criminal police organisations face in their actions in a number of countries, means that there is a low risk of this type of crime being detected, investigated and prosecuted, in comparison with other illegal activities.

Currently, one of the most visible, and perhaps less consensual, forms of trafficking is the trafficking in women for purposes of sexual exploitation. The numbers of this reality are not consensual and, it is not un-rare for them to be instrumentalised in accordance with agendas informed by moral values, by the objective of border control and by the fear of "yet

another" foreigner who is unknown and, therefore, to be feared. This is a complex phenomenon with a multiplicity of analytical aspects, since a great variety of inequalities underlie its origin: economic inequality; the divisions and the frontiers between the rich and the poor; the primitive accumulation of capital which forces the sale of the labour force and promotes slave labour; some migration policies of the so-called first world which, instead of structuring immigration, push it into the hands of the mafias and criminal gangs; and the "desperate hopes" which lead people to believe in promises of a better life in a world which, in the words of Stuart Hall, is increasingly a world without guarantees.

Building on the study "Trafficking in women in Portugal for purposes of sexual exploitation" (2008), this article seeks to contribute to a better understanding of the reality of trafficking in women for sexual exploitation in Portugal, a reality marked by strong opaqueness and by the sedimentation of several prejudices.

1. Trafficking in women: between numbers and perceptions

In the context of the abovementioned study, we seek to characterise, albeit in an exploratory manner, the specificities of trafficking for purposes of sexual exploitation in Portugal. The complexity and opaqueness of this phenomenon have necessarily implied a multidisciplinary approach to the different sources of information and fundamental actors. Hence, through the voice of the criminal police organisations (CPOs), non-governmental organisations (NGOs), magistrates of the Public Prosecutor's Office, court judges, former prostitutes, a prisoner with links to organised crime and, also, through the analysis of quantitative data and judicial proceedings, the outlines have been drawn to enable understanding, in part, the reality and circuits leading to situations of trafficking in women for purposes of sexual exploitation. The lack of solid quantitative data[1] on the judicial visibility of

---

[1] In the study "Trafficking in women in Portugal for purposes of sexual exploitation" we analysed data collected from the Directorate-General for Judicial Policy (DGPJ) and CPOs. Regarding the former, in the statistics of the DGPJ, trafficking in people appears aggregated with procuring, therefore it is not possible to know which judicial proceedings actually refer to trafficking in persons. Furthermore, it was only in 1999 that an autonomous category was created for "Procuring and Trafficking in Minors", therefore until this date these crimes were also aggregated to "Trafficking

the phenomenon also contributed to the necessarily explorative nature of our approach.

The opinions gathered on the numbers of trafficking in women for purposes of sexual exploitation are not consensual. While for some of the people interviewed trafficking for purposes of sexual exploitation is of no great impact in Portugal, for others this is a type of crime which is growing. These perceptions are influenced by numerous aspects, amongst which: the interest of the media in the phenomenon, the legal definition of trafficking and the consent of the women. Regarding the first aspect, many said they believed that there is no growth, but rather greater visibility of the issue, both at political level and in terms of the media:

> What we have, at the moment, is greater visibility. (...) At this moment in time, it appears to me that there is greater social awareness of this type of problem, which is something that did not exist a decade ago only. In 2001, in fact, we did begin to talk about trafficking in persons and this issue began to be greatly exposed, the sex business, forced sexual practice with respect to minors (...). I think that, above all, the media has also taken a positive step forwards. (...) We no longer have the speculation of the media for the sale of newspapers but now have news. (I1, CPO)

For some operators, another difficulty in the perception on the numbers of sexual trafficking derives, precisely, from the definition of trafficking as established in the Penal Code (PC), which, according to certain opinions, is narrower than that laid down in the Palermo Protocol, thereby excluding from the outset a wider range of situations:

in Persons and Procuring". From 1996 to 2004, there was a total of 194 proceedings relative to crimes of trafficking in persons and procuring, in 92 of which there were convictions. These numbers should, therefore, be read with caution since most of the cases refer only to the crime of procuring and not trafficking.

Regarding the CPOs, we asked them to indicate the number of investigations which were carried out for the crime of trafficking in persons between 2004 and 2006, and to make an analysis of the content of the different inquiries and investigations for other associated crimes that they considered could possibly underlie a crime of trafficking in persons, even if it had not been possible to pursue them through criminal investigation. According to this methodology, the Criminal Police indicated 85 judicial proceeding; the National Republican Guard referred to 81 inquiries; and the Central Department for the Investigation, Research and Analysis of Information from the Aliens and Borders Service (DCIPAI) indicated 96 inquiries. For further details on the methodology followed by each of the CPOs, please see the publication relative to this study.

According to the concept of trafficking of our PC, it currently requires meeting a series of requisites which, in most cases, do not occur. In this acceptance there are very few cases of trafficking and less today than there were three or four years ago, when there were mafias from Eastern Europe in Portugal and when the situations involved manoeuvres involving deceit, coercion, abduction... They thought they were coming to be nannies, or cleaning staff, and they were enslaved. This phenomenon, in this legal framework, has decreased since 2002/2003. The wider definition of trafficking is used above all by NGOs, but, legally, according to our PC, currently this is not trafficking because it involves freedom of movement (E44, CPO).

In fact, many interviewees when questioned about their perceptions on the real dimension of this type of criminality, immediately questioned the scope given to the definition of "trafficking". For most, a clearer and more precise definition of trafficking victim is necessary. Law number 99/2001, of 25th August, amended articles 169 and number 2 of article 170 of the Penal Code, broadening the legal scope of these crimes and adding the following objective elements: abuse of authority resulting from a relationship of hierarchical, economic or labour-related dependency and abuse of any situation of special vulnerability of the victim. Now, the concepts which the people interviewed thought to be of greatest concern, due to their "elasticity" and "scope of coverage", are, in principle, the concepts of "vulnerability of the victim" and "deceit or fraud": This is a central issue in defining the scope of application of the law and which leads to different perceptions on the real dimension of this type of crime:

(...) what type of traffic are we talking about? That which is committed with violence, serious threat, deceit, fraudulent manoeuvres? Or are we also referring to those cases which, from 2001 onwards, were typified as abuse of a situation of special vulnerability or of vulnerability? If that is the case, if we account for the issue of vulnerability here, or of special vulnerability and condense this concept, we will get dark figures, probably enormous. If we limit

ourselves to the most flagrant cases, to those of so called "induced consent", then I would say that there is a lower number. (...) The question is knowing how to classify the concept of vulnerability (P1, magistrate).

The opinion of another operator is in agreement with the one above, who also defends that concepts such as "deceit" or "induced consent" should be defined more precisely, so that criminal investigation can be more effective:

I think that we should have, at a substantive level, a simpler, more generic criminal typology, because there is great difficulty in the investigation then demonstrating all those instances of induced consent, deceit, etc. Often, we are not talking about an instance of deceit, we are talking about, for example, a situation of half deceit. A half deceit is when a woman is recruited and thinks that she is going to exercise prostitution in luxury hotels, that she will earn masses of money and then she arrives here and is forced to be a prostitute in a hotel in Beira Interior living in subhuman conditions, where she is forced to work during her menstrual period, where she is forced to stuff herself with cotton wool so that the customer is not aware. These are real situations. And what are we talking about here? Are we talking about deceit or half deceit? Where is this supposed to fit in? (P5, CPO).

This concern has not been fully settled through the recent review of the Penal Code[2], which still implies a difficult task of interpreting such concepts. The perceptions relative to the consent given by the women in

---

[2] We refer to Law number 59/2007, of 4th September, which reviewed the Penal Code, reformulated the definition of the type of crime of trafficking in persons, extending its scope and application (cf. article 160 of the CP). According to the new law, whoever "offers, delivers, recruits, accepts, transports, accommodates or harbours persons" for those purposes, whether "through means of violence, kidnapping or serious threat" or by "deceit of fraudulent manoeuvres" or "with abuse of authority resulting from a relationship of hierarchical, economic, labour or family-related dependency" is liable to punishment. The agent will also be punished if he/she practices those acts, whether professionally or with lucrative intent or abusing the "psychological incapacity or any situation of vulnerability of the victim, or through the obtaining of the consent of the person which has control over the victim".

situations of trafficking are not indifferent to the greater or lesser scope of the coverage of concepts such as vulnerability and deceit. Indeed, as results from our research, many of the situations which, depending on the interpretation of the law, could be termed trafficking crimes refer to cases where the woman knows that she is coming to work in prostitution, although she is then forced to perform her activity in a context which is very different from what she had known. The inclusion, or not, of these situations in the definition of sex trafficking is determinant in influencing the so-called "dark figures":

> Are we talking about trafficking in women for purposes of sexual exploitation in the wider sense, that is, covering situations which are clearly the vast majority of those occurring in Portugal, of women who know what they are coming to, or are we talking about trafficking in women for sexual exploitation more in the sense of trafficking in persons as established in the Penal Code, that is, involving fraudulent means, lack of awareness on the purpose of the voyage on the part of the woman? It is necessary to clarify this concept, because it is important for the response (...) to know whether we are talking about a residual phenomenon or a phenomenon in relation to which the figures are more pleasant (P9, OPC).

Throughout the interviews we were given to understand that this is an issue which raises much debate and gathers little consensus and certainty, hence the theme is analysed in greater detail in the following point.

Having briefly analysed some of the factors which influence perceptions on the dimension of trafficking for purposes of sexual exploitation in Portugal, it can be stated that, from the point of view of its impact on Portuguese society, the information collected in this study appear to indicate that the trafficking phenomenon does not, at a first glance, reach alarming figures. However, this is a conclusion which requires great caution. On the one hand, the minor visible expression of the phenomenon could effectively correspond to a crime with little incidence in Portugal. On the other hand, this could be a phenomenon of great opaqueness, and so it might mask a reality very different from that commonly perceived.

In fact, we have identified social dynamics which are well alive and with a tendency to grow, and which are very often the source of situations of sexual exploitation. Therefore, in view of the veiled nature of the phenomenon, and given the way in which it depends dramatically on the information and means addressed, it appears sensible to agree that there is no other way to combat it than by combating the dark figures in which it is hidden.

2. Women in situations of trafficking for sexual exploitation

Using the data collected for the study "Trafficking in Women in Portugal for purposes of Sexual exploitation" as the source of information, it is concluded that most of the victims of sex trafficking in Portugal are of Brazilian nationality, followed by women from Eastern Europe (in particular those of Romanian nationality) and Africa, with the Nigerian nationality beginning to stand out. This conclusion results not only from the interviews with the different interfaces involved with the phenomenon of sex trafficking, but also from the consultation of judicial proceedings and press and quantitative data provided by the criminal police organisations.

The women come from fragile social contexts with very weak economic conditions and are in charge of dependents, in particular children, a fact which makes them especially vulnerable to falling into these trafficking networks. Indeed, this is a fact which has been found in several studies on trafficking in women. A study by Maria Lúcia Leal and Maria de Fátima Leal (2002) in Brazil, notes that the recruitment is above all incident on negro and mixed-race women and young girls, aged between 15 and 25 years, from low social classes and low levels of schooling. These women live in peripheral urban areas deprived in many ways of basic social facilities, have children and work in activities which do not require great professional skills, namely in the provision of domestic services and in commerce. Regarding their family situation, the study shows that many women have a history marked by intra-family and extra-family violence and belong to families in difficult socio-economic contexts, which makes them vulnerable with respect to non-state, supposedly protective

networks. In the study conducted on trafficking in women in Holland, Vocks and Nijboer (2000: 383) identified women aged between 18 and 23 years, single, childless and with problematic relationships with one or both parents on whom they depended financially, as the first targets. In the family histories of these women we find alcoholism, incest, ill-treatment, etc. As is shown, these studies indicate the presence of structural factors which are decisive in trafficking in women and which are directly related to situations of poverty and vulnerability. Poverty has a markedly feminine face and trafficking is not indifferent to this fact. Trafficking thrives on poverty and social inequalities, and there is a close relationship between poverty, regional inequalities and the existence of routes of women trafficking (Leal and Leal, 2002: 55).

Regarding age, these women are young and, as a rule, are not older than 35 years of age. The women's young age responds to the requirements of the customers, and, consequently, of the pimps.

Most of the sources consulted point to a preponderance in Portugal of victims who initially consented to working in prostitution, or at least, in the sex industry and who later found themselves in a situation of exploitation, with their autonomy strongly limited. Still, we did find a number of cases, both reported by interviewees and through the analysis of judicial proceedings, where the women did not know that the work awaiting them in Portugal was that of prostitution.

According to the experience of many of the people interviewed, most of the Brazilian women who later find themselves in a situation of trafficking, as defined by the law, initially consented to working in prostitution as a migratory strategy and ended up by falling into a situation of strong exploitation, whereas the extreme situations of deceit – in which the women did not know that they would be forced to work as a prostitute or in any other activity of a sexual nature – occur mainly with women from other nationalities, namely from Central and Eastern Europe, Asia and Africa. This perception is worthy of several considerations.

While admitting that such an interpretation could mirror the reality, one should nevertheless bear in mind the following two factors. Firstly, that it was through violent cases involving Eastern European women that Portugal "woke up to" the reality of this type of traffic. Indeed, according

to the date we have collected, the crime of sex trafficking in Portugal is currently practised essentially by groups with a less "heavy" and almost artisanal structure, in which most situations of trafficking of Brazilian women are found, and not so much by organised criminal groups from Eastern Europe. Moreover, in these informal groups it is not uncommon for the recruiters to be people who are highly credible amongst the victims, due to being friends, family members, colleagues, etc.

Secondly, as part of one of the predominant nationalities in the "sex market" in Portugal, many Brazilian women become linked to processes of social exclusion and to precarious worlds which could naturally, at certain times, lead to situations of sex trafficking. In this regard, the fact that the prostitution of Brazilian women is overwhelmingly perceived as a "migratory labour" option could lead to situations of exploitation and trafficking going unnoticed. As noted by a member of a criminal police organisation:

> (...) We see a Brazilian woman in a certain place, totally free, and probably the immediate tendency will not be to see her as a victim of trafficking. This is not to say that she is not, that the issues raised at the origin, before coming here, cannot qualify her as a victim of trafficking. But, that does not tend to happen. (...) (P3, CPO).

As is evident, although the interpretation of the Palermo Protocol provisions indicates that the woman's consent to prostitution does not mean that she is not in a situation of exploitation, there is nothing to ensure that its effective application by the agents of authority will be one of acceptance of this notion of "victim". In fact, for some of the people interviewed, the definition of victim in the international documents is still very much bound to a paradigmatic type of violent trafficking associated to organised criminal groups, thus failing to include other situations such as those in which, in their opinions, the Brazilian women are found:

> (...) Most of these Conventions are very much directed to and focused on Eastern Europe. We know that there are still, today, some organised groups relative to women from Eastern Europe, but most of the "market" is supplied by Brazilian women, and this is a *sui ge-*

neris reality which rather escapes the nature of the Conventions. (...) (P6, magistrate).

Basically, as in other scenarios of violence, we can state that in sex trafficking we also find idealised types of "victims", where the "good" victims are clearly differentiated from the "bad" victims. According to Kelly and Regan (*apud* Aronowitz, 2001: 166), there are various levels of victimisation which correspond to different types of victims. The first level corresponds to total coercion where the victims are kidnapped; consent is nil at this level. The second level refers to women who were deceived through promises of employment other than that of prostitution. In these cases, the consent of the woman was achieved through fraud. The third level refers to a lesser level of deceit, whereby the women knew that they were going to work in the sex industry, but not in prostitution. Lastly, the fourth level of victimisation, held as less serious, concerns women who before their departure already knew that they would be working as prostitutes, but who did not know the extent to which they would be controlled, intimidated, indebted and exploited. The risk, therefore, is that of obtaining a definition of trafficking that establishes moral hierarchies informed by moral values, which result in introducing legal and/or practical barriers between women who deserve more assistance, those who deserve relative assistance and those who do not deserve any type of assistance (Anderson and Davidson, 2002: 17).

These different situations should be carefully weighed up and reflected on because, in fact, apart from the paradigmatic "type" of trafficking for sexual exploitation – the situation of a woman who has clearly been deceived and forced into prostitution, against her will, for the first time through the use of coercion and force upon arrival in Portugal – there is a vast range of situations which, while not fitting into this typecast image of violence in trafficking, constitute dramatic forms of abuse and destruction. Indeed, in the cases we analysed, it was possible to find various profiles of women in situations of trafficking. Some women did not know that they were coming to work in prostitution and were forced to so under threat and coercion. Others had been told that they were coming to work in bars, as dancers, or "hostesses", but not in prostitution.

However, these women, as a result of their debts, ended up by becoming prostitutes. And finally, other women knew that they were coming to work in prostitution, but did not know that the value of their travel costs would be charged at a rate above the real rate, nor did they know that other expenses and the payment of fines would be added to this value. A large number of these women were subjected to physical, psychological and sexual violence by their exploiters. The danger of this reality being diluted comes from many sides: 1) because there are many women who were prostitutes in their countries of origin and, therefore, will hardly be seen as victims and exploited by persons who are prejudiced; 2) because there are women who knew that they were coming for prostitution and accepted the initial rules of the game. These women, in spite of creating the illusion that they live in a world designed of their own accord, are frequently subject to redefinitions and alterations in the rules of the game by those who are in a situation of taking advantage of the above-mentioned vulnerabilities and invisibilities; 3) because there are many immigrant women who have chosen to exercise prostitution in Portugal without their control over the rules of the game having been withdrawn from them. This fact, per se, while it may correspond to the most visible side of the phenomenon (and even the most common, according to some actors), could nevertheless lead to a "sociological camouflaging" of situations where the women are victims of a dramatic reversal of this idea of sexual self-determination.

The frontiers between these situations are tenuous since there are several different types of precariousness in this drama, in this web which easily leads women into situations of sexual exploitation. Considering the complex precariousness of these networks, the reasons which lead a woman, at the outset, to find herself in a situation of trafficking cannot be ignored. We should not ignore the desire and expectations that that woman had in finding a more stable and safe life in the host country, which led her to consider that the risk could appear to be acceptable.

It should also be noted that, in order to overcome the issue of consent, as such, it is fundamental that the situations of trafficking should increasingly be detected through the search for other evidence:

Of course the detection of this phenomenon is a very complex detection, which involves a series of multiple factors, which do not boil down to the woman being here because she wants or does not want to be (...). And it is in this holistic approach that we must move towards this meaning of exploitation, always associating trafficking to exploitation, to profit. The most important is not just the problem of procuring, of exploitation, it is something far beyond this, which forces the women and brings them over (P18, CPO).

2.1. Trafficking processes: some examples

Trafficking in persons should be perceived as a process and not as a single offence. Its diffuse character is, right from the start, a strong obstacle to the effectiveness of police investigation. Each case of trafficking in persons has particular aspects, involves different routes, different people, etc. There are, however, common aspects, such as the different stages inherent to the trafficking process: the recruitment, transport of people, exploitation and control of the victims and, in some cases, depending on the organisation and sophistication of the groups involved, the laundering of the money derived from the exploitation.

Our research has corroborated the hypothesis initially raised that the modus operandi of the traffickers differs, depending on the number of people involved, the level of organisation of the group and the resources available. The profile of the people involved in each of these activities is also differentiated, with it almost being possible to state that any person could be a trafficker, provided that such an opportunity arises. The fact that standardised patterns of action are not found is related, amongst other factors, to the capacity of traffickers to adapt to the demands of the "sex industry", in particular to the preferences of customers, to the *modus operandi* of the police force and, also, to national and local contexts. There are, however, some characteristics which permit outlining a profile of the trafficker operating in Portugal.

The data indicate that, as a rule, Portuguese people are involved in these networks, in most cases with this role being assumed by the owners

of the establishments, who coordinate the activities and the profits resulting therefrom, and they are also present in other positions, such as security personnel, transporters (for example, chauffeurs or even taxi-drivers), amongst others. Foreigners play essentially the role of recruiters, transporters and, sometimes, also act as controllers of the women.

Regarding gender, there appears to be the involvement of women in the trafficking networks, who assume the role of recruiters, exploiters or even controllers of the movements of the victims. These women, who may once have been themselves subject to this situation, often do the monitoring of operations in the victims' country of origin and in Portugal. The involvement of women, in some cases, is reflected in or is the result of an emotional or sexual involvement with those who control the criminal activity. The presence of women in the trafficking networks is particularly significant with respect to women from Brazil. In the case of women from Eastern Europe, individuals from the respective countries of origin predominate, in particular men. Regarding African women, especially Nigerian, and Asiatic women (Chinese), the same is observed, but with the female gender being more visible in the "control of the business".

The greater or lesser number of people involved and their profile largely depend on the existence or not of an organised network and on its format. Effectively, the crime of trafficking can either be controlled by an organised group of people, who may also be involved in other types of crimes – with many being linked with "mafias" –, or it may be carried out by smaller groups, which are more informal and with lower organisational levels. A large part of the interviewees considers that the crime of trafficking for sexual exploitation in Portugal is, currently, practised essentially by groups with a less "heavy" and almost artisanal structure, and not by groups such as the Eastern European mafias which operated in Portugal at the end of the 1990's and early 2000's. The lesser presence of these groups in Portugal is, above all, the result of efforts made by criminal police organisations, in the early 2000's, towards the eradication of the Eastern European mafias which operated in Portugal, linked to trafficking, extortion, falsification of documents, homicides, kidnapping, abductions, etc., which led to several convictions and expulsions.

