

Human trafficking to Australia: a research challenge

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We know that for some crimes, like human trafficking, it is difficult to secure prosecutions. It is also the case that these kind of crimes are difficult to detect. Human trafficking presents different challenges from domestic crimes, like sexual assault, because of its often transnational nature and the potential involvement of a network of facilitators in a number of countries. Extreme caution should be exercised in extrapolating from the under-reporting of domestic crimes to transnational crimes, as Australia enjoys the natural protection provided by being both an island and geographically remote and has extensive border protection mechanisms. This paper argues that we need to be aware of trends, internationally and in the region, to ensure we have early warning of activities that could impact on the level and type of trafficking to Australia, and to ensure we are providing the most effective responses to prevent and detect trafficking. This paper provides an overview of the challenges involved in obtaining reliable information on the trafficking process.

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It is timely to revisit human trafficking as an issue that affects Australia. Since the AIC published a major report on the topic in 2000 (David 2000), the Australian Government, in 2003, committed \$20 million to address human trafficking, new federal offences entered into force in August 2005 (*Criminal Code Amendment (Trafficking in Persons Offences) Act 2005*), and in September 2005 Australia ratified the United Nations (UN) protocol to prevent, suppress and punish trafficking in persons, which supplements the UN convention against transnational organised crime.

Despite the attention which trafficking has received at the international and national level since the UN General Assembly adopted the convention on transnational crime and its associate protocol on trafficking in persons, there are still no reliable data on the issues. There have been several large-scale efforts to estimate and document human trafficking across the world. A recent report, based on an analysis of a database which recorded citations of trafficking by various sources of information over the period 1996–2003, relies on secondary sources and provides a limited and potentially inaccurate picture of global patterns (UNODC 2006). Many of the citations came from previous or ongoing efforts to estimate and document human trafficking by a number of key institutions – the Trafficking in Persons (TIP) report produced annually by the US Department of State, reports produced by the International Labour Organization (ILO) and International Organization for Migration (IOM) which focus on forced labour, and a major report produced by the United Nations Children's Fund (UNICEF 2005), *Trafficking in human beings, especially women and children, in Africa*.

The estimates found in these reports vary over time and across regions, primarily because human trafficking is an extremely difficult activity to investigate. There are also differences in focus and in methodologies. As the evidence base is shaky, and easy to challenge, it is important to consider how knowledge on this issue can be improved, in order to properly inform efforts to prevent and reduce

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trafficking. The following paper summarises current evidence on trafficking to Australia and within the wider region, and highlights constraints that exist when endeavouring to interpret what this evidence tells us about the problem. It concludes with recommendations for further investment into research and monitoring.

Defining the problem

There are important distinctions between people smuggling, and trafficking, with the former involving the illegal migration of people across borders. Although trafficking involves movement of people it does not necessarily occur across national borders and must involve exploitation of the victim and, at least where the victims are adults, an element of force, deception or abuse of power. The 2000 Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children provides the following definition:

‘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.

Children women, organs, labour

The purpose of trafficking research and the importance placed on estimating numbers varies, but the main areas of focus tend to be trafficking into the

sex industry, irregular migration or involvement of organised crime (Jahic & Finckenauer 2005). Although the protocol explicitly refers to children, the type of human trafficking that has the greatest visibility, especially in first world countries, is the trafficking of women for the purposes of sexual exploitation. The reasons for exploitation vary and although the protocol includes forced labour, domestic servitude and the removal of organs, it seems that the trafficking that is most known about in Western Europe, the Americas and East Asia involves women who work in the sex industry in the destination countries, under debt bondage contracts or other forms of coercive control.

Some victims of trafficking may be aware that they will be working in the sex industry in the destination country or as a domestic worker. However, once illegally resident in a destination country, they can be vulnerable to abuse and exploitation. Various commentators in Australia have recounted examples of debt-bonded prostitution, where women have to provide sexual services to a large number of clients over a specific period of time to pay off large debts (AFP 2003, Carrington & Hearn 2003, Project Respect 2003). The issue of consent is problematic in such situations when threats, abuse of power or vulnerability pressures exist and becomes even more of an issue if the victim is a minor.

