Stuck in Traffic

A study of individuals convicted for human trafficking offences through the UK criminal justice system: characteristics, relationships and criminal justice perspectives

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Contents

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Abstract

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The research undertaken during the course of this thesis is an exploratory study of the characteristics of individuals convicted for human trafficking offences between 2003 and 2008 in the UK. This thesis provides a unique contribution to criminology by developing the understanding of those convicted for these offences and the policy procedures that operate to process these cases. The data comprises documentary sources in the form of pre-sentence reports and assessments, interview data from interviews with experts involved in processing human trafficking cases through the criminal justice system and quantitative data in the form of actuarial assessments of this group of offenders. The data is analysed within an interpretative policy framework which views the data not just as a social construction but as a result of particular features of policy-making in this area. The argument developed in this thesis is that there is a globally reinforced paradigm which focuses on a certain type of trafficking and has resulted in the conviction of a group of individuals with some collective characteristics.

The primary contributions of this research can be drawn together under three themes; developing the knowledge regarding people convicted for human trafficking offences, understanding the role of the migration journey in terms of pathways into this offending and the implications of this for policy and the historical continuity of these themes. The use of the terms manager and worker, as opposed to trafficker and victim, allow for a more nuanced understanding of these findings and permit a degree of flexibility between the actors involved. This research demonstrates that failing to understand those people convicted for these offences results in a distorted understanding of the activity as a whole and how the involvement fits within wider issues of migration, structural inequality and gender. The findings indicate that migration processes and the status of the migrant operate to limit opportunity. Within this process migrants make a series of decisions and links with others through their networks which forms part of their pathway into this offending. Accounting for the pathways into these offences must build on the push/pull factors in order to fully appreciate the mechanisms behind individual migration. These findings confirm a historical continuity of the dominant themes in this field. The findings and future work in this area must be understood outside of the dichotomies imposed by the historical paradigms by considering the impact of the global reinforcement of policy issues and the complex interplays of power operating between all actors involved in this activity.

Declaration

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List of abbreviations

ACPO	Association of Chief Police Officers
ATMG	Anti-Trafficking Monitoring Group
CPS	Crown Prosecution Service
CSJ	Centre for Social Justice
EU	European Union
GAATW	Global Alliance against Traffic in Women
GPAT	Global Programme against Trafficking in Human Beings
ILO	International Labour Organisation
IOM	International Organisation for Migration
IND	Immigration and Nationality Directorate
MCA	Multiple Correspondence Analysis
NGO	Non-Governmental Organisation
NOMS	National Offender Management Service
NRM	National Referral Mechanism
OASys	Offender Assessment System
OCTA	Organised Crime Threat Assessment
OSCE	Organisation for Security and Co-operation in Europe
OGRS	Offender Group Reconviction Scale

PSR	Pre-Sentence Report
SOA	Sexual Offences Act
SOCA	Serious Organised Crime Agency
UK	United Kingdom
UKBA	United Kingdom Border Agency
UKHTC	United Kingdom Human Trafficking Centre
UN	United Nations
UNI-CRI	United Nations Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
US/USA	United States of America

Acknowledgements

Chapter 1 – Introduction

1.1 Research overview

Despite human trafficking featuring as a policy priority for over ten years and the body of research growing considerably over this time, there remain significant issues with developing a clear understanding of these processes. This is particularly the case in relation to the body of knowledge regarding 'traffickers'. This group do not have a voice in the research and little is known about their characteristics and pathways into offending. Failing to understand those people who become involved in this activity has resulted in a distorted perception of both this group and the activity more widely.

This research is an exploratory study into the characteristics of those convicted for trafficking offences within the UK. The research questions providing the foundation for this research are as follows;

- ❖ What are the key characteristics of people convicted for human trafficking offences through the interpretation of policy?
- ❖ In what ways is the activity defined as 'trafficking' organised; in what ways are individuals involved in these activities?
- ❖ What appears to be the motivation for involvement in this activity?
- ❖ What does the data indicate about the nature of this activity, the way in which it is arranged and what are the patterns/links with the characteristics of those involved?
- ❖ What do the themes arising indicate regarding the policy framework for human trafficking; how does the current dominant construction relate to these themes?
- ❖ In what ways do the criminal justice professionals discuss these offences and offenders?

Trafficking of human beings is perceived as a significant problem in the EU for a number of reasons. The challenges of dealing with the physical, psychological and emotional harm suffered by victims and gathering adequate evidence for prosecution are exacerbated by difficulties in identifying the extent and nature of trafficking as a problem. As a consequence, there is a proliferation of official documents which exemplify the level of international concern and illustrate a particular way of

understanding the problem (for example, Stop I, Stop II, UN Protocols and strategic intelligence led initiatives for example, Frontex and Police Operations in the UK, for example, Reflex and Pentameter I and II). This has significant implications for estimating the numbers of trafficked victims and the formulation of international responses (Goodey, 2003; Salt, 2000). Although trafficking is not a new phenomenon, academic interest and legislative developments have been recently renewed. Trafficking has been situated within the context of immigration, which remains a highly charged political issue. The UK legislative response, initially the Nationality, Immigration and Asylum Act 2002, has been widened to include transportation of persons for all forms of sexual exploitation under the Sexual Offences Act 2003. Countries across Europe have interpreted guidance from the UN very differently (Munro, 2005), exemplifying the disparity created by the vague concepts involved. Practically, the lack of adequately informed research in this area has critical implications as unsubstantiated claims about traffickers lead to under-evidenced and disorganised policy.

Much of the existing research in this area has focused on the victims of trafficking. Whilst this is important, it provides only part of the overall picture. Detailed victim accounts can be difficult to develop due to a lack of knowledge of the traffickers, or fear of reprisals (Surtees, 2008; Goodey, 2003). In addition, difficulties have been highlighted with the `negotiation of victimhood' and the distinction between 'knowing' and 'unknowing' victims (Kelly, 2005, p.238) on the basis of their prior knowledge of engagement in sex work. This research will provide an additional valuable insight into the convicted offenders and organisation behind these activities. The current `state of the art' research in this area constructs trafficking as an activity of organised crime. A significant problem with research is that it incorporates traffickers into a much larger group whose characteristics and motivation may vary (Kleemans and de Poot, 2008). Research in this area also tends to focus criminal networks, rather than on the individual (Bruisma and Bernasco, 2004; Sung, 2004).

Policy and research into human trafficking and the media reporting of these cases has resulted in the development of a particular construction of this activity and the actors involved. Compared to other types of offending, whether high volume crime or 'organised crimes' such as drug trafficking, very little is known about this group of offenders. This thesis makes a valuable contribution to this area by exploring those

individuals convicted for trafficking in human beings in the UK through a range of qualitative and quantitative data sources.

1.2 Chapter summary

The literature review comprises of Chapters 2 and 3. Chapter 2 outlines the development of policy in the UK, the EU and the UN. Chapter 3 considers the existing relevant research. The research questions above provide a guiding research framework for these Chapters. A review of official documents and academic literature in this area finds a dominant paradigm that focuses on cases involving young women, unwittingly sold into the sex industry and trafficked by migrant men with organised crime connections. There is a well-developed body of literature considering the trafficking-prostitution nexus and the experiences of the victim. Less developed strands of discussion consider the relationship between trafficking activity and migration policy and patterns. The literature shows a gap in relation to knowledge and understanding regarding those who facilitate this type of movement and the ways in which they are involved with, and organise, the activity.

Chapter 4 reviews the literature regarding ways in which trafficking has been approached and develops the theoretical framework for the thesis. The theoretical framework starts with a consideration of social constructionism and the social construction of problems. As 'trafficking' is defined through policy, this discussion then considers relevant approaches to policy-making. Notions of policy reinforcement account for the development and reflection of the dominant construction of trafficking both between official and research accounts and globally, as existing policy is used as the basis for policy direction. This approach recognises policy-making as a political, not scientific, process and thereby creates a functional framework which views policy-making as a cyclical process resulting in particular knowledge being used to inform the dominant paradigm. Thus, while analysing the data, it was necessary to identify themes present in the data in addition to 'silences' or themes that were noticeably absent.

The data, methodology, methods of analysis and limitations are discussed in Chapter 5. The data informing this research consisted of ten pre-sentence reports, nine full OASys reports and seventy-one numerical OASys reports for individuals convicted of trafficking offences and interviews with four police officers, five CPS prosecutors and

two volunteers with organisations supporting sex workers. The initial proposal included potential interviews with those convicted for trafficking and access to case files. Throughout the research process, it became evident that this would not be possible. However, the data obtained was able to provide a rich vein of information relating to the characteristics of those convicted for these offences. Reflecting on the difficulties experienced in the process of gaining access added to the understanding of institutional hegemony in this area.

Analysis explores themes arising from the data sources and collects evidence to answer the three following primary research questions in discussion;

❖ What are the key characteristics which define individuals convicted for human trafficking offences?

❖ In what ways is the activity defined as trafficking organised; in what ways are individuals involved in these activities?

❖ What appears to be the motivation for involvement in this activity?

This thesis highlights several aspects of trafficking activity arising from the data and the themes can be identified across two, or frequently more than two, data sources, increasing the validity of the analysis. The discussion addresses these questions within the theoretical framework. The dominant paradigm can be seen to be reflected in the findings. However, importantly, there are points of departure from this paradigm where the data indicates alternative patterns of activity which link to theory in different ways, illuminating the understanding of these individuals. The findings include a gendered explanation of involvement in trafficking, complex relationships between traffickers, co-defendants and victims and a view of the networks that facilitate this movement. The qualitative findings are presented in Chapters 6 and 7 and the quantitative findings are presented in Chapter 8.

Chapter 9 initially presents an explanation for the adoption of the terms 'manager' and 'worker' instead of trafficker and victim. The discussion progresses to provide an overview of characteristics of convicted traffickers which indicates their status as 'socially disadvantaged'. In addition, the relevance of migration journeys and the complex relationship between employment, migration, structural inequality and opportunity highlights features of this group that deviate from the dominant paradigm.

The identification of a gendered narrative leads to a discussion considering the ways in which women are represented as offenders and victims; finding that women's roles as offenders are minimised in a similar way to approaches to women's offending more generally. The high incidence of offending with an intimate partner in this dataset introduces an additional facet to this narrative which links to the experience of the perpetrators as migrants with low social capital and limited social networks.

The nexus between sex work and trafficking is discussed with reference to the overwhelming representation of sex trafficking offences within the data. This particularly relates to the status of victims as a 'guilty knowing prostitute' or 'naïve unknowing victim' and how this impacts on judicial processes. Although it appears that the effect on the process of prosecution is not deleterious, it is highlighted as an issue at every stage of the process and represents a normative view of sex work.

Analysis of the cases permits a quasi-network analysis which develops a discussion based on the level of organisation of this activity and how this links to other research based on the organisation of trafficking networks. The networks in the data are found to be small and the relationships largely instrumental. The networks are high density and highly cohesive, largely based on the close relationships between the co-defendants.

The discussion then moves to a wider framework of policy reinforcement. This is linked to the theoretical framework introduced in Chapter 4. The cyclical nature of problem setting and problem answers is identified. The concept of risk is discussed in relation to the paradox presented by the assessment of the activity of human trafficking as high risk in official approaches (e.g. OCTA, ILO) and the low/medium risk presented by the assessment of the individual perpetrators. Finally, the absence of the theme of 'organised crime' within the data is discussed, considering how the activity in the data can be seen to be organised and how this fits in a wider framework of organised crime.

Chapter 10 concludes the thesis with reference to the three main findings above. The political agenda in late 2013 includes the development of policy for 'trafficking' into a single 'modern slavery act'. This section highlights the longevity of the parameters within which this problem has been understood and provides recommendations based on the findings and discussion.

Chapter 2 – The Policy Framework

2.1 Introduction

The aims of this literature review are as follows;

- To review UK policy and legislation in relation to the activity defined as 'trafficking in human beings' and to discuss the consequent development of an official construction of the problem as a result of the direction of the policy
- To identify and explore the existing knowledge base in relation to those convicted for human trafficking offences
- To consider the ways in which human trafficking has been framed – this section of the literature review is discussed in Chapter 4 which outlines the concept of social constructions in order to provide a theoretical framework and then considers the various ways in which trafficking has been defined.

Interest in human trafficking from official and academic perspectives has increased in recent years, entering an agenda afforded global importance. Whilst the activity is not new, the legal 'trafficking' terminology is relatively recent. The context of increased attention towards trafficking includes the collapse of communist regimes in Eastern and Central Europe which has led to increased personal freedoms, economic stagnation and unemployment and a period of instability which served as a motivation for migration. In addition, policy has increasingly focused on organised crime more generally. This increase in attention provides an important framework within which strategy has been developed (Piper, 2005, p.203). However, this level of international interest has not been paralleled by robust research producing evidence that would have informed policy developments (Danailova-Trainor and Laczko, 2010; Salt, 2000). The literature relating to trafficking in human beings spans a wide range of topics. There is a vast body of literature regarding the trafficking-prostitution nexus[1] and smaller bodies of literature considering the structure of trafficking operations (for example, Aronowitz, 2001), trafficking policy and its impact (for example, Goodey, 2008), the trafficking/migration nexus (for example, Vayrynen, 2003) and human rights (for example, Gallagher, 2001).

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[1] Although closely related to many of the debates about trafficking, this is largely beyond the scope of this thesis and so will not be discussed in detail outside of the associations with trafficking debates. For further reading see, for example, Outshoorn (2005). These issues will be discussed further in section 3.4.1

"The enormous interest and concern for trafficking and human smuggling in governmental, intergovernmental and non-governmental organisations, in the media and popular opinion, is running ahead of theoretical understanding and factual evidence. This has implications for policy measures designed to combat trafficking and human smuggling, which may not work and also have unintended side effects" (Salt, 2000, p.31).

Taking the themes highlighted in this examination as justification, this thesis aims to consider an area of trafficking of which little is known. Developing the knowledge regarding traffickers may help to bring more clarity to the nature of these processes and whether there are any indications that this group differs from the dominant construction emerging from the official discourse.

2.2 The legal framework and policy development

Policy strategy on trafficking is focused around the three 'Ps'; prevention and protection (victim-focused) and prosecution (ATMG, 2013, p.16). Due to the transnational nature of the activity and the importance afforded to international co-operation, there are commonalities in approaches internationally. International responses to human trafficking have been classified as (1) the migration approach exemplified by the IOM (2) the law enforcement approach exemplified by Europol and (3) the human rights approach through NGOs (Lindstrom, 2007). Therefore, policy responses are dominated by a migration-crime-security nexus (Goodey, 2008, p.432) with other organisations pursuing a human rights agenda.