The most common method of enticement, independently of the nationality of the women or the traffickers, is by taking advantage of the contexts of social and economic vulnerability of the victims. In these contexts, the promises of good employment and salaries appear like "El Dorado". The enticers can say that the work awaiting the woman is, effectively, that of prostitution, or merely to work in a bar as a "hostess" or dancer or, even, attract her with other offers outside of this area, such as in the restaurant business, for example. This is a common characteristic in the *modus operandi* of the groups of different nationalities, although, as noted above, in relation to Asian and Nigerian women, much is still unknown in this respect. So, basically, where differences occur is in the level of deceit. The most significant differences are related to who does the enticement and their role in the structure of the group. In the cases we analysed relative to women from Eastern Europe, we found situations where the enticement was carried out without any friendship or family ties with the recruiter. The case described below is, in this regard, paradigmatic.

In 2002, three citizens of Russian nationality decided to leave their country in search of a better life. For such, they answered an advertisement in a newspaper based in Moscow which precisely dealt with the emigration of Russian people to other countries. Each of these women telephoned the number indicated in the advertisement, and spoke either to a man or to two women, with whom they agreed to meet in public places. During one of these meetings Halyna was told that she had to submit a full body photograph, a medical certificate, an international passport and a registration form, duly filled in. The documentation should be accompanied by 750 roubles. She was told that her destination would be determined only on her arrival to Moscow, and that she would be working as a children's nanny, a char woman or, otherwise, as a waitress in a café or bar.

Once in Moscow, the three women entered into contact with a man who gave them contracts to sign. According to these contracts, each woman assumed a debt of USD 2,000. The money corresponded to the payment of the bus ticket, visa and travel insurance. This was when they were told that they would be coming to Portugal, a country that none of

them knew. Before leaving Moscow they were told that, on their arrival in Lisbon, they would be met by a person who would take them to their workplaces.

So, Halyna began her journey on 12th February 2002, in a bus going to Paris, accompanied by two other women who were travelling under the same conditions. In Paris they changed to another bus heading for Lisbon, where they arrived on 15th February 2002. When they called the mobile telephone number they had been given in Moscow, a man answered who gave them instructions to wait until he picked them up. Not long after, the said man appeared in a car and told the women to get in. At that moment, their passports were taken from them, and the women were informed that they would be returned only after their debt had been fully paid up. Then, they were taken to Aveiro. When they arrived they were taken to a small hotel, in an isolated area, where they met Ivan. They were ordered to remain in their room, being forbidden even to peek out of the window. During the first week they stayed there, being visited at the end of each day by Ivan and by the man who had driven them to Aveiro. As an example, we recount the story of only one of these women.

Kristina was taken to Aveiro, where she stayed in a residential hotel, for one month. During the time she was there she was visited by Ivan and by another man of Portuguese nationality who went there every second or third day, to take her food. The two men stated that they were looking for employment for her, thus justifying the withholding of her passport. Subsequently, Ivan took her to a discotheque in Viseu, where Kristina worked for three months. During that period, Kristina paid Ivan 750 euros, thus handing over practically everything she had earned. However, Ivan continued demanding the payment of the initial debt of USD 2,000. In order to force her to hand over the sum, on several occasions Ivan took her to a wood close to Viseu, where he hit and kicked her. He demanded that she pay him the sum of 3,000 euros by September. He even burnt her with a lighter and threatened her with a gun, saying that he would kill her if she did not hand over the money he demanded. Later, she was taken to a brothel in the area of Aveiro, where there were places reserved for sexual activity with customers for money. From there she was taken, some time later, to a hostel bar in the area of Viseu and then,

onto another situated in the city of Viseu. Ivan continued to demand between 300 and 500 euros per week, threatening that if she did not hand over such sums, he would put her back into a brothel and harm her family in Russia.

At the hearing and judgement in court, when confronted with the contents of the accusation, Ivan denied all the facts. On the other hand, it was not possible to get the victims to give evidence. Therefore it was not possible to present any evidence on the matter on which Ivan had been accused by the Public Prosecutor's Office and, as a consequence, he was acquitted.

As for the cases identified on the trafficking of Brazilian women, the recruitment was done, mainly, by family members, friends and acquaintances, thus bypassing the intricacies of the organised networks made up of many individuals. Luísa, for example, was recruited by Helena, her former neighbour who, in the meantime, had emigrated to Portugal. In her words:

> (...) She [Helena] came first and then telephoned me, and told me it was good, that it was a hostess bar, that we would have a drink, and that there was nothing else. It was just that. And there were percentages on the drinks we had with customers, you understand? He (referring to Fernando) said that I should come, that it was good, that he had a hostess bar, that we would go there and have a drink, I don't know what else, that I would earn a lot of money, that it was good! (...).

In July 2003, Luísa arrived in Madrid. Fernando was waiting for her who, as a loan, paid for her travel. He took her in his car to a place situated in the Northern Centre. When she arrived she began working in one of his hostess bars as had previously been agreed between the two. Luísa came to Portugal to "have drinks with the customers, as a hostess", but she ended up by being forced, against her will, and under threat, to become a prostitute:

> In the beginning he was fine with us. It was all very good in the beginning. Then we were compelled to go to the bedroom with them,

and we really had to go. (...) Yes, I objected, but he would not take it! If I let him he would hit us in the face! He would hit... I hated it! And I had to accept! (...) With me, he pushed me. He pushed me and spoke like this: "do what I tell you." He flung me across the room, you understand? Some four metres, or so... I fell. I got really upset, I cried a lot. I told him I was leaving on that day. (...) But he would not let me leave. But I went away to the apartment. The next day he grabbed me, put me in the car, went for a ride with me, went all over the place, coaxing me so that I would not leave! Do you understand? And I could only cry (...). And he told me that I was not to leave there! (...) I was in the saloon with a boy, having a drink. (...) and that Helena was in the room with a customer. She took I don't know how many minutes in the room. And he [referring to Fernando's son] went to find out what was going on in there. He went in there, grabbed her and kicked her, he beat her. And not knowing anything about this I went into another room, to comb my hair. I didn't know anything. I saw her crying! I asked what had happened. And she told me: "he grabbed me and flung me across the room!"(...) That was more or less one month after I had arrived.

The analysis of this and other cases[3] shows several similarities in the modus operandi of these groups, namely in the methods of attracting and recruiting women, which often involve enticement and taking advantage of the social and economic vulnerability of the victims. In this regard it is curious to note that, in most of the cases referred to, the groups resorted to people from the victims' countries of origin, who could be there or in Portugal, to act as recruiters. The recruitment was also done, not uncommonly, through friends who already worked in Portugal, in principle in the same activity, with it being understood that in some cases the enticement of more women was requested by the owner of the establishment. This enticement was done, as a rule, through the promise of a lot of money in a short amount of time and a better life. The story of some women does not appear, in principle, to be one of victims of trafficking, but of migratory subjects who legitimately sought better living conditions

---

[3] See Santos, Gomes, Duarte and Baganha (2008).

in another country. This difference should be taken into consideration. Similarities are also found in the routes, with most women being advised not to travel directly to Portugal, but rather to other locations within the Schengen Area. Before starting off on these journeys, they were told what to wear and what to say to the border control authorities.

The withholding of the passport and demand of the payment of the travel expenses at a level higher than the real level, increased by daily expenses and fines, associated to threats, are the most common form of control. To return again to the case of Luísa, she stated that she lived shut in, frightened and deprived of freedom in a rented residential hotel, watched over by Fernando or else by one of his trusted men. All her movements were controlled. For every sexual act, which could not exceed twenty minutes, she had to charge the customer 32 euros. The money was all handed over to Fernando who told her it was to pay the debt due to the airplane ticket. When she refused to do as she was ordered, she was threatened with a knife against her neck by Fernando's son. This situation extended from July until September 2003, when Luísa managed to escape.

Obviously these women, due to the fact of being traumatised and fearful of retaliation affecting themselves or their families, rarely give evidence or, when they do, are not prepared to tell everything they know, which makes the investigation very difficult. Therefore, for many judicial operators, it is necessary to invest more in other means of proof.

3. General reflections: towards effective assistance to women in situations of sexual trafficking

Studies carried out on trafficking in human beings in general, and, especially, on trafficking in women for purposes of sexual exploitation face a difficulty a priori: the definition of the object of the study. As we have found, trafficking in persons is a complex concept, which raises some controversy over its real definition. Now, the greater or lesser amplitude given to the concept can influence the policies on the fight against the phenomenon and, not uncommonly, is the object of some instrumentalisation on the part of Governments, international authorities or even non-

governmental organisations (NGOs) which define it according to the po-
litical objectives of their own agenda. The concern of governments has
mostly fallen on illegal immigration and on transnational organised
crime. The "abolitionist" feminist NGOs, as much of the literature calls
them, debate the issue of trafficking as a paradigmatic phenomenon of
the growing globalisation of the sexual exploitation of women. Human
rights NGOs, immigrants associations and sex workers associations em-
phasise the abuse of the human rights of persons subjected to trafficking,
especially with regard to their working conditions. Therefore, it is fun-
damental that the concept of trafficking, in particular trafficking in
women for purposes of sexual exploitation, is clearly defined so as to en-
sure the effectiveness of actions against this form of criminality.

Regarding the role of the State and of the different governments on
this matter, over the last few years, as a result of great international pres-
sure in this area, several governments have sought to develop strategies
to fight trafficking in human beings in general and in women in particu-
lar. Portugal is no exception, having adopted a number of measures over
the last few years, not only for the prevention of and the fight against traf-
ficking, but also for assistance to the victims. The creation of the first Na-
tional Plan against Trafficking in Human Beings is an example of this.
The primary strategy of governments has been the production and
strengthening of legislation relative to the phenomenon. This is, without
doubt, a fundamental area, for in spite of the intense production of inter-
national conventions and statements, several countries have not yet re-
flected in their criminal law due concern for the gravity of the
phenomenon of trafficking in women for purposes of sexual exploitation.
However, the creation of legislation per se cannot combat this type of
crime unless it is accompanied by means and instruments for its effective
implementation. What has been observed in various countries is that the
level of condemnation of human traffickers, especially when compared
with drugs or arms trafficking, is not very significant. This is due to a
number of factors, namely the lack of precision of the concept of traffick-
ing; the difficulty in collecting evidence; the low level of training of judi-
cial operators on this matter; the often ineffective coordination between
the different police forces; etc. Moreover, the transnational character of

this type of criminality requires national measures which should not be taken in isolation. The nature of human trafficking implies the need for the different countries involved to cooperate both in terms of action and legislative harmonisation, so as to prevent traffickers from taking advantage of legal loopholes as has occurred in some countries, namely in Central and Eastern Europe.

It is also important to reflect on the type of legislation produced. Regarding this issue, governments are in a permanent limbo between the protection and promotion of human rights and the will to control their borders, which are an expression of their sovereignty. For some, the attention of governments with respect to the phenomenon of trafficking should actually focus more on the issue of migration and the control of migratory flows than on human rights. It is thus argued that the best way to combat trafficking is through the creation of more restrictive immigration laws. Some NGOs and academics consider, however, that these measures end up by being more part of the problem rather than of the solution: not only they do not discourage trafficking, but they also more easily push thousands of people underground who will not give up their migratory strategies, for these are survival strategies.

Therefore, the laws which lead women subject to trafficking to be deported immediately not only act as a barrier to their involvement as witnesses and, consequently, to the effective condemnation of the traffickers, but also do nothing to contribute to the reintegration of the victims. Few are the governments which have programmes allowing women who have been subject to trafficking to make real choices about their future – deciding whether to return to their country of origin or, on the contrary, remain in the country of destination –, nor do they prepare them for their return or provide them with assistance once they are back in their country of origin (Corrin, 2004: 181). Others make short stays of the women depend on their giving of evidence against the traffickers:

> One of the most impressive effects is that, although the people subject to trafficking are called "victims" in various policies and laws, unless they become police informants and hand over their "traffickers", who could easily be their friends, lovers, brothers, sisters

> or employers, they are treated as illegal immigrants, criminals or threats to national security, (Kempadoo, 2005: 67)

It is fundamental for women to be at the centre of the policies which combat trafficking, not the criminalisation of the traffickers; otherwise there is a serious risk that women will be useful only for as long as their giving of evidence is relevant.

The literature analysed also emphasises that the treatment of women victims of trafficking, both according to the provisions of the law and in the context of their implementation, is frequently constrained by moralist concepts, above all because female prostitutes carry strong social stigmatisation, with their civil and human rights being frequently violated (Anderson and Davidson, 2002: 40). These women are often subject to deportation, detentions, mandatory medical examinations, moral rehabilitations, physical punishment, rape, etc. Few are the countries where female prostitutes are effectively protected by the law. For this issue, it is not the debate around the legalisation of prostitution that counts, or the only that does, but also, as noted above, the debate relating to the concept of victim.

NGOs are also fundamental actors in both the fight against trafficking and the assistance to its victims. While predatory globalisation (Falk, 1999) creates the conditions for the emergence of human trafficking networks, we should also not forget that, as Boaventura de Sousa Santos (2000) noted, this globalisation occurs, simultaneously, with the emergence of transnational social movements which are, in part, expressions of a counter hegemonic experimentation of globalisation.

Notwithstanding their limited resources, lack of funds and, in some cases, even of information, there is a vast number of NGOs spread throughout the world which have, over the years, been engaged in combating human trafficking, being indispensable in the assistance provided to the victims. Locally, NGOs work with civil society organizations, several of a religious nature which, due to already having worked with female prostitutes, have greater facility in identifying victims. NGOs may either operate only at the level of assistance to the victims, or they may extend the scope of their activities to include prevention and lobbying.

Transnational NGOs, such as the Coalition Against Trafficking in Women and Global Alliance Against Trafficking in Women, and others such as On The Road and La Strada, operate on various fronts, use specialists, produce academic research and have strong local links.

Local and transnational NGOs play a very important role in campaigns for the prevention and the raising of the public awareness of this phenomenon, both at global level and in the countries of origin. The NGOs in the countries of origin devote themselves, above all, to prevention and the support of women on their return. Regarding prevention, these NGOs develop work at airports (as is the case in Brazil), write articles for the press on symbolic days and address specific groups of women. The efforts made towards prevention are, above all, aimed at reducing the factors which make the women vulnerable to these networks and, at the same time, ensuring the social integration of the most vulnerable groups.

The work of the NGOs should be highlighted in particular with respect to assistance provided to women when they manage to escape from the traffickers or are rescued during police raids. NGOs are well positioned to work with female victims of trafficking for a number of reasons. Firstly, many women fear the State-based organisations for the fear of being deported or even detained. Then, women know that the trafficking "business" involves many corrupt agents and members of the police force, so their mistrust relative to these operators is significant. The women also feel more comfortable in an environment which is sensitive to gender issues and where they know that, in principle, they will not be judged or discriminated against (Tzevetkova, 2002: 61).

The services provided vary according to the human and financial resources available and the location of the NGOs. While they are not a uniform group – the NGOs may be engaged in the protection of human rights in general, the protection of immigrants' rights, the feminist movement, the sex workers' movement or have an evangelist character and possess a conservative agenda –, the services also depend on the actual objectives of the organisations.

In the countries of origin, the NGOs meet the women at the airport, assist them with their basic needs (food, accommodation, financial, medical and psychological support) and establish the first contacts with their

families (idem: 61). The responses of the NGOs are directed towards the provision of immediate assistance to women who have managed to escape from the traffickers, namely by sending them to a shelter home where assistance is provided at various levels. The shelter homes are usually for women to whom residence permits have been granted and for those willing to give evidence. The NGOs also help women to deal with the local authorities, aliens and borders services and police services and can give them legal support.

The support provided by these NGOs is constrained by national laws and rules on immigration and against trafficking. Some countries deport the women almost immediately, in which case the support provided is very limited; others authorise short duration stays to trafficking victims who give evidence against the traffickers (Tzevetkova, 2002: 62).

NGO support is also constrained by the legal framework regarding prostitution. In some cases, the women wish to free themselves from the sexual exploitation to which they were submitted, but intend to continue working in the sex industry, inclusively as prostitutes. As Kempadoo (2005a and b) and Kapur (2005) point out, often the woman does not want to be saved, she wants to be safe and it is fundamental that both the policies and the assistance in the field help in this sense so that they are not the targets of double victimisation, this time dealt through principles of charity and philanthropy.

It should also be stressed that efforts to assist women who have been subjected to trafficking are more effective when there is close cooperation between the NGOs in the countries of destination and those operating in the countries of origin, namely in the preparation of the return and reception of the women and in helping make effective the women's own decisions. Cooperation is also fundamental as a means of exerting pressure at international level towards the harmonisation of laws and the allocation of more resources to fight trafficking. The access of the NGOs to the women who have been subjected to trafficking makes them, effectively, special actors in lobbying, which has produced some results. It is considered fundamental that this cooperation be extended to the judicial operators and police agents, with NGOs being able to collaborate at various stages, such as in the identification of the victims, in the process of

raising victims' awareness to their rights, as well as in their protection and assistance, in observance of the different institutional cultures (Aradau, 2005).

Above all, we consider that the different institutions dealing with this phenomenon – whether State or civil society based – must work clearly towards bringing about changes as regards these women's awareness of their rights as citizens, strengthening their collective and insurgent awareness as women against the different forms of oppression which seek to subjugate them, as well as their individual awareness of their full entitlement to make their own choices. It also appears to us to be imperative not to fall into the temptation, albeit in a logic of benevolence, of paternalistically reducing the women to the condition of passive victims or of submitting them to moralising, adding the burden of moral guilt to the state of helplessness into which they have fallen.

BIBLIOGRAPHIC REFERENCES

ANDERSON, Bridget and DAVIDSON, Julia O'Connell (2002) *Trafficking – a demand led problem*. Sweden: Save The Children.

ARONOWITZ, Alexis A. (2001) "Smuggling and Trafficking in human beings: the phenomenon, the markets that drive it and the organisations that promote it", *European Journal on Criminal Policy and Research* 9: 163-195.

CORRIN, Chris (2004) "Traffic in women in war and peace: mapping experiences in Southeast Europe", *Journal of Contemporary European Studies*. Vol. 12. (2), pp. 177-192.

FALK, Richard (1999) *Predatory globalization: a critique*. Cambridge: Polity Press.

KAPUR, Ratna (2005) "Cross-border movements and the law: renegotiating the boundaries of difference" in Kempadoo, Kamala (ed.). *Trafficking and Prostitution Reconsidered. New Perspectives on Migration, Sex work, and Human Rights.* USA: Paradigm Publishers.

KEMPADOO, Kamala (2005) "Mudando o debate sobre o tráfico de mulheres", *Cadernos Pagu* (25), July-December 2005, pp. 55-78.

KEMPADOO, Kamala (2005b) "From Moral Panic to Global Justice: changing perspectives on trafficking" in Kempadoo, Kamala (ed.) *Trafficking and Prostitution Reconsidered. New Perspectives on Migration, Sex work, and Human Rights*. USA: Paradigm Publishers.

LEAL, Maria Lúcia and LEAL, Maria de Fátima (ed.) (2002) "*Pesquisa sobre Tráfico de Mulheres, Crianças e Adolescentes para fins de exploração sexual comercial no Brasil*". National Report. Brasília: PESTRAF.

SANTOS, Boaventura de Sousa (2000) "*A Crítica da Razão Indolente: Contra o Desperdício da Experiência*". Oporto: Afrontamento (2nd edition).

SANTOS, Boaventura de Sousa; GOMES, Conceição; DUARTE, Madalena; BAGANHA, Maria I. (2008), "*Tráfico de Mulheres em Portugal para Fins de Exploração Sexual*". Lisbon: Colecção Estudos de Género, CIG.

TZVETKOVA, Marina (2002) "NGO responses to trafficking in women"*, Gender and Development*. Vol. 10. (1).

VOCKS, J. and NIJBOER, J. (2000), "The Promised Land: A Study of Trafficking in Women from Central and Eastern Europe to the Netherlands", *European Journal on Criminal Policy and Research*, Vol. 8, pp. 379-88.

MAKING SENSE OF THE RELATIONSHIP BETWEEN TRAFFICKING IN PERSONS, HUMAN SMUGGLING, AND ORGANISED CRIME: THE CASE OF NIGERIA

Tom Ellis
James Akpala

Introduction

Trafficking in persons is not new, but today's trade in human beings has become more widespread and complex since the end of the Cold War (Truong and Angeles, 2005, p. 1). This trade has become transnational and affects almost every continent on the globe. Forming what Morrison and Crossland (2000, p. 5) have described as the "dark side of globalisation". Bruckert and Parent (2002, p. 4) argue that the so called "white slave trade" has been transformed into "trafficking in persons" with the focus this time being on third world countries. The recent International Labour Organisation (ILO) estimates suggest that the global profits from trafficking in persons are around $31.6 billion annually (United Nations Office on Drug and Crime, 2008, p. 96). The United Nations' estimates reveal that the profit accrued from the trade in human beings rank among the top 3 revenue sources for organised crime, after trafficking in narcotics and weapons (US Department of State, 2004, cited in Smit 2004, p. 25-26).