Involvement of transnational crime

Not much is known about overlaps in human trafficking and other forms of trafficking, and whether similar networks are involved in such criminal activity. Reports on different regions of the world reveal that there is often an overlap between legal migration routes, people smuggling and human trafficking, but not much research has been undertaken on how crime groups and networks are involved in human trafficking and how such criminal transnational activity has been facilitated by the widespread use of the internet and other technological changes (Makkai 2003).

As Tailby (2001) notes, when people move illegally through multiple transit points and countries, the required level of organisation increases. Various facilitators can be involved in people smuggling and trafficking including migration agents in source countries, corrupt officials, and transport agents/operators. Importantly, the global crime of trafficking involves other major crimes including fraud, kidnapping, identity crime, bribery and corruption, and deprivation of liberty – all of which have to be successfully coordinated and managed clandestinely to ensure that the operation is run sufficiently effectively and often enough to generate profit.

A UNODC pilot survey in 16 countries and one region found that eight of 40 organised crime groups were involved in trafficking in persons activity (UNODC 2006). The two groups whose primary activity was trafficking were classified as ‘core groups’ – consisting of a tightly structured core group and links to a loose network of associates. The remaining six groups were engaged in numerous criminal activities with five hierarchically structured and five heavily involved in the transnational trafficking of various goods including drugs and firearms.

Measuring the problem

The most cited global estimate of human trafficking is produced annually in the TIP report, by the US Department of State. The 2006 estimate was trafficking of 600,000 to 800,000 persons across international borders with 80 percent of the victims believed to be female, up to 50 percent minors and the majority for commercial sexual exploitation. The methodology employed to produce this estimate and attendant claims remains unclear (GAO 2006). The assessment of an individual country seems to involve US diplomatic missions consulting documentation and key stakeholders, but the number and nature of sources is not revealed.

Very broad ranges are often employed for country, regional and global estimates, with, for example, annual estimates of

victims of sexual exploitation for Germany ranging from 2,000 to 20,000 and from 10,000 to 100,000 for Russia (Makkai 2003). There is also a large disparity between estimates and the number of known cases. An overview of human trafficking provided by the US National Institute of Justice in 2003 referred to estimates of 45,000–50,000 women and children being trafficked into the US but there were 38 documented cases involving 5,500 women in 1999–2000 (Makkai 2003).

Certainly there has been some debate in Australia on the estimated number of trafficking victims in the country, especially in relation to the numbers of foreign women in the sex industry estimated to be in servitude (AGD 2004, Piper 2005, Scarlett Alliance 2003). Intelligence assessments have indicated that the total number of victims is less than 100, and as Table 1 shows, official information on victim support and arrests would indicate relatively small numbers.

The problem with estimates is that they are often without cited sources, or the sources do not reveal their methodology (GAO 2006). These vaguely defined numbers are repeated, thereby reinforcing themselves (Jahic & Finckenauer 2005). However, there are examples of more information being provided on methodology to produce estimates on the extent of trafficking. In an effort to produce a more accurate picture of human trafficking in Africa, UNICEF undertook country visits, a desk review and held an expert workshop. A database was developed to manage the quantitative and qualitative information on 53 African countries, which enabled the analysis of 8,500 pieces of data divided into 160 variables (UNICEF 2005). An ILO (2005) report sought to provide a global minimal estimate of forced labour over a 10 year period. Double sampling was used and independently produced by two research teams in order to arrive at an estimate of the total number of persons in forced labour at a given time, including both non-reported and reported cases. The report noted that information was even less reliable in regions where

Table 1: Official human trafficking statistics, Australia, January 2004 – September 2006

	Number of individuals
Criminal investigations	117
Victim support program	66 ^a
Arrests	23
Prosecutions	14
Convictions	4 ^b

a: 44 have been issued with criminal justice stay visas

b: at the time of writing three convictions were under appeal

Source: Australian Federal Police

awareness was low or where freedom of expression was restricted.

A recent report that examined data collected by government agencies that related to trafficking in four Asian countries, found common challenges such as lack of oversight of data, poor information management systems, inadequate coordination between and within agencies, and sensitivities around data on trafficking, related to possible criticisms of government (David 2007).