The legal framework provided by trafficking legislation shapes the way in which trafficking operates and, as a result, shapes the nature of the group of individuals that are convicted for these offences. Outlining the development of this policy will firstly enable a clear understanding of the official construction of this problem and how this has become the dominant trafficking discourse, and secondly will provide a solid platform from which to analyse the data. Trafficking strategies involve international co-ordination, founded on the basis of several organisations pursuing an international or global agenda to create consistency; including, the EU, European Commission, Interpol, Europol, the OSCE and the UN. In relation to the UK, this includes not only UK policy

but also policy and strategy developed and enforced from the EU and from the direction of the UN. These three areas will be considered in turn.

2.2.1 UK legislation and policy

Before the current UK legislation was developed, there were no specific laws relating to human trafficking. Trafficking (and smuggling) are not new phenomena although the way they are "understood in relation to the contemporary politics of international migration are relatively new issues on the radar of the immigration control authorities" (Balch and Geddes, 2011, p.28), thus delineating the new direction for trafficking policy. Activities of this nature were covered by provisions of the Sexual Offences Act 1956 (SOA 1956), which was superseded by the Sexual Offences Act 2003 (SOA 2003). The SOA 1956 Act brought trafficking into law enforcement through the Procurement offence (s.22) and false imprisonment for the purposes of sexual exploitation (s.24). However, the maximum sentence for these offences was two years which was considered insufficient given the gravity of the experiences of victims. Other offences used for prosecuting traffickers include rape, sexual assault, physical assault, abduction and false imprisonment. Additionally, immigration offences are used to deal with circumstances involving illegal movement where evidence is insufficient to pursue the more serious offences. Legislation under the Immigration Act 1971 outlines offences relating to the facilitation of illegal entry into the UK which are used in this way. Between the SOA 1956 and 2003, a specific offence of trafficking was introduced by the Nationality, Immigration and Asylum Act 2002 which was regarded as an interim measure pending the SOA 2003 (Home Office, 2007a; Skrivankova, 2007, p.206). The Immigration and Asylum Act 2004 was initially limited in that, if the trafficking element could not be established, it was not possible to prosecute the forced labour element of the offence. Following campaigning by key organisations such as Anti-Slavery International and Liberty, a new offence of slavery, servitude and forced labour has been introduced under Section 71 Coroners and Justice Act 2009. In March 2011, there had been 14 offenders charged under this offence (ATMG, 2013, p.8) highlighting the increased attention on forced labour. However, "trafficking has often been interpreted in a narrow way in the UK" (Dwyer et al, 2011, p.32) and although this is starting to shift, recognition of forced labour is slow and there are many gaps in migration frameworks that allow for exploitation and situations which can lead to trafficking.

Recent reports into trafficking by NGOs have made recommendations for a single 'modern slavery' act to bring "continuity and mitigate the risk of confusion with immigration offences" (CSJ, 2013, p.218). Similar recommendations have been made by Anti-Slavery International on the basis that the current legislation does not adequately protect victims of trafficking (ATMG, 2013, p.135). Policy changes have been announced by the Home Secretary in September 2013 to introduce a single modern slavery bill acknowledging particular problems with current policy to provide assistance to child victims of trafficking and following low numbers of prosecutions (The Guardian, 2013). The legislation is intended to be introduced before the Parliament session ends in spring 2014.

A theme arising from a consideration of the legislation relating to trafficking is a distinct separation between trafficking for sexual exploitation and trafficking for labour exploitation. The above legislation relates specifically to trafficking for sexual exploitation. Offences relating to labour exploitation are enacted in The Asylum and Immigration (Treatment of Claimant) Act 2004 which appears to construct these offences as relating to immigration rather than exploitation in the experiences of migrant workers. However, immigration offences are also dealt with in this Act which embodies the conflicting priorities of policy in attempting to deal with those facilitating entry for others and marginalising those who enter the country illegally but under exploitative conditions. Balch and Geddes (2011) view an immigration policy crisis in 2006 following the release of over a thousand foreign prisoners without being considered for deportation as the foundation of the development of human trafficking legislation (Balch and Geddes, 2011, p. 28). This perspective emphasises crime and security as the purpose of trafficking legislation and defines the link between trafficking and migration policy in a very specific manner. The association with the 'foreign prisoners' scandal' of 2006 created the policy framework on which the response to trafficking has been formulated (Balch and Geddes, 2011).

Following the death of at least 21 cockle pickers at Morecambe Bay, the Gangmaster Licensing Act 2004 was enacted with the Gangmaster Regulations following in 2005. Although this legislation is not aimed at traffickers, it is one of the available legislative instruments which can be used to deal with labour exploitation. However, communications between the Gangmaster Licensing Authority and those involved with targeting trafficking has been poor (Skrivankova, 2007, p.212). Prioritising the narrow activity of trafficking for sexual exploitation misses the opportunity to consider the

activity in relation to on-going exploitation in other industries, and to view those involved in the processes in a more holistic manner.

Project Acumen (ACPO, 2010) is a police-led, policy-focused study aimed at developing the understanding of the nature and scale of trafficking of migrant women for the purposes of sexual exploitation. This clearly links policy success with gaining a reliable estimate of the size of the problem. The analysis suggests that there are 2,600 trafficked victims in the off-street prostitution sector in England and Wales (ACPO, 2010, p.5). The methods employed for reaching this estimation rely heavily on police interviews with sex workers and it is acknowledged that there are significant issues of reporting bias; "there are a number of reasons why both trafficked and non-trafficked individuals involved in prostitution may not…disclose the full facts of their situation to the research team" (ACPO, 2010, p.24). This caveat refers to both non-reporting and fabricated claims of trafficking for various reasons.

The Acumen report outlines three categories of sex workers: trafficked; not trafficked and a group falling between these labelled 'vulnerable' (ACPO, 2010). This is defined as including characteristics such as knowing they would or may be working as prostitutes when leaving their home country, working independently of third party influence, keeping a significant proportion of their earnings and being free from debt-bondage or threats of violence (ACPO, 2010, p.7). This classification has been criticised for using women's agency and choice and their consequent 'vulnerable' status (although *not* 'trafficked') as a justification for "more…expansive forms of regulation in the name of protection" (Munro and Scoular, 2012, p.193).

Policing priorities are focused on the identification of victims and the prosecution of traffickers. This is carried out through intelligence-led operations involving brothel raids in order to 'rescue' victims. Operations Pentameter and Pentameter II have been presented as flagship trafficking operations and have embodied many of the dominant themes. Operation Pentameter is reported in the UK Action Plan on Tackling Human Trafficking (2007) as resulting in 232 arrests, 134 charges and the identification of 84 potential victims (Home Office, 2007a, p.36). Police brothel raids have been criticised for resulting in the deportation of migrant sex workers (Adams, 2003; Doezema, 2002) rather than the successful prosecution of traffickers. In fact, the final figures present fifteen prosecutions for trafficking offences and a total of 62 years imprisonment, which does not reflect the success portrayed in official reports (Gilbert and Moore, 2010, p.2).

In a staunch criticism of brothel raid operations, The Guardian (2009a) reported that of these fifteen convictions, only five were genuine traffickers according to the UN definition and they had not come to the attention of the police as a result of Operation Pentameter but had been identified previously. The Update to the Action Plan includes details describing the arrests made as a result of Pentameter I and II but does not detail the number of convictions (Home Office, 2008, p.18). More transparent results of operations and prosecutions would help to address some of the inconsistencies in trafficking policy (Gilbert and Moore, 2010, p.4).

One of the outcomes of Operation Pentameter highlighted the lack of police operations the lack of a solid intelligence base for anti-trafficking strategy (Home Office, 2008, p.10). This paved the way for the formation of the UK Human Trafficking Centre (UKHTC) in 2006. The purpose of the UKHTC was to provide a central unit for the collection of data relating to human trafficking in the UK without operational or research functions. Initially, the UKHTC was a separate entity which was absorbed into the Serious Organised Crime Agency (SOCA) in 2010 and subsequently into the National Crime Agency in 2013. The UKHTC has been criticised for the lack of transparency in its role and for failing to provide evidence relating to policy outcomes (Spencer and Broad, 2009, p.268-70). As a result of EU and UN requirements, the UK has developed support instruments for victims of trafficking for sexual exploitation including the National Referral Mechanism (NRM) and projects such as the POPPY project which lost government funding and transferred to Salvation Army funding in 2011.

The NRM was initiated in the UK in response to the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings and was implemented from April 2009. Through the NRM, designated 'Competent Authorities' can refer cases for assessment by frontline agencies although reporting is not mandatory and consent must be given by adult victims. The NRM provides a period of 45 days in which the case is reviewed in order to make a 'Conclusive Grounds' decision. Quantitative data regarding referrals are provided on the SOCA website. These detail the number of claimed victims referred through the mechanism but this information is not linked to arrests or convictions. Publishing the number of reported crimes and resultant prosecutions would present a more transparent view of these results and ameliorate some of the issues with accessing data.

Successful referral through the NRM ensures a level of support to victims. However, the operation of the NRM can be a labelling process and as 'category-based' policy (Hynes, 2010, p.958) which excludes certain individuals and therefore denies their support. Policy in human trafficking has been developed within the context of balancing the United Kingdom Border Agency (UKBA) targets of removing illegal immigrants and the international policy based obligations to protect victims. This has created a difficult situation regarding the management of the NRM wherein the UKBA, having requested tighter guidelines for the identification of victims, have been criticised for the level of victim care and unclear delineation of responsibility sitting "between the [former] UKBA and the UKHTC" (Geddes and Balch, 2011, p.36). One issue identified with the NRM is that the UKBA officials base their credibility assessments (which ensure a victim receives the appropriate support) on a "coherent, consistent and undelayed disclosure from the trafficked person" (ATMG, 2013, p.54). The way in which trafficked victims disclose their experiences is most frequently over time and may feature inconsistencies as a result of mistrust of authorities (ATMG, 2013, p.54).

Data from the NRM suggests increasing numbers of referrals of potentially trafficked victims. Whether this is an outcome of increased activity and/or increased success of the referral process is unknown. In addition, 2012 data indicates that, for the first time, the number of referrals for forced labour is higher than that for trafficking for sexual exploitation in the UK and the number of trafficked men identified through the NRM has increased (SOCA, 2012a). These two indicators demonstrate a subtle change beyond the focus on sexual exploitation.

As an immigration issue and an offence involving crossing borders, responsibility for trafficking enforcement falls to immigration authorities in addition to the police. The reorganisation of the Immigration and Nationality Directorate (IND) as the UKBA in 2007 coincided with the UK ratification of the European Convention of Action against Trafficking in Human Beings. The UKBA was designed to increase the executive powers of the new agency with a more dynamic approach, mirroring the structure and approach of the police service (Balch and Geddes, 2011, p.34) and formed the basis for the organisational structure of approaches to in the UK towards tackling human trafficking. Further changes announced in March 2013 resulted in the UKBA being dismantled and reformed into two strands; one "a high-volume service that makes high-quality decisions about who comes here, with a culture of customer satisfaction for businessmen and visitors who want to come here legally. And second, an organisation

that has law enforcement at its heart" (Home Office, 2013b). Critics suggest that the split may worsen issues with communication and the time spent on structural change will distract from the focus on border control (The Guardian, 2012). The impact of these changes is yet to be assessed. However, acknowledging the organisational context within which trafficking policy operates is important to understand the shifting dynamics of policy.

A consideration of the existing legislation and the way in which it has been utilised illustrates the priority afforded to trafficking for sexual exploitation and the portrayal of the innocent victim requiring law enforcement protection from the immigrant traffickers. Policy formation in the UK has been described in the context of tragic events creating political pressure to act (Skrivankova, 2007). This type of policy-making lacks a clear evidence base and results in inadequate policy. The media tends to focus on sensational cases involving young, attractive women sold into the sex industry (UNODC, 2006, p.121) which sells newspapers but also perpetuates the stereotypical image of the trafficker and victim, heightens public awareness to this type of trafficking and therefore creates pressure to address this activity specifically.

The legal framework for dealing with instances of trafficking for either sexual or labour exploitation has sufficient coverage. However, the current official emphasis has resulted in an underuse of the legislation targeting labour exploitation (Skrivankova, 2007, p.204). The Home Office (2008a) report a total of eighty-four convictions for trafficking offences in the period 2004-2008 with only six convictions for trafficking for labour exploitation under the Asylum and Immigration Act 2004, only two of which attracted custodial sentences (Home Office, 2008a, p.16). Sentencing judges have noted the absence of sentencing guidelines (Gilbert and Moore, 2010, p.3). The low level of the sentence reflects the perceived seriousness of the offence and a lack of clarity regarding how the offence should be dealt with by the courts. The priority on trafficking for sexual exploitation is not only creating a particular construction of the problem but also obscuring the understanding regarding other types of trafficking.

The coalition government produced the UK Government Strategy on Human Trafficking based on a review of legislation which set out four core principles: improved victim identification and care, reducing the threat early, more effective action at the border and more effective co-ordination (Home Office, 2011). The Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking (Home

Office, 2012a) builds on the UK Government Strategy (Home Office, 2011) using the findings of the SOCA baseline assessment (SOCA, 2012b) and NRM referral statistics. The 'assessment of trafficking by trafficker' section of the report primarily details trafficking routes; recruitment methods and the link with organised crime (Home Office 2012a, p.21 onwards).

A recent Home Office review of human trafficking legislation in the UK views the policy focus for the future as victim-orientated with increased international co-ordination in order to strengthen the "strong track record in supporting victims and fighting traffickers" (Home Office, 2012b, p.5). The review acknowledges the low number of convictions, stating that "the figures on human trafficking convictions…do not tell the whole story" (Home Office, 2012b, p.7). This is primarily explained with reference to convictions for other, non-trafficking offences (Home Office, 2012b, p.7). The report also highlights that law enforcement can approach traffickers via other means if criminal activity is difficult to prove; "the 'Al Capone' approach can be just as effective by pursuing trafficking through taxation or…by seizing their assets" (Home Office, 2012b, p.10).

The approach of official research in the area of human trafficking in the UK has similarly divided sex trafficking and labour trafficking. Kelly and Regan (2000) conducted a comprehensive review of the responses to trafficking for sexual exploitation which focuses on victims. The UK Action Plan presents trafficking for sexual exploitation as a priority and states that little is known about the nature or extent of trafficking for labour exploitation (Home Office, 2007a, p.15). In the same year, the Home Office produced a literature review on trafficking for the purposes of labour exploitation (Home Office, 2007b) which reiterates the lack of knowledge in this area from an official and an academic perspective, including research on perpetrators (Home Office, 2007b, p.8).

