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**Researching hidden populations:
approaches to and methodologies for
generating data on trafficking in persons**

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Guest Editor

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PREFACE

Forum on Crime and Society is a United Nations sales publication issued by the United Nations Office on Drugs and Crime (UNODC), based in Vienna. It is published in the six official languages of the United Nations: Arabic, Chinese, English, French, Russian and Spanish.

Forum presents policy-oriented articles on crime prevention and criminal justice. It focuses on trends and practices in the field of criminal justice that are of special significance to the international community.

The present issue of *Forum* is devoted to research approaches to and methodologies for generating data on trafficking in persons. It is the ninth issue of *Forum* to be published and widely distributed to a varied readership. Past issues of *Forum* are available on the UNODC website (www.unodc.org/unodc/en/data-and-analysis/Forum-on-Crime-and-Society.html).

All contributions to this issue of *Forum* have been written by the authors in their personal capacity and should not be regarded as official views or positions of the institutions they represent.

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Since 2010, when the General Assembly, in its resolution 64/293, adopted the United Nations Global Plan of Action to Combat Trafficking in Persons, UNODC has been assigned to collect relevant data and report on trafficking in persons, in particular on the patterns and flows of such trafficking, at the national, regional and global levels. Even though the importance of including statistics in an approach to tackling human trafficking is widely acknowledged in international legal and public documents, it is also recognized that there is still a scarcity of knowledge on the total scale of such trafficking. In preparing the global report on trafficking in persons, UNODC is faced with several challenges such as definitional ambiguity and the absence of primary data collection based on sound sampling and documentation procedures in the participating States.

Despite the internationally accepted legal definition of trafficking in persons established in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations

Convention against Transnational Organized Crime,^a in practice there are various interpretations of what constitutes such trafficking. The use of different interpretations, such as who are the victims of such trafficking, where can they be found and what are trafficking violations, makes it difficult to compare data at the international level. The different quality and documentation of procedures contribute to the difficulty of estimating the global scope of the problem, the biggest challenge being the hidden nature of such trafficking.

The long-term vision of UNODC is to know more about the hidden side of the phenomenon of trafficking in persons and to facilitate the development of more innovative research approaches in order to receive more sound data from States. For this reason, an expert workshop on research in trafficking in persons was organized in Vienna from 11 to 13 December 2013. Participants were researchers with experience conducting quantitative or qualitative studies in different areas, reaching hidden populations. The objectives of the meeting were to discuss the quantitative and qualitative aspects of new research methodologies and to develop concrete ideas and recommendations to be used by UNODC to improve its research on patterns and flows of human trafficking at the national, regional and global levels.

This issue of *Forum* is aimed at presenting the variety of research approaches and findings to a broader public and contributing to a discourse on how to obtain through research more sound data on the different aspects of trafficking in persons.

Concrete recommendations by the participating authors include:

- Using existing international and national surveys for analysis
- Taking advantage of existing data collection vehicles, especially in industrialized countries
- Encouraging the collection and analysis of data in microlevel settings and not relying on current estimates
- Carefully defining indicators of human trafficking with common

^a“‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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” (General Assembly resolution 55/25, annex II, article 3).

characteristics to allow for the development of common counter-measures reflecting all international legal frameworks

- Establishing a global test databank to host various examples of trafficking instruments, together with their supporting documents and validation studies

The articles presented in this volume of *Forum* deal with challenges and solutions in collecting research data on trafficking in persons and presenting quantitative and qualitative aspects in reaching hidden populations and how to use them for research on such trafficking.

Editorial policy and guidelines for publication

The Editorial Board invites scholars and experts from around the world to contribute articles to *Forum* on criminological and socio-legal issues. Articles submitted for publication must be original, that is, they should not have been published elsewhere. The length of manuscripts to be considered for publication as articles should not exceed 6,000 words. Manuscripts should be submitted in electronic format and preferably also in hard copy and should be accompanied by the curriculum vitae of the author and an abstract.