Trafficking flows

Trafficking is part of broader migration patterns, particularly undocumented flows of people within and between countries and across regions. Related to the efforts to estimate the magnitude of the problem, is the interest in identifying and documenting the patterns of human trafficking. The primary aim of the analysis of UNODC’s database of citations was to build a picture of trafficking flows between countries and across regions, with countries being described as source, transit and destination countries (UNODC 2006). With Asia, the report shows internal regional flows, as well as flows out to destination countries such as Western Europe, United States, Japan and Australia (2006: 89). Thailand, for example, is ranked very high as a source, transit and destination country, due to the number of source documents that referred to Thailand as one of these classifications. However, as the report

notes, the number of citations does not equate to actual numbers, and the scale of flows remains uncertain.

A range of factors contribute to the difficulties surrounding quantification of trafficking, at a country, regional or global level.

Under-reporting by victims. The identified number of victims is invariably much lower than estimates, with the Dutch National Rapporteur Against Trafficking in Human Beings estimating that only five percent of victims report their victimisation or come to the attention of the authorities. Intergovernmental and non-governmental organisations often maintain databases on those who have been assisted, repatriated and reintegrated, but this represents a small number (UNODC 2006). Victims may be hesitant to provide information or cooperate with authorities out of fear for themselves or their families. This reluctance to come forward can be compounded by cultural and linguistic barriers that militate against reporting.

Limited or no detection of offenders.

Illicit, underground activities may be hard to detect or hard to disrupt due to corruption and the risks associated with tackling organised crime. With human trafficking, perpetrators may be located in a range of countries depending on the route and method of trafficking. This creates challenges in obtaining evidence to prove criminal offences, especially where it has to be demonstrated that exploitation has occurred after illegal immigration. Although victims may be aware of the type of work that they are going to engage in, the conditions of employment and the debt that requires repayment may not have been agreed to (Piper 2005). These factors impinge on the likelihood of the successful apprehension and prosecution of offenders, with the number of identified traffickers being even lower than numbers for identified victims. For example the UN report cites the most recent figures for only a few countries where prosecution (nine countries) and case/arrest information (19 countries) is

publicly available. Rated in the publication as a country high in citations as a destination country, the UK only had 15 cases over an 11 month period; Italy had 15 cases involving the arrest of 126 people over an 18 month period; and the Netherlands reported arresting 135 traffickers for the year 2003 (UNODC 2006: 36). Australian official statistics reveal that of a total of 117 criminal investigations only a small number resulted in successful convictions of traffickers (see Table 1).

Limited capacity to collect statistics generally and on trafficking. Many regions and countries are hampered by poverty and poor governance that affects capacity to monitor and respond to illicit activity such as human trafficking. As a result, there are limited sources of statistics on migration generally, and trafficking, which may be no more than a non-government agency's records of assisted victims. For example, in south east Asia, the large scale, undocumented irregular labour migration results in a blurred distinction between smuggling and trafficking (Piper 2005). Additional factors that inhibit the collection of reliable statistics include the lack of or limited anti-trafficking legislation; the absence of or limited enforcement; and the lack of a centralised agency to collect data, such as exists in the Netherlands (UNODC 2006).

Understanding the problem

Much of the information used to underpin estimates seems to rely on case studies, media reports, official statistics and key informants (Makkai 2003). It is not unusual to employ a range of qualitative methods to investigate hidden, under-reported crimes such as domestic violence, sexual assault, and illicit markets. Qualitative research can play an important complementary role, by both informing estimates and delving into the nature of the phenomenon. Endeavouring to understand why and how human trafficking occurs can involve canvassing the impact of globalisation and the 'push and pull' factors of migration, and more

specific themes, such as gender issues, and its significance within the wider context of profit driven organised transnational criminal activity.