The UK has been criticised for being slow to recognise the extent of the problem (Smartt, 2003, p.168), although the basis of the figures in relation to the 'extent' are frequently unsubstantiated. Kelly and Regan (2000) provide a methodology which estimated 1420 trafficked victims although acknowledged the speculative basis for their assumptions (Kelly and Regan, 2000, p.20-21). This and other attempts to quantify the

extent of the problem[2] have been repeated and rounded up by politicians (without the caveats) (Guardian, 2009b) and has resulted in a figure of 4000 featuring in the UK Action Plan (Home Office, 2007a, p.14). Claims regarding the large scale of the problem have been proliferated despite the questionable evidence base (Balch and Geddes, 2011, p.29). Through inclusion in official documents, the extent and nature of the response are thus afforded a legitimacy which may be otherwise lacking and this allows the direction of policy to be perpetuated.

Nationally, trafficking is predominantly defined as an issue of organised crime; falling within the remit of SOCA. This approach can be criticised for promoting "a reliance on narrowly framed criminal justice interventions as a self-evident solution to the trafficking crime problem" (Lee, 2010, p.100). With an organised crime and law enforcement framework, figures from operations are used as indicators of the commitment to the problem and the success of responses. However, both nationally and internationally, these figures lack comparability with the estimations of the large scale of this problem. The scale of the response has far outweighed the success in prosecutions (Gilbert and Moore, 2010). Despite the incongruities with these figures, the lack of convictions alone has not prompted an official consideration of the utility of either the official construction or anti-trafficking policy. "If those designing and implementing these measures are sincere in their belief that hundreds of women were being trafficked annually…and in their desire to help them, they must surely be disappointed in the results" (O'Connell Davidson, 2006, p.5). On the contrary, the Update to the Action Plan (2008) highlights the number of convictions for trafficking as a success (Home Office, 2008, p.18).

'A Strong New Force at the Border' (Home Office, 2008b) places human trafficking and organised immigration crime in the context of migration and security. Lee (2010) argues that this approach lacks a robust evidence base as a strategy to deal with the so-called 'risks' of illegal migration (Lee, 2010, p.103) and leads to the criminalisation of migrants. Development of state power in relation to trafficking has seen new forms of illegality for migrants (Lee, 2010, p.153-4). The UK Action Plans on Tackling Human Trafficking present human trafficking as primarily an issue of immigration and organised crime (Home Office, 2008a, 2007a). "In the UK, it is significant that the main counter-trafficking provisions are found in asylum and immigration legislation

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[2] The problems arising here relating to the methodological difficulties encountered in trafficking research are addressed in Chapter 5.

within the broader context of limiting the freedoms of migrants" (Lee, 2011, p.30). This is particularly the case with the legislation regarding trafficking for labour exploitation. A more critical approach to the space between migration and trafficking considers the conditions that facilitate migration, the motivations for different migration and exploitation within legal and illegal migration (Lee, 2011, p.30). More restrictive immigration policy results in increased necessity for migrants to approach alternative assistance to facilitate their movement. Through this interpretation, trafficking can be seen as an unintended consequence of restrictive migration policies. The UK Action Plan also emphasised the importance of a human rights approach, this having priority over a strong enforcement strategy (Home Office 2007a). However, the action points identified by the plan have been criticised for not focusing on human rights and still prioritise enforcement and prosecution (Skrivankova, 2007, p.208-9).

The UK Action Plan highlights the strengthening of the Immigration, Asylum and Nationality Act 2006 as a significant approach to tackling illegal migrant working, although this is not direct trafficking legislation (Home Office, 2008a, p.13). Thereby, trafficking, particularly trafficking for labour exploitation, is constructed within the framework of illegal migration and employment. This Act carries civil penalties for employers knowingly employing an illegal immigrant, which illustrates the distinction between the criminality of illegal movement and work in the context of the sex industry compared with other industries. Tackling trafficking for sexual exploitation has been defined as core policy business and as a result, specific targets have been set for UK police forces (Home Office, 2007a, p38). However, this is not reflected in the treatment of trafficking for labour exploitation although one of the objectives set by the UK Action Plan was to increase the knowledge base, enforcement activity and the number of prosecutions regarding trafficking for labour exploitation (Home Office, 2007a, p.41). Concentrating increased resources on trafficking for labour exploitation has also been identified as an objective in the Update to the Action Plan (2008) specifically in the form of training to law enforcement personnel. This may suggest that the UK is beginning to move towards a wider lens through which to view trafficking.

The current construction of trafficking in the UK has been criticised for failing to recognise the importance of the exploitation experienced by trafficked victims despite the changes to victim support. "The issue of exploitation is not considered the major determinant in identifying trafficking cases in the UK. Trafficking has, in general, been perceived as a problem of organised crime. Consequently, offences involving illegal

immigration receive the greatest attention" (Skrivankova, 2007, p. 203). This focus has negative implications for the human rights of victims and for those who do not fit within the officially acceptable construction of trafficker and victim, emphasising their immigration status and neglecting their migration experience (Agustin, 2002). Trafficking can be better understood through a continuum in which the experiences of the victim can range from decent work to forced labour (Skrivankova, 2010, p.19). The 'victim' concept in the current construction is very specific both by virtue of the heavy reliance on the victim for a successful prosecution and the very narrow focus of law enforcement operations. Fulfilling the criteria as a trafficked victim is difficult and law enforcement can be very particular regarding which cases are adopted within a trafficking framework (O'Connell Davidson, 2006, p.16). This may partially account for the small number of prosecutions and helps to explain the marginalisation of non-trafficked migrant sex workers.

In terms of prosecutions, the success of the legislation enacted to deal with trafficking is not proven. As a measure of effectiveness, the level of convictions does not engender confidence that these laws are dealing with a significant problem or that those negatively impacted by the laws are actually the primary perpetrators of trafficking offences. Assessing the success of policy in the realm of organised crime is very difficult as the aims of organised crime policy are frequently vague and unreliable (Spencer and Broad, 2009, p.265), partially on the basis of the inability to develop consistent definitions within this area of policy-making (Levi, 2006, p.847).

2.2.2 EU directions

During recent years, the EU has undergone significant changes to the freedom of movement. The Schengen Agreement was signed in 1985 and allowed freedom of movement between signatory countries which now includes the majority of mainland Europe. As 2013, the UK and Ireland are not signatories of the agreement. It is difficult to assess the impact of Schengen on trafficking; the free movement afforded by Schengen has not been matched by the harmonisation of migration legislation and policy (Vayrynen, 2003, p.4). Through this migration policy, "receiving states are creating…a lucrative market for traffickers" (Vayrynen, 2003, p.20). Illegal migration became a particularly significant and politically sensitive issue for the EU with the collapse of communist regimes in Eastern and Central Europe and the consequent

increased movement of people from these countries. In this context, the EU became compelled to deal with the 'threat' of illegal migration. The links that have been made between EU immigration measures and trafficking reflect the construction of trafficking through a lens of the perceived threat of immigration.

During the 1990s, the level of interest in tackling trafficking increased considerably. EU developments required that Member States enact specific criminal offences which carried effective sentences and comprehensive protection for victims. In 1993, the EU Justice and Home Affairs Council passed five recommendations to support further strategies to combat trafficking for sexual exploitation and in 1996, the European Conference on Trafficking in Women was held. This led to the formation of Joint Actions based on the "prevention and repression of all forms of trafficking…with a special emphasis on the problems faced by women and children" (Van Impe, 2000, p.114).

The Council of Europe adopted the Council of Europe Convention on Action against Trafficking in Human Beings in 2005 which aims to extend the protection available to victims. The UK was initially reluctant to sign the Convention, a decision which was rapidly re-evaluated following criticism from Amnesty International and the ILO (Balch and Geddes, 2011, p.30). The EU provided further guidelines in relation to the prevention of human trafficking and the protection of victims in Directive 2011/36 of the European Parliament; the UK opted in to this Directive.

Europol has primarily viewed human trafficking as a serious form of organised crime with a focus on the sexual exploitation of women and children (Europol, 2006, p.4) although a 2009 report also acknowledges an increase in the reporting of instances of labour exploitation (Europol, 2009, p.1). Recent attention to organised crime has increased for a number of reasons including; "the interaction between diligent problem owners, national and local politics, the media and the exploits of major crime-entrepreneurs on the drug market and red-light districts" (van Duyne and Vander Beken, 2008, p.263). Current Europol research focusing on trafficking and organised crime suggests that around a third of the organised crime groups operating in the EU are described as 'poly-crime' with human trafficking being most closely linked to human smuggling and drug trafficking (Europol, 2013, p.35).

The SOCTA report is presented as "Europol's flagship product providing information to Europe's law enforcement community…[and] defines priorities for the coming 4 years"

(Europol, 2013, p.5). Thus the threat assessment is the central foundation for approaches to organised crime within the EU. The SOCTA 2013 highlights findings regarding the characteristics of network style organised crime groups that are less defined by their ethnicity or nationality and more by their capacity to operate across borders (Europol, 2013, p.5). Although there is some recognition of the wider issues of forced labour and exploitation, the focus remains on the dominant paradigm.

Connections between human trafficking and corruption are frequently cited (Europol, 2012, p.12; Bales, 2007; p.7; Salt and Stein, 1997, p.482). As a key factor in the structures of organised crime, corruption has been highlighted as a legal loophole within the EU through which traffickers operate (Smartt, 2003). The OSCE report (2010) highlights the role of corruption in trafficking cases which is viewed as increasing the abuse of human rights and further isolates the victims from seeking assistance (OSCE, 2010, p.25). Research has indicated a minority of isolated corruption cases and a lack of systemic corruption in the UK (Spencer et al, 2011). The concept of corruption does not feature in the current UK trafficking strategy (Home Office, 2011). Research and therefore data are particularly problematic in this area on the basis of access and ethical issues (Holmes, 2009, p.83-4). Despite the deficiencies, corruption is a relevant factor in human trafficking, particularly in countries of origin. Considering the limited evidence, Holmes (2009) concludes that the presence of corruption is a security issue which may contribute to the continuation of trafficking activity (Holmes, 2009, p.105).

Europol (2013) defines human trafficking as demand driven and cites the persistent socio-economic inequalities between developed and developing countries as the basis for the activity (Europol, 2013, p.24). However, focusing on the demand has been cited as overly-simplistic for two reasons. Firstly, the complex social, political and economic factors that create trafficking markets need to be fully understood; not just in relation to demand (Anderson and O'Connell-Davidson, 2002, p.54-55). Secondly, the provision of goods and/or services, particular as the services are characterised as sex work and domestic servitude, mean that an understanding of demand needs a multi-layered approach which is littered with moralistic and gendered issues (Anderson and O'Connell-Davidson, 2002, p.54-55).

A common feature of EU migration policy which further illustrates the crime/security context is 'readmission'. In recent years these policies have created agreements with Central and Eastern European countries to return irregular migrants who have originated

or passed through these countries. This has been combined with the 'first country of asylum' principle which obliges asylum seekers to apply for asylum in the first safe country they have reached. This can be viewed as a security based measure, the impetus for which has increased since September 11th 2001 (Bouteillet-Paquet, 2003, p.371). In this light, the focus is the fight against illegal immigration, with less attention paid to the provision of humanitarian assistance (Bouteillet-Paquet, 2003, p.376).

The STOP and DAPHNE programmes, commissioned by the European Commission, have developed a foundation of research regarding trafficking in human beings since the late 1990s. A review of the most recent DAPHNE III Programme includes an analysis of local initiatives in the UK (European Commission, 2011). The project focuses on community-level protection afforded to victims of violence, exploitation and trafficking. Crucially, the aims "reflect the increasing need for Member States to provide relevant support and protection at a community level" (European Commission, 2011, p.8). This illustrates the EU policy context for locally based initiatives and the international reinforcement of victim-focused policy dimensions.

The European Commission review (2011) of local trafficking initiatives highlights the relevance of human rights in the provision of victim services but also acknowledged the tension between the rhetoric of human rights and the "bureaucratic processes and demands for deportation and prosecution (at a political and public level) as outweighing the need to treat individuals…with respect, dignity and sensitivity" (European Commission, 2011, p.92). Through DAPHNE, the EU approach has been externalised as a result of the availability of funding for projects. However, NGO based projects from outside the EU were only able to secure DAPHNE funding if they became a subsidiary of an EU-NGO which raises questions regarding development focused anti-trafficking commitment (Berman and Friesendorf, 2008,p.200-201). This again illustrates the globalisation of anti-trafficking approaches.

The STOP programmes focus specifically on anti-trafficking projects, including child trafficking projects (IOM, 2003) and projects considering police and judicial co-operation (Goodey, 2008, p.433). The STOP framework also included the European Conference on Preventing and Combatting Trafficking in Human Beings in 2002 which led to the creation of an expert group on human trafficking. The STOP and STOP II programmes, initiated in 1996, established an incentive and exchange programme for persons responsible for combatting human trafficking. The programmes were replaced

with AGIS which is a programme focused on police and judicial co-operation, again reflecting the prominence of crime and security at the centre of EU anti-trafficking strategy.

Frontex is an EU programme designed to address migration by assisting Member States to improve border controls. Although this is a migration focused policy, provisions to tighten border controls are partially made with reference to the 'threat' of trafficking. Berman and Friesendorf (2008) view Frontex as a tool of coercive governance in counter-trafficking strategy, illustrating how security focused projects under the Frontex programme strengthen the crime/security policy remit emerging from the EU (Berman and Friesendorf, 2008, p.205).

Trafficking is described as a highly lucrative and growing market from an EU perspective (Europol, 2009, p.10; 2006, p.7). There is no specific evidence for this point although the report does acknowledge a lack of accurate data to support these statements (Europol, 2006, p.7). In industrial countries, annual profits made through one victim are estimated to be US$67,200 (Laczko and Danailova-Trainor, 2009, p.29). Van Liemt (2004) suggests that high profit margins make trafficking for sexual exploitation more attractive in comparison to other types of trafficking. The focus on the extent and increasing size of the problem reflects approaches at a national level. Although instabilities created by the collapse of communist regimes have led to increased opportunities and visibility of traffickers, this does not necessarily equate to an increase in the scope of the problem (Berman and Friesendorf, 2008, p.192).

Through international human rights tribunals, state obligations towards trafficked victims have been clarified as the tribunals have categorised trafficking under the prohibition of slavery, forced labour and servitude (Piotrowicz, 2012). This interpretation of trafficking has defined some instances as crimes against humanity which places emphasises on "the gravity of the offence [rather] than in the practical matter of successfully prosecuting traffickers" (Piotrowicz, 2012, p.185) which has significant implications for the protection afforded to victims. However, trafficking is primarily viewed as a private criminal enterprise and so the state responsibility lies with the regulation and prevention of the behaviour of others, rather than in the sphere of human rights obligations (Piotrowicz, 2012, p.186). The link between trafficking and slavery has been acknowledged by the European Court of Human Rights, although the

"court has shied away from stating explicitly that trafficking amounts to enslavement" (Piotrowicz, 2012, p.201).