All manuscripts, reviews and correspondence should be addressed to the Managing Editor of *Forum*, either by mail (Policy Analysis and Research Branch, United Nations Office on Drugs and Crime, P.O. Box 500, 1400 Vienna, Austria) or by e-mail (forum@unodc.org).

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ESTIMATING HUMAN TRAFFICKING WORLDWIDE: A MULTI-MODE STRATEGY

By Jan van Dijk*

Abstract

In this article, the author presents the results of an in-depth analysis of the production of statistics by Eurostat on formally identified victims of trafficking in human beings in Europe. He concludes that the concept of an identified victim of trafficking in human beings has different meanings in different European Union member States and that the identification process is organized differently as well. On the basis of those regional results, he argues that statistics on the number of recorded victims of human trafficking cannot be used as a reliable measurement of the extent of trafficking in human beings in a country, neither in the European Union nor elsewhere. As follow-up to this critical assessment, the author argues in favour of a worldwide programme for the collection of survey-based estimates of human trafficking and, to that end, presents a methodological strategy combining various modes of data collection.

Keynotes: identification of victims of trafficking in human beings, Eurostat, cross-country differences, dark number studies, multi-mode strategies.

Introductory remarks

International legal instruments on human trafficking such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime [1], are explicitly victim-focused. Their ultimate aim is to reduce the number of persons, especially women and children, victimized by this type of crime. In addition, these instruments seek to improve the provision of services to identified victims. Considering these aims, the special interest in collecting international statistics on victims of human trafficking is obvious. Such statistics are important for monitoring the impact of the Trafficking in Persons Protocol, which, when properly implemented, should result in lower numbers of victims of human trafficking and a higher proportion of such victims being adequately served.

*Tilburg University, the Netherlands.

The collection of international statistics on crime is challenging due to varying legal definitions, reporting patterns and recording practices. For this reason, official figures on police-recorded crime are increasingly seen as input statistics of criminal justice systems that cannot, and should not, be used to measure the level of crime or trends in crime ([2], [3]). In spite of this, statistics on the number of recorded victims of human trafficking continue to be collected by, among others, the United Nations Office on Drugs and Crime (UNODC) and Eurostat.

The present article contains the results of an in-depth analysis of the production of such statistics in Europe. Building on those results and a paper by Seo-Young Cho [4], the author argues that statistics on the number of recorded victims of human trafficking should be seen as an imperfect measurement of the performance of policies to counter such trafficking, or failure to implement such policies, rather than as a measurement of the phenomenon of human trafficking. In line with this assessment, the author argues in favour of introducing a worldwide programme to collect estimates of human trafficking that could supersede the tentative estimates of the International Labour Organization (ILO) [5] and, to that end, presents a methodological strategy for the collection of such data.

Counting identified victims

Official crime statistics from police forces or courts are case- or offender-directed and do not normally provide information on the number of victims of crime recorded by the authorities. In the case of human trafficking, this problem has to some extent been overcome by the introduction in many countries of mechanisms for the identification of victims of human trafficking. The author is not aware of mechanisms for the identification of any other type of crime. The increasing number of mechanisms for the identification of victims of human trafficking prompted UNODC to collect statistics on the number of officially identified victims for its global reports on trafficking in persons. It should be noted, however, that the Trafficking in Persons Protocol itself is silent on the identification of victims. After the adoption of the Protocol in 2000, the concept of identifying victims in the framework of a national referral mechanism was elaborated in a handbook of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe [6]. The concept has subsequently found its way into several regional legal instruments, prime examples of which are the Council of Europe Convention on Action against Trafficking in Human Beings, opened for signature at Warsaw on 16 May 2005, and directive 2011/36/EU

of the European Parliament and the Council of the European Union on preventing and combating trafficking in human beings and protecting its victims. Both of these European instruments oblige States parties or member States to establish appropriate mechanisms for the early identification of victims. The 2011 directive also instructs States to provide assistance and protection as soon as there are reasonable grounds to presume that someone is a victim of human trafficking (a so-called presumed victim). The latter obligation implies that in all European Union member States “appropriate mechanisms” must be in place for identifying victims of human trafficking, as well as mechanisms for identifying presumed victims.*