Here, we focus on the seemingly intractable trafficking problem in Nigeria, where this modern slavery is occasioned by a mix of greed, poverty and poor legislation, the victims being predominantly children,

young women and young men (Ojukwu, 2006, p. 1). Children, young women, and young men in Nigeria have become key target groups because of their unequal socio-economic status and lack of awareness of their legal rights (Onyejekwe, 2005, p. 141).

The article first gives some background and context to human trafficking and smuggling in general and establishes what we hope is an integrated set of definitions. We then develop our model of the relationship between trafficking, smuggling and organised crime and define the 3 key markets involved in exploiting human capital. We then move on to outline how human trafficking and smuggling operates in the specific Nigerian context, including both internal and trans-border operations. The final section of the paper reports the main results of a small exploratory study we carried out with Nigerian law enforcement officers who work on the frontline in tackling trafficking and smuggling.

Background and context

Trafficking in Nigeria can be viewed from a migration perspective, because both legal and illegal migrations are driven by the same factors. The shift is always from more economically disadvantaged regions to those who are economically more secure. Even within Nigeria, internal trafficking from rural areas to metropolitan areas is common (UNODC, 2006 a, p. 29). An estimated 83% of child victims trafficked internally was for exploitation in: domestic service; street trading; commercial sex work; labour on plantations, work in construction, quarries and mines; and drug trading (Dave-Odigie, 2008, p. 65).

Due to lack of opportunity at home, and the eagerness for a better life abroad, since the 1990s, cross-border trafficking has also increased from Nigeria (Onyejekwe, 2005, p. 144). Nigerian migrants are generally driven by a range of home conditions (push factors) which make them to seek the services of traffickers or smugglers. Such conditions are poverty, lack of education, lack of parental care, poor social services, traditional practices and desire for higher standard of living (Maicibi, 2008, p. 4).

Trafficking in persons and human smuggling treats young Nigerian

victims as a commodity to be bought and sold, and to be put to forced labour, in the sex industry, the agricultural sector, and sweatshops, working for a pittance or nothing at all (Nalyvayko, 2006, p. 8). Most identified trafficked and smuggled Nigerian victims are children, young women, and young men seeking an adequate standard of living only to have their lives ruined by exploitation and greed (Nalyvayko, 2006, p. 8 cites Council of European Convention on Action against Trafficking in Persons and its Explanatory Report, 2005).

In focusing on Nigeria as a case study, we also hope to provide some further integration of the many strands of academic arguments in the area of trafficking and smuggling. This article therefore begins by focusing on current definitions of relevant concepts, before moving on to provide an integrated model of trafficking, smuggling and organised crime in relation to Nigeria.

Definitions

The failure of organisations and states to agree on the definition of concepts like "trafficking" "smuggling" and "organised crime" is often cited by scholars as one of the major hurdles in dealing effectively with them. Parent and Bruckert (2002, p. 5) have collected together the various terms used by authors in the field, such as: alien smuggling; trafficking of aliens; illegal migrants smuggling; human trafficking, trafficking in persons; trade in human beings; and commodification of human beings. The failure to agree on precise definitions is not surprising in a still under-researched area, and where no comprehensive studies have been carried out. A clear analysis and agreed statement of the different types of trafficking and trafficked migrants has therefore become essential.

Parent and Bruckert (2002, p. 4) argue that the conceptualisation of trafficking by some scholars rules out any form of autonomy on the part of those who are trafficked due to a narrow focus on testimony from trafficked women from various parts of the world exhibiting high levels of fear. For instance, the particular human rights issues and special needs of trafficked women have led some researchers to call for separate definition of this aspect of illegal migration (Salt, 2000, p. 34). Working in

the sex industry is rejected as ever being an acceptable way to earn a living, while other forms of trafficking in the domestic, agricultural and textile sectors or with respect to mail-order brides and human organs are completely ignored (Ruggiero, 1997, Richards, 2000, Truong, 2001, cited by Parent and Bruckert, 2002, p. 4). This conceptualisation emphasises the sexual exploitation of women, but does not take into account the much broader question of migration of workers, both male and female, essentially missing much of the market that drives trafficking in persons. We therefore consider here the question of trafficking in persons and human smuggling as part of a broader issue involving different aspects of organized crime.

Both trafficking in persons and human smuggling are forms of irregular migration. This has obvious implications because certain definitions emphasise the crossing of borders in connection with trading activities, while others consider the individuals may be victims of trafficking even within their own national boundaries. Amid this confusion, the United Nations have offered a more systematic approach, perhaps due to their focus on enforcement, which goes some way to developing an integrated understanding of the various forms of trafficking and smuggling within an overall context of organised crime. The UN Convention against Organised Crime, also referred to as the Palermo Convention (2000), contains in Article (3) the following definitions in relation to Transnational Organised Crime. The following United Nations' definitions are therefore key to our approach.

Trafficking in persons is defined as the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of threat, use of force, or other forms of coercion such as abduction, fraud, deception, abuse of power of a position of vulnerability including the giving or receiving of payments or benefit to achieve the consent of a person having control over other person, for the purpose of exploitation.

Exploitation in the Palermo Protocol includes, at a minimum, the exploitation through 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. This definition emphasises

the three core elements of trafficking, the movement or harbouring of persons, use of deception or coercion and placement into situation of exploitation. These elements occur in combination, not in isolation.

Human smuggling is distinguished from trafficking in persons through the United Nations smuggling protocol (2000) as "the procurement, in order to obtain directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a National or Permanent Resident". This definition implies that a smuggled Nigerian has provided his or her consent to be illegally transported from the country of origin to the country of destination. It also implies an end to the relationship between the smuggler and victim upon entry into the country of destination, without deliberate placement into an exploitative situation (Dowling, Moreton, and Wright, 2007, p. 2). However, trafficking in persons and human smuggling in Nigeria both require same level of organised crime.

Organised criminal groups as defined by the UNODC, are 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 the Palermo Convention, in order to obtain, directly or indirectly, a financial or other material benefits (UNODC, 2006a, p. 20).

It is also essential to consider the definition of a child. Throughout this research a child will be referred to any person less than eighteen (18) years of age in accordance with the United Nations Convention on the Rights of the Child 1989 cited in Dowling, Moreton, and Wright (2007, p. 2).

The relationship between trafficking in persons and human smuggling

Trafficking in persons and human smuggling require different levels of involvement on behalf of the victims. In the case of trafficking in persons, it should be noted that it is characterised by the use of deception,

coercion, and exploitation of the victims, which continues after the trafficked individuals have arrived at their destination, either internally, or across borders. On arrival, trafficked victims are typically put in a situation of debt bondage and forced in slavery-like practices in the sex industry, labour markets or domestic service.

Human smuggling occurs when the decision to embark on an irregular migration journey has been made with the free consent of young Nigerian migrants; hence, perpetrators will often be present and participate actively during the recruitment and transport processes. From an international perspective it is the withdrawal of consent, the subjection of the migrant to coercion or exploitation as part of a transport process that is specific to trafficking (see United Nations Trafficking Protocol, 2002).

As we develop our model below, it will become clear that the overlap between trafficking in persons and human smuggling may be blurred in reality, as individuals who think they have agreed to be smuggled may discover they have been deceived and have effectively been trafficked, i.e., they are not freed on arrival (Europol, 2005, and Crossland, 2000, cited in Foy, 2007, p. 13). In addition, UNODC (2006b, p. 51) argued that smuggled illegal migrants are often exposed to similar cases of danger or discomfort during the long journeys as trafficked victims.

Based on the above discussion, Richards (2004, p. 152) argues that trafficking involves a long term relationship between the trafficker and the trafficked person. This can involve the trafficker, or associates, subjecting the trafficked person(s) to exploitative labour environments through removal of identity documents, withholding of payment, abuse and ill-treatment, and the continual threat of exposure to authorities and deportation (Richards, 2004, p. 152).

There is a considerable debate on the issue of whether free consent is provided by young Nigerian migrants, leaving the distinction between trafficking and smuggling a problematic one. It is clear, however, that both smuggling and trafficking thrive in Nigeria as a result of: economic hardship; lack of opportunity; and restrictions placed on the process of regular migration. In this context, it is therefore important to look at the role played by organized crime.

Trafficking in persons, human smuggling and organised crime

The association between trafficking, smuggling and organised crime is neither self-evident nor always very substantial, but it can be found in all phases of activity (Parent and Bruckert, 2002, p. 19), e.g., recruitment, transport, working in the host country, etc. Involvement of Nigerian organised may be in relation to all, or only some stages. Truong (2001, p. 18) suggests that during the recruitment phase, those responsible at the local level may utilise a central means of recruitment such as the media, internet, employment agency or a decentralised means of recruitment which involves recruiters in towns and villages. Methods used in the destination countries will include: corruption and bribery; forged travel documents; false job offers; false passports; false husbands or wives or fiancé(e)s, false family members, etc.

Organised criminal groups in Nigeria rely particularly on the complexity of travel agencies and arrangements to assist in obtaining visas, along with truck drivers and corrupt law enforcement agents (Truong, 2001, p. 18). However, there are so many variations that the association between organised crime, smuggling and trafficking in persons becomes a complex and dynamic issue that changes in relation to political, social and economic circumstances, and peculiarities of the locations concerned. The key rela-

FIGURE 1: **The Relationship between Trafficking, Smuggling and Organised Crime**
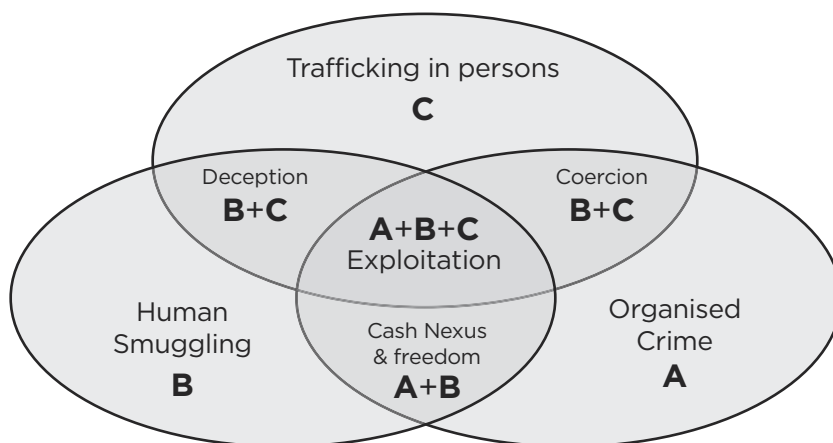
tionship between trafficking, smuggling and organised crime is summarized in Figure 1 below.

Organised crime (A) involves the commodification of human beings by a number of individuals in close social interaction. Their involvement in illicit migration can be both legal and illegal, with the main aim being to maximize financial return for the least effort. For instance, the UK House of Commons Home Affairs Committee (HAC, 2009, p. 71) cites 'Anti-Slavery International' findings that airport workers in Nigeria could be linked to trafficking gangs, as some victims were found and re-trafficked swiftly to other countries. In order to ensure their market, traffickers and smugglers put most effort into ensuring their efforts are highly protected. This necessarily requires the co-opting of government officials and family members who become key players or facilitators both locally and internationally. This corruption is not a phenomenon unique to Nigeria. The US Department of State (2009, p. 241) has alleged that corruption among some law enforcement agents is linked to trafficking.

In general, the unlawful part of the business of human commodification involves a system of intermediaries, middlemen, or facilitators who provide a range of legal and illegal services needed to make the clandestine trip. It is important to note, too, that human beings are only one of many commodities, such as arms or drugs, that are trafficked (Skrivankova, 2006, p. 5). For humans to be trafficked however, it will necessarily involve some level of coercion.

Smuggling (B) involves the illegal movement of migrants within and across international borders. Kyle and Liang (2001, p. 4) argue that human smuggling may be profitably examined using regional development models. They argue that most undocumented migrants do not end up in actual slavery, but rather are freed to pursue their own work once the smuggling fees have been paid (A+B). Kyle and Liang (2001, p. 4) also argue that organised human smuggling is no longer a straight forward activity of helping migrants to cross a single border for a few hundred of dollars over a relatively short distance. Rather, human smuggling should be seen as a trade that positively correlates with increased border controls, which reduce an individual migrant's ability to "enter without inspection" or without professional, financial and logistic assistance. It

should be understood that the undocumented or falsely documented from Africa especially (Nigeria), Asia, Eastern Europe and South America, are generally poorer migrants who do not qualify for tourist or student visas. They typically have one thing in common; they are aided by individuals and organisations profiting from the mobilisation of people across great legal, physical and cultural barriers (Kyle and Liang, 2001, p. 3-4). These organisations have the resources and manpower to move people, documents and money across such barriers, with a high demand and a low risk.

Illicit migration services include: clandestine passage; false documents; training, etc. and these have become quite lucrative in themselves without the need for coercion. In the Nigerian context, this can be linked to an incident involving 67 illegal migrants who were recently intercepted at a border town linking Nigeria and Cameroon by a patrol team of the Nigerian Immigration Service (Gusau, 2009, p. 1). The outcome of the case shows a group of young Nigerians who willingly sought the services of smugglers (A+B), though there was, in addition, some involvement of fraudulent promises of employment opportunities in Europe and other parts of the world.

Traffickers are more likely to prey on the weak, hence, targeting the vulnerable children, young women, and young men by applying ruthless ploys designed to trick, coerce, and win the confidence of potential victims. Very often the deceit involves promises of a better life through employment, educational opportunities, or marriage (US Department of State, 2009, p. 8). However, Kyle and Koslowiski (2001, cited by Kyle and Liang, 2001, p. 4) also suggest that while some victims are tricked and exploited as slaves (A+C), other migrants seek out smugglers' services (A+B). In this context, it is important to consider both trafficking and smuggling as part of the same continuum of the fastest growing "criminal industry", along with drugs and arms trafficking (Skrivankova, 2006, p. 5).

Foy (2007, p. 14 cites Kelly and Regan, 2000, p. 1) cites four factors that are responsible for trafficking in persons (C). The first is the growth of the sex industry internationally. In some countries such as Thailand, it accounts for a large, but unknown proportion of the economy, while in others attempts have been made to quantify it. For instance, prosti-

tution accounts for 5% of the Netherlands' economy (Somswasdi, 2004, p. 5). Second, globalisation has equally meant that migration is easier and faster than before and that transnational markets are accessible to business. Third, there has been a wide range of feminisation in global poverty, leading to the feminisation of migration. Fourth, poverty in the developing world is one of the major push factors, which leads to migration. In short, the growth in trafficking and smuggling of human beings is due to the growing demand for migrant workers worldwide and lack of opportunities for regular migration to take up jobs in other countries. This has left several people with little choice but to rely on traffickers to access these jobs (Skrivankova, 2009, p. 5).

Human trafficking and human smuggling in Nigeria has been referred to as a "consequence of the commodification of migration" with trafficking networks being viewed as business organisations (IOM, 2000a, p. 25, cited by Foy, 2007, p. 14). Traffickers create employment in hidden or informal sectors including both legal and illegal activities because of the huge demand for employment in illegal or semi-legal services. These markets, such as labour trafficking, forced and bonded labour, debt bondage, sex work, etc. depend to varying degrees on the migration of children, young women, and young men (Richards, 2004, p. 148-149)

In Nigeria's case, young men, women and children are forced into the hands of traffickers and smugglers in order to migrate as there are very few legal possibilities to enter the European Union coupled with stringent visa and asylum restrictions. In this context, it is easy for willingness to be smuggled for a price to be converted into exploitation and trafficking (B+C) due to the ignorance, naivety, and vulnerability of the victims.

Having established the correlation between trafficking, human smuggling and organized crime, the next section will examine the three seemingly most common areas of exploitation through migration: forced labour; prostitution; and domestic servitude.

The unholy trinity: forced labour, prostitution and domestic servitude

High demand for cheap labour, growing disparity in wealth and tight migration controls all lead to greater rewards for traffickers and smugglers reaping the benefits of maltreatment of vulnerable and sometimes desperate young Nigerian migrants. Figure 2 below represents the most common forms of explotaition.

FIGURE 2: **The Link between Labour Migration, Prostitution and Domestic Servitude**
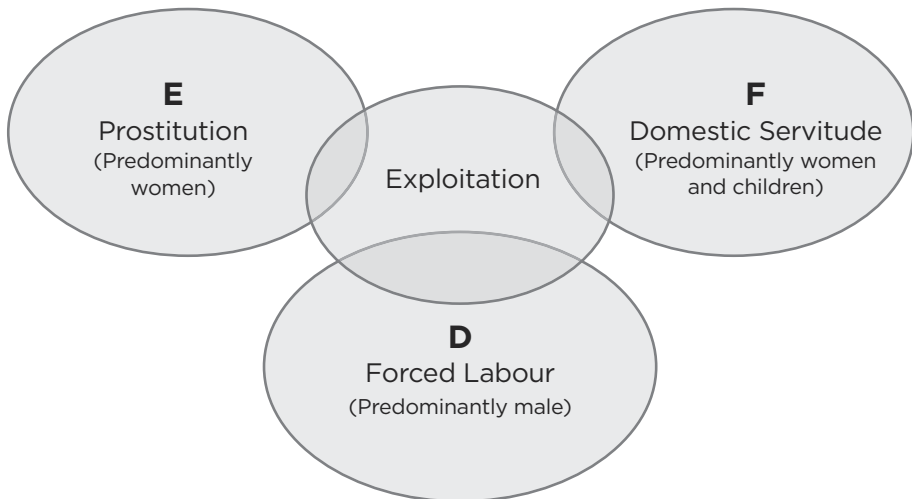
Forced labour migration (D) has grown as a consequence of the very mixed results of "globalisation", which in turn has caused many national economies to adapt to market economics, privatisation, trade liberalisation, and changing forms of trade cooperation (Richards, 2004, p. 150, cites Taran Moreno Fontes, and Chammartin, 2002). In Nigeria, the most obvious effects have been the reduced likelihood of public sector employment, the disappearance of traditional industries, and jobs and subsidies have been eliminated through structural adjustment programmes. Most of this occurred during the military regime of Ibrahim Babagida, former president of the Federal Republic of Nigeria. The disparities be-

tween those able to enjoy the benefits of globalisation and those still living in poverty are currently increasing in Nigeria.

Richer migrants generally move within or across Nigerian borders for many reasons, for instance, the desire to travel and visit new places, have contact with family and friends, or the creation of new work and opportunities. For the bulk of Nigerians however, it is the lack of opportunity, poverty, growing inequality or inequity of living standards and lack of human rights protection that is pushing them to leave their homes.

Ostensibly, Nigeria is known to be among the poorest countries in the world, despite her rich natural and human resources. It is also assumed that Nigeria has one of the greatest social inequalities, and the richest tenth of the population have an income 25 times that of the poorest tenth (United Nations Development Programme, 2004, cited in Carling, 2006, p. 7). The persistent financial crisis has caused gross national product to stagnate; hence the price of food and other goods has increased rapidly. The purchasing power of the lower class has declined steadily since the beginning of the early 1980s. The state of the nation has left several questions unanswered, especially about ubiquitous corrupt practices and Nigeria is alleged to be among the corrupt nations in the world (Carling, 2006, p. 17). The increasing rate of poverty, high unemployment, lack of opportunity, and the quest for a means of survival, is known to be the engine driving trafficking in person and human smuggling in Nigeria (UNESCO, 2006, p. 32) the push and pull factors that make young women, children and young men vulnerable are rooted in systematic age and gender discrimination and these individuals are more vulnerable to being trafficked or smuggled because of the following reasons.

- Unequal access to education that limits some Nigerians opportunities to increase their earnings in more skilled occupation and lack of legitimate and fulfilling employment opportunities particularly in rural communities (Carling, 2006, p. 31).

- Lack of awareness of the risk of migration and the increasing demand for foreign workers as domestic servants and care-giving role and lack of adequate regulatory frame work to support this (UNESCO, 2006, p. 33).

- The growth of the billion-dollar sex and entertainment industry, to tolerate as "necessary evil" while young women and children in prostitution are criminalised and discriminated against (UNODC, 2008, p. 96).

- The ease in controlling and manipulating vulnerable children, young women, and young men (UNESCO, 2006, p. 33).

For young Nigerian men, forms of forced labour can be found in some legitimate employment sectors which depend on seasonal or casual workers, such as: agriculture; mining; stone quarries; and food processing sectors (House of Commons HAC, 2009, p. 20). Although the work is considered legitimate, many young Nigerian men are trafficked to work in these sectors and are compelled to work against their will in exploitative conditions through a variety of coercive mechanisms, such as debt bondage, the removal of their identity documents or the use of intimidation and threats (Skrivankova, 2006, p. 1).