There has been a significant rise in human trafficking research in the 21st century, which can be seen as a consequence of the globalisation of markets and labour (Fergus 2005). A literature review undertaken several years ago, found a sharp rise in trafficking research over a 10 year period. Of the 260 titles published between 1993 and 2004, 200 (77%) were published between 2000 and 2003 (Laczko 2005). The review summarised the research as predominantly applied research with few longitudinal studies, with a focus on the supply side of women and children for sexual exploitation, and with less attention on traffickers (Laczko 2005). Speculating on the reasons for the under-reporting of forced labour trafficking, the UNODC (2006: 65–66) gives a range a reasons: not included in legislation until recently, few reported cases of male victims generally of trafficking, perceived to be a matter for labour regulation, and the media focus on the plight of women and children exploited for sexual purposes.

Research in the south east Asia/Pacific region has been characterised as fragmented. According to Piper (2005), the partial nature of the research is affected by the following factors: by location (ethnographic studies in a village or community); by typology (only looking at one type of trafficking); by timing (typically short time frames, with no longitudinal or life course analysis); and by discipline (no inter-disciplinary, multi-methods) (Piper 2005).

Another bias is the geographic focus of research. In the region, certain countries are better researched than others, with, for example, the Mekong area, and in particular Thailand, researched as the hub of the sex trade, while in Cambodia the focus is on trafficking of children, and in Indonesia on exporting labour migrants (Piper 2005). Studies on human trafficking in Oceania are the scarcest

and there seems to be very little local academic research in 'receiving' countries, for example Singapore, Australia and New Zealand (Piper 2005).

The problems associated with undertaking research on human trafficking create biases, with few systematic analyses of these biases. There are sampling issues with hidden or rare populations; with interviews, consultations, and data typically generated from a limited range of sources. For example, with human trafficking research, there is a focus on the experiences of migrants (in destination or country of origin upon return) who have contact with non-government agencies, or on known areas of prostitution (for example, a study in Oslo – see Tyldum & Brunovskis 2005). Funded programmes generate useful data and information, which creates a self-perpetuating focus on whatever was the rationale for establishing the programme (Piper 2005).

It is also important to be mindful of the risks attached to being involved in any research enterprise that could cause harm to the participants and/or the investigators. For example, investigating the involvement of organised criminal networks in the trafficking of humans is about delving into a 'hidden' illicit activity, where the business interests of serious and dangerous criminals could be threatened. There is also the likelihood that more minor offenders will be identified through research, as illustrated by a study of those involved in people smuggling from China to the US, which depended on the personal networks of the researchers (Zhang & Chin 2003).

Improving our knowledge of trafficking to Australia, including forecasting future trends and risks over the next five to 10 years, involves building up an understanding of the wider context of regional trafficking flows. Partial and, in some instances, problematic accounts of regional flows indicate possible patterns about who is trafficked, how and why they are trafficked and from where:

- According to the UN trafficking citation index, human trafficking to Australia is predominantly women for the purpose of sexual exploitation, with 17 of the 23 sources of information referring to this type of trafficking activity (UNODC 2006).
- Thailand and to a lesser extent China, South Korea and Malaysia have been cited as origin countries of illegal sex workers in Australia, based on statistics of those detected by immigration authorities and submissions to a parliamentary inquiry into trafficking of women for sexual servitude (PJCACC 2004).
- According to an academic who works in the region, most labour migration in Asia is arranged through brokers or recruiters at origin as well as destination country. The extent of organised crime involvement is questioned, with recruitment in source countries in the Mekong sub-region characterised as more of a 'cottage industry' (Piper 2005).

Addressing the problem

In the 2005, 2006 and 2007 TIP reports, Australia was placed in Tier 1 based on the premise that it is regarded as being fully compliant with the US Trafficking Victims Protection Act. The Australian government's Action Plan to Eradicate Trafficking in Persons contained four main elements: prevention, detection and investigation, criminal prosecution, and victim support and rehabilitation. The additional \$20 million in funding announced in 2003 was for a range of initiatives including an Australian Federal Police (AFP) strike team, a senior migration position in Thailand, victim support and reintegration for those returning to south east Asian countries, and a domestic awareness strategy. Introduced in January 2004, new visa arrangements were introduced whereby a person with a criminal justice stay visa may be entitled to a witness protection (trafficking) visa that would allow continued residency in Australia, initially on a temporary basis of two years, with

the possibility of conversion into permanent residency (Fergus 2005).