The existence of legal obligations to identify victims of human trafficking makes the European region a test case for the collection of comparable statistics on identified victims. In this region the legal and institutional conditions for the collection of such statistics seem relatively favourable. In 2010, Eurostat for the first time requested member States to use a questionnaire to report on, inter alia, numbers of identified and presumed victims. To what extent has this regional statistical exercise been successful? In a study commissioned by the European Commission, a team of scholars that included the author of this article made an in-depth assessment of the victim statistics collected by Eurostat [7]. It appears that the number of victims per 100,000 population shows extreme variation, ranging from lows of 0.1 in Hungary, Lithuania and Portugal to highs of 5.7 in Bulgaria, 6.0 in the Netherlands and 6.3 in Cyprus. Can these national figures be seen as a proxy of the extent of the phenomenon? Is human trafficking indeed most prevalent in Bulgaria, Cyprus and the Netherlands?

The first observation of the research team was that the guidance given by Eurostat to national respondent on the meaning of the concept of an identified or presumed victim was far from clear-cut. Even in the European context the concept has remained largely undefined. Fifteen European Union member States have reported on identified victims only. Ten member States have reported on both identified and presumed victims and two member States have reported on presumed victims only. In the Eurostat report, identified and assumed victims have been added up to yield the total for each country and for the European Union. That has led to further variation in the meaning of the victim statistics.

*The 2011 directive does not specify what identification mechanisms should be established, nor does the Council of Europe Convention. At this juncture, national referral mechanisms do not exist in all member States and existing national referral mechanisms show considerable variation. For a critical review, see *Prevent, Combat, Protect: Human Trafficking—Joint UN Commentary on the EU Directive—A Human Rights-Based Approach* (2011).

The fact that identification mechanisms are in place provides no assurance that the recorded numbers of victims are comparable. Just as statistics on police-recorded crimes are strongly dependent on the surveillance and investigative efforts of police forces, the numbers of persons identified as victims are strongly influenced by the efforts of police forces, border control agencies, labour inspectorates and non-governmental organizations (NGOs) to detect or reach out to victims. The reports of the monitoring body of the Convention on Action against Trafficking in Human Beings, the Group of Experts on Action against Trafficking in Human Beings (GRETA), reveal great variation in the funds and human resources available for victim assistance or action to counter such trafficking. To complicate matters further, the formal identification of victims, unlike statistics of police-recorded crimes, has been put into the hands of very different institutions. The reports note that, although the police are the principal source of information on identified or presumed victims in the European Union, this is not the general rule. Nine European Union member States obtained such information from NGOs and 10 obtained such information from a variety of other sources. The other sources showed wide variation: state-run social services in Denmark and Sweden, reception centres in Finland, victim services in Poland, prosecutors, social services and international organizations in Romania, a special agency acting as a clearing house for presumed victims in the Netherlands and Portugal, and local authorities, regional councils and social services in the United Kingdom of Great Britain and Northern Ireland.

The results of the study reveal a stunning variation in what the concepts of identified and presumed victims actually mean within the institutional context of a country. Some examples may suffice to convey the scope of variation. In Sweden, statistics can be retrieved from NGOs but the official statistics on victims are derived from irrevocable court convictions for human trafficking. Since many suspected cases of trafficking are never solved by the police and brought before a court, the Swedish statistics can be seen as the most minimalist victim statistics imaginable. In most other countries, stand-alone mechanisms for victim identification are in operation.

One of the most elaborate mechanisms is run in the United Kingdom. British statistics given to Eurostat refer to victims definitely identified through the national referral mechanism, either by the specialized unit within the police or by the border agency. Victims who have been provisionally identified by these agencies on a reasonable grounds basis but whose victim status is not confirmed later in the process are left out, although most of them have received assistance for months. If they had been included as presumed victims, the total number for the United Kingdom would have been almost twice as high.