EU policy has been criticised for developing a "one-sided repressive legislative arsenal" (Van Impe, 2000, p.120) based on the perceived threat embodied by migrants. Illegal migration, including trafficking, has been framed as a crime-security issue causing migrants to be marginalised and criminalised (Goodey, 2003). This narrow criminological lens has overlooked the experience of the migrant. Goodey (2003) comprehensively criticises EU approaches to trafficking for sexual exploitation for aiming to control illegal immigration through anti-trafficking strategy on a number of levels. Firstly, the prioritisation of the trafficker and 'his' prosecution; secondly the criminality of illegal immigration and sex work and thirdly, a failure to address the central problems of inequality underpinning trafficking (Goodey, 2003, p.422).

EU approaches have been criticised as failing due to the narrow focus on security. This has been described as "an instance of coercive security governance" through the classification of human trafficking as a problem of Justice and Home Affairs (Berman and Friesendorf, 2008, p.190). Although committing to anti-trafficking approaches in each of the 3 'Ps', "counter-trafficking practices emphasise the prosecution components of this governance system" (Berman and Friesendorf, 2008, p.194). The prioritisation of prosecution results in coercive governance; a system that not only pressurises traffickers but also victims into complying with a set of expected behaviours in order to assist with prosecution. As the EU has international influence, the Justice and Home Affairs approach has "limited the ways in which it is possible to think through how trafficking and counter-trafficking work in Europe" (Berman and Friesendorf, 2008, p.195). This framework allows for particular understandings of the issue as the central pillars; organised crime, justice and security, which neglects others. In order to address trafficking more effectively, they recommend a movement away from coercive governance and a greater balance between the 3 'Ps' (Berman and Friesendorf, 2008).

2.2.3 The UN Trafficking Protocol

The Global Programme against Trafficking in Human Beings (GPAT) falls within the remit of the United Nations Office on Drugs and Crime (UNODC) in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNI-CRI). The functions of GPAT include working with Member States in their approaches to

trafficking, highlighting the involvement of organised criminal groups and developing effective criminal justice responses (Gorisek, 2004, p.166).

The most significant international instruments are the United Nations Protocols which define the acts of trafficking and smuggling. These Protocols were developed in response to the widespread definitional inconsistencies for these activities. Thus, the most widely accepted definition of trafficking is that which has been defined through the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter referred to as 'The Protocol') (2000), as follows;

> Trafficking is "the recruitment, transportation, transfer, harbour or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception or of 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"

Similarly, smuggling has been defined by the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air (2000) as follows;

> Smuggling is "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"

Trafficking has been distinguished from smuggling in that it does not require cross-border movement and it requires elements of coercion and exploitation. This legislative difference is not as distinctive practically. The migration journey may involve both activities and what begins as one activity can become another due to the presence or absence of exploitation (Aronowitz, 2001, p.166). In addition, the perceptions of the migrants may not reflect the legal definitions. Migration decision-making takes place in complex circumstances and what may appear coercive or exploitative may not be perceived by the 'victim' as such. The way in which migrants define those who facilitate their movement has been found to vary more widely than legal definitions allow (Skeldon, 2000, p.9) and the narrow span of the official perspective neglects to

allow these experiences to inform the dominant discourse. Historically, the term trafficking was often used interchangeably with the term smuggling in migration studies (Zavratnik Zimic, 2004, p.16) and much of the variation with the use of different terminology can be explained on the basis of the range of disciplines engaged with this work.

As trafficking in human beings is defined as a transnational crime issue, international direction is a significant part of the overall approach to the problem. The Protocol was a supplement to the UN Convention against Transnational Organised Crime (2000). This clearly defines trafficking as a transnational organised crime problem from the perspective of international strategy. The Protocol requires signatory states (of which there are approximately 120) to define trafficking as a criminal activity, to punish offenders, develop measures to protect victims and to create international cooperation in relation to locating perpetrators. This emphasises the utility of law enforcement as a measure for tackling trafficking.

Prior to The Protocol, the most recent applicable UN convention was the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949). This convention was problematic by virtue of approaching "trafficking in women with an ambition to eradicate prostitution" (Kelly and Regan, 2000, p.13). Although this convention has now been superseded by the 2000 Convention, it demonstrates the historical continuity of policy links between trafficking legislation and the control of female sex workers. UN approaches have considered trafficking in human beings as a relevant matter since 1904, in the International Agreement for the Suppression of the White Slave Trade which was the first international agreement to target trafficking in women. There have been several pieces of UN policy in the interim (for a comprehensive review on earlier UN direction, see Farrior, 1997).

The process of defining 'trafficking' for the purposes of The Protocol was problematic. Conflicting priorities of the interested parties had a significant impact on the development of the definition and led to a definition that is viewed as a compromise and criticised from almost all perspectives (Doezema, 2005). Although The Protocol ostensibly applies to all, women and children are specifically highlighted. Whilst this recognises the vulnerability of these groups, it serves to perpetuate the dominant construction of the problem (Potts, 2003, p.231). Abramson (2003) suggests that the focus on women and children is understandable on the basis of existing estimates of

trafficked victims (Abramson, 2003, p.474). The existing research is primarily based on official figures, which prioritise trafficking for sexual exploitation and produce reinforcing evidence which supports these constructions. The resulting position neglects any experiences that do not fit the dominant paradigm. Through definitional gendering, The Protocols present trafficking as primarily involving women and children and, by default, the parallel UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, as more commonly involving men (Abramson, 2003, p.478-9). This problematizes illegal migration as an activity undertaken by men, with a degree of agency and trafficking as an activity which takes advantage of vulnerable and naive women and children.

The term 'vulnerability' has increasingly been used across a number of policy arenas and notably within sex work and anti-trafficking policy (Munro and Scoular, 2012, p.189). The centrality of the 'abuse of vulnerability' through The Protocol defines this as a "normative trigger for the condemnation of people trafficking" (Munro and Scoular, 2012, p.191). The emphasis on 'vulnerability' sets the stage for protection of the vulnerable through criminal justice and circumvents the consideration of more complex issues of decision-making. In terms of policy, concepts of 'vulnerability' are "left markedly ill-defined" (Munro and Scoular, 2012, p.194). Vulnerability is also seen as a means through which security-based policy is developed, drawing on perceptions of crime, fear and security derived from the language of vulnerability (Munro and Scoular, 2012, p.197).

The role of consent in trafficking legislation is similarly complex, particularly in relation to prostitution. Much of the drafting process in the preparation of The Protocol was dominated by discussions of the ability to consent to sex work (Abramson, 2003; Doezema, 2005, 2002). The Global Alliance against Traffic in Women (GAATW) took part in the drafting process for The Protocol and represents the autonomy perspective in relation to consent and sex work. They argue that trafficking laws that fail to acknowledge the ability of sex workers to consent draw false distinctions between different forms of labour, preventing agency to work in one industry whilst allowing other groups of migrants the decision-making ability to work in other industries (Doezema, 2005, p.68). However, rejecting the notion of the dominant stereotype entirely oversimplifies the picture of trafficking and its relationship with the sex industry.

The protectionist perspective views that it is not possible to consent to not only sex work but all labour performed under the pressure of migration (Barry, 1995). The emphasis is undoubtedly on sex work as an exemplar of highlighting the vulnerabilities of migrants. However, the protectionist argument suggests that migration pressures lead to severe human rights abuses in all sections of labour and that, as a consequence, it is not possible to consent in these circumstances. From a policy perspective, protectionist arguments are problematic as they can result in the enforcement of more restrictive immigration policy in Western countries (Abramson, 2003, p.494). In addition, this view denies women agency to make decisions to migrate and enter the sex industry.

Amongst responses to The Protocol are concerns regarding the emphasis of crime control rather than human rights (Abramson, 2003; Gallagher, 2001). However, criticism of The Protocol's shortcomings in relation to human rights may not fully take into account the obligations of all EU Member States in relation to supporting victims (Piotrowicz, 2013, p.1-2). Using exploitation as the defining characteristic for the activity may have some utility in emphasising the experiences of the victims. The way in which The Protocol has framed human trafficking with reference to the country of destination, narrows the options for redress for migrant workers who suffer abuse and exploitation at a point other than within the migratory process. This has been argued to relieve States of obligations to provide support to such migrant workers (O'Connell-Davidson, 2006, p.9). This makes The Protocol problematic from both a human rights and migration perspective and attaches a special significance to only specific migrant experiences.

Despite developing more recognition for the protection of trafficked victims, The Protocol does so "while conjuring up the 'monster' of organised crime" (Goodey, 2003, p.419). This framework "reflects a preoccupation with illegal immigration as part and parcel of a supposed security threat of transnational organised crime" (O'Connell Davidson, 2006, p.9) as opposed to a human rights focus which would further enhance the rights of victims rather than focusing on prosecutions.

Although strategic documents acknowledge that trafficking activity is wider than the stereotypical trafficking scenario, this dominant focus remains and is internationally reinforced. The Protocol includes forced labour and the removal of organs, but "the onus of the international community's attention in practice, as evidenced by the UN's

GPAT, lies disproportionately with sex trafficking" (Goodey, 2008, p.423). The platform of sex work from which to discuss trafficking is diverting and has negative implications for sex workers. The focus "on sex work ignores different motivations for consent and transposes the legal consequences of recognising the ability to consent onto domestic debates over whether prostitution should be legalised" (Abramson, 2003, p.475). Abramson (2003) also suggests that the prioritisation of sexual exploitation rests on the different political and public acceptability of sex work. It is easier, and more palatable for people to recognise the ability to consent to difficult conditions in industries other than the sex industry than to engage with the debates surrounding women's rights to consent to sex work (Abramson, 2003, p.491).

2.2.4 Trafficking and migration policy

Since the 1970s, much of the migration to Western Europe has taken place in the context of irregular migration (Pastore et al, 2006). As a result, the policy response developed to deal with trafficking has fallen within this remit. However, it is important to bear in mind that migration is secondary to an organised crime and security framework for the purposes of trafficking policy. However, trafficking and migration are closely linked and a review of trafficking policy would not be complete without a consideration of this relationship. Therefore, the aim of this section is to consider the context of migration policy in relation to trafficking rather than to review migration policy.

The context of current migration policy has been heavily influenced by the events of 9/11 (Castles, 2004; Guild, 2003; Welch, 2003) which has led to policies that strengthen border controls and allow greater infringement of human rights (Guild, 2003). However, migration had been perceived as a security issue before these events (Castles, 2004, p.857) in that economic needs quietly underpin migration policy which, in conjunction with the exclusion of undocumented workers, creates opportunities for covert practices such as trafficking (Castles, 2004, p.868-871). On this basis, the movement of certain groups of people has shifted into the remit of criminal threat management (Guild, 2003, p.336).

The UK was slow to recognise the relationship between migration and trafficking (Skrivankova, 2007, p.215). As indicated by the document 'A Strong Force at the Border' (Home Office, 2008), immigration policy is focused on strengthening borders

and placing restrictions on migrant working conditions in the UK. However, increasingly complex and strict migration procedures escalate the opportunities for illegal migration services (Van Impe, 2000; Vayrynen, 2003; Salt, 2000). The national direction is reflected at an EU level; the approach of EU policy relating to migration and trafficking is "founded on the principle of control relating to the protection of borders and the wider issue of security in the region" (Zavratnik Zimic, 2004, p.11). Due to this association, security policy has been viewed as "self-defeating" (Grewcock, 2004, p.124). Restrictions on immigration in terms of employment have created a more controlled labour market. A closed market will encourage more illegal migration than an open market (Van Impe, 2000, p.121). This is particularly problematic for the sex industry where the nature of the industry discourages the development of regulatory structures.

An alternative approach challenges the official discourse of trafficking with law enforcement as the core element of border protection within the wider discourse on irregular migration. The suggestion that human rights should form the centre for law enforcement policy fails to recognise that further enforcement against traffickers will impact on irregular migrants negatively. Instead, Grewcock (2004) argues that there is a need to understand the social dynamics of the migration process (Grewcock, 2004, p.115).

There is considerable literature which focuses on the process of decision-making during migration relating to risk (for example, Ewers and Lewis, 2008; Jaeger, 2007; Wang and Wirjanto, 2004; Massey and Espana, 1987, p.733). Whilst these debates are largely outside the focus of the current discussion, highlighting their development illustrates the complexity of this process and the numerous factors involved in the decision-making. With this in mind, listing 'push' and 'pull' factors is important but incomplete in understanding the process of migrant decision-making.

Migration policy has developed in conjunction with the development of the risk society and the focus on the management of risk and security; "the political rhetoric about…'illegal immigrants' which has accompanied coercive measures such as indefinite detention and forced deportations can be seen as a sustained programme of criminalisation" (Weber and Bowling, 2004, p.198). Migration policy has also resulted in the fear and exclusion of migrant groups, particularly through reactionary policy in the UK following 9/11 (Weber and Bowling, 2004, p.198). As a result, Weber and

Bowling (2004) identify changes in the policing of migration policy on the basis of the perception of growing transnational crime, a refocus towards international co-operation and information sharing (Weber and Bowling, 2004, p.198).

In migration policy and research, the issues of trafficking and asylum are connected. The issues of asylum largely fall outside the context of this thesis. However, it is important to highlight the impact of asylum policy on trafficking. Crawley (2006) considers the negative implication associated with asylum which impacts on all forms of movement across borders (Crawley, 2006, p.25). Grewcock (2004) argues that the trafficking discourse is dependent on the construction of the asylum seeker as fraudulent in order to tighten border enforcement (Grewcock, 2004, p.125). In research aimed at exploring the link between these two areas, Koser (2000) found that asylum seekers use traffickers and smugglers for a number of purposes to overcome obstacles and to assist with their migration. However, the article does not differentiate between the role of the trafficker and the smuggler which makes it difficult to identify the links, since the processes are conceptually distinct. This illustrates the relationship between the trafficking/smuggling debates and the asylum/refugee debates in the development of migration policy. Attempting to separate these debates is so difficult because they are "built into the fabric of European institutions" (Grewcock, 2004, p.127).