Prostitution (E) is the arena in which young women are most likely to enter into agreements which appear to be straightforward smuggling operations, but discover that they have been tricked and forced into prostitution on arrival. It is clear that a majority of young Nigerian women who find themselves in sex-related work migrated for a work of a different nature. The type of legitimate work that these women think they are being recruited to do include jobs in restaurants, domestic work, child minding (babysitting) and accountancy, or they are promised education or training opportunities (House of Commons HAC, 2009, p. 11). If smuggled, some women perhaps may be aware that they may have to work as prostitutes for a while, but have no idea of the violence and degradation to which they will be subjected (House of Commons HAC, 2009, p. 11-12). In addition, some truly smuggled women, as suggested by Aronowitz, knowingly go to work as prostitutes because of the huge financial benefits attached, hence, proceeds from prostitution is relatively higher in destination countries than in Nigeria (Ojomo, 1999, cited in Aronowitz, 2001, p. 116).

The third key market for trafficking and smuggling is domestic servitude (F). According to Home Office, this is one of the areas that fuel the

demand for trafficking of children and young women. Again, much of the recruitment process relies on deception and apparent smuggling becoming trafficking in reality. Women and children (including their families) are duped into thinking they are being recruited into travelling to Europe to either go to school, or work in restaurants. Once they arrive their destination, they are put to work in a house and usually never allowed out. They will have no documents and many of them are also regularly physically, psychologically, and sexually abused, confined in the workplace, not paid, and may be compelled to work long hours without rest (ECPAT International, 2007; Home Office, 2007, p. 30-44; African Child Policy Forum, 2008, p. 7).

These findings show that there is a grey area between prostitution (E) and domestic servitude (F), with many of the same types of abuse taking place. It is also likely that there is fluidity between these markets, and more research is needed into the forced career path of children who are initially trafficked for domestic service, but are later moved into prostitution. Equally, children who are trafficked for domestic servitude (F) may alternatively be seen as likely to generate more profit if they are moved into the forced labour market. Currently, the assumption would be that girls are moved into prostitution and boys into forced labour, but it is important to consider both genders for both markets, and also the possibility of child prostitution.

In short, the relationship between forced labour (D), prostitution (E), and domestic servitude (F) is "exploitation" by some level of organised crime and vulnerable victims of trafficking will be moved across these markets dependent on where it is likely they will render the most value. The victims' vulnerability is a product of dependency in a failing licit economy which produces the conditions in which exploitation can take place. Exploitative practices such as wage reductions, failure to pay, long working hours, lack of breaks, holidays, health and safety issues, dismissal as a result of complaining about working conditions, are situations which are directly or indirectly experienced by what seems to be a significant proportion of trafficked victims in low-pay sectors, sectors where work can be described by the "three Ds" difficult, dangerous, and dirty (Skrivankova, 2006, p. 9). On the other hand, the existence of some labour-

related factors which underpin labour exploitation are the constant pressure on owners and employers to cut costs and increase productivity, a growth in sub-contracting chains as well as outsourcing (Anderson, 2006, cited by Skrivankova 2006, p. 9). If this is the case, employers need temporary workers who are available on the demand and can be laid off when they are no longer needed. This is usually the role of employers or agents to have such "disposable" labourers available to meet their demands. These are ideal conditions in which trafficking might be presented as smuggling to desperate and relatively naïve and vulnerable victims.

Trafficking in persons and human smuggling trends in Nigeria

There are two major trafficking patterns in Nigeria. First, internal trafficking from rural areas to metropolitan areas is common in almost all the major cities in the country. Secondly, a trans-border trafficking with respect to the exploitation of children, young women, and young men predominantly for the labour market (UNODC, 2006a, p. 29). These are examined in turn below.

Migratory Patterns: Internal Migration, the Case of Nigeria

Partly as a function of the relative ease with which it can be carried out, internal migration in Nigeria has been described as immense (Haas, 2006, p. 6) in comparison to international or cross-border migration. Findings suggest that differential development within Nigeria is at least as important as the differentials between Africa, Europe and the United States of America. Unsurprisingly, the dominant movement in the country is still towards the densely populated coastal areas such as Lagos, Rivers and Delta, while Kano, Minna and Kaduna in the North and Abuja, the federal capital of Nigeria in the centre, are also major destinations for internal migrants, the bulk of whom are children, young women, and young men.

Internal migration of children and young adults is often rooted in

strong traditional belief of "fostering". This is a well established practice in Nigeria which allows poor rural families to send their children, and to a lesser extent, young adults to family members in the cities with the understanding that their urban families will genuinely offer their children education and employment opportunities. In practice, unfortunately, most of these individuals are overworked and not schooled, while some are sent to the street either to hawk food, as beggars, scavengers, wheel barrow pushers, etc. This internal market also then makes the victims more vulnerable to being picked up by trans-border traffickers and smugglers of human beings (Haas, 2006, p. 6).

The push towards migration to urban areas is fuelled in most rural communities by: severe economic conditions; traditional practices; conflicts; and abject poverty. The relative availability of social infrastructure provision in the urban centres, such as electricity, clean drinking water, health facilities and employment opportunities, make them very attractive to rural dwellers. As Maicibi (2008, p. 4) argues, the following set of 'push and pull' factors are at work: poverty; traditional practices; demand for services; and deceptive accounts of the "heavenly" life in urban areas.

A key element in internal trafficking is organised begging, which is in evidence in most major cities across Nigeria. Physically challenged or disabled persons are lured into the begging business and experienced adult beggars often also traffic children in their custody. Despite its ubiquity, there is little research in this area. Anecdotal evidence suggests that the children involved in begging are rewarded only with meagre daily meals (Dave-Odigie, 2008, p. 65). These children are denied access to formal education and proper social upbringing; hence such incidents represent extreme violation human rights. This is a difficult area to research and it perhaps requires the development of new methodologies.

**Trans-border Trafficking**

Nigeria is also a major source of trans-border trafficking and smuggling of human beings. It appears that there is also an extensive trafficking and smuggling of children, young women, and young men across the West African region. Nigerian women are trafficked to work as prosti-

tutes while some of the children and young men are often subjected to forced agricultural labour and other menial jobs in the same countries, such as Mali, Benin, Togo, Ghana, Gabon, Cote D'Ivoire, Equatorial Guinea and South Africa (US Department of State, 2009, p. 81-283). Nigerians in their thousands have been illegally trafficked and smuggled out of the country since the unwholesome business in trafficking and smuggling of human beings gained its root in the country in the 1990s, particularly due to the lack of opportunities in the country, and the eagerness for a better life abroad (Onyejekwe, 2005, p. 144). In order of priority, countries such as Belgium, Spain, France, United Kingdom, Russia, Germany, Italy, Norway, Sweden, and Holland are some of the typical destination points in Europe for Nigerian migrants (Alemike and Chukwuma, 2005, p. 88).

Recruitment patterns involving organised crime

The sharp increase in trafficking and smuggling of human beings especially from rural areas can be explained by the re-emergence of a century-old institution in Nigeria, the so called middlemen, who profit from the transaction. In this context, integrated networks of "middlemen" or "facilitators" provide a range of legal and illegal services needed to make a clandestine trip to Europe and other parts of the world. The integrated networks are alleged to be managed by certain groups of Nigerians and institutions who have every interest in ensuring that such a business or trade grows as a way of ensuring them vast profits. Nigerian trafficking and smuggling groups, both locally and internationally, are built on "pacts" between the trafficked or smuggled victims, as well as the traffickers and smugglers. Both groups have a specific organisational hierarchy, which interact in a complex way. The victim's initial contact with these facilitators is either through a relative, friend, or other familiar persons (Carling, 2006, p. 26) as illustrated in Figure 3 below.

FIGURE 3: **Human Traffickers and Human Smugglers' Networks in Nigeria**
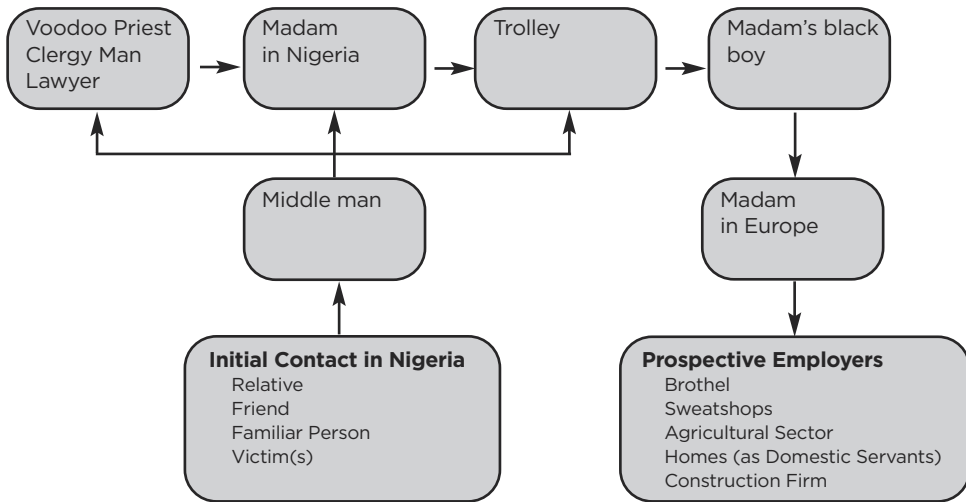
Source: Carling, J (2006, p. 27) Migration, Human Smuggling and Trafficking from Nigeria to Europe.

These facilitating networks are international. They begin with negotiation with the would-be victim(s) in their homes. The facilitator or middleman offers to arrange all the documents required to leave Nigeria, visas for intermediary and destination countries (depending on the type of trip), and false passports (Kyle and Liang, 2001, p. 8).

Victims are then put in a contact with a madam, the network's most important person in Nigeria. The madam is normally a woman, but it may also be a man. In addition to the madam in Nigeria, there is also a madam in Europe who is responsible for trafficked victims after their arrival. She supervises the victims and collects the monetary benefits (UNODC, 2006a, p. 57). The madam in Europe is closely connected to the madam in Nigeria, who facilitates contact between the would-be victims and the organisation preparing the trip.

Other key players are voodoo priests, religious leaders and lawyers in Nigeria. The trafficker or human smuggler who is responsible for the journey is locally referred to as the "trolley", usually a male assistant to the madam in Europe (Carling, 2006, p. 26). Victims are usually accom-

panied by trolleys or guides, who could be female or male but normally of Nigerian nationality. Their responsibility is to facilitate the smooth passage of trafficked or smuggled victims through the various border controls prior to embarkation and in destination countries. This explains the sophisticated structure of organised criminal groups in Nigeria and could be linked to Smit's (cited by Lyman and Potter, 2000, p. 81) enterprise theory of organised crime, which argues that an identifiable market is everything to traffickers and human smugglers. A certain rate of consumption is therefore required to justify the level of investment and risk, which in turn leads the perpetrators to bribe corrupt law enforcement agents, and apply different types of extortion in order to expand the market, increase revenue and protect the business.

Transportation: Trafficking and Smuggling Routes

Trafficking in persons and human smuggling often occurs in dangerous conditions. Intensified measures to control and discourage trafficking in person and human smuggling have resulted in Nigerian traffickers and smugglers taking more hazardous means as passages or routes to their proposed destinations. According to Ume-Ezeoke, in the past traffickers and their victims travelled to Europe by air, but in recent times, with the crackdown by International Policing and the Nigerian Immigration Service, Nigerian traffickers and human smugglers have been forced to use the Sahara desert and other West African routes. They secure travel documentation which provides citizenship status within these transit countries which in turn facilitates much easier access into the desired destination countries. Such practices are reportedly prevalent in Nigeria-Benin Republic-Togo-Ghana and Mali (Ume-Ezeoke, 2004. 16).

The extensive use of forged documents allows Nigerians to fly indirectly, through other countries, most commonly, are Ghana and Togo, from where they will attract less attention or suspicion in the destination countries (Carling, 2006, p. 34). These countries have therefore become important transit routes for Nigerian traffickers and human smugglers.

Another key strategy is to travel from Nigeria to Moscow and other Eastern European cities, or Turkey, then cross the border illegally into

Western Europe (Smit, 2001, Okojie et al, 2003, Prina, 2003, cited in Carling, 2006, p. 34).

A considerable number of Nigerians also travel towards Europe through the Sahara desert en-route Europe by sea. Nigerian traffickers and human smugglers often pay local criminals or groups who control those areas they are travelling through, such as the Tuareg in the border zone between Chad, Niger, Mali, Guinea, Senegal, Mauritania and Algeria (Bensaad, 2003, cited in Carling, 2006, p. 34). After having crossed the Sahara desert, the most common routes to Europe by ship or boat are cited as: from the western Sahara to the Canary Islands; from Morocco to Spain; from Tunisia or Libya to Italy; and from Dakar en-route to the Cape Verde Islands and then to the Canary Islands (Carling, 2006, p. 34).

Other trafficking routes according to UNODC include those travelling from Kebbi or Sokoto to the Republic of Benin on to Niger, Ghana, Senegal, and from there on to destinations such as Libya, Algeria or Morocco. These latter three countries are usually transit countries for destinations in Europe and the Middle East (UNODC, 2006a, p. 32). Zindel in Katsina State and Megatel in Jigawa State, equally serve as exit routes from Nigeria through Niger to Mali, Burkina Faso, en-route Libya, Algeria, Morocco and Southern Sahara to Europe, while Egypt is used as transit route to the Middle East. There is also the "Hajj by land" route starting from Maiduguri in Borno State, through Gamboru, a border town in the State, en-route Gala, to N'djamena in Chad through Sudan to Saudi Arabia (Okojie, 2004, cited in UNODC, 2006a p. 32). All of these trafficking routes are highlighted in the map in Figure 4 below.

FIGURE 4: **Map of Africa and Europe Showing Transits and Destination Countries**

▲ Destination Countries

■ Destination/Transit Countries

● Transit Countries by Land

➤ Routes by Air

➤ Routes by Land

•••▶ Routes by Sea

➤ Other Means of Transportation
(Rail, Land, or Sea)

Source: www.theodora.com/maps/new9_middle_east_africa_map.gif

It seems that some of the western nations that originally were assumed to be destination countries now serve as transit hubs as well as destination countries for trafficked or smuggled Nigerians (see the section below on our own recent research).

The views of Nigerian law enforcement agents and frontline airline agents on combating trafficking in persons and human smuggling

Given the paucity of systematic research evidence on Nigerian people trafficking and smuggling, and the fact that the dynamics of the markets can change very quickly, we carried out our own small scale exploratory study. The following results are based on a semi-structured telephone survey with 10 Nigerian law enforcement agents and 3 frontline airline agents. While the number of respondents is small, they are also "hard to reach" in terms of getting them to respond and a lot of work was put into ensuring anonymity. We feel the results give a clearer contemporary picture of the issues faced by those dealing with trafficking and smuggling in Nigeria and one which is otherwise not accessible.

Research Findings

The study sample was not intended to be fully representative of the law enforcement community in Nigeria; hence, the sample population fairly reflects the wider community of law enforcement agencies in the country, therefore, the results will only represent law enforcement agents and frontline airline staff "opinions" on the extent of trafficking in persons and human smuggling in Nigeria.

TABLE 1: **Occupation of Respondents**

S/NO	Occupation of Respondents	No of Respondents	Percentage (%)
1	Immigration Service	4	31
2	Frontline Airline Agents	3	23
3	Police	2	15
4	State Security Service	2	15
5	Customs	1	8
6	NDLEA	1	8
Grand Total		13	100

The level of effectiveness and efficiency of these law enforcement agencies has been criticized as unsatisfactory due to constraints that are internal and external to the organisation (Alemika and Chukwuma, 2005, p. 101). Given this, respondents were asked what were the most important barriers and challenges they are likely to face in responding to cases of human trafficking and smuggling. As Table 2 shows, 54% (n=7, 4 immigration officers, 2 state security service officers and 1 customs officer) of the sample acknowledged that lack of information remains the main barrier to investigation of both crimes.

TABLE 2: **Barriers and Challenges Faced by Law Enforcement Agencies in Nigeria**

Possible Barriers and Challenges Faced by Law Enforcement Agents		
Respondents' Views	No of Respondents	Percentage (%)
Lack of information	7	54
Lack of training and inadequate equipment	4	31
Poor legislation	2	15
Grand Total	13	100

These findings support Alemika and Chukwuma (2005, p. 145) in that the efficiency of any law enforcement agency can only be influenced by the degree of inputs at its disposal. Further, Ume-Ezeoke (2004, p. 28) argues that most victims were unlikely to assist the police and other law enforcement agencies as a result of the oath of secrecy sworn by victims before their departure and fear of possible reprisal attacks on members of their families. It is clear that resources and research need to be devoted to victim protection and education if information is to be gained successfully and used for investigation and prosecution.

The lack of training and basic knowledge in identifying cases of trafficking and human smuggling were other challenges faced by law enforcement agents according to 31% (n=4, 2 police officers, 1 NDLEA officer, and 1 frontline airline agent) of the respondents. Although a minority, these respondents support UNESCO's (2006, p. 40) assertion that trafficking in persons and human smuggling have continued to flourish in Nigeria due to the ill-equipped and lack of technical know-how to handle cases of both crimes. Poor legislation and non-implementation of existing national legislation were also seen as the main barriers by 2 frontline agents, supporting the findings of previous research (Ume-Ezeoke, 2004, p. 28). Their views were that most offenders tried for trafficking escape prosecution and those who are sentenced are given short custodial sentences or small fines.

Table 3 shows that most respondents 85% (n=11, 4 immigration officers, 2 police officers, 2 state security service officers, 1 customs officer, 1 NDLEA officer, 1 frontline airline agent) thought that traffickers and smugglers of human beings were most likely to take a land route through the Sahara desert en-route Europe, by sea to other parts of the world. These findings support Schapendonk and Van Moppes (2007, p. 10) who showed that the transportation of illegal Nigerian migrants overland is often a structured economic activity, executed by third person, and victims ranging from 25-50 are conveyed by four-wheel drives vehicles and lorries through the Sahara desert en-route Europe and other parts of the world. Traffickers and smugglers of human beings often pay local criminals or groups who control the areas they are travelling through, such as Tuareg in the border zone between Chad, Niger, Mali, Guinea, Senegal,

Mauritania, and Algeria (Bensaad, 2003, cited in Carling, 2006, p. 34). Other routes include those travelling from Kebbi or Sokoto (Nigeria) to Republic of Benin on to Niger Republic, Ghana, and Senegal and from there on to destination such as Libya, Algeria or Morocco (UNODC, 2006a, p. 32).

TABLE 3: **Trafficking and Human Smuggling Routes from Nigeria.**

Trafficking and Human Smuggling Routes

Respondents' Views	No of Respondents	Percentage (%)
By land through the Sahara desert	11	85
By air	2	15
Grand Total	**13**	**100**

An immigration officer suggested that "the extensive border between Nigeria, Chad, Niger, Benin and Cameroon hampers proper surveillance in addition to inadequate manpower". These issues chime well with the Ume-Ezeoke's (2004, p. 180) argument that the volume of both trafficking and smuggling is the result of the limited capacity of law enforcement agencies at the borders. Aronowitz (2001, p. 185) has also pointed to the lack of capacity, extensive unguarded borders and weak border patrols, due to limited manpower and material resources, as hindering any effective controls on the trafficking and smuggling of young Nigerian migrants.

Nigeria's land border is estimated to cover about 4,046 km, consisting of 800 km with Benin Republic, 1,500 km with Niger Republic, 80 km with Chad Republic, 1,680 km with Cameroon and over 800 km of coastal boundary (Alemika and Chukwuma, 2005, p. 189). Almost all victims rescued by law enforcement agents in 2006-2009 were intercepted at border towns in the northern parts of Nigeria. This suggests that the open desert terrain of the north and west makes it ideal for organised criminals to engage in the illicit trade of trafficking and human smuggling.

Air transport, although less used, was identified by 2 frontline airline agents as a clear route for trafficking and smuggling of human beings out

of Nigeria. One of these respondents suggested that "the tight security in Nigerian airports makes it difficult for perpetrators to transport their merchandise, hence, they might be exploring other neighbouring airports such as Benin, Togo, Ghana, and Mali." The other respondent felt that trafficking and human smuggling had become so well structured now that they can easily procure transit visas for the most popular destinations which were listed as: France, Italy, Russia, Austria, Cyprus, Turkey, Ireland, Poland, Romania, Finland, Czech Republic, United Arab Emirates, Qatar, Saudi Arabia and Oman. These visas included: business visas to countries in the Middle East, student visas to countries in Western and Eastern Europe, and tourist visas and visiting visas to some EU countries. This proves the well organised structure of the trafficking and smuggling process which now involves the utilisation of genuine travelling documents in order to reduce suspicion.

As Table 4 shows, respondents were also asked whether the strategy or system they operate is effective in stopping trafficking and human smuggling. Only 38% (n=5, 3 frontline airline agents and 2 state security service officers) thought that it was, but added that it needed improvement. On the other hand, 4 immigration officers, 2 police officers, 1 customs officer and 1 NDLEA officer (62%, n=8) argued that "the system is underfunded and lacks of logistics hamper operations". One of the police officers noted that "operations are sometimes hindered as a result of shortage of manpower and communication equipment". These findings support the UNESCO argument that trafficking and human smuggling in Nigeria continue to flourish due to ill-equipment and lack of technical know-how to handle cases of both crimes (UNESCO, 2006, p. 40).