In Belgium, the concept of an identified victim refers to third-country nationals who were granted a recovery period or residence permit by the immigration authorities upon the decision of the prosecutor and who have been received by any of the three dedicated reception centres in the country. These formally identified victims make up just a small part of all victims of trafficking because nationals of Belgium and other European Union member States are not included. For this reason, Belgium is one of the five countries where relatively few victims have been identified and where many more victims have received assistance according to the statistics provided.

Austria and Germany report on victims identified by the police, excluding victims who have received assistance from NGOs without formal identification by the police.*

In Ireland, a national referral mechanism is in operation, but since it is not functioning, the numbers of recorded victims refer to all victims who have been in contact with the specialized unit within the police.

The examples mentioned above yield statistics that exclude certain categories of victims and should be seen as deflated statistics. An example of possibly inflated statistics, or overcounting, is found in the Netherlands. The Netherlands has reported on the number of victims recorded by an NGO (CoMensha) operating (on behalf of the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children) as an observatory or clearing house for all relevant state institutions and NGOs encountering persons showing any signs of being possible victims of human trafficking. These victims are counted as presumed victims. This recording mechanism covers many more victims than those formally identified by the police or immigration authorities in the framework of the national identification mechanism for victims who are irregularly residing in the country (governed by immigration regulation B8/3Vc).

According to the evaluation report of GRETA, France has not yet established a formal identification mechanism for victims of human trafficking. The number of victims reported on by France seem to be taken from police administrations and to include victims of pimping or victims of smuggling of migrants.

The statistics previously provided by Spain to Eurostat are likewise based on police administrations and those statistics also seem to be lacking in specificity. They undercount by missing many victims of human trafficking and overcount by including victims of other types of offences.

*In Germany, representatives of the NGO community resist exchanges of data on victims with state agencies to ensure the highest possible degree of confidentiality [8].

The examples above show that the numbers of victims identified are not only dependent on the efforts of the key institutions involved in identification but that on top of this, the concept of an identified or presumed victim is interpreted by the European Union member States in such diverging ways as to seriously compromise the comparability of the resulting statistics on persons so defined. The scope and outreach of the national mechanisms of identification vary widely, ranging from identification through a final conviction of the trafficker by a criminal court in Sweden to the identification of any person showing signs of being a possible victim according to police officers, NGOs or labour inspectors in the Netherlands. The ranking of individual countries in terms of numbers of identified or presumed victims does not, therefore, reflect the relative size of or trends in the phenomenon of human trafficking. The author fully agrees with the caveat included in the Eurostat report that “more reported cases do not necessarily mean an increase in the actual number of victims” ([9], p. 30).*

If the statistics on identified victims collected by Eurostat cannot be reliably used as a comparative measurement of human trafficking, what does this imply for the statistics on victims collected by UNODC? Given the absence of any formal obligation of States parties to the Trafficking in Persons Protocol to establish and maintain identification mechanisms—and the absence of a definition of the concept of identification in the UNODC questionnaire, it can safely be concluded that the concept of identified victims will be even more heterogeneous among the Member States of the United Nations than among the member States of the European Union. On the basis of the European test case, the author concludes that statistics of identified victims of human trafficking cannot and should not be used as a comparative measurement of the phenomenon of human trafficking.

Counting identified victims for what?

A critical assessment of the validity of statistics on victims begs the question “For what purposes are such statistics collected?” Using econometric analysis, one of the experts participating in the above-mentioned study tested whether

*In her presentation at the expert meeting of the project on tools for the validation and utilization of European Union statistics on human trafficking (TRAFSTAT), held in Amsterdam in September 2013, the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children in the Netherlands, Corinne Dettmeijer-Vermeulen, made the point that victim identification is strongly driven by awareness among relevant officials. She presented data showing that the surge in presumed or identified victims in the Netherlands between 2008 and 2012 was mainly driven by greater awareness among the border police, resulting in many more reports to CoMensha of suspected cases of trafficking [10].