Another policy approach to trafficking has been the use of information campaigns in countries of origin as a means of dissuading migration. Through these campaigns, experiences of smuggling and trafficking are used as examples to highlight the dangers of the migration process (Nieuwenhuys and Pecoud, 2007). Information campaigns are considered an essential tool in anti-trafficking strategy as they decrease the vulnerability of the victim (Nieuwenhuys and Pecoud, 2007, p.1678). However, the rationale behind the campaigns assumes that information is key to the decision-making process which runs contrary to main theory. The complexity of social and economic factors which underpin migration may not be affected by the exposure to negative information (Nieuwenhuys and Pecoud, 2007, p.1685). Furthermore, the approach characterizes all migration as leading to "failure, misfortune and exploitation" (Nieuwenhuys and Pecoud, 2007, p.1684) and labels all migrants as potential victims on the basis of ignorance.

Migration policy has increasingly made use of technology, with the use of 'surveillance from a distance' (Broeders, 2007; Broeders and Engberson, 2007). In terms of

trafficking, these policies increase the complexity of the counter-strategies employed by migrants to circumvent these digital controls, increasing the likelihood of exploitation (Broeders and Engberson, 2007).

The concept of global markets is well established and consumers in the West are particularly satisfied with the consequences in terms of cost, fuelling consumerism. Traffickers "are seen to profit from the trade in people and are thus key agents in linking the exploited labour to the capitalist global economy" (Skeldon, 2000, p.8). However, the work force behind the global markets is not entirely global, reflecting a contradiction which exemplifies the tensions within global markets, between consumers and providers (Campani, 2004). The structural inequalities that are frequently cited as underpinning migration extend beyond tangible inequalities to those based on uneven distribution of the freedom of movement (Zavratnik Zimic, 2004, p.12) and of opportunity.

One of the problems identified with the focus on crime, security and immigration is that trafficking does not then sit within a wider context of forced labour, which allows an understanding of exploitation within the context of labour rights. Skrivankova (2006) carried out a review of forced labour in the UK, finding that this activity was not prioritised by law enforcement and the structures to prosecute these cases were underdeveloped and underused. Evidence suggests that officials understand trafficking to be mainly for the purpose of sexual exploitation as opposed to trafficking for forced labour (Skrivankova, 2006, p.14). She suggests that "there is a clear need to approach the issue of trafficking for forced labour from a labour rights perspective which focuses on the forced labour outcomes rather than considering it only as an issue of organised immigration crime (Skrivankova, 2006, p.2).

2.2.5 Summary: The policy construction

The law and order framework for trafficking and the resulting official construction can be illustrated through the direction of policy and legislation, both nationally and internationally. "The dominant trafficking language is…limiting" (Lee, 2011, p.149). The singular preoccupation with a particular, comparatively rare, experience, fails to consider the myriad of alternative pathways into exploitation that migrants encounter and focuses criminology in a way that neglects the wider and more complex nature of the problem. "A labour-based definition should, in fact, constitute only one part of a

larger anti-trafficking policy that focuses most of its efforts on preventing trafficking at its root causes via the improvement of economic conditions in source countries and the expansion of legal migration programmes in target countries" (Abramson, 2003, p.500).

The dominance of the official construction prioritises the experiences of the victims and perpetrators of a particular set of circumstances. This neglects to allow the framework to be informed by a wider consideration of labour exploitation in a range of workplaces outside the sex industry. These constructions are considered primarily outside criminology, through studies of human geography and migration, thereby defining labour exploitation as a separate phenomenon despite the potential for parallels to be drawn between migration processes and the experiences and marginalisation of migrants (for example, the exploitation of Zimbabwean women in the care industry, McGregor, 2007). The narrow official construction of trafficking also limits the understanding of those involved in the facilitation of migrant movement. Characteristics of facilitators and how they are represented within this activity, has barely been explored either within the field of trafficking or more widely within the illegal movement of people.

Chapter 3 – Existing Research

3.1 Introduction

Academic literature has predominantly focused on trafficking for sexual exploitation and on women and children as victims. The literature focuses on several aspects of this trafficking; the legislative responses (Skrivankova, 2007; Munro, 2006; Doezema, 2005, 2002); the marginalisation and criminalisation of female migrants (Hales and Gelsthorpe, 2012; Agustin 2006; O'Connell Davidson, 2006); as a framework within which to discuss the sex industry and the viability of industry regulation (Farrior, 1997) and within many discussions of trafficking for the purposes of sexual exploitation, the issue of consent. The discursive dominance of organised crime and 'sex-slavery' is problematic both for exploring the relationship between migration and trafficking and for discussing the sex industry and issues of exploitation in the sex industry (O'Connell Davidson, 2006).

Historical parallels can be drawn between the current framing of trafficking for sexual exploitation and the moral crusades focused on the white slave trade at the turn of the 19th century which continue to impact on the debates and policy setting (Weitzer, 2005; Adams, 2005; Saunders, 2005). Far from being a new issue, concern regarding the movement of women for sexual exploitation occurred formally as early as 1895 with an international conference regarding the trafficking of women taking place in Paris (Twomey, 2000, p.5). Trafficking reformers in Victorian England were unable to differentiate between their desire to protect and control the girls which was rooted in a lack of understanding of the roles of adolescence, sexuality and social class (Gorham, 1978, p.356). The legislation that was developed at the time ostensibly protected women but in effect denied agency (Gorham, 1978, p.356-7). Inter-war campaigns against trafficking in women were driven by groups who consciously internationalised their efforts in a "desire to protect Britain's national prestige, their moral impetus" and to forge international relations (Gorman, 2008, p.186). Trafficking in women for work in the sex industry has been the focus of official attention for over a hundred years and these historical roots and the related theme of social purity continue to influence and underpin the current strategy. This history provides a context which means that, in the argument of economic need and supply and demand, versus morality and crime control,

the latter have been afforded greater legitimacy which reinforces the dominant attitudes towards the sex industry as immoral (Macklin, 2003, p.481).

It is unfortunate that the issue of trafficking in policy discussion has become so closely associated with sex work, because the development of policy has been founded on moralised undertones. It also resulted in too much focus on the sexual exploitation aspect at the expense of trafficking for other purposes, such as agricultural labour, domestic work and organ harvesting (Jahic and Finckenhauer, 2005, p.25). In addition, a trafficking-migration lens for discussing prostitution is problematic. The use of the term 'migrant sex worker' fails to recognise the heterogeneity of this group and neglects public health concerns (Scambler, 2007). Finally, and pertinent for approaches to both sex work and trafficking, the primacy afforded to trafficking for sexual exploitation results in a gendered framework in which all debates and policy development occur (Outshoorn, 2005; Scambler 2007).

3.2 'Traffickers'

Commentators have acknowledged that the information regarding traffickers is largely lacking (ATMG, 2013; Surtees, 2008; Salt, 2000), particularly in relation to the role of women in trafficking offences (ATMG, 2013, p.15). Salt (2000) reviewed the limited research focused on traffickers from the EU. The data generally indicated that those apprehended for trafficking came from Eastern European countries and generally originated from the same country as the victims. Research offers little more than the nationality, age and gender of the traffickers (Salt, 2000, p.45). Salt (2000) commented that trafficking was still emerging as a "novel migration issue, still under-researched, and where no comprehensive typological studies have been carried out" (Salt, 2000, p.34). The primary source of data regarding traffickers is in the form of numbers of convictions. However, beyond that, little is known. This is partially due to the problems in establishing a consistent definition of the phenomenon and a framework within which to analyse the activity. Therefore, the lack of research in this area results partially from underlying problems with data collection and frameworks for analysis.

Research to date has been primarily victim-orientated. By focusing on the experiences of the victims, discussion has justifiably led to a questioning of a criminological lens through which to view the problem, particularly as a result of the criminalisation of migrant sex workers (Agustin, 2006). In addition, a victim focus has initiated the

human rights and migration aspects of this discussion (for example, see Goodey, 2003). However, the consistent emphasis on victims has led to a particular construction of the problem and neglected to develop knowledge regarding the traffickers themselves. The ability of trafficking victims to provide knowledge regarding the working structures of traffickers is limited by virtue of the way in which traffickers operate and the perception of victim experiences by victims and authorities. From research with trafficked victims, commentators have concluded that victims' accounts are limited in terms of understanding traffickers and trafficking operations (Surtees, 2008; Goodey, 2003).

3.2.1 Gendered narrative

The context of sex work and the dichotomies reflected in the dominant construction result in a gendered narrative throughout trafficking literature. Research has indicated that traffickers are predominantly male. This varies in some countries: female traffickers recruited 40% of trafficked victims in Moldova and 60% of trafficked victims in Macedonia (Surtees, 2008, p.42). However, their role in the trafficking process is thought to differ, the women acting under pressure from male traffickers to recruit more women, either as a means of freedom, as a requirement of continued assistance or avoidance of violence/abuse (Surtees, 2008, p.44-5). Analysis of 84 trafficking convictions in the UK indicates 63% are men and 37% women (Gilbert and Moore, 2010, p.3). This is counter to the common stereotype and suggests that the structure of the trafficking process and/or the policy focus may differ from the widely held perceptions.

A Europol report (2006) outlines the demographic details of the victims and their motivations for movement, while only briefly discussing the nationality of the traffickers. In Serbia and Montenegro, it was identified that, in 2006, male-female couples were being used in the recruitment process for the first time and other than this, the role of female traffickers was not considered significant across the EU (Europol, 2006, p.30). In several countries in the Western Balkans, for example Bosnia Herzegovina and Croatia, relationships of some kind were identified between the traffickers and the victims (Europol, 2006, p.30).

Using the IOM Counter Trafficking Database, Kagaspunta (2012)[3] reported on involvement of women in trafficking offences; 51% of 9380 cases involved recruitment by men, 42% by women and 7% by both. In considering the ratio of females convicted for trafficking in comparison to females convicted for all offences in a number of countries across Europe, the percentage of females convicted for trafficking offences is higher in every incidence (e.g. 18% for trafficking, 12% all offences in the Netherlands; 23% trafficking, 8% all offences in Portugal, 32% trafficking, 10% all offences in France). Thus, compared to other types of crime, "the role of female offenders appears prominent" (Kangaspunta, 2012). When considering the roles of female offenders in crime groups, women more frequently perform lower ranking activities that are more visible and therefore have a higher risk of detection (Ciconte, 2005). This may suggest that the high level of involvement of females in trafficking offences is a feature of law enforcement approaches and the roles taken by women rather than a feature of human trafficking organisation.

The stereotypical image of the victim creates a 'default' offender and a consequent over-simplistic dualism. Dominant media images are of "dark, haunting criminals; hundreds of thousands of young, innocent, white girls/victims; sovereign borders transgressed under cover of night" (Berman, 2004, p.41). Berman (2004) argues that the criminalisation based on these media accounts has become prominent in national and international trafficking policy and instead proposes "an alternative frame for considering many cases of trafficking in women as migration projects or attempts by women to harness trafficking networks in order to move and work…abroad" (Berman, 2004, p.43). This perspective affords women more agency within a migration frame. Whilst not suggesting that these women are responsible for their exploitation, this perspective allows a critical questioning of the "incessant portrayal of these women as naïve, duped and forced into a life of iniquity" (Berman, 2004, p.49). Agustin (2008) stresses that granting agency to these women "does not mean denying structural conditions, nor does it make them over-responsible for their fate, but it does consider their own perceptions and desires to be crucial" (Agustin, 2008, p.41). Similarly, the stereotypical construction suggests a default relationship between the victim and the traffickers which is likely to be more complex and based on a process of negotiation.

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[3] Data from research presented at the European Society for Criminology Conference in Bilbao, 2012, received in private correspondence with the author

The prevalent understanding does not allow a deeper consideration of the background of the trafficker and how they engage with the process.

Media attention on human trafficking has focused on statistics, sensationalist, gendered and raced accounts of victimisation and parallels drawn with the white slave trade (Berman, 2003, p.38) with accounts of the traffickers as violent, exploitative men involved in international criminal organisations (Berman, 2003, p.41). The consequent response to such imagery is to punish the traffickers, rescue the women and enforce stricter border controls to prevent movement of this type; a crime and security based paradigm.

Through the dominant discourse, Berman (2003) views traffickers as being "responsible for everything from illegal immigration to moral chaos, a dangerous 'law unto themselves', infecting 'our' community with violence and disease. They strike at the institutions of the state and the market…with their immoral sexuality and rampant criminality" (Berman, 2003, p.54-55). Berman (2003) also emphasises the notion of 'otherness' as a tool through which 'we' are able to create a distance from other Europeans who are responsible for these atrocities (Berman, 2003, p.55). It is through this 'othering' that borders become the focus for tackling human trafficking.

3.2.2 Trafficker and victims

Traffickers have been found to have some kind of relationship with their victim, whether through an intimate relationship, as family/friend or as an acquaintance (Surtees, 2008, p.52; Van Impe, 2000). This reflects migration literature that migrant social networks provide the foundation for information gathering, decision-making and risk awareness throughout the process of migration (discussed further below). It also suggests that the 'stereotypical' trafficking cases highlighted by the media involving unknown members of criminal networks are not the more common experiences of illegal movement. The OSCE (2006) highlights the need for further information regarding the structure of trafficking groups and the complex relationships between traffickers and victims (OCSE, 2006, p.13).

Victims of trafficking are reported as commonly experiencing physical and sexual abuse and violence by the traffickers (Surtees, 2008; Goodey, 2003). The motivation for the abuse and violence is to ensuring continued acquiescence in relation to a number of aspects of the trafficking process; recruiting, preventing people from reporting their

experiences, as a result of involvement with organised crime (Surtees, 2008, p.58-60). However, the "modus operandi of traffickers is increasingly becoming the use of subtle means of coercion rather than extreme violence" (OSCE, 2010, p.57) which may reflect the operation of trafficking as a business.

Petrunov (2011) focuses on the movement of money and methods of money laundering in criminal organisations involved in trafficking for sexual exploitation. Through this analysis, human trafficking is cited as the third most lucrative criminal activity, after drug and weapons trafficking (Petrunov, 2011, p.166). This research illuminates some interesting dynamics between traffickers and victims. In some situations, "the prostitutes consider the traffickers their partners" where they receive between 10-50% of their earnings depending on the service provided (Petrunov, 2011, p.172-3) suggesting that there is a wide variation of relationships and a continuum of exploitation experiences.

3.2.3 Organising trafficking

In an early analysis of trafficking as a 'business' of migration, Salt and Stein (1997) focused on considering the international operation of trafficking, the routes commonly used and the process of trafficking which they divided into three phases;

- The recruitment of people in the country of origin
- The route between the country of origin and the country of destination
- The processes by which migrants are 'settled' (Salt and Stein, 1997, p.477).