TABLE 4: **Emerging Trends in the Fight against Trafficking and Human Smuggling in Nigeria**

Participants Views	No Respondent	Percentage (%)
No, adequate training and equipment needs to be provided	8	62
Yes, it's fair but needs improvement	5	38
Grand Total	13	100

In general, tackling trafficking and smuggling in persons does not demand much brute force. Rather, creativity, tact, sound knowledge, proper funding, commitment and high motivation on the part of law enforcement agents are required (Alemika and Chukwuma, 2005, p. 20). The irony of the situation is that the criminal networks responsible for trafficking and smuggling do possess those very characteristics that the law enforcement agents lack.

Conclusion

It is clear that there are many contributory factors as to why Nigeria has such a large scale of people trafficking and smuggling, both internally and trans-nationally. Many of these factors, such as poverty, lie seemingly outside the scope of law enforcement and/or criminal justice, while others do lie within its remit, such as tackling corruption, which may in turn help to improve the economic situation. In the current situation, it seems unlikely that Nigerian law enforcement will receive higher funding, better training, etc. However, we hope this study will have contributed to the knowledge base of law enforcers in transit and destination countries and will enable them to identify more easily the identifying characteristics of those trafficked form Nigeria. The question then becomes one of how to humanely treat those victims.

BIBLIOGRAPHIC REFERENCES

ALEMIKA, E. O. and CHUKWUMA, I. C. (2005) *Crime and Policing in Nigeria: Challenges and Options.* Ikeja: Clean Foundation.

ARONOWITZ, A. (2001). "Smuggling and Trafficking in Human Beings. The Phenomenon, the Markets that Drives it and the Organisation that promote it." *European Journal on Criminal Policy and Research* 9 (2): 163-195.

CARLING, J. (2006) *Migration, Human Smuggling and Trafficking from Nigeria to Europe.* Retrieved 18th January, 2009 from http://www.iom/ct/default.htm

DAVE-ODEGIE, C. (2008) *Human Trafficking Trend in Nigeria.* Retrieved 2nd June, 2009, from http://peacestudiesjournal.org/achive/Odigie.pdf

DOWLING, S. Moreton, and WRIGHT, L. (2007). *Trafficking for the Purpose of Labour Exploitation: A Literature Review.* Retrieved 23rd January, 2009 from http://www.homeoffice.gov.uk/rds/pdfs07/rdsolr1007.pdf

FOY, S. (2007). *Human Trafficking: Sex, Lies, and Organised Crime.* Unpublished Dissertation, University of Portsmouth, Portsmouth.

GUSAU, I.U. (2009, March 22). "Nigeria: Borno Turns Gateway for Human Traffickers". *Daily Trust,* p. 2. Retrieved 12th April, 2009, from http://allafrica.com/stories/200901230060html

HAAS, H. (2006) *International Migration and National Development: Viewpoints and Policy Initiatives in Countries of Origin: The Case of Nigeria.* Retrieved 14th April, 2009, from http://socgeo.ruhosting.n/html/files/migration/heindehaas.pdf

HOUSE OF COMMONS HOME AFFAIRS COMMITTEE (2009) *The Trade in Human Beings: Human Trafficking in the UK.* Retrieved 17th July, 2009, from http://www.publication.parliament.uk/pal/cm200809/cmselect/cmhaff/23/23i.pdf

KYLE, D. and LIANG, Z. (2001) *Migration Merchants: Human Smuggling from Ecuador to China.* Retrieved 14th April, 2009 from http://www.ccis-ucsd.org/publications/wrkg43.pdf

LYMAN, M. D. and POTTER, G.W. (2000). *Organised Crime.* New Jersey: Prentice Hall Publishing.

MAICIBI, A.N. (2008). *The Push Pull and Stop Factors in Human Trafficking: Perspectives from Africa.* Retrieved 12th April, 2009, from http://dspace.unafri.org/bitstream/123456789/165/1/MAICIBIJAN2008.pdf

MOJEED, M. (2008, October 24th) How Immigration Officials and Voodoo Aid Human Trafficking Business in Nigeria. *Punch News Paper,* p. 1. Retrieved 29th June, 2009, from http://www.punchng.com/Article-print2aspx?theartic=Art

MORRISON, J., and CROSSLAND, B. (2000). *Trafficking and Smuggling of Refuges: The End Game in European asylum Policy*. Retrieved 17th December, 2008 from http://www.ecre.org/eu-developments/controls/traffickic.pdf

NALYVAYKO, K. (2006) *Social Assistance for Victims of Human Trafficking: A Comparative Study of Social Measures for Victims of Trafficking in the Netherlands and Ukraine based on the Council of European Convention on Action against Trafficking in Human Beings*. Retrieved 2nd June, 2009 from http://www.mcess.nl/files/2006_nalyvayko_2046369.pdf

OJUKWU, A. (2006, 18th September). *Nigeria/West Africa: Human Trafficking* [Electronic Version].Daily Champion. Retrieved 5th January 2009, from http://www.champion-newspapers.com

ONYEJEKWE, C. J. (2005). Influence of Global Human Trafficking Issues on Nigeria: A Gender Perspective. *Journal International Women's Studies* 7 (2): 141-149.

PARENT, C and BRUCKERT, C. (2002). *Trafficking in Human Beings and Organised Crime: A Literature Review*. Retrieved 3rd March, 2009 from http://www.rcmp-grc.gc.ca

RICHARD, K. (2004). *The trafficking of Migrant workers: What are the Links Between Labour Trafficking and Corruption?* Retrieved 18th April, 2009, from http://www3.interscience.wiley.com/cgi-bin/fulltex/118754078/PDFSTART

ROBSON, C. (2002). *Real World Research* (2nd ed). Massachusetts: Blackwell Publishers.

SALT, J. (2000). *Trafficking and Human Smuggling: A European Perspective*. London: Blackwell Publisher Limited.

SCHAPENDONK, J. and MOPPES, D. (2007) *The Migration Process*. Retrieved 2nd June, 2009, from http://socgeo.ruhosting.nl/html/files/migration/migration17.pdf

SKRIVANKOVA, K. (2006). *Trafficking for Forced Labour: UK Country Report*. Retrieved 18th April, 2009, from http://www.antislavery.org/homepage/resources/PDF/TraffickingforForcedLabourUKCountryReport

SMIT, V. (2004). *Safe Migration: A Role in Curtailing Human Trafficking? A Theoretical Discussion and Case Study of Human Trafficking from Nepal to India*. Retrieved 12th April 2009, from http://www.childtrafficking.com/Docs/smit_2004_safe_migration_a_role_in_curtailing_human_traffick_3.pdf

SOMSWASDI, V. (2004) *Legalisation of Prostitution: A Challenge of Feminism and Societal Conscience.* Retrieved on 8th September, 2009 from http://scholarship.law.cornell.edu/ig/viewcontent.cgi

THE AFRICAN CHILD POLICY FORUM (ACPF), (2008) *Sexual Exploitation of Children in Africa.* Retrieved 2nd June, 2009 from http://www.unicef.org/wcaro/sexual_l_Exploitation_paper_world_congress_final_2_.pdf

TRUONG, T. (2001) *Human Trafficking and Organized Crime.* Institute of Social Studies, Working Papers Series no.339. Netherlands: The Hague. Retrieved 18th April, 2009, from http://www.iss.nl

TRUONG, T. and ANGELES, M.B (2005) *Searching for Best Practices to Counter Human Trafficking in Africa: A focus on Women and Children.* Retrieved 12th April, 2009, from http://portal.unesco.org/shs/fr/files/7257/1124377955938447E[1].pdf

UME-EZEOKE, J. (2004). *Desk Review for the Programme of Action Against Trafficking in Monors and Young Women from Nigeria into Italy for the Purpose of Prostitution.* Retrieved 10th April, 2009, from http://www.uncri.it/wwd/trafficking/nigeria/docs/dr_nigeria_eng.pdf

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION (UNESCO), (2006) *Human Trafficking in Nigeria: Root Causes and Recommendations.* Paris: UNESCO.

UNITED NATIONS OFFICE ON DRUG AND CRIME (UNODC) (2006a) *Trafficking in Human Beings in Benin, Nigeria and Togo.* Retrieved 16th December, 2008 from http://www.unodc.org/documents/human-trafficking/ht_research_reportsinNigeria.pdf

UNITED NATIONS OFFICE ON DRUG AND CRIME. (UNODC). (2006b). *Trafficking in Persons: Global Patterns.* Retrieved 16th December, 2008 from http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf.

UNITED NATIONS OFFICE ON DRUG AND CRIME. (UNODC). (2008). *An Introduction to Human Trafficking: Vulnerability, Impact and Action.* Retrieved 14th April, 2009 from http://www.ungift.org/docs/ungift/pdf/knowlege/background_paper.pdf

UNITED STATES DEPARTMENT OF STATE. (USDS). (2009) *Trafficking in Persons Report: June 2009.* Retrieved 14th August, 2009, from http://www.state.gov/g/tip/rls/tiprpt/2009/

OBSERVING THE OBSERVER – HISTORY OF A MONITORING SYSTEM

Rita Penedo

PORTUGUESE OBSERVATORY ON HUMAN TRAFFICKING (OTSH)

1. Introduction

To know the reality of trafficking in human beings – its scale, the socio-spatial dynamics prone to its occurrence, the associated criminality, its victims and aggressors – is to recognize it is a particularly complex crime – involved in a strong opacity – which, although not recent, assumes today special prominence in democratic states, precisely because of the little we know of it.

Without such knowledge, the paradigm of intervention of the three Ps (to which we add a fourth) – *prevention, protection, punishment* and *partnership* – remains less structured, and simultaneously less structuring, than what is wanted and needed for the design and within the context of strategic policies against trafficking in human beings.

In this sense, the Portuguese Government has come to direct its action in line with a European/international strategy, with important initiatives at national level, particularly those which fight – through their role – the opacity of the phenomenon, namely at statistical level.

This strategy included the design, implementation and consolidation of a monitoring system. Initially focused on trafficking in women for purposes of sexual exploitation (and developed in a national pilot project), it was later on extended, in response to a series of institutional and legal

changes, to cover all forms of trafficking in human beings as described in the law and acknowledged by the Observatory on Human Trafficking.

This article deals with this dimension, with this history (see table 3 at the end of the article). We shall '*observe the observer*'.

2. Framework

In 2007 the *First National Action Plan against Trafficking in Human Beings* 2007-2010[1] (I PNCTSH) was established.

Similarly to other national strategies under way that have a cross-border component, this action plan involves different public-private entities, non-governmental organizations and ministries, among which the Ministry of the Interior, not only as regards those actions which are more directly related to its mission (i.e. to combat and punish), but also actions in the fields of awareness raising, prevention, training and protection, among others.

Briefly, the I PNCTSH is based on a comprehensive analysis and a human rights perspective, and is aimed at developing a response to, and effectively fighting, the phenomenon of trafficking in human beings through multidisciplinary cooperation between the various actors involved. With 63 measures in total, these are organized around 4 strategic axes of intervention (see printscreen 1)[2], as follows:

KNOWING AND SPREADING INFORMATION

PREVENTION, AWARENESS-RAISING AND TRAINING

TRAFFICKING IN HUMAN BEINGS

PROTECTION, SUPPORT AND INTEGRATION

TO CRIMINALLY INVESTIGATE AND PUNISH

[1.] Council of Ministers Resolution no. 81/2007, published in the *Official Gazette*, Series I, no. 119 of 22 June 2007. For further details, see http://dre.pt/pdf1sdip/2007/06/11900/39383949.PDF (Portuguese version).

[2.] Image taken from Council of Ministers Resolution no. 81/2007, published in the *Official Gazette*, Series I, no. 119 of 22 June 2007.

The primary axis and central measure – hence the first to be pointed out – focuses on the need to "Knowing and spreading information" and includes the "***Development of a system to monitor trafficking in human beings***".

As regards the framework, two important points should be noted:

1. The existence of a system to monitor trafficking in women for purposes of sexual exploitation (previous to the National Plan itself), developed within the pilot project CAIM (Cooperation-Action-Research-World Vision), focusing on the sexual exploitation of women and implemented by the Ministry of the Interior, within the context of a broader multidisciplinary partnership; and supported by its cross-border component *HEADWAY – Improving Social Intervention Systems for Victims of Trafficking*[3], and by the following legal instruments:
   a. *National Action Plan for Inclusion (PNAI) 2006 -2008*[4]
   b. *Plan for the Integration of Immigrants (PII)*[5]

2. Two significant legislative reviews of the national legal system, harmonized with international criminal policy: the amendment to the Criminal Code[6] and the new Law on Foreigners[7].
   a. The first adopts the definition of trafficking in human beings as contained in the Palermo Protocol – a typification which is now more comprehensive regarding the different situations and types of trafficking, and therefore more wide-ranging regarding its punishment;
   b. The second defines the conditions and procedures for the entry, stay, exit and removal of foreigners from Portuguese territory, as well as the long term resident status, and is characterized by the design of measures for protecting immigrants in national

---

[3] The following countries were involved in this project: Portugal, Poland, Estonia, Germany, Italy and Lithuania.

[4] Adopted by Council of Ministers Resolution no. 166/2006, of 15 December.

[5] Adopted by Council of Ministers Resolution no. 63 A/2007 of 3 May.

[6] Law no. 59/2007 of 4 September – amendment to Article 160. Before, trafficking in human beings only typified the recruitment, transportation and harbouring of women for prostitution.

[7] Law no. 23/2007 of 4 July.

territory and fighting situations of exploitation resulting from illegal immigration and/or trafficking in human beings;

c. In this context, attention is drawn to Decree-Law no. 368/2007 of 5 November which establishes the special regime on the granting of residence permits to victims of trafficking in human beings and on the reflection period.

Which, combined nationally with the:

- Understanding of the difficulty in collecting ordered statistical data
- Need to consolidate a method of contextual reading supported by innovative analysis instruments/tools (in which the development of harmonized indicators is paramount)
- Incitement of networking, namely for the production and collection of (harmonized) quantitative and qualitative information at different levels (e.g. justice, police and victim support structures)

And internationally with the:

- *Council of Europe Convention on Action against Trafficking in Human Beings*[8], which explicitly determines the need to implement mechanisms to monitor the activities against trafficking
- *Action Plan to Combat Trafficking in Human Beings*[9] of the Organisation for Security and Co-operation in Europe (OSCE), which refers to the urgency of conceiving monitoring systems related to trafficking

led to the framework for a broader intervention and, finally, to the creation of the **Observatory on Human Trafficking** (OTSH) through Decree-Law no. 229/2008 of 27 November.

But let us observe step by step.

[8] Adopted by Parliament Resolution no. 1/2008 of 14 January.
[9] Decision no. 557 of 24 July 2003.

3. The Project Action-Cooperation-Research-World Vision for Trafficking in Women for Purposes of Sexual Exploitation and Prostitution (CAIM)

The CAIM project was developed between 2004 and 2009, funded by the EU Initiative EQUAL[10] and implemented by a multidisciplinary partnership which involved the following bodies in the 1st, 2nd and 3rd Actions, according to the objectives ascribed to each one of the stages (see table 1):

TABLE 1: **Objectives and partners, according to stages of the CAIM project**

Stages	1st Action (2004-2005)	2nd Action (2005-2007)	3rd Action (2007-2009)
Objectives	Set-up	Implementation	Dissemination
Partners	Commission for Citizenship and Gender Equality (CIG) / North Regional[12] Directorate (PCM)[13]		
	Office of the High Commissioner for Immigration and Intercultural Dialogue (PCM)		
	Ministry of Justice (MJ)		
	International Organization for Migration (IOM)		
	Family Planning Association (APF), through 'Espaço Pessoa'[14]		
		Ministry of the Interior (MOI)	
		Department of Home Affairs (SG)	Directorate-General for Home Affairs (DGMI) and Observatory on Human Trafficking (OTSH)
			Social Security Institute (ISS/MTSS)[15]
			Lisbon 'Santa Casa da Misericórdia' / Observatory on Ageing (SCML/OE)

[10] Set within the context of intervention area 'Prevention of Racial and Ethnic Discriminations'

[11] This action ran parallel to the cross-border component, the HEADWAY Project. For further details, see http://www.osservatoriotratta.it/headway/index.php?option=com_frontpage&Itemid=53

[12] The body which assumed its coordination during the first two actions.

[13] Presidency of the Council of Ministers.

[14] A centre providing support for prostitutes from the city of Oporto.

[15] Ministry of Labour and Social Solidarity.

Having as springboard a pre-diagnosis carried out during the 1st Action (Set-up), the partners involved identified a large number of shortcomings and difficulties at the following levels:

- **Knowledge**... namely at the level of statistics and geographic location of the occurrences, besides the understanding of the trafficking cycle

- **Approach**... absence of a holistic approach, based on the primacy of Human Rights

- **Intervention**... absence of working networks.

In the face of this state of the art, the parties involved were entrusted with the preparation and implementation of a coordinated and interdisciplinary strategy (networking) involving the coordination and sharing of information and responsibilities in the prevention and fighting of this cross border crime, as well as in the protection of victims of sexual exploitation.

In this way, the objectives for Action 2 (*Implementation*) were aimed at materializing the needs identified above and they focused on:

1. **Knowledge**... *namely at the level of statistics and geographic location of the occurrences, besides the understanding of the trafficking cycle* **To implement a monitoring system** on the phenomenon of trafficking in women for purposes of sexual exploitation (objective: to combat the opacity of the phenomenon, namely in an attempt to overcome the interinstitutional resistance to exchanging data and information)

2. **Approach**... *absence of a holistic approach, based on the primacy of Human Rights*... **To promote cooperation** between the various intervening actors, both at national and international level, focusing on the victim (objective: harmonization of this approach between all the intervening actors, regardless of their mission)

3. **Intervention**... *absence of working networks*... **To promote a qualified reception and the social integration** of women victims of

trafficking, **to improve the professional expertise** of the entities that act upon the phenomenon and **to design and propose legislative measures** for implementing or updating the appropriate legal instruments (objectives: to set up support structures with qualified staff to intervene in trafficking, to create training contents, to support the preparation of legislative measures that would integrate objectives 1, 2 and 3).

In the end, the result was an innovative set of interrelated products and subproducts   directed to a specific target audience , focusing on its needs (see table 2). Highlighted below are the products of the project, as follows:

- Preparation of a Roadmap for developing a Monitoring System to support, both from a theoretical and a methodological point of view, the creation of the monitoring system and its related instruments, as described further on
- Preparation of a *Kit Supporting Training on the Prevention and Fighting of the Phenomenon and Assistance to the Victims of THB*
- Design of a *Model for Signalling – Identifying – Integrating: Preparing a Guide.*

[16] The following subproducts (a designation which does not imply less importance, but is in accordance with the terminological criteria set by the EU Initiative EQUAL), should be highlighted: 1) online cross-border database with a list of the institutions/services that provide support to victims of trafficking, both at national and international level, aiming to facilitate coordination and articulation between professionals in this field; 2) collection of national and international legislation; 3) final collection of the cross-border component of the CAIM project; 4) creation of a spot and DVDs with contents that promote awareness and awareness raising; 5) publication of the first study on trafficking in women for purposes of sexual exploitation in Portugal, undertook by the Centre for Social Studies of the University of Coimbra.

[17] Image taken from the CAIM Project webpage at the European Social Fund integrated system website. See:
https://siifse.igfse.pt/asp/directorioProjectos/eqDetalheProjEQUAL.asp?NumPed=2005000642

PRINTSCREEN 2: **Needs according to end users of the project**	
Women victims of trafficking	Support, protection and social integration
Agents of security and investigation forces and services	Suitable intervention skills, calling for multidisciplinary approaches focused on the empowerment of the supported women
Social intervention agents	Suitable intervention skills, calling for multidisciplinary approaches focused on the empowerment of the supported women
Intercultural mediators	Enhanced proximity and intermediation in the relationship with the victims
Organizations	Cooperation for a more effective intervention, both at national and international level
Media professionals	Suitable skills for promoting messages devoid of gender/prostitution related stereotypes
Society at large	Deconstruction of gender/prostitution related stereotypes. Understanding of the reality of trafficking in women from a human rights-based approach

Finally, Action 3 (*Dissemination*), is aimed at the operationalization of a criterion which is key to the spirit of the funding entity: to show, in practice, the potential for transferring, adapting and incorporating the developed products by other entities.

Two new partners are involved in the project at this stage: the Institute of Social Security (ISS) and the Lisbon 'Santa Casa da Misericórdia'/Observatory on Ageing (SCML).

In the case of the Signalling – Identification – Integration Model: Preparing a Guide, the chosen course of action was for dissemination to be carried out by an entity with the necessary expertise to intervene in THB, namely the ISS/MTSS.

[18] To access this product, see
      http://www.otsh.mai.gov.pt/cms/files/conteudos/Roteiro.pdf
[19] To view product description, visit:
      http://www.dgai.mai.gov.pt/cms/files/conteudos/produto_kit.pdf
[20] To view product description, visit : http://www.dgai.mai.gov.pt/cms/files/conteudos/produto_modelo.pdf

In the case of the Roadmap for developing a Monitoring System, the chosen course of action was dissemination through ownership of the product building processes and their adaptation to other phenomena. In this specific case, the incorporating entity was the Lisbon 'Santa Casa da Misericórdia'/ Observatory on Ageing, belonging to the Directorate for Social Action, which successfully assimilated a series of methodologies and technologies based on georeferencing programmes for the monitoring and understanding of the phenomenon of population ageing in the city of Lisbon, aiming at the improvement of its own intervention.