The primary vehicle for Australia's engagement with the region has been the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. Australia and Indonesia have co-chaired two regional ministerial conferences (AGD 2004). Overseas aid efforts to combat trafficking have also targeted the south east Asian region. Of \$14.2 million in anti-trafficking aid in 2003, over half went to the Asia Regional Cooperation to Prevent People Trafficking, with smaller amounts for an IOM project in the Mekong region and for a UN inter-agency project in the same region (AGD 2004). These projects are being replaced with a new Asia Regional Trafficking in Person project in the Mekong region over five years with funding of \$21 million, with a focus on strengthening criminal justice responses.

The Australian Government, in 2004, indicated it would measure progress with the Plan by ascertaining whether there is increased support for victims, an increased willingness of victims to come forward, more prosecution and conviction and improved capacity to take up future challenges. In addition, it stated it would honour its obligation under the protocol to monitor the extent of trafficking of people into Australia (AGD 2004). The 2007 federal budget increased funding for anti-trafficking measures, including new money for research and monitoring activity.

In the global trafficking literature, a major gap is the lack of independent evaluation of policies and programs or on internal trafficking (GAO 2006, Laczko 2005). A review of anti-trafficking initiatives by the US National Institute of Justice found very little evaluation of prevention and reduction initiatives (Makkai 2003). This reduces the opportunities to identify good practice in intelligence exchanges, enforcement, prosecution, victim services and protection within countries and across regions. In 2003, approximately 70 countries provided victim services or protection to victims of trafficking, but

very little is known about whether there are different approaches or their efficacy. Similarly, more than 60 countries reported some kind of public education program with little known about their impact. It was concluded that only about 20 countries had reliable estimation procedures, and monitored trafficking patterns through effective border controls (Makkai 2003).

Conclusion

The picture of trafficking remains very unclear with competing claims about the extent and nature of trafficking to Australia. Although some research has been undertaken in various source countries, primarily in the Mekong area, there is very little known about the Pacific region and whether various forms of human trafficking, including labour exploitation, are an emerging issue. Further gaps include a lack of information about those involved in trafficking in the region and in Australia, and the factors that increase the risk of, and facilitate exploitation. To improve the prosecution of traffickers and the protection of and reporting by victims, more coordinated sharing of information between countries and agencies is required, for example through case studies, and about impact indicators and measures.

The reasons for this dearth of knowledge are not peculiar to Australia. Some of the research challenges are akin to the difficulties of investigating other 'hidden' crimes such as child abuse and domestic or sexual violence, while other challenges are commonly associated with research into all types of serious systematic, organised and transnational crime. A study on the extent of, and responses to, trafficking in women for sexual exploitation in the UK, primarily relied on a survey of police and administrative data. However, the report's authors conclude that accurate estimates are problematic and their recommendations have significant resource implications as they advocate the collection of detailed and useful data by key agencies, and the central coordination of information

including intelligence from overseas sources (Kelly & Regan 2000).

Better estimates of numbers and flows involve systematic and well-documented collection of data from a variety of sources, on an ongoing basis of agreed core items, across regions and by stakeholders within countries. Makkai and McCusker (2004) also make the point that instead of concentrating on victim estimates, a crucial and potentially more fruitful avenue of inquiry is into the characteristics of the trafficking process, especially the networks and links across countries involving 'cottage' businesses and family networks.

Filling in the gaps identified in this paper means that multidisciplinary studies are required into patterns of trafficking, into the organisation of trafficking and of perpetrators, and into good practice in victim support and criminal justice responses. There needs to be a concerted effort to increase the methodological rigour and transparency in trafficking research. This should not necessarily translate into a focus on estimates of victim numbers, which can consume considerable resources. Instead a strategic approach to monitoring known flows in key areas and among key sectors is important, along with the development of robust and realistic performance measures to assess the impact of anti-trafficking measures (GAO 2006). More could be done to improve existing data sources and to systematically learn from known trafficking cases that will help identify effective practices to detect trafficking and support victims (David 2007). In addition, innovative and exploratory research, which can complement intelligence activities, is required to

ascertain whether there are hidden incidents involving, for example, males for the purposes of labour exploitation from nearby countries that could emerge as future flows and patterns in human trafficking to Australia.

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