A criticism of this business model suggests that the migrant is defined as passive and financially motivated which does not reflect the complexity of migrant decision-making. Migration networks are a significant factor in explaining the gap between the intention and the results of migration policy. Through migration networks, individuals find ways of subverting policy (Elrick and Ciobanu, 2009). It is argued that the mutual interests of the migrant and those who facilitate their movement result in a dynamic more complex than the merciless criminal and passive victim (van Liemt and Doomernik, 2006, p.173). In addition, the business approach fails to take into consideration the overriding influence of migrants' friends, families and acquaintances in the journey and decision-making of a migrant (Herman, 2006). Herman (2006) considers the decision to migrate as a combination of financial and social considerations

in order to accumulate social capital (Herman, 2006). The association between social networks and social capital is reiterated elsewhere (Raghuram et al, 2010; Haug, 2008; White and Ryan, 2008) emphasising that whilst economic models of migration present one aspect, the operation of push and pull factors requires a wider lens. Furthermore, on the basis of social capital through limited integration, migration via personal networks will intersect with diasporas and crime groups which can enable those who facilitate the movement of others to develop networks (Turner and Kelly, 2009).

Van Liemt (2004) develops an economic analysis of trafficking and identifies relative deprivation as the driving factor behind much migration (Van Liemt, 2004, p.4). In this view, although the migrants who choose to move are not the poorest within the country's wealth distribution, they define themselves as poor through their engagement with international media and perceived wealth of neighbours or peers who have a member of family living and working abroad. These irregular migrants have low social capital; they lack social networks, access to legal regulation and they are likely to work in a low-skilled job for which they are over-qualified, referred to as 'socio-professional downgrading' (Van Liemt, 2004, p.7).

The paucity of research in the area of trafficking in human beings, particularly from a perpetrator perspective, is notable when compared to more robust research in other areas similarly defined as 'organised crime'[4]. Very little perpetrator focused research has been conducted outside official organisations; there is a gap in criminological research regarding the traffickers themselves (Goodey, 2008, p.430). Even within official reports, the detail relating to offenders is sparse. There is far less information available relating to the perpetrators than the victims in the GPAT database (Gorisek, 2004, p.171). The only characteristics discussed regarding perpetrators of trafficking in the UNODC report are nationality and gender (UNODC 2006, p.74-75). Although official research can provide valuable insights into the nature of those convicted of these offences, the research does not seek to challenge the dominant constructions of the problem and must be approached carefully given the issues regarding access to this data (also see Chapter 5). It has been highlighted that failing to analyse the available data robustly not only neglects a valuable and rarely accessed data source but can also be

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[4] For example, Antonopoulos (2008; 2007) regarding cigarette smugglers, Decker and Chapman (2008), Campbell (2008) and Pearson and Hobbs (2001) on drug smugglers and Morselli and Roy (2008) regarding research with car ringing operators

dangerous in neglecting to correct particular stereotypes in relation to gender and ethnicity (Gilbert and Moore, 2010, p.4).

3.2.4 Research with traffickers

Webb and Burroughs (2009) conducted research with prisoners convicted of people smuggling/trafficking offences consisting of interviews with this group. The aim of the research was to "provide a fuller understanding of the market dynamics of facilitated entry into the UK" (Webb and Burroughs, 2009, p.1). The research was carried out as a result of proposals made in the 2004 White Paper 'One Step Ahead – A 21st Century Strategy to Defeat Organised Crime' as part of a wider programme of work. The research is focused on the nature of the activity, the processes by which migrants were moved and the consideration of the UK as a destination country. This research highlights the ability of interviews with this group to provide a different and informative view on the processes of trafficking. However, the discussion is very brief and does not make links to the wider theoretical frameworks. They do not use the data to present characteristics of the offender group other than by providing basic demographic information. The outcomes of the study are linked to policy with a view to potential improvement for law enforcement, rather than using the data as a means of critically analysing the way in which policy has constructed the problem of trafficking. In addition, the focus remains on trafficking as a viable framework to study this phenomenon. Considering the dominant social construction of this problem in light of relevant theoretical frameworks may challenge its utility (Spencer and Broad, 2011). Finally, this article discusses trafficking in an organised crime context; with the title 'Organised Immigration Crime'. Again, this does not link to the wider debates regarding the efficacy of organised crime as a basis for defining trafficking.

Troshynski and Blank (2008) undertook exploratory research interviewing human traffickers with the aims of understanding the activity from the traffickers' standpoint and developing a typology of traffickers (Troshynski and Blank, 2008). The majority of the article emerging from this research focuses on the research journey and issues of access in the process of interviewing traffickers. Whilst this provides an interesting overview of the methodological issues with interviewing traffickers, it does not detail any themes emerging from such interviews. Following this methods-based paper, no publications have been made.

In research based on interviews with traffickers, Mai (2010) highlights that one of the key challenges was the inability to analyse the data against the context of the judiciary evidence (Mai, 2010, p.24). Therefore, his approach focuses on the ways in which the perpetrators view themselves and discuss their involvement in trafficking offences. Given the dominance of a particular construction through policy discussed here, linking individuals convicted for trafficking to the policy framework provides an opportunity to consider the processes by which the policy operates in practice.

Mai's (2010) "findings…problematize the Manichaean way in which the trafficking paradigm explains migrants' involvement in the international industry according to a polarised scenario of victims (women) and exploiters (men)" (Mai, 2010, p.2). Mai (2010) distinguishes between trafficking and the involvement of migrant workers in the international sex industry and suggests a high degree of fluidity in the relations between men and women involved (Mai, 2010, p.2). Looking beyond the dominant trafficking paradigm, Mai (2010) engages with the "life histories of the migrant men working as agents" (Mai, 2010, p.2) thus viewing them in relation to their wider socio-economic and cultural context. Mai (2010) adopts the term 'agents' rather than 'trafficker' with the aim of "setting a more neutral discursive space" (Mai, 2010, p.4) which better permits a consideration of the relations between the men and women involved and moves away from the traditional roles assigned. Agustin has also questioned the term 'trafficker' on the basis of her research with sex workers; "the words of these migrants tell us not that there are no abuses or problems but that 'trafficking' is a woefully inadequate way to conceptualise them" (Agustin, 2008, p.48).

Mai (2010) identifies transformations in post-communist states and exposure to Western cultural values as resulting in "a proliferation of young men and women which found themselves in a situation of heightened socio-economic and cultural vulnerability and fluidity. Many were expelled…into an unknown world, guided by individualised and confused expectations of utopian self-realisation, entitlement and pleasure" (Mai, 2010, p.11). Through this process, individuals in post-communist countries develop their identities in an image of Western consumption. Making money became a key discourse for these individuals (Mai, 2010, p.12). Therefore, engagement in sex work can be seen as a social, economic and cultural option in which men and women both challenged and reproduced gender roles whilst simultaneously improving their economic situation (Mai, 2010, p.13). Given the background of these interviewees, engagement with the

sex industry is "the only way to achieve social 'respect', mobility and autonomy" (Mai, 2010, p.43).

Mai (2010) views the resultant relationships between the men and women as the outcome of the interaction between two migratory projects (Mai, 2010, p.43). The "scenario of villains and victims engendered by anti-trafficking legislation does not correspond to the complex of the individual and interpersonal experiences involved in the arrangement and management of international sex work, but only to the 'trafficking' situations marked by a lack of consensus on the part of the woman and by violence and coercion on the part of the man" (Mai, 2010, p.32).

3.2.5 Networks

Trafficking networks consist of a range of different types of organisation from large international syndicates to small, flexible 'amateurs' (Skeldon, 2000, p.12). Official perspectives regarding trafficking networks converge. The UNODC (2006) identify two types of groups involved in human trafficking activities;

1. Hierarchical, structured with strong internal discipline and involvement in other types of organised crime featuring strong social or ethnic identity and violence.
2. Limited number forming a tight structured core group linking loosely to a network of associates. No particular social or ethnic identity featuring extreme violence (UNODC, 2006, p.35).

Trafficking networks are described as comprising of members of organised crime groups with "the ability to adapt easily to new environments, conditions and markets and to respond quickly to counter-trafficking initiatives" (Europol, 2009, p.6). In addition, their composition as family or clan based poses particular problems for law enforcement infiltration (Europol, 2009, p.6).

Europol (2006) outline the nature of organised criminal groups involved with human trafficking and state that the mafia style trafficking network is not regularly encountered (Europol, 2006, p.12). The nature of trafficking groups is described by Europol as follows;

1. Amateur/low level traffickers – single act or occasional traffickers involved in the trafficking of their own nationals based in their own country

2. Small groups/medium level traffickers – more permanent, operating across borders, involved in all stages of trafficking; "the UK sex industry, particularly the Eastern/Central European sector is dominated by a network of smaller groups who cooperate in moving victims around the country in response to market forces" (Europol, 2006, p.13).

3. International/high level traffickers – conduct the whole process of trafficking, dealing with large numbers of victims, reinvesting money in other types of organised criminal activity.

(Europol, 2006, p.12-13)

The official accounts of networks focus on the size of the group and the processes of trafficking, rather than seeking to understand the relationships between those involved.

Bruinsma and Bernasco (2004) consider trafficking in women as part of a wider consideration of criminal networks, using social network theory to describe the activity compared to two other types of illegal movement; drugs and cars. The analysis focuses on the trafficking of women in relation to the sex industry in the Netherlands. Data gathered from police records is used in order to identify 'criminal networks'. The paper identifies two types of collaborative networks in the process of trafficking women; a small 'clique' consisting of two or three professional criminals without specific task division and a larger group consisting of ten to twelve individuals who have specific tasks (Bruinsma and Bernasco, 2004, p.88). The analysis does not focus on individual traffickers but rather the nature of the networks which are low density and low cohesion indicating that the social bonds between those involved are not close. This is reflected elsewhere, suggesting that the structure of trafficking networks is flexible and loosely interconnected (Salt, 2000, p.42).

Leman and Janssens (2008) review court files relating to cases of human trafficking with the aim of developing understanding regarding the network structures and profiles and considering the financial mechanisms of these organisations. They identify ethnic networks where familial and cultural relationships are key to understanding the working practices. However, these networks may subsequently develop connections with multi-ethnic, transnational networks which entails learning about other cultural practices and a more rational approach to trafficking as a business (Leman and Janssens, 2008, p.447-8).

3.2.6 Organised criminals

As discussed, human trafficking is defined as organised crime. In this context, it is worth considering some of the literature regarding organised criminals more broadly. This is not a review of organised criminals, but rather a review of those studies in which trafficking may have been represented.

Research regarding the criminal careers of organised criminals by the Home Office (Home Office, 2013a) identifies several key themes that may be useful in considering the composition of the group represented in this data. The average age of the offenders was 32 (Home Office, 2013a, p.5), 95% of the sample were men and 56% were White European (Home Office, 2013a, p.5). The research is primarily based on trajectories in multiple types of organised crime on the basis of criminal histories resulting in six offender profiles detailing previous convictions ranging from no previous sanctions (the largest group at 29% of the sample) to a group of offenders focused mainly on violent offences with a high proportion who had previous convictions for violent offences (Home Office, 2013a, p.7-8). The report provides an overall view of pathways into organised crime on the basis of previous criminality but does not discuss trafficking in human beings other than as one of the offences for which offenders may have been convicted.

Kleemans and de Poot (2008) analysed data relating to approximately 1000 organised crime offenders in the Netherlands with the focus on developing understanding regarding the criminal careers of these offenders. The analysis revealed two interesting points in comparison to the total offender population of the same year. The group contained no juvenile offenders and the profile of the group was significantly older; primarily men between the ages of 30 and 50. It is concluded that this group are "a highly specific group that does not come within the focus of traditional research into criminal careers" (Kleemans and de Poot, 2008, p.73) and it is therefore necessary to consider the different ways in which people develop their 'organised criminal careers'.

Discussing the reasons for the late onset of these criminal careers, Kleemans and de Poot (2008) argue that organised crime differs from high volume crime in three key ways which impact on the 'social opportunity structure' required to access these activities. These features are as follows;

- The greater importance of social relations
- The transnational nature of these activities
- The increased complexity of the activities which requires access to the necessary skills

(Kleemans and de Poot, 2008, p.75).

The analyses are based on eighty cases of organised crime. However, the article does not provide a breakdown of the types of cases. Conceptually, there is some difficulty in the treatment of perpetrators of organised crime as a homogenous group and it is not possible to discern any information regarding trafficking perpetrators alone.

In trafficking literature, there is "an assumption that trafficking is growing because it is becoming more organised, though the evidence for this trend is not clear" (Salt, 2000, p.41). The emphasis in understanding those convicted for trafficking is on the level of organisation, the organisational structure, the practical arrangements involved in trafficking and the consequent roles needed in the process (Salt and Stein, 1997) rather than the individual offender. Some evidence suggests that the involvement of organised crime groups in trafficking has increased (Van Liemt, 2004, p.17) although this discussion relates to trafficking and smuggling in combination stating that profits have begun to increase as migration restrictions have increased. Not distinguishing between the two activities is problematic as the shape and nature of the activities is very different and blanket statements relating to both activities do not illuminate the mechanisms of either.

3.2.7 Traffickers as migrants

At a global level, prosecuted traffickers consist of a high proportion of nationals from the country of prosecution, suggesting that "the criminal groups exploiting trafficking victims have strong…connections to the destination country" (UNODC, 2006, p.34). However, many traffickers are migrants and so the factors influencing their migration may be the involvement in the trafficking activity itself in addition to the wider 'push' and 'pull' factors. Turner and Kelly (2009) consider the nexus between crime groups and the diasporas that they serve in the context of a shared cultural background which highlights the need to understand the cultural, social and gendered context of this movement.

As migrants, there is little understanding of the background or characteristics of those people who become involved in trafficking. Focusing on the migrant status of traffickers can enable a distancing from the process of trafficking. However, these reductionist interpretations are problematic in their potential to scapegoat the 'other' and to infer negative characteristics to male migrant populations (Goodey, 2003, p.421). Reporting these trends without robust analysis "fails to reflect a number of factors that help to explain particular groups' involvement in crime" (Goodey, 2003, p.421). In addition, failing to understand the details of this group perpetuates the stereotypes and neglects a valuable source of data that can indicate the shape of official approaches. Migration literature has considered the illegal movement of people and this research can offer information to the body of existing knowledge regarding trafficking. This literature is primarily from the perspective of the migrant although these views allow an insight into the relationship between the migrant and the facilitator which raises questions within the narrow focus of the official construction.