4. Further to the framework and context, what is then the monitoring system?

As per the information provided on the website of the Observatory on Human Trafficking, as well as the description drawn in the *Roadmap*, the monitoring system's objectives are "*(...)* *the collection of quantitative and qualitative* [criminal and non-criminal] *data from the multiple entities whose activity is concerned with the trafficking in human beings, the objective analysis of such data and the production of knowledge on the phenomenon*]"[21], aiming at the:

- Description of realities
- Retrospective analysis of the phenomena connected with THB, i.e. aid to illegal immigration[22], procuring[23] and procuring of minors[24], slavery[25], among others
- Prospective reflection on the development of the observed trends
- Building of objective knowledge on the phenomenon and its dynamics
- Development of a knowledge base which can be disseminated at several levels

[21] See www.otsh.mai.gov.pt (Area 'In Portugal', menu 'Monitoring Model').
[22] Article 183 of Law no. 23/2007 of 4 July, adopting the legal regime applicable to the entry, stay, exit and removal of foreigners from national territory.
[23] Article 169 of Law no. 59/2007 of 4 September – Criminal Code.
[24] Article 175 of Law no. 59/2007 of 4 September – Criminal Code.
[25] Article 159 of Law no. 59/2007 of 4 September – Criminal Code .

- Support to work relations with other national and international institutions, aiming at the elaboration of individual and/or joint intervention strategies
- Facilitation of the interaction with victim support programmes. All in all, the goal is to improve the policies, plans and control measures, the monitoring system acting as a tool in support of the assessment of their effectiveness and efficiency.

In terms of its functioning and operationalization, as already stated, initially – or rather, between 2006 and the beginning of 2007 – by reason of its legal and institutional framework the system focused on the observation of trafficking in women for purposes of sexual exploitation. The legal changes introduced in 2007 (as already mentioned) clearly opened the way for a wider monitoring focus, so monitoring began to cover all types of human trafficking legally typified. Another important aspect was the creation of the Observatory in 2008 and its de facto implementation in 2009. But we will get back to this point. What is important now is to explain the methodology and instruments associated with the creation of what can be called the first phase of the Monitoring System.

Within Activity 4 of the transnational project HEADWAY – the objectives of which were 1) to describe and analyse the trafficking phenomenon in each participating country; 2) to identify existing monitoring systems and describe the same; and 3) to draw recommendations on how to improve those systems, or on how a monitoring system could be built – one of the first questions which had to be clarified and on which consensus had to be reached, both at national and international level, was *Observing what and what for?*.

The answer implied recognizing two fundamental aspects:

That a monitoring system "(...) *is a procedure of regular collection and analysis of information, requiring a considerable amount of conceptual work, field experience and reflection. Furthermore, without a strong analytical framework (...), the control of external factors (i.e. influences from the wider social, cultural, economic, political or physical environment), and a strategy of evaluation (an assessment of the design, implementation and results of an ongoing or completed*

project), the monitoring system could lead to a faulty reading of the situation, producing results that cannot be trusted because they have been influenced by uncontrolled factors (i.e. biased results)" (Machado et al., 2007:14).

And that a monitoring system is not synonymous with information system, i.e. *"The first requires arrangements to store information on phenomena, interventions and policies, their context and progress; the second is a process of data analysis that requires the design of different sets of indicators, and is the starting tool for assessing interventions and policies and informing policy networks on their dynamics"* (Machado et al, 2007:16).

As we can see, the bases supporting the definition of the national system largely benefitted from the knowledge drawn from each of the national realities, as well as from the answers to the posed questions.

4.1. Operating and Operationalization Model

As described in chapter 3.2 Operating Model of the *Roadmap for developing a Monitoring System*, the operation of the system is based on 4 main modules of information collection and processing (see printscreen 3):

1. **Central module** called Single Registration Form and Signalling Form

2. **Media clipping module** – registration of occurrences reported in the regional, national and international media

3. **Analysis and statistics module**

4. **Geographic information module** – dealing namely with information of geographic and socio-criminal nature allowing for the identification of potential thematic and geographic correlations associated with the phenomenon of trafficking in human beings.

PRINTSCREEN 3: **Architecture of the Monitoring System of Trafficking in Women for Purposes of Sexual Exploitation**
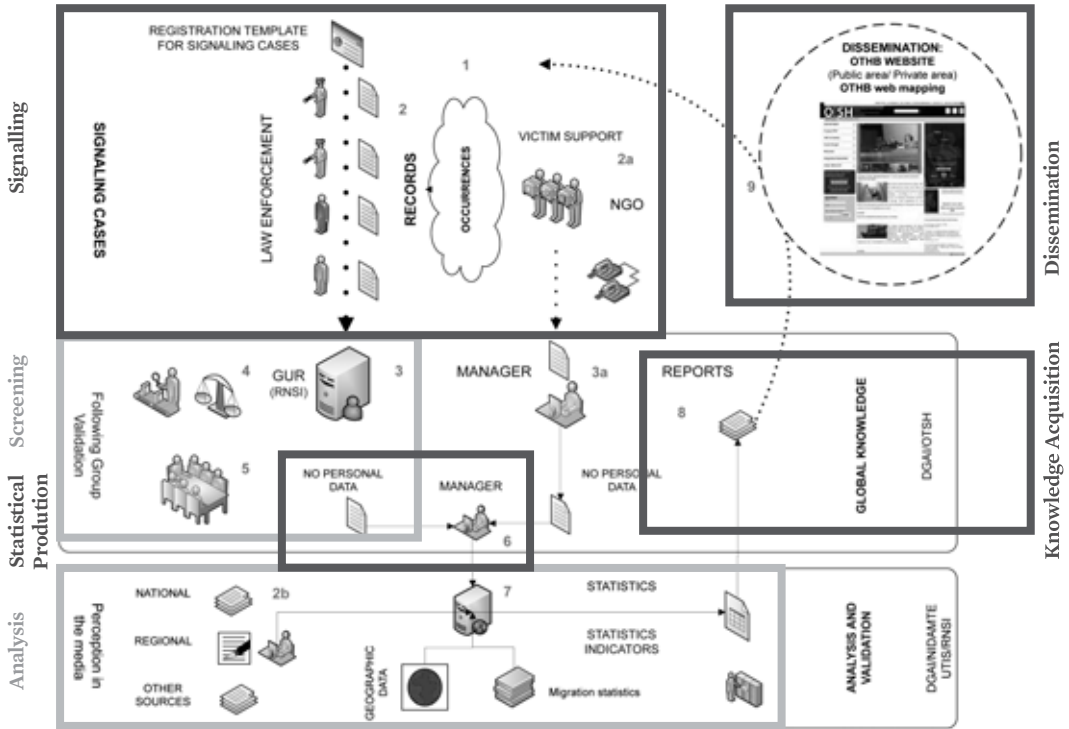
To reach the stage of knowledge production, let us take a look at the circuit starting with the collection of data, its sources and instruments and type of processing.

The process begins with the **Signalling** of the victims of trafficking, through completion of the Single Registration Form (GUR[26]) by the Criminal Police Bodies (OPCs)[27], and of the Signalling Form (GS) by non-governmental organizations (NGOs), with cases which potentially pre-figure trafficking situations.

---

[26] Included in the MOI National Network of Home Security.

[27] The Republican National Guard (MOI/GNR), the Public Security Police (MOI/PSP), the Immigration and Borders Service (MOI/SEF) and the Judicial Police (MJ/PJ).

At this time, we cannot go by without mentioning the important partnership (built within the scope of CAIM) which the MOI and the other partners established both with the OPCs and the NGOs so as to overcome fragmented and non-harmonized systems of information collection.

However, an important aspect should be pointed out: if, in the case of NGOs, as a rule, no monitoring system or registration form for data on this phenomenon existed, the same did not (and does not) happen in the case of OPCs. This highlights a key structuring feature of the system: it does not serve purposes of criminal investigation, but aids the planned action of the OPCs through the knowledge produced by the system.

This signalling of victims, a basic component of both instruments – GUR and GS – is aimed at overcoming, as previously mentioned, fragmented and non-harmonized systems of information collection. In this way, we actively work towards:

- Developing the GUR standardized model (see document below) and relevant indicators for the signalling of situations of trafficking in human beings, so as to allow to provide the OPCs with useful knowledge on this phenomenon. The same logic was thought out to benefit NGOs through the creation of the GS standardized model (see printscreen 5)
- Ensuring that both instruments provide a precise, up to date and independent analysis of the evolution of the crime of trafficking, allowing to support decision making, to formulate proposals to deal with the concrete problems that are made known and to share knowledge through a collaborative process.

Resuming the flow, the next step is the **Screening** of the signalled cases, carried out by the "Monitoring Group" (4 representatives from

PRINTSCREEN 4: **Single Registration Form (GUR)**

SINGLE REGISTRATION FORM FOR THE CRIME OF TRAFFICKING IN HUMAN BEINGS

PLEASE READ THE INSTRUCTIONS FOR COMPLETING THIS FORM

Registering body: **Registration date: ___/ ___/ ___** **PSP ☐ PJ ☐ GNR ☐ SEF ☐ Other _____**	**Registration** ↓

Information source: The alleged victim ☐ Relative ☐

Friend; acquaintance ☐ NGO ☐

Other _____

I – Location of the person identified as alleged victim of the crime

Municipality (where he/she lives): _____

Parish or area (where he/she lives): _____

Municipality (where he/she works): _____

Parish or area (where he/she works):_____

Local: Residence ☐ Public Highway ☐

Hotel/lodging establishment ☐

Catering and/or beverage establishment ☐

With an area for dancing ☐

Other_____

II – Data referring to the alleged victim of trafficking

Gender: Masculine ☐ Feminine ☐

Marital status: _____ **Years old:** _____

Nationality: Portuguese ☐ Foreigner ☐

Which:_____

Legal status in national territory: Legal ☐ Illegal ☐

Description:_____

Current occupation: _____ **Previous occupation:**_____

III – Data referring to mobility of the alleged victim associated with trafficking, and form of coercion

Origin: Portugal ☐   Municipality: _____   Alone ☐

Foreign ☐   Country: _____   Accompanied ☐

Trip to Portugal: By land ☐   **By air** ☐   **By sea** ☐

How long ago _____

Transport used: bus (public transport) ☐

train ☐

private car ☐

taxi or rented car ☐

Other countries/places passed en route:

_____

Other destinations that were promised to or heard of by the victim:

_____

Reason for contact: Promise of work ☐   Adventure ☐   Relationship ☐

Other ☐ _____

Contact: Personal contact   by known person

familiar ☐   friend ☐   other ☐

by unknown person ☐

Job advertisement (newspapers, magazines, others) ☐

Company advertisement ☐

Other ☐ _____

III – Data referring to mobility of the alleged victim associated with trafficking, and form of coercion (cont.)

Nationality(ies) of the aggressor(s) who contacted the victim:

_____

Forms of control:	Direct threats ☐ Control of movements ☐
	Bodily offenses ☐
	Indirect threats (e.g. to the family) ☐
	Concealment of documents ☐
	Other ☐ _____
Current situation:	Sexual exploitation ☐ Labour exploitation ☐
	For Adoption ☐ Other ☐ _____

IV – Contact with NGOs

Name of the Organization:

_____

Date of contact: ___/___/___

Form of contact: Telephone ☐   Personal ☐   Other ☐

_____

Result:

_____

Please register any observations which you consider useful for a better characterization of the registration now made (Iif necessary, you may include other sheets).

Observations:

Example of a Signalling Form

Registering organization:	Date of registration: ___/ ___/ ___
NAME:	No. of registration: /

Information source			
NGO	☐	Street Team	☐
		Mobile Unit	☐
		Support Centre	☐
		Others: _____	
OPC	☐		
SOS Immigrant No.	☐		
Hospital Services	☐		
Social Services	☐		
Self	☐		
Friend	☐		
Acquaintance	☐		
Anonymous	☐		

Other: _____

Is there an indication of having previously resorted to other services?

Yes ☐   No ☐   Does not know ☐

I – Location of the signalled person

Municipality (where he/she lives):

Parish or area (where he/she lives):

Environment Characterization:

He/she is alone ☐   He/she is with other alleged victims ☐

He/she is with elements of the trafficking network ☐

Others ☐ _____

Place of exploitation:

Municipality: _____   Parish or area: _____

       Residence ☐   Public Highway ☐   Establishment ☐

Other:_____

II – Data on the signalled person

Sex: Male ☐   Female ☐   **Age:** _____

Marital Status:_____   **Date of Birth:** ___/ ___/ ___

Nationality: Portuguese ☐   Foreign ☐   Which: _____

Birthplace: _____

Situation in National Territory: Documented ☐   Non documented ☐

                              Description: _____

Knowledge of Language of destination country:

Yes ☐   No ☐   Poor ☐

Can you communicate in another language   Yes ☐   No ☐   Which _____

Dependants: Yes ☐   No ☐

                Parents ☐   Children ☐   Others: _____

                How many people:_____

III – Data concerning the mobility of the signalled person

Origin: (1) Portugal ☐   Municipality: _____   Alone   ☐

(2) Foreign ☐   Country: _____   Accompanied   ☐

(1) – Fill in in the case of a national citizen

Trip through Portugal: By land ☐   By air ☐   By sea ☐

How long ago: _____

Transport used: ⟶   bus (public transport)   ☐

⟶   train   ☐

⟶   private car   ☐

⟶   taxi or rented car   ☐

Route to Portugal:

Date of Exit from the Place of Origin: ___ / ___ / ___

Places passed en route: _____

Length of stay in those places: _____

(2) – Fill in in the case of a foreign citizen

Trip to Portugal: By land ☐   By air ☐   By sea ☐

How long ago: _____

Transport used: ⟶   bus (public transport)   ☐

⟶   train   ☐

⟶   private car   ☐

⟶   taxi or rented car   ☐

The entry was   Regular ☐   Irregular ☐

Route to Portugal:

Date of Exit from the Country / Place of Origin: ___ / ___ / ___

Countries / Places passed en route: _____

Length of stay in those countries / places: _____

Date of Entry in Portugal / Destination Place: _____

How long ago in Portugal / Destination Place:_____

Types of Enticement:

Personal contact → through known person   Relative ☐   Friend ☐

→ through unknown person ☐

Telephone ☐

Through the Internet ☐

Through a work agency ☐

Other: _____

Offers Made:

Promise of work   ☐

Relationship   ☐

Scholarship   ☐

Enticing remuneration   ☐

Other ☐   _____

IV – Data concerning the people involved in the trafficking process:

Recruiters:

Nationality: Portuguese ☐   Foreign ☐

Which:_____

Sex: Male ☐   Female ☐   **Age** (approximate): _____

Relationship: Friend ☐   Relative ☐   Partner/Boyfriend/Girlfriend ☐

Stranger ☐

Other Information (e.g. time between offer and answer; accompanied

or not until the country/place of destination, ...): _____

Exploiters:

Nationality: Portuguese ☐   Foreign ☐

Which:_____

Sex: Male ☐   Female ☐   **Age** (approximate): _____

Relationship: Friend ☐   Relative ☐   Partner/Boyfriend/Girlfriend ☐

Stranger ☐

Other Information: _____

V – Data concerning the forms of coercion and type of exploitation

Forms of coercion:		
Direct threats	☐	
Indirect threats (e.g. to the family)	☐	
Control of movements	☐	
Bodily offenses		Physical ☐
		Sexual ☐
Isolation from family/friends	☐	
Concealment of documents	☐	
Concealment of income	☐	

Other:_____

Type of exploitation:

Sexual exploitation ☐   Labour exploitation ☐   For adoption ☐

Other ☐

Specify:_____

Who carried out the signalled forms of coercion?

Recruiters ☐

Exploiters ☐

Other: _____

In the past was the person the victim of a trafficking situation / similar situation to that described throughout the questionnaire? If so, describe the situation.

_____

List of observation indicators which may indicate trafficking situations

Signs of being controlled by someone ☐

Bruises or signs of physical aggression ☐

Signs of fear, permanent sadness or depression ☐

Inability or difficulty in communicating in the local language ☐

Inability or difficulty in communicating in English ☐

Impossibility of access to his/her identification documents ☐

Apparent evasion to contact ☐

Time spent at the place ☐

Verbalizations while being attended ☐

Note:

_____

each OPC) which meets quarterly to validate the situations, i.e. to classify them from the police point of view as trafficking situations which are confirmed, not confirmed or still being signalled. The results of this validation process are subsequently verified at base level, with the ensuing change of the case status.

In the step **Production of Statistical Data**, the manager of the database produces statistical data from the elements received. This is followed by the **Data Analysis**, the stage where said data are cross evaluated with other types of data (quantitative and qualitative, criminal and non criminal[28]), with recourse to the geographic information system (see subchapter 4.2 below). In this stage, we find media clipping, resulting from the systematic collection of news at regional and national level, and the possibility of collecting data regarding the entry of immigrants registered by SEF, thus allowing for data crossing and the production of indicators.

The final stage is that of **Knowledge Acquisition**, which is supported

[28] For instance, statistical data in the statistical subsections.

by data production and analysis as well as by **Public and Private Dissemination**, both through more confidential reports and information and knowledge for the general public, namely through the CAIM.

4.2 The Geographic Information System

As shown throughout the article, before CAIM Portugal had not implemented a monitoring system of single, systematized, shared and ordered statistical information on trafficking. Such lack of knowledge concerned not only numbers but also places of occurrence.

As stated, trafficking, like other phenomena, does not occur randomly in time and space (minimalist explanation of the socio-ecological paradigm). *"In fact, the dynamics of the phenomenon seems to be more complex, intense and unpredictable. (...) In this context, the adoption of multidisciplinary methodologies and collaborative work and networking is essential in order to gather in one sole system (...) all the relevant elements for understanding the phenomenon and its evolution. Geographic information systems are an ideal tool."* (Machado, 2008:39).

The Geographic Information Module, an integral part of the monitoring system, aims at representing large quantities of data (the nature of which was already described), namely from the GUR, the GS and media clipping, enabling the generation of indicators and statistics based on the territory and its characteristics, the identification of areas, patterns and, with time, of tendencies in the registered cases. Finally, it ensures that the flow of data, information and knowledge is effective and efficient (Machado et al., 2008).

3. To conclude, but beginning a new stage: the Observatory on Human Trafficking

The Observatory on Human Trafficking (OTSH), established by de-cree-law[29] on 27 November 2008, is accountable to the Member of Government responsible for Home Affairs, exercises its mission and powers in liaison with the Coordinator of the I PNCTSH, and works closely with the Directorate-General for Home Affairs (article 1, Nature, of said De-cree-Law[30]).

Its **vision** is to become a *national and international reference centre that contributes to the analysis, knowledge and intervention in the pheno-menon of trafficking in human beings and other forms of gender violence,*

Its **mission** is the *production, collection, processing and spreading of in-formation and knowledge concerning the phenomenon of trafficking in human beings and other forms of gender violence,* and its powers are:

a) *To produce and collect information concerning the phenomenon* of trafficking in human beings and other forms of gender violence
b) *To promote the development of IT applications* that will support the collection and processing of information
c) *To support political decision making in its areas of intervention,* when requested.

The OTSH inherits the path initiated by the CAIM project and the DGMI (maintaining with the latter a close working partnership, namely at the level of its Resource Centre) regarding the consolidation of the monitoring system.

In 2009 several initiatives were carried out between the DGMI/OTSH and other partners (particularly the CIG and the APF), seeking not only to consolidate but above all to innovate the system.

One such initiative was the establishment of a Protocol between the DGMI/OTSH and the Directorate-General of Justice Policy (DGPJ), be-longing to the Ministry of Justice (former partner in the CAIM project).

---

[29] See footnote 10.
[30] See the Decree-Law at
http://www.otsh.mai.gov.pt/cms/files/conteudos/file/Legislacao/OTSH.pdf

The aim is to exchange statistical data between the two entities (to consolidate the network of data providers). In this way, the OTSH provides the data it collects through the sources already identified and, in turn, the DGPJ provides data on the registered crimes, on the criminal proceedings in the investigation phase, and on the criminal proceedings in the trial phase.

Another initiative, still within the consolidation of the data providers network, is the promotion of a Network of Assistance and Protection to Trafficking Victims (RAPVT). Initiated still within the CAIM project, and under operationalization at the present time, this activity is aimed at the extended adoption of the GS by other public-private entities, through the formalization of a Social Contract of Commitment.

Last but not least, mention should be made of the transnational project *Trafficking in Human Beings: Data Collection and Harmonized Information Management Systems,* coordinated by the DGMI and the OTSH, and of the development of a series of dynamic platforms for the collection, processing, analysis and exchanging of statistical data on trafficking in human beings (DGMI/Resource Centre/OTSH).

Regarding this new stage, however, we invite you to read the article ***New Model for Knowledge in Trafficking in Human Beings – The Next Stage in Data Collection, Data Analysis and Information Exchange on Trafficking in Human Beings*** from this collection.

TABLE 3: **Evolution of the monitoring system between 2006/2009**

Evolution of the monitoring system	2006 – 2008	2008 – 2009
Paradigm	Socio-ecological	
	National Level	
Focus	Sexual Exploitation Victims	• All forms of trafficking framed by national legislation (Article 160 of the Criminal Code) • Victims and traffickers/criminal justice • Other forms of gender violence
Data collection	**Establishing the system:** • Test phase, implementation of the GUR application and beginning of data collection through criminal police bodies • Development and implementation of the GS and beginning of data collection through some NGOs	**Consolidating the system:** • Creation of the OTSH • Creation of the Dynamic Application (with harmonized indicators in 4 European countries) • Creation of new applications based on georeferencing systems (DGMI/CR) • Expansion of the NGO network • New data providers, besides the criminal police bodies • Protocol between OTSH and DGPJ/MJ
Validation	Few closed fields with automatic validation	
	• Of cases: GUR Monitoring Group (OPC) and GS Multidisciplinary Team (Reception and Protection Centre for Women Victims of Trafficking and their Minor Children) • Of data: DGMI and, from 2009 - OTSH (Information Production Unit and Information Processing Unit)	
Analysis	• Development of the analytical mode	• Data crossing (of criminal and non-criminal, qualitative and quantitative data)
Dissemination	• National • Stakeholders • Pdf Reports • Few statistical data	• National (beginning the international); • Possibility of statistical reports produced by the user • Two reports
Interactivity	• Only accredited users (with different levels of access)	

NEW MODEL FOR UNDERSTANDING THE TRAFFICKING IN HUMAN BEINGS

THE NEXT STAGE IN GATHERING AND ANALYSING DATA AND EXCHANGING INFORMATION ON THE TRAFFICKING IN HUMAN BEINGS

Alexandre Santos

DIRECTORATE GENERAL OF THE MINISTRY OF THE INTERIOR (DGMI) [1]

Rita Penedo

OBSERVATORY FOR THE TRAFFICKING IN HUMAN BEINGS (OTSH) [2]

Introduction

Many societies have been honing their legal resources, especially their criminal-justice resources, in order to improve their efficiency in combating the trafficking in human beings (THB). Concomitantly, concerns in the areas of THB prevention and provision of support for its victims have materialized into a diverse range of public responses, along with the initiative and cooperation of non-governmental organizations, both individually and, more importantly, as a network. But neither (criminal-justice resources nor prevention) will be enough if there is no mechanism to monitor the phenomenon and the action taken against it.

This holistic approach (covering a range of fields, involving systemic and systematic knowledge), based on the primacy (i.e. international enshrinement) of human rights, is nothing new when it comes to implementing measures against certain criminal phenomena – or at least as regards

---

[1] Consultant to the Directorate General of the Ministry of the Interior
[2] Specialist from the International Centre for Migration Policy Development (ICMPD)/Portuguese focal point for the Trafficking in Human Beings: Data Collection and Harmonized Information Management Systems project.

acknowledging its strategic importance – but, in this particular case, it is a structural feature that has been internationally highlighted, including by Portugal.

Thus, from 6 to 8 January 2009, the Directorate General of the Ministry of the Interior (DGMI) and the Observatory for the Trafficking in Human Beings (OTSH) made a national presentation of the cross border *Trafficking in Human Beings: Data Collection and Harmonized Information Management Systems* project, co-funded under the EU programme Prevention of and Fight against Crime and coordinated by DGMI and OTSH.

1. Development up to 2009

The article entitled Observing the observer – history of a monitoring system in this collection looked at the history and rationale behind the monitoring of THB in Portugal, and more specifically at the work done between 2006 and 2009. It examined the first steps taken in 2006, their technological consolidation during 2007 and 2008, and their political consolidation in 2009 with the launch of the Observatory for the Trafficking in Human Beings (OTSH).

In this article, pages (years) later, we look at the continuity achieved, noting that it results from investment in technical and technological development – in short, methodological investment above all – which both DGMI and OTSH have carried out within their own spheres of responsibility and in cooperation with national and international partners.

This step, which we regard as a positive one, is in line with international and national recommendations and retains the same awareness and aim that led to the creation of the system developed under the CAIM [Cooperation, Action, Investigation, World Vision] project (and its subsequent measures), as well as its analytical paradigm based on a socio-ecological understanding of this form of crime, i.e. that THB – like any other social and criminal phenomenon – does not arise randomly in space and time unconnected to its context, processes and the players involved (see illustration 1). For the moment we shall leave open the answer to the question mark.

ILLUSTRATION 1: **Socio-ecological paradigm (part I)**

S
P
A
C
E

CONTEXT   ACTORS   PROCESSES

TIME
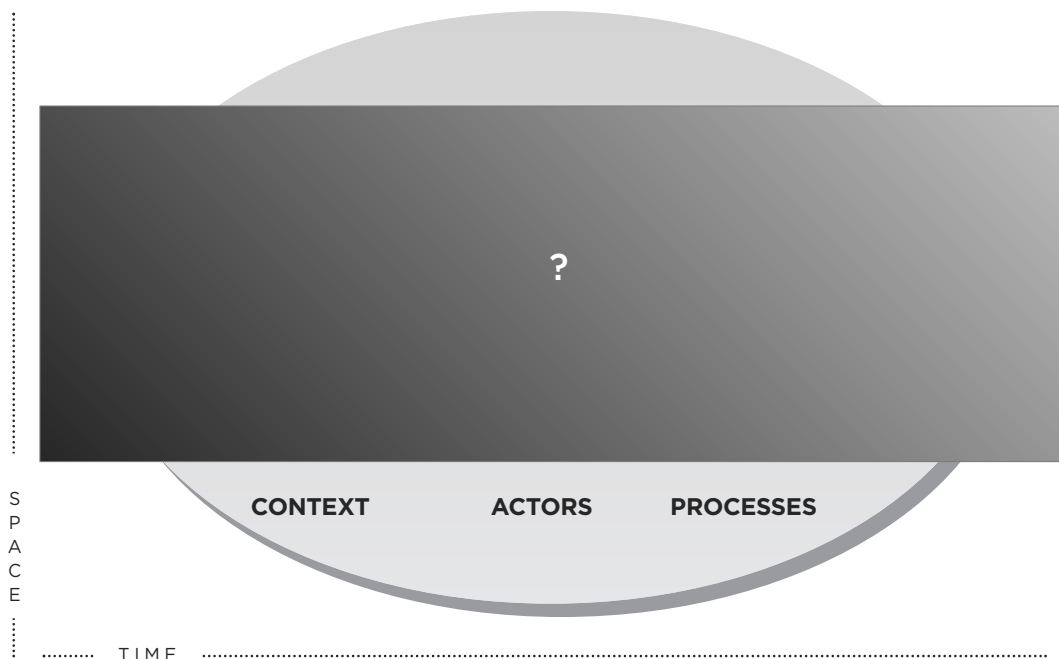
Thus, against this background – with its achievements and difficulties – in May 2008 DGMI (subsequently with OTSH support) took over co-ordination of the cross border *Trafficking in Human Beings: Data Collection and Harmonized Information Management Systems – DCIM EU* project, co funded by the European Commission in cooperation with the *International Centre for Migration Policy Development* (ICMPD).

Also involved in this project are the Ministries of Internal Administration of the Republic of Slovakia, the Czech Republic and Poland (partner countries), the Dutch Rapporteur on the Trafficking in Human Beings, the Associazione On the Road and the NEXUS Institute (experts), the Austrian Ministry of Internal Administration, the European Commission, EUROPOL, the ILO, IOM Geneva, the OSCE, the United Nations Office on Drugs and Crime, and Terre des hommes – Hungary (monitoring group).

This project sought to overcome some of the weaknesses identified by those with political and operational responsibility for combating human trafficking, and by players involved in prevention and support,

which is to say the lack of up-to-date, harmonized and relevant statistical information. It is now understood more than ever that in modern society this is a powerful aid.

Thinking globally and acting locally, and understanding in an integrated manner, is not just a maxim used by globalization theoreticians: it is the challenge set before us every day by the crime of trafficking in human beings, and it was our starting point. The end result was the ***Dynamic Application for Understanding THB and the development of new platforms for the exchange of information and knowledge based on georeferencing systems.*** Both products satisfy the three requirements mentioned: **global**, **local** and **integrated**. This is how they should be read, understood and used.

We reached an end in 2009.

2. Moving on to 2010

In any attempt to understand social reality, data gathering is a complex process embracing a wide range of issues. However, this task is essential if credible statistical data are to be produced, and it has long been recognized as crucial for establishing anti-trafficking policies.

As noted above, the outstanding issue is frequently the lack of harmonization between the data of institutions (normally police bodies and non-governmental organizations) that work directly or indirectly in the field of trafficking in human beings.

In particular, this lack of harmonization results in fragmented (non-interoperable) data gathering and processing systems. This both adds to the difficulty of understanding this type of crime, and leads to cases being duplicated when it comes to monitoring the different forms of trafficking in human beings.

Thus, in response to the recommendations of the EU Action Plan entitled "Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings", identifying the urgency described at the 6th OSCE conference on *National Monitoring and Report Mechanisms to Address THB: the Role of the National Rapporteurs,* which highlighted the importance of gathering, processing and analysing data, and

acknowledging previous efforts such as the Headway – Improving Social Intervention Systems for Victims of Trafficking initiative (the cross border dimension of the CAIM pilot scheme), and the models created by the Data Collection and Information Management project implemented by the ICMPD, the Trafficking in Human Beings: Data Collection and Harmonized Information Management Systems – DCIM EU project was basically aimed at:

Building the capacity of participant countries via an innovative and shared system for gathering and processing relevant data on victims and traffickers/criminal justice

Such capacity-building depended and will continue to depend (if it is to be consolidated) on the involvement of major stakeholders from the outset, so as to ensure that their specific needs and concerns are provided for, and are thought out in a practical way in good time.

Thus, there was a need to highlight the purpose of the activities earmarked for the project, that is, making technical and procedural improvements to the data gathering process, and empowering participating organizations and the countries that represent them.

To that end, a harmonized system was specifically developed via:

1. *The creation of a harmonized cross border system for gathering, processing and analysing information, including the development of comparable indicators for gathering data and information on the victims of trafficking and on traffickers/criminal justice.*

2. *Based on these indicators adopted by governmental and non-governmental organizations, the technological platform where the databases are housed – in Portugal – was developed and introduced (it is simultaneously available to those Member States who wish to incorporate it), and the test phase has now been completed.*

a.   The databases are focused on victims and traffickers/criminal
      justice:

   i. Victim database
      1. This database describes the individual's background, recruit-
      ment, transportation and exploitation, and his/her experience
      of identification and assistance, where applicable. This is the
      starting point for standardizing and gathering correct and ve-
      rifiable victim-based data.

   ii. Trafficker database
      1. This database describes the crimes of the individual trafficker
      against whom charges and/or an allegation has been made.
      The database details the trafficker's background and records
      the case from initial registration to the investigation, trial and
      post-trial sentencing phases.

b.   Creation of databases for inter-institutional cooperation in gat-
      hering and analysing data, involving relevant national organiza-
      tions, specifically NGOs.

The strategic results hoped for and achieved were:

1. a significant improvement in systematic data gathering on trafficking
    in human beings in participating countries, specifically:
    a.   The adoption of common criteria among the various sources of
          information for victim – and trafficker – focused data – gathering
    b.   The establishment in each country of a basis for systematic do-
          mestic data gathering, so as to prevent duplicate counting in par-
          ticular
    c.   A contribution to implementing the EU Action Plan for comba-
          ting and preventing trafficking in human beings
    d.   Knowledge generation leading to improved policies, programmes,
          actions and legislation against THB in the short, medium and long
          term.

Finally, the tangible results of the project were:

1. *A manual on harmonized criteria for gathering data on THB;*
2. *Two databases (developed using accessible software) in Portuguese and English*
3. *A database users' manual*
4. *Training on how to use the databases*
5. *An interim report with stakeholders' observations*
6. *A final report with the conclusions of the implementation pilot phase.*

As mentioned, it was soon realized that previous Portuguese monitoring efforts would be successful, and so for this new phase the possibility could not be ignored of adopting and adapting the "Portuguese monitoring model" (not merely the technological aspects, but also the paradigm and methodology behind the system). This "tailored adoption" was agreed to by the project's partner countries[3] and resulted from the following understanding:

- Monitoring as a structured and integrated system that embraces the phenomenon in all of its dimensions and to its full extent in time and space [1]. This premise is backed by the idea that the phenomena do not occur randomly in time and space. Understanding the influence of these two dimensions as structural elements enables one to understand/analyse the phenomena in context.
- Structuring as social space, i.e. taking account of the *context*, the *players* involved, and *processes* [2]. This idea assumes there is a full understanding of the constraints and possibilities pertaining both to the trafficking cycle and to THB policy.
- Also, incorporation into the systems of key players responsible for data-gathering and/or who as part of their work may encounter trafficking situations (flagging and/or identification) [3].

---

[3] First transnational meeting for the project held in Bratislava, Slovakia, in September 2008.

- Finally, as a result of this, a dynamic of cooperation between key players based on the harmonization of indicators (which also assumes there is agreement on terminology and methodology), which in fact boosts the sharing of information [4].

And so we have an answer to the question mark (see illustration 2).

ILLUSTRATION 2: **Socio-ecological paradigm (part II)**
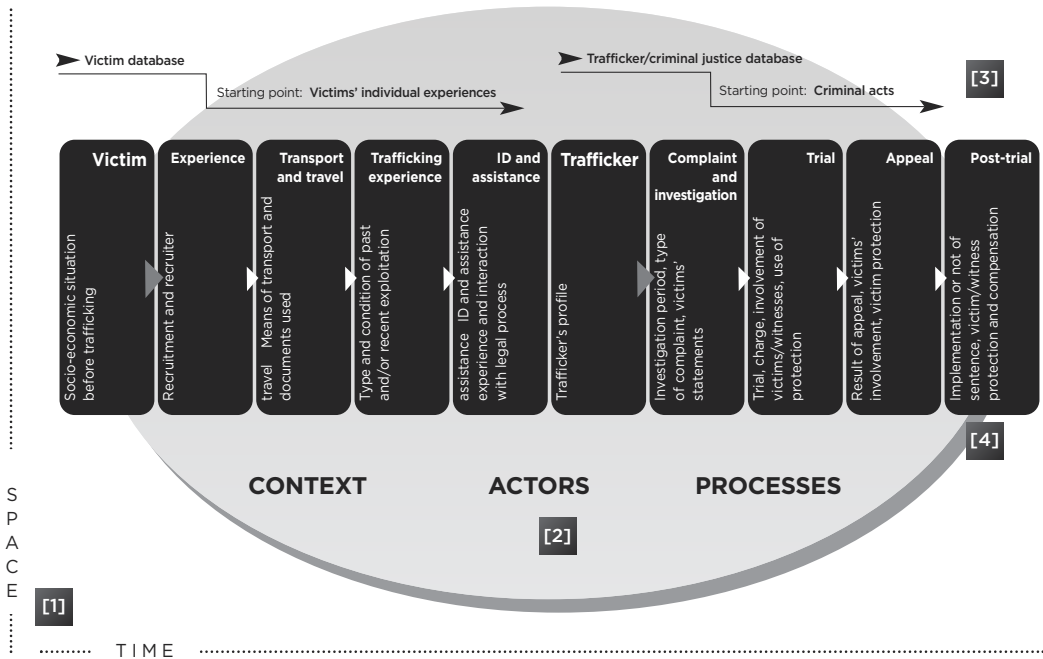
It took a long time for all partners to build and reach a consensus on the kind of information to be gathered and analysed on both databases. The following issues either separated or united us:

- How to deal with the major issue of protecting data and information (not only with regard to the type of data to be gathered but also looking to the possibility of exchanging data/information between partner countries?)

- How to overcome legal disparities and similarities (linked to the preceding question)?
- How to resolve issues of different terms and concepts (also linked to the two preceding questions)?
- How to articulate pre-existing databases with the indicators and variables being used (Portugal's case)?

    — In this case, how might they be harmonized?

- How to solve and overcome the problem of duplicate counting, both domestically and internationally, particularly where there is an absence of personal-data gathering?
- How to create continuous, structured cooperation between bodies within countries and between countries (issues of authority over data, and in certain situations confidentiality of the data)?
- How to ensure that the databases are sufficiently flexible to constitute a sustainable instrument that can be transferred to other countries and/or organizations?

While not wishing to sidestep all these issues at the moment, Portugal has from the outset drawn attention – and its views were duly considered – to the following:

— although the ultimate aim is to create a database with harmonized indicators;

— and although the lack of knowledge about THB is partly due to a lack of quantitative and qualitative data and information that has been systematically gathered, shared and harmonized (as to "what to gather" and "how to gather it"):

1. *One must be aware of and accept countries' capacities, limitations and specific characteristics in relation to this phenomenon*
2. *In operational terms, to achieve viable and valid results sometimes "less is more"*
3. *Consequently, the breadth of data to be gathered – if there is too much – may result in data not being gathered for several reasons:*
    a. Institutional capacity and framework of the data providers

b. (Time) relationship between the actors involved;
c. The models implemented
d. Legal reasons.

Thus, as well as asking '*what to gather*' and '*how to gather*', we should add – and this really should be the first question – '*why are we gathering and what for*'. In other words, while not denying countries' ambition to build and contribute to something innovative, they should seriously understand to what domestic use the databases will be put and what are the real data-gathering possibilities (so as to avoid system entropy). More than just a manual of good practices, this project would in fact create a basis and implement it.

As a result, it was decided to custom-design the databases. In practice that means:

1. While not ignoring the harmonization principle, and seeking consensus on many of the issues referred to above

   a. The databases should express a minimum and an advanced set of harmonized indicators[4]
   b. For each country's version, the databases must be flexible enough to select non-harmonized indicators, while maintaining the agreed minimum and advanced sets.

   The sets in question are shown below:

---

[4] Minimum set of indicators – consensus between all partner countries; advanced set of indicators – consensus between at least three of the four partner countries.

Trafficking victims database

TABLE 1: **Victim database**		
	Minimum set of indicators/ variables	Advanced set of indicators/ variables
Section 1: Case registration		
1c) Registering entity/agency/institution	X	
1d) Date when case is registered		X
1e) Source of information	X	
Section 2: Victims Background		
2a) Gender	X	
2b) Date of birth and/or age		X
2c) Citizenship	X	
2d) Country of residence		X
2e) Area/region of origin		X
2f) Demographic setting		X
2g) Marital status when trafficked		X
2h) Marital status when detected/"flagged" or identified		X
2j) Number of children when trafficking		X
2k) Contributors to household income before trafficking		X
2l) Education level	X	
2m) Activity at recruitment		X
2n) Motivation for migrating/leaving home		X
Section 3: Recruitment Experience		
3a) Age at recruitment/date of recruitment		X
3b) Country of recruitment		X
3c) Means of recruitment/entry into trafficking	X	
3d) Victim's relationship to recruiter		X
3e) Gender of recruiter		X
3f) Recruiter's citizenship		X
3g) Recruiter's country of residence		X
3h) Proposed destination country at recruitment		X

TABLE 1: **Victim database (cont.)**	Minimum set of indicators/ variables	Advanced set of indicators/ variables
Section 4: Transportation and Travel Routes		
4a) Means of transportation		X
4c) Border crossings		X
4d) Use of documents		X
4e) Attendance of traffickers during travel/transportation		X
Section 5: Identification and Assistance		
5a) Forms of trafficking/exploitation	X	
5d) Forms of control while trafficked	X	
5e) Date when trafficking exploitation began		X
5g) Legal status in the national territory at the time of detection/"flagging" or identification		X
5h) Date exited trafficking/exploitation		X
5i) Means of exit from trafficking/exploitation		X
5j) Previous experience of trafficking		X
5k) Year of previous trafficking/exploitation	X	
5l) Form of previous trafficking/exploitation		X
5m) Country of previous trafficking/exploitation		X
5n) Identification/assistance during previous trafficking		X
Section 6: Identification, Assistance, and co-operation with Officials and Authorities		
6b) County/district/place of residence at current country		X
6d) County/district/place of activity at current country		X
6e) Location where victim was detected/"flagged" or identified"		X
6f) Assistance received	X	
6h) Date entered assistance	X	
6i) Date exited assistance	X	
6j) Type of assistance	X	
6k) Transferred to other service providers		X
6l) Received services in the past		X
6m) Legal status in the national territory at the end of assistance	X	
6n) Statement to police	X	

TABLE 1: **Victim database (cont.)**		
	Minimum set of indicators/ variables	Advanced set of indicators/ variables
6o) Testifying in legal proceedings against the trafficker		**X**
6p) Protection pre, during or post trial		**X**
6q) Victim compensation	**X**	
6r) Return to country of origin	**X**	

Trafficker/criminal justice database

TABLE 2: **Trafficker/criminal justice database**		
	Minimum set of indicators/ variables	Advanced set of indicators/ variables
1Section 1: Registration of case of alleged/ convicted trafficker		
1a) Registration number/code		**X**
1b) Trafficker's name		**X**
1c) Registering entity/agency/institution		**X**
1d) Date when case is registered		**X**
1e) Source of information		**X**
Section 2: Alleged/convicted trafficker's background		
2a) Gender		**X**
2b) Date of birth and/or age		**X**
2c) Citizenship		**X**
2d) Country of residence		**X**
2e) Country of birth		**X**
2f) Role in the trafficking chain		**X**
Section 3: Investigation phase		
3a) Date case initiated		**X**
3b) Location where case was initiated		**X**
3c) Initiation method		**X**
3d) Date investigation commenced		**X**

TABLE 2: **Trafficker/criminal justice database (cont.)**		
	Minimum set of indicators/ variables	Advanced set of indicators/ variables
3e) Date investigation completed		X
3f) Date of arrest		X
3g) Charges at arrest		X
3h) Type of trafficking exploitation		X
3i) Number of victims involved		X
3j) Number of victim statements		X
Section 4: Trial phase		
4a) Location of court and crime process		X
4b) Date when crime process entered trial phase		X
4c) Date when crime process ended in the first court		X
4d) Charges at trial		X
4f) Trial outcome		X
4g) Type of sentence imposed at trial		X
4h) Duration of sentence (at trial)		X
4i) Fine imposed (at trial)		X
Section 5: Appeal process		
5a) Conviction appealed		X
5b) Date appeal commenced		X
5c) Date appeal concluded		X
5d) Grounds for an appeal		X
5e) Petitioner of appeal		
5g) Result of the appeal process		X
5h) Sentence imposed (at appeal)		X
5i) Duration of appeal sentence		X
5j) Fine amount (at appeal)		X
Section 6: Post-trial phase		
6a) Final sentence implementation		X
6d) Victim compensation ordered		X

As can be seen, there was more consensus on the data to be collected on victims than on traffickers. That fact partially illustrates another one – the different ways in which the different countries organize the system of data-gathering by the judicial agents responsible (e.g. the level at which data is broken down, automated or manual systems for keying-in times, data-gathering time, time when made available, the form of dissemination, etc.).