Literature evidencing the perspective of migrants who have been assisted in their migration has presented a different image to that commonly perpetuated of highly organised criminal cartels (Pastore et al, 2006, p.97). Many of these migration-based studies construct the relationship between the migrants and those who facilitate their movement as one based on negotiation and reputation and attribute more agency to the migrant than the traditional construction of trafficking. Of course, some of these perspectives are those of migrants who have been smuggled rather than trafficked. Questions have been raised regarding the need to differentiate between trafficking and smuggling in considering the experiences of migrants because trafficking by definition involves elements of deception, coercion and exploitation (Goodey, 2003). However, taking into account the blurred boundary between trafficking and smuggling, it is worth considering the perspective of the facilitated migrant.

Future approaches to trafficking need to take "'the social' rather than organised criminality as the starting point" (Lee, 2011, p.151). Taking this perspective requires an in-depth analysis of the perpetrators of trafficking to outline the characteristics of those involved in this activity, not on the basis of their links with organised crime, but to consider their backgrounds and the commonalities. Developing an understanding of the perpetrators of these offences beyond the official construction; the folk devilled migrant, can help to locate their involvement in the broader context of their migration.

Developing the body of knowledge regarding traffickers can also assist in law enforcement techniques (Surtees, 2008). Furthermore, considering the way in which the problem of human trafficking has been shaped by the legislation can illustrate the processes of policy-making in this area and the dominant criminological framing in regard to this phenomenon.

3.3 The victim stereotype

The aim of this section is to provide an assessment of the victim stereotypes emerging from the victim-focused research in order to provide a context for the research with offenders. The content of the research will not be discussed in detail as this falls outside the focus of this thesis. Victims are commonly described as women who "face precarious realities and they have no voice when in captivity. [They]…often live day to day without legal documents, mastery of the local language, financial resources, health care or relational support. They are often controlled twenty-four hours a day by their captors in unclean and unsafe living conditions" (European Commission, 2011, p.21).

A SOCA (2012) report aims to describe the nature and scale of human trafficking during 2011 focusing on the number of potential victims identified and their backgrounds (SOCA, 2012, p.3). The report suggests there were 2077 potential victims identified in 2011 (SOCA, 2013, p.4). Contrary to the female stereotype, a recent review of identified victims in 2011 suggests that 54% of trafficked victims are female and 40% male (SOCA, 2012, p.6). Similarly, the experiences of victims vary more widely than the focus on sexual exploitation suggests; a recent report considered the exploitation types in relation to potential victims identified in 2012: 31% sexual exploitation; 22% labour exploitation and 17% criminal exploitation (SOCA, 2012, p.8).

Agustin (2002) challenges the stereotypes of the trafficked victim and focuses on the experiences of migrant sex workers. The 'passive victim' and the movement of people by foreign 'gangs' ignores the involvement of family members, partners and friends in the journey (Agustin, 2003, p.6). She identifies discrepancies between the way that official organisations describe migrant sex workers and the way that they describe themselves (Agustin, 2002, p.111). The concepts of powerlessness and limited agency developed through the commonly perpetuated imagery are not necessarily a common reality. In the dominant construction, women are portrayed as hapless victims from the

beginning of their migration journey, long before employment becomes relevant (Agustin, 2002, p.111). Therefore, the involvement of these women in prostitution is most frequently framed in terms of their victimhood (Agustin, 2002, p.113) which is a gendered reaction contrasted with the entrepreneurial strategies of men. Agustin (2003) views dichotomies, such as 'knowing' or 'unknowing' victim, as incapable of reflecting the complex realities of the situation (Agustin, 2003, p.3).

The historical construction of sex workers is important in understanding the lack of agency assumed in entry into such work; "the identity of the prostitute was naturalised and reified around the notion of the individual deviant woman contravening moral order, patriarchal order and the law" (O'Neill, 2010, p.214). With the historical lens of white slavery, "only good girls can be trafficked: anyone who voluntarily enters the sex trade is a bad girl and risks forfeiting…the concern, respect and protection of the state" (Macklin, 2003, p.480). Similarly, the emphasis on 'rescuing' women from this activity forms the basis for policy, as regulation at the time involved extracting women from the vice in order to purify her (O' Neill, 2010, p.214). Modern policy, tied to a deviancy model, "has become skewed towards helping women out of sex work, through processes of rescue, desistance, self-governance, and rehabilitation for which the individual woman must take responsibility" (O' Neill. 2010, p.217).

Attempts to define the status of a migrant working in the sex industry in terms of the prior knowledge of the employment or whether they were coerced or deceived is at odds with studies of migration that depict migrants as aware and willing to take certain risks (Agustin, 2003, p.7). There is debate regarding the extent to which trafficked women are aware that they would be working in the sex industry and assessing such knowledge is difficult; "but few would have imagined the conditions of work to be so deplorable" (Van Liemt, 2004, p.21). Despite narratives to the contrary, commentators are "virtually unanimous in their assessment that the majority of women entered the sex industry voluntarily" (Skeldon, 2000, p.18). However, it is also important to highlight that the notion 'voluntarily' must be considered with reference to the socio-economic, political and domestic conditions of those who make the choice. Conversely, the presence of this context should not be sufficient to remove agency from these individuals.

As stated above, one of the criticisms of trafficking policy has been the marginalisation and criminalisation of migrant women, particularly in the sex industry. In their research

regarding the criminalisation of migrant women, Hales and Gelsthorpe (2012) aim to understand the presence and management of trafficked women in the criminal justice system (Hales and Gelsthorpe, 2012, p.15). This extends to trafficked victims, who are criminalised through their conviction of various offences, most commonly the use of false instruments, production of a controlled drug, importation of a class 'A' drug and entry to the UK without valid documentation (Hales and Gelsthorpe, 2012, p.21).

Furthermore, "victims of trafficking may, over time, mitigate their exploitation by working together with the traffickers and begin to occupy lower levels in the trafficking network" (ATMG, 2013, p.92). The prosecution of victims is specifically referred to in the Convention and the Directive which give Member States entitlement not to prosecute victims if they have been compelled to commit crimes. The CPS guidance in relation to human trafficking states that the decision to prosecute will be based on establishing evidence that the suspect has a credible defence of duress and determining the element of public interest (CPS, 2013).

The EU prosecution process is heavily reliant on the trafficked victim and their cooperation. Protection for the victim throughout this period has been highlighted as a significant issue for the success of prosecutions (Skrivankova, 2007; Goodey, 2003; Kelly and Regan, 2000). In terms of the application of policy, one of the problems identified is inconsistency between the victim and interpretations of how a trafficked person 'should act' which may include appearing to willingly agree to the traffickers' plans or providing changeable accounts (ATMG, 2013, p.56-7). In order to decrease the onus on the victim in the prosecution process, Goodey (2003) suggests exploring new approaches to apprehending offenders. Kelly and Regan (2000) emphasise the importance of intelligence as a basis for learning more about traffickers' activities to inform prosecutions. A CSJ report highlights numerous ways in which victims can be better protected and includes the experiences of victims and narratives of encounters with traffickers in case studies throughout (CSJ, 2013). However, the limitations of victim accounts of traffickers have already been highlighted. The report underlines the low number of successful convictions (CSJ, 2010, p.152) and the various challenges that face prosecutors; low levels of awareness and knowledge in some areas of criminal justice and the burden on victim testimony (p.151-2). Developing more knowledge and understanding of those convicted for these offences can help to ameliorate some of these issues.

One of the challenges for trafficking research on victims is carrying out high quality research in order to develop an insight into trafficking, "whilst still taking gender specifics into consideration" (Zavratnik Zimic, 2004, p.14). It is argued that, due to the emphasis on criminality, security and migration, the female victims are consistently criminalised and "the image of the victim has become subordinate to the image of the criminal" (Zavratnik Zimic, 2004, p.10). It is undeniably the case that victims are criminalised on the basis of their status and perceived involvement in the trafficking process. However, the 'image of the criminal' is one that is very specific and, due to the research focus on the victim, little is known about the perpetrators of these crimes and whether or not they adhere to this stereotypical image.

Although research and writing regarding human trafficking focuses on the victim, there is little direct research with victims due to the 'ownership' and gatekeeping of the problem (Bosworth et al, 2011, p.771).

> "Particularly in transnational arenas, NGOs like POPPY play a significant role…in the production of knowledge, and they guard this part of their job closely. Unlike much academic research, that conducted by NGOs speaks directly to policy makers and the public. In so doing, they both construct and justify particular narratives. When the population in question is vulnerable, advocates shape and structure the communication of their experiences, effectively controlling the way in which their stories are represented" (Bosworth et al, 2011,p.775).

This quote effectively demonstrates the interplays of power in the construction of particular narratives of trafficked victims and the funnelling of research in this area.

3.4 Summary

A review of the literature highlights the absence of the perpetrator throughout research and as the basis for the development of policy. Policy approaches focus on the need to balance repressive measures with development of information, awareness and welfare campaigns to decrease the vulnerability of victims (Van Impe, 2000). However, these approaches fail to acknowledge the paucity of knowledge relating to the traffickers themselves and what this knowledge may contribute. Understanding the characteristics of those involved, their motivation for involvement and how this activity influences their pathways, whether in respect of their criminal careers or migration trajectories,

cannot but help to inform policy. Furthermore, by focusing on the victim in policy, "the spotlight of attention turns away from the more difficult problem of trying to stop crime" (Goodey, 2008, p.431).

Chapter 4 – Constructions of Human Trafficking and an Interpretative Policy Framework

4.1 Introduction

The purpose of this chapter is to outline the theoretical framework which informs the analysis of the data and the discussion of the findings. This chapter considers the social problematisation of human trafficking through an interpretative policy framework. The data was interpreted in light of the recognition that it represents a particular profile of traffickers by virtue of policy operation. The research questions result in a consideration of how the social problem of trafficking is framed, a discussion of the concept of social problem construction and an outline of an interpretative policy framework and the way in which this applies to the thesis.

Wright Mills (2000) differentiates between troubles within the character of an individual and public issues of social structure that threaten certain values (Wright Mills, 2000, p.8-9). The examples he presents differentiate between individual and societal experience on the basis of the size of a problem and the way in which a problem is experienced. Given the proclivity to focus on the magnitude of human trafficking and the stereotypical presentation of the victims' experiences, Wright Mills' (2000) approach raises questions regarding human trafficking as a public social issue. Weitzer (2007) considers the remarkable success of a moral crusade against sex trafficking, particularly in light of the dubious nature of many of the claims made by the moral crusaders regarding trafficking and prostitution. He then argues that although much attention has been paid to the magnitude of the problem, there are no reliable figures to support these claims (Weitzer, 2007, p.455-56)[5]. It remains uncertain whether there is widespread public concern and therefore whether trafficking can effectively be classed as a social problem.

Spencer and Broad (2011) argue that trafficking for sexual exploitation cannot be neatly explained as a moral crusade (in relation to Cohen, 2002) due to the lack of public outcry (Spencer and Broad, 2011, p.274). However, where the moral crusade framework is useful is in examining the way in which official institutions and organisations approach the problem (Spencer and Broad, 2011, p.274-277). The way in

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[5] Other authors are also sceptical regarding the way in which the problem is sized, see, for example, Goodey (2008)

which the problem is 'owned' and 'managed' by these official institutions defines them as 'pragmatists' (Cohen, 2002) and 'bureaucratic entrepreneurs' (Levi, 2009). Therefore, despite being framed as a serious and endemic problem, trafficking does not sit well within a moral panic framework. Essential elements of a moral panic are absent from the trafficking discourse, notably the interest of the public and demand that action be taken regarding this activity (Spencer and Broad, 2011, p.274). Essentially, the official construction of trafficking as a widespread social problem is limited to official institutions and interested parties, and is yet to be fully substantiated by empirical evidence.

The primary arena in which human trafficking has been defined is through policy and the development of legislation and negotiation of the definitions therein. Although the social construction of problems is relevant as a starting point, moving forward from this focus towards the consideration of the interpretative policy framework provides a more appropriate, criminologically centred framework for analysis.

The remainder of this chapter is divided into four sections. Section 4.2 presents an outline of Kingdon's perspective of the policy-making process (1984) and subsequently incorporates the concept of problematicity developed by Turnbull (2006). Finally, this is considered in the context of Boswell and Geddes' (2011) discussion which makes links between these concepts and the movement of people across borders. 4.3 is initially focused on the theoretical literature which underpins the constructionist approach within the social sciences. This begins with an outline of the study of social problems by Spector and Kitsuse (1987). The discussion then moves on to consider criticisms and alternatives to this approach. Section 4.4 considers the ways in which this approach has been used in relation to the study of human trafficking. Following this, the main ways in which human trafficking has been constructed are explored in section 4.5 with specific emphasis on the implications for this research. These themes are sex work, organised crime, migration, human rights and globalisation.

4.2 An Interpretative Policy Framework

The data consisted of a variety of sources which largely fall within the dominant construction of human trafficking and are therefore a product of policy. It is therefore necessary to consider the data in light of the policy framework which has 'created' the data. In this respect, the data were viewed as a social construct through an interpretative

policy framework. Adoption of an interpretative policy framework is differentiated from interpretative policy analysis. It is the framework adopted for the analysis of the data and provides a focus for discussing the findings. This approach is grounded in a desire to "take into account what is meaningful to actors in those situations" (Yanow, 2007, p.111) and to reflect on how the meanings that have been accessed and analysed in the process of this thesis have been experienced personally. The latter point is considered in Chapter 5 as part of the research journey.

Kingdon (1984) considers the processes by which particular items become relevant for policy makers which were previously "relatively unchartered territory" (Kingdon, 1984, p.1). The agenda setting process funnels a problem into a set of "conceivable subjects…that actually become the focus of attention" for policy (Kingdon, 1984, p.4). In his consideration of those who have influence during the agenda setting process, he concludes that those inside government are afforded the primary influence and interest groups tend to be involved only once the subject has been accepted onto the agenda[6]. This suggests that interest groups are not involved in the problem setting part of the process and therefore, once an item has been made more concrete in the policy process, the interest groups will then be engaged in the more difficult practice of changing existing direction. Once policy has been 'set', change takes place incrementally, even if problems are found with the policy (Kingdon, 1984, p.83-88). Meyer (2010) states that in moving toward a response to a problem, we "move toward a problematic answer that is nonetheless presented as answering the problem raised" (Meyer, 2010, p.423). It is noted that academics impact on the choice of alternatives rather than the initial agenda choices (Kingdon, 1984, p.71). Given the paucity and quality of trafficking research at the time of policy development, academics may not have been able to positively impact on the way in which alternatives were interpreted. This is also evidenced by the compromises and consequences for marginalised groups discussed in Chapter 2.