Passing over for the moment an introduction to the ***Dynamic Application for THB Knowledge*** (later we will explain why it goes by that name), after users are accredited – and provided with security specifications and specifications on the entry of accredited users – they are given access either to the victim – or trafficker database (see Printscreen 1).

PRINTSCREEN 1: **Access to databases**

By accessing each of these areas, the first thing users, as well as beneficiaries[5], see is an information page providing a summary of contextual statistics (on data already keyed in), i.e.:

---

[5] It is possible to create a user who can access the application's statistical model without visualizing the data.

- **Victim database** (see Printscreen 2)

1. *Distribution of the number of cases per month*
2. *Gender prevalence of registered victims*
3. *Case-by-case information for the following variables[6]:*
    3.1) *Registration code*
    3.2) *Registration date*
    3.3) *Date when last edited*
    3.4) *Victim's gender*
    3.5) *Victim's age*
    3.6) *Assistance given*
    3.7) *Status of the case.*

PRINTSCREEN 2: **Summarized statistical information on registered victims (flagged, confirmed and unconfirmed)[7]**

- **Trafficker/criminal justice database** (see Printscreen 3)

    1. *Distribution of the number of cases per month*
    2. *Gender prevalence of registered traffickers*

---

[6] Useful for direct research or for editing the case.
[7] This typology concerning the victim's status follows the same logic as applied to the analytical model (and used in the Single Registration Guide and Flagging Guide, described in the article *'Observing the observer – history of a monitoring system'* from the present collection): **Flagged** – this is potentially a victim; **Confirmed** – victim identified by the competent bodies as a victim (for further information see Decree-Law no. 368/2007 of 5 November 2007); **Not confirmed** – not a THB situation.

3. Case-by-case information for the following variables[8]:

3.1) Registration code

3.2) Registration date

3.3) Date when last edited

3.4) Trafficker's gender

3.5) Trafficker's age

3.6) Role in trafficking chain

3.7) Type of exploitation

3.8) Outcome of the court case.

PRINTSCREEN 3: **Summarized statistical information on traffickers/criminal justice**


Still at this first phase, in both databases the "Menu" item contains a range of commands with the following functions: open template to register the case ("*Action*" – in the case of the victim database, information on the CAP[9] is provided); "*Reports*" to access a series of statistical reports (simple indicator-based aggregates, amongst other statistical reports produced by the OTSH); "*Search*" to search a case directly; and "*Queries*", enabling you to research certain statistics autonomously by selecting the indicator and search time (see Printscreen 4).

[8] Useful for direct searching or for editing the case.

[9] CAP: Reception and Protection Centre for the Victims of Trafficking and their underage children, set up on 2 July 2008 via a protocol involving the Presidency of the Council of Ministers, the Ministry of Internal Administration, the Ministry of Justice, the Ministry of Social Security and Labour, and the Family Planning Association – the organization responsible for the specialized and administrative running of the centre.

PRINTSCREEN 4: **Menu Fields/Actions**
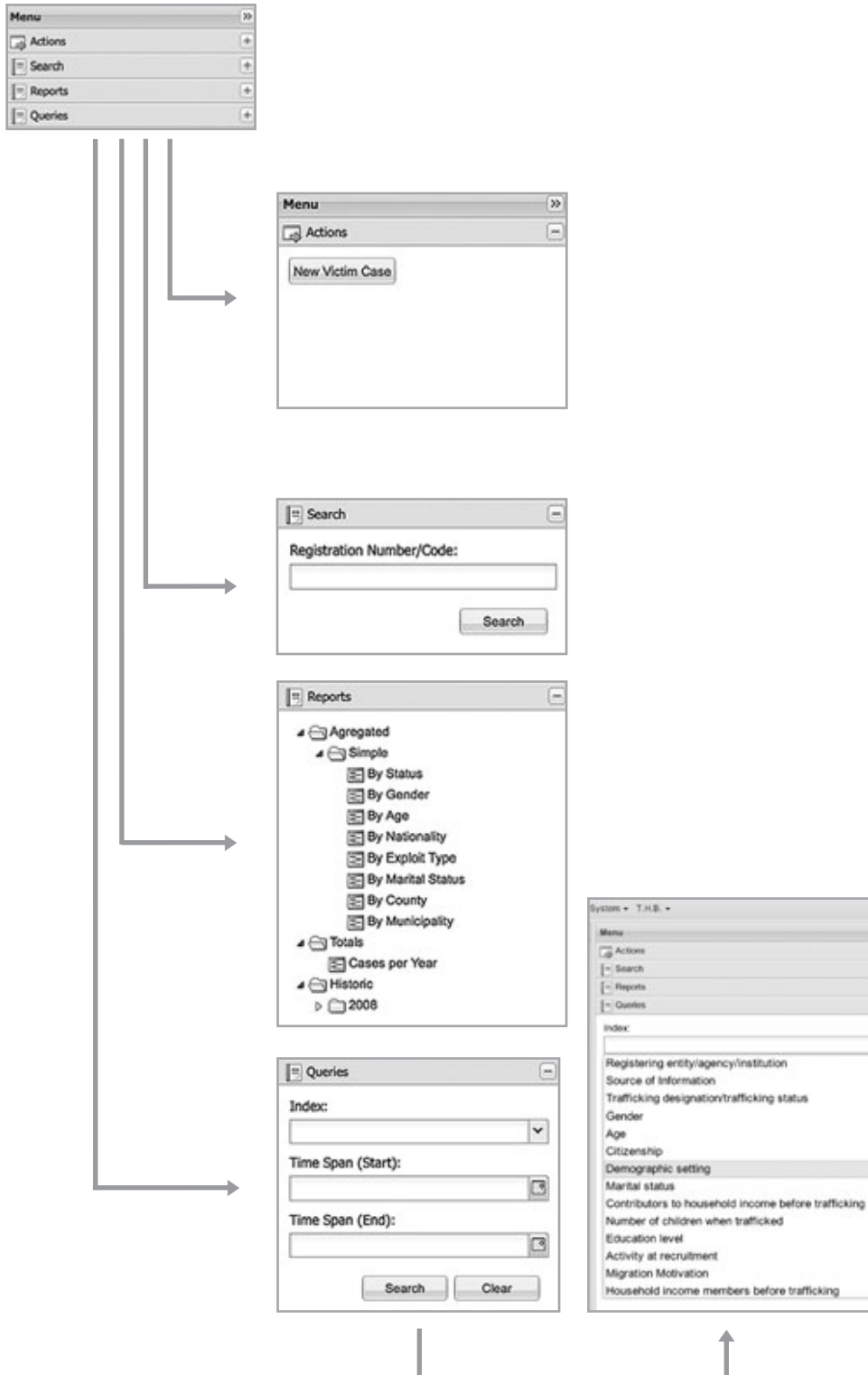
As to the data-gathering fields, for both the victim and the trafficker database, the following were agreed upon and felt to be important by all countries:

For victims they are:

1. *The case*
2. *The victim's background*
3. *Recruitment experience*
4. *Transportation and travel routes*
5. *Exploitation experience*
6. *Identification, assistance and cooperation with officials and authorities*
7. *Other (field open for observations).*

By way of example, Printscreen 5 provides a completed case history (with fictitious data), which will serve to point up two further issues:

1. The existence of online help for the entire database;
2. The existence of a mechanism for calculating probability (by cross-referencing certain indicators with different percentage weightings), that shows whether the victim (in this case) or trafficker is already to be found on the application, as you introduce the data.
   a. This function is innovative, because:
      i. In Portugal's case, and where no personal data is gathered, it helps us to prevent duplicate counting
      ii. Where a victim has been registered previously but has hypothetically disappeared, it enables us to inform the relevant body that the person in question has resurfaced.

For the trafficker/criminal justice database, the important fields are:

1. *The case*
2. *Alleged/convicted trafficker's background*
3. *Investigation phase*
4. *Trial phase*
5. *Appeal phase*
6. *Post-trial phase*
7. *Other (field open for observations).*

PRINTSCREEN 5: **Example of completed case history – victim database**

By way of example, Printscreen 6 provides a completed case history (with fictitious data). Although both databases enable records to be edited (adding data and/or altering the case's status), we believe that this function – editing – will be particularly useful for the trafficker/criminal justice database, because the period between the court case and sentencing is long, and thus the data takes a long time to gather.

PRINTSCREEN 6: **Example of completed case history – trafficker/criminal justice database**

This database was tested in Portugal at the OTSH at the end of the third quarter of 2009, and will soon be introduced into a real-world environment.

What is the medium – and long – term benefit? The use of harmonized indicators; the creation and implementation of a database with secure access and which is fully transmissible; access to and sharing of statistical information; and last, but certainly not least, an understanding of the trafficking chain from the socio-ecological viewpoint.

3. We now move on to 2010. And a little further...

Recalling the title of this article, ***New Model for Understanding the Trafficking in Human Beings – The next stage in gathering, analysing data and exchanging information on the trafficking in human beings***, let us now focus on the "new model for understanding" element.

What we have described so far has been officially called the "Dynamic Application for THB Knowledge". As with all names, it has its *raison d'être*. More than just a database (the main purpose of the analysis described above), this IT application is one of the functional and methodological parts of an integrated contextual analytical model (which necessarily involves gathering, producing, processing and disseminating data).

Statistical information and data alone reveal little about a phenomenon; a conceptual and technological framework is required if one is to read and understand them.

The OTSH, in partnership with the Resource Centre of the Department of Strategic Planning, belonging to the Directorate General of the Ministry of the Interior, has been consolidating the model – specifically its applications – right from the outset (at the time of the CAIM project). In fact, this is one of the OTSH's missions, as set forth in Article 2, Mission and Responsibilities, sub-paragraph b) of the decree-law which established it: '*To develop IT applications to support the collection and processing of information*'[10].

Although the principle is almost the same, there are some changes that directly involve the development of new platforms, new data

[10] Decree-Law no. 229/2008 of 27 November 2008.

providers, new analytical instruments and a new scope of action, as well as their mutual integration. They are the following:

- The OTSH website (Portuguese and English versions)
- The Dynamic Application for THB Knowledge
- A website with and for georeferencing the data gathered via the Single Registration Guide/Flagging Guide (GUR/GS), and subsequently the Dynamic Application – a platform for sharing national and international information – to be used directly by users, and therefore associated with a new working paradigm
- A website with and for recording (and georeferencing) activities carried out (by police forces, NGOs, campaigns, etc.), and the resources available to trafficking victims – platforms for sharing national and international information – to be used directly by users, and therefore associated with a new working paradigm
- The extension of data providers to include more NGOs and public-private bodies who can flag trafficking victims – creation of a structured working network
- Portuguese text mining to analyse structured and unstructured information in text[11].

On the first point, on 18 October 2009 – the European Day against Human Trafficking – the OTSH launched the Portuguese version of its website.

It is more than just an information repository. It is a vortal (as is the CAIM project website), which is to say an intercommunication project for those who are (professionally, culturally, etc.) identified with a given environment. It provides a range of information and promotes knowledge within this specific field[12]. In addition, it fulfils one of OTSH's duties under Article 5 of said decree-law, *Competencies of the Team Leader*, sub-paragraphs b) and c)[13], "*To publish and disseminate studies and information produced by the Observatory, in close cooperation with the*

---

[11]   Study carried out by the Manchete company. The software results from a link up between Manchete and Temis, a company producing software for text analysis.
[12]   Go to www.otsh.mai.gov.pt
[13]   See footnote 11.

Commission for Citizenship and Gender Equality (CIG) and the coordinator of the National Plan against the Trafficking in Human Beings" and "*To run and keep updated a website on the subject of the trafficking in human beings*".

The second point has already been described, but it should be added that it has a cascade configuration and that, in the same way that the accredited part of the website will serve to access the Dynamic Application, this will be the gateway providing access to the other platforms (websites) mentioned.

The aim of the website with and for the georeferencing of data gathered via the GUR/GS and Dynamic Application – developed by DGMI/Resource Centre – is to supplement research into THB. It is an application that enables spatial patterns of the (THB) phenomenon in Portugal to be detected, and allows territorial statistics on that phenomenon to be generated and consulted. It will enable the recording and updating of alphanumerical and spatial information by criminal police bodies and other bodies concerned with this phenomenon (see Printscreen 7).

PRINTSCREEN 7: **Website for monitoring THB patterns**

The application operates in a web environment (Internet Explorer, version 6 or later, the latest version being recommended). It provides information on the trafficking in human beings in Portugal from 2008 onwards. The information provided on the left side of the interface, under Contents, can be divided into five structural parts:

1. Cartographic information using orthophotomaps and military maps (under the heading "*Cartograph*")
2. Basic information, where one can consult and work on administrative, judicial and mobility information for Portugal (under the heading "*Territorial Database*" in the "Content" box, on the lower left side of the application
3. Statistical information (under the heading "*Statistical Database*")4. information on equipment and resources, divided into five categories: "*Economy*", "*Health*", "*Education*", "*Transport*" and "*Guide to Victim-Support Resources*"
5. Information on cases involving the trafficking in human beings (under the headings "*Victims' Routes*" and "*Record*").

How to use the tools is described in detail in the "*Help*" menu. For a quick start you can consult the information on geographical bodies using the ⓘ ("*Identify*") tool, the information being accessed by left clicking the mouse over the area about which you want information. By clicking on the intended area of the map, the information appears as a tag. This operation can take some time. By selecting the alphanumerical part of the tag (the area to the left with letters and numbers that usually shows territorial units), you can view the layer of information you wish to select in order to access the relevant database.

There is also a tool for locating the areas of responsibility and resources of the bodies involved in fighting THB and providing victim support.

To print the results you just click on "*Add to Results*" in blue, in the window of the tag that has opened with the data you wish to consult, and then select "*Print*" from the menu. The data can also be copied onto any other program on your PC using the traditional copy and paste method.

The data shown varies according to how closely you zoom in. By se-

lecting a smaller area of territory you will see a larger number of geographical entities (municipal authorities, parish councils, road network), and you can access the databases in question using the consultation process described above.

As to the website with the possibility of introducing records (and georeferencing them) of activities carried out (ranging from police forces to NGOs, campaigns, etc.) and the resources available to trafficking victims, its functional logic, look and aim are very similar to that described above. The added value revolves around bringing what we know about trafficking up to date (and in this respect it genuinely complements the OTSH website), and it will act as a database platform for all of the resources available to victims, in order to ensure the speedy identification of support structures (what they offer and where they are) to provide fast assistance.

Regarding the expansion of data providers who can flag trafficking victims, but also others who can supply data and information to feed into the two aforesaid websites (specifically statistical and geographical information), we have the same expectations – mainly regarding the supply of data and information on THB – from our international partners. Despite institutional and/or legal restrictions on data sharing, these platforms enable information to be shared and visualized.

The aim for everyone is to establish a structured working network.

Finally, the purpose of carrying out a study via the use of text mining is to help:

1. To gather a pool of structured and unstructured information on the various phases and consequences of THB and gender violence
2. To encourage the creation and development of an innovative analytical model using data-gathering technologies (media clipping and so forth) and structured and unstructured information processing based on bilingual describers, so helping to improve our understanding of the phenomenon
3. To prompt recommendations aimed at prevention, and at raising the awareness of a wider public.

In short, this software's potential resides in identifying statistical trends and patterns in the sources analysed and for a given subject – in this case the trafficking in human beings. It examines the categorization, structuring (and interconnection[14]) of texts and their content, the bodies quoted and the associated valuation. We hope to produce "(...) knowledge, and consequently generate value for the organization" (Manchete)[15].

The study phases are as follows:

1. The gathering, aggregation, processing and analysis of structured and unstructured information (public information published in the local, regional, national and international media, and online domestic and international content) for 2000 to 2010, to be incorporated into a qualitative examination of the analytical model (monitoring system)
2. The identification, extraction and classification of bodies
3. The drafting of a final report and presentation of the archive of structured and unstructured content
4. Analysis of the classifieds section of national and regional newspapers, and internet sources, for identifying and mapping risk situations.

   The output – analysis of the information collected – will subsequently be used by DGMI/Resource Centre, particularly to feed into the records website.

   Using the same format as that followed for the development of the monitoring system in the article *"Observing the observer – history of a monitoring system"*, now updated to 2010 and beyond, the following summarizes what has been described so far, and to a certain extent also summarizes the new model for understanding THB.

---

[14] Cluster analysis.
[15] Go to
http://www.mynetpress.com/newsletter/PressReleases/PR%20Manchete%20e%20Temis_Set09.pdf

Development of the monitoring system	2006 to 2008	2008 to 2009	2010 (and beyond)
Paradigm	Socio-ecological		
	Domestic Level		International Level
Focus	• Sexual exploitation • Victims	• All forms of trafficking covered by domestic law (Article 160 of the Penal Code) • Victims and traffickers/criminal justice • Other forms of gender violence	
Data-gathering	Creation of the system: • Test and implementation phase for the Single Registration Guide application, and start of data gathering via criminal police bodies • Development and implementation of the Flagging Guide, and start of data gathering via certain NGOs	System consolidation: • Establishment of the OTSH • Dynamic Application created (with harmonised indicators from four European countries) • Creation of new applications based on georeferencing systems (DGMI/Resource Centre) • Expansion of NGO network • New data-providers, in addition to criminal police bodies • Protocol between OTSH and Directorate-General for Justice Policy/Ministry of Justice	System expansion: • Implementation of the Dynamic Application (victims and traffickers) – expansion of data providers • International and European promotion of databases and associated georeferencing applications
Validation	• Few fields closed with automatic validation		• More fields closed with automatic validation
	• Of cases: Monitoring Group for the Single Registration Guide (Criminal Police Bodies), and Multi-Skilled Team for the Flagging Guide (Reception and Protection Centre) • Of data: OTSH (Information-Production Unit and Information-Processing Unit)		
Analysis	• Development of the analytical model	• Cross-referencing of (criminal and non-criminal, qualitative and quantitative) data	• Improved data quality • Introduction of new tools for sharing statistical data (domestically and internationally)
Dissemination	• Domestic • Stakeholders • Pdf reports • Little statistical data	• Domestic (international is beginning) • Possibility of statistical reports produced by users • Two reports	Domestic and International: • More complex statistical reports • Greater cross-referencing of indicators • New tools • Resources database
Interactivity	• Accredited users only (with different levels of access)		• Greater interactivity, even if you are not a direct user • More intuitive and user friendly

BIBLIOGRAPHIC REFERENCES

TURNER, Bryan S. (1993), "Outline of a Theory of Human Rights", *Sociology*, vol. 27 (3), pp. 489-512

SURTEES, Rebeca (2009), *Anti-Trafficking Data Collection and Information Management in the European Union – a Handbook – The situation in the Czech Republic,* Poland, Portugal and the Slovak Republic, International Centre for Migration Policy Development (ICMPD) and Direcção Geral de Administração Interna

VIEIRA, Ausenda, MACHADO, Paulo, SANTOS, Alexandre and PENEDO, Rita (2008), *Roteiro para a construção de um sistema de monitorização sobre o tráfico de mulheres para fins de exploração sexual,* Projecto CAIM (Cooperação, Acção, Investigação, Mundivisão), EU Initiative EQUAL, Direcção Geral da Administração Interna, Portugal

HUMAN
RIGHTS AND
CITIZENSHIP
COLLECTION

*IN*HUMAN
TRAFFICKING

Combating the
crime of trafficking
in human beings, in
all its forms, is an
ethical, moral and
political imperative.

OTSH OBSERVATÓRIO DO TRÁFICO DE SERES
HUMANOS
OBSERVATORY ON TRAFFICKING IN
HUMAN BEINGS