Kingdon (1984) finds no consistent origin of ideas for agenda setting (Kingdon, 1984, p.75-78), suggesting that issues that become relevant for policy are chosen somewhat arbitrarily. He suggests that the origin may not be as important as the context within which the idea becomes relevant; "the critical thing to understand is not where the seed comes from, but what makes the soil fertile" (Kingdon, 1984, p.81). In terms of trafficking policy, emphasis on the involvement of organised crime groups can be accounted for in this way; with reference to the increased attention paid to organised

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[6] See Kingdon (1984) chapters 2 and 3 for a detailed account of this process

crime following the murders of Falcone and Borsellino in 1992. In addition, the increased attention to human trafficking has been viewed as a consequence of the increased presentation of white victims (Jahic and Finckenhauer, 2005, p.26). The official perspective of a problem is arguably accepted by the public on the basis of perceived legitimacy; "the acts of producing and using information in organisational decision-making have the symbolic value of expressing the perceived rational foundations of choice" (Radaelli, 1995, p.162). Therefore, once the 'soil is fertile' and the item is on the agenda, the way in which a problem is officially defined is accepted as rational.

Kingdon (1984) rejects a rational, comprehensive model of the policy process instead emphasising the presence of agenda funnelling, problem setting and incremental change (Kingdon, 1984, p.82-3). Turnbull (2006) builds on this foundation, adopting an epistemology of questioning to expand the problem concept in policy theory (Turnbull, 2006). Turnbull (2006) reconceptualises approaches to policy-making on the basis that it is not a scientific process, as suggested by rational problem solving, but a political one (Turnbull, 2006, p.8). Reflecting many of the conclusions of Kingdon (1984), his approach develops these concepts by theorising the problematicity of policy answers and the way in which policy is set. Yanow (2007) identifies the ability of this approach to capture the 'circular sense-making' of the policy process which allows a more effective understanding of the development of bounded policy than a step-wise or stage based approach (Yanow, 2007, p.118; Turnbull, 2006).

"Policy solutions are often partial, small advances upon the previous solutions" (Turnbull, 2006, p.5), rather than scientific, research based solutions to specific problems. This means that policy-making is not based on rational problem solving and new approaches but is a process of incremental change within the interpretative frames of policy makers (Turnbull, 2006, p.5; Radaelli, 1995, p.164). Problem setting is crucial to policy-making since the shape of the questions asked regarding a problem will determine the shape of the answer; "policy-making is inquiry in two senses; it sets the problem by giving it form and seeks the best solution to *that* problem" (Turnbull, 2006, p.7, emphasis added). Therefore, the way in which the problem is initially defined is key to subsequent policy development.

Human trafficking policy discourse is contextualised in a global policy framework within the constraints of the UK legal system "where policy formation is the purview of

restricted governmental elite…; with little outside input" (Schmidt and Radaelli, 2004, p.198). Those with bureaucratic power are able to institutionalise and reinforce policy into broader international politics which increases the likelihood of international policy convergence (Haas, 1992, p.4). Within this process, "institutions must be accounted for, at least in part, as rhetorical entities which deal with problematicity" (Turnbull, 2006, p.12). Institutions may not be consciously aware of the policy process; particularly within an environment where the problem setting process has already arrived at a widespread definition. Problems are acted upon, on "the basis of previous solutions which have been internalised and become routine" (Turnbull, 2006, p.17). The concept of problematicity accounts for the globally discourse as the themes and definitions are reinforced internationally through the work of the UN and the EU amongst others.

Dorn (2010) highlights the danger of international and institutional convergence of standards which can create common blind spots toward, in this case, financial regulation. However, the influence of hegemonic global discourse on common agenda setting can be identified in the development of the global policy discourse in relation to trafficking. The 'blind spots' may include the types of trafficking that fall outside of the dominant construction, receiving less political, public and law enforcement attention, albeit unintentionally. The 'blind spots' can also refer to the unintended consequences of policy such as those which marginalise particular groups (Agustin, 2006).

On the basis of the literature review so far, the policy direction is clear and specific. "The move from worries to defined problems is not a necessary logic, but a contingent one in which we must choose between many possible formulations of a problem" (Turnbull, 2006, p.7). Therefore, the dominant approach to trafficking reflects a singular formulation of the problem. On the basis of scant research, policy is a response to a question posed by the dominant construction; how to protect innocent, naïve young women from these evil, organised criminal men? Whether or not this question was explicitly framed is moot (Meyer, 2010). The 'answer'; the policy, can then be "theorised in terms of its relationship to a question even though it need not be understood consciously as such by the actors themselves" (Turnbull, 2006, p.17).

The structural differences between the formal, policy-making processes and the ways in which the policy is applied at 'street level' "can lead to a 'decoupling' of formal and informal organisation with the informal organisation actually more representative of

everyday realities" (Balch and Geddes, 2011, p.30). This is arguably founded on the stereotypical construction of the victim within the dominant paradigm. Although human trafficking is identified as an issue for core policing, "the difficulties of incorporating human trafficking into everyday policing stem from pre-existing narratives regarding 'victimhood' that are more easily associated with a young female trafficked for prostitution than an older male trafficked for forced labour" (Balch and Geddes, 2011, p.37). This suggests that the data may reflect both similarities but also important points of departure from the official construction.

An interpretative policy framework can therefore illuminate the way in which problems are understood by the relevant institutions and organisations through policy. It also provides a way of understanding the cyclical processes of problem setting and problem answers and the consequent development of a singular construction of the problem. In terms of policy, it is accepted that the reality created by policy is socially constructed (Schmidt and Radaelli, 2004, p.194) and therefore it is not necessary to argue the advantages and disadvantages of this approach but rather to acknowledge it as a starting point. Viewing the dominant construction or narrative of a phenomenon as that which serves best the interests of those with power is overly simplistic (Boswell et al, 2011, p.5). The recent political attention illustrates a new wave of significance for human trafficking and therefore, the policy constructions are newly formed. Despite the new wave of policy, human trafficking has not been newly problematized and so the construction of the current approaches reflects the way in which the problem has been set historically.

Developing definitions for policy use "can be considered a linguistic interaction between words and 'reality'" (van Duyne and van Dijck, 2007, p.105) and this is also the case in the policy-making process; policy is limited to some extent by semantics. The links between linguistic rhetoric and problematology are discussed fully by Meyer (2010) although is largely outside the scope of this thesis. van Duyne and van Dijck (2007) consider the impact of words on the policy process, particularly organised crime threat assessments. Specific linguistic trends are associated with organised crime and the association of 'threat' or 'risk' of organised crime became normalised (van Duyne and van Dijck, 2007, p.107). The concept of a 'threat' assessment raises the question of what is to be deemed threatening. This relates to the ambiguity of the definition of organised crime and the interpretation of organised crime policy; the confusion in which is illustrated thus; "usually the conceptual slip is to the persons: at any rate acting

criminal persons are threatening and they are organised. Or rather, organised criminals are threatening with committing crime, which is therefore an 'organised crime threat'. Or can organised criminals also threaten with non-organised crime and should that then not be considered a threat" (van Duyne and van Dijck, 2007, p.108).

Given the notions of organised crime and what organised criminals must 'look like' (largely not based on empirical evidence), law enforcement and official personnel reported that what they had found was 'organised crime' which then *became* organised crime (van Duyne and van Dijck, 2007, p.110, emphasis added). This reiterates the legitimacy afforded to officially developed perspectives of social problems.

> "What we actually observe is an interesting social-linguistic phenomenon: there is an accepted common parlance, even if it is highly imprecise, which appears to be of little concern…The reality changes, underlying meanings change, but the words in which the organised crime assessments are cast, remain" (van Duyne and van Dijck, 2007, p.111)

This discussion is with reference to the conceptual frameworks for organised crime assessments. However, the notion also reflects the operation of problematology. The relationship between problem setting and problem answers outlined above can be identified in this discourse of organised crime policy and provides additional evidence for the effectiveness of adopting this framework for analysis.

4.3 The Social Construction of Problems

This section considers the social construction of problems through an acknowledgement that policy represents a social construct. Although drawing on the theory in this way, the aim is not to explore the debates regarding the pursuit of research into social problems or to describe the theory of social problems in detail. Rather, these notions are recognised as the basis for the development of the interpretative policy framework. Literature on social constructionism distinguishes between developing a theory of social problems and research that uses social constructionism as a theory to guide exploration into social problems (Schneider, 1985, p. 210). This thesis adopts the latter approach on the basis that this type of enquiry is necessary to inform the framework for data analysis.

Spector and Kitsuse (1987) suggest that it is not for sociologists to question the constituents of a social problem but to study the contentions of those who negotiate

these definitions (Spector and Kitsuse, 1987, p.47). What is of interest in this approach is the way in which social problems are defined/constructed; "in defining social problems, members of society construct theories about them and make causal inferences about conditions they find offensive, troublesome or intolerable" (Spector and Kitsuse, 1987, p.48). In terms of trafficking, the constructions that are most easily found 'offensive, troublesome or intolerable' are those which are most easily understood as such: those which involve sexual exploitation, innocent victims and an evil spectre of trafficking which manifests many aspects of other social conditions found to be troublesome including illegal migration and illegal working. Those cases which present a blurring of boundaries are therefore less easily constructed in this paradigm.

In the process of defining a problem, the group who 'wins' control of that problem sees their construction of that problem adopted and institutionalised over groups offering alternative perspectives (Spector and Kitsuse, 1987, p.8). The creation of an agency to deal with a specific social problem highlights the existence of this social problem to others (Spector and Kitsuse, 1987, p.84). The themes of the agency are thus reflected in the media and the problem becomes more widely understood through the problem owners. Thus, official institutions can be seen as the trafficking 'problem owners', as discussed with reference to the 'bureaucratic entrepreneurs' (Levi, 2009) above.

Questioning the utility of the dominant construction of a problem is not to suggest that alternative constructions are 'real' reflections of the problem. Using this theoretical framework does not assume any objective conditions. Indeed, attempts to define the objective conditions distract the focus from the processes of problem construction; "the persistent effort to affirm the existence of objective conditions in social problems denies the significance *in their own right* of the conditions participants claim to exist" (Spector and Kitsuse, 1987, p.53, original emphasis). Social problems are therefore reformulated as claims making activities (Spector and Kitsuse, 1987, p.73-96). In this reformulation, values are linguistic devices that are imputed to the actions of others as justification in the value-judgemental process.

Using Spector and Kitsuse's (1987) approach to social problems provides clarity in understanding the dominant construction of human trafficking. The complex and moralistic discourse surrounding prostitution as a social problem is inextricably linked to the defining of human trafficking as an activity. The prioritisation of trafficking for sexual exploitation sees links made to prostitution debates at every juncture and

therefore this impacts on the way in which trafficking is (or is not) understood. The complexities of the prostitution debates relating to, amongst other factors, issues of consent and agency and how these issues interact with migration and choice are thereby inherently part of the way in which trafficking is understood as a problem[7].

Critics of the constructionist approach have focused on the ability of the consideration of social problems to be entirely independent of the study of social conditions (Best, 2002, p.704). However, the development of purely abstract theory is not the usual, or current, purpose of research exploring the construction of social problems. This is not to suggest that the social conditions exist in some objective sense, but that the focus is on the claims and the primary claims makers. Therefore, analysing human trafficking through an interpretative policy framework, the process of claims making through the development and application of policy and the resultant characteristics of those people thereby defined as 'traffickers' becomes the way in which the research questions are considered in this thesis.

Becker (1966) suggests that the objective conditions of a social problem are important as they consist of a set of notions that can be measured (Becker, 1966, p.6). This is problematic in terms of human trafficking. Chapter 5 outlines some of the significant methodological problems in researching human trafficking. In addition, Chapter 2 identifies some of the issues with the evidence base for policy direction. However, not being able to accurately measure the problem does not obscure the ability to consider human trafficking as a social construction through a policy-focused framework, indeed the factors which develop methodological difficulties illustrate particular features of the problem. Legislation defines the activity in a particular way and current assessment of success in tackling human trafficking is frequently measured through convictions. Thus, 'traffickers'; a group of people formed as a result of the application of the legislation, represent a construction of human trafficking and their characteristics have been largely neglected. Interestingly, this construction largely consists of unsubstantiated stereotypes founded in historical parallels rather than a consideration of the 'traffickers' (Weitzer, 2007, p.452-3).

"By ontologically gerrymandering one privileges one symbolic rendering of a particular condition as objectively superior to other renderings in order to…distinguish the

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[7] Exploring all the complexities of the debates linked to the sex industry is not possible or relevant to the overall discussion. For a comprehensive review of these issues, see Sanders et al (2009).

condition from people's symbolic experiences and activities regarding it" (Weinberg, 2009, p.65). Ontologically, this can be problematic since it highlights the inability of the objective social conditions to properly capture the social problems whilst simultaneously rejecting the utility of objectivism to capture social problems. Weinberg (2009) suggests that attempting to distinguish the social conditions from the claims making activity completely is impractical and yields unsatisfactory discussions because "all activities concerning putatively problematic conditions are embedded in historical, cultural and interactional contexts that are…absolutely indispensable" (Weinberg, 2009, p.67). Failing to make these connections results in purely theoretical discussion which does not embody the transformational ability of social research. The objective conditions are crucial in the claims making activity as they form the basis for the justification of claims made by parties involved. Weinberg (2009) argues that the difference between the use of objective conditions by the claims makers as opposed to social researchers is the aims of utilising the data. The aims of the claims makers are usually related to the relevance of their own claims making activity whereas the aim of a social researcher is to approach the problem from a different perspective, pertaining to the specified research question (Weinberg, 2009, p.73). However, this objectivity is not that associated with an assumption of a true representation of a particular phenomenon but through the analysis of available data as a representation of a particular social construction of a problem through policy formation.

Social constructionism has been criticised for arguing against the utility of objectivism whilst "allowing objectivism to creep in" (Troyer, 1992, p.35). In order to overcome this problem, commentators have argued for a 'contextual constructionism' that uses objective social conditions to comment on the claims making activities in relation to a particular social problem (Weinberg, 2009; Best, 2002). Social constructionist approaches direct the researcher to focus on the claims making activities – the construction of the social problem (Spector and Kitsuse, 1987) which in this case allows a focus on the policy outcome. In this type of analysis, Troyer (1992) cautions against the presentation of any facet of the problem as factual. Instead, any representations of the problem must be treated as interpretations.

In this approach, the official statistics and data are not analysed as a representation of objective reality but rather understood as a product of the organisational and administrative processes of the relevant institutions (Kitsuse and Cicourel, 1963); the policy process. Best (1993) suggests that interpreting Kitsuse and Spector's (1987) and

Kitsuse and Cicourel's (1963) recommendations for the direction of research into social problems needs to be read with a 'weak' interpretation; that statistics can be used carefully, as opposed to the 'strong' interpretation which would completely disallow the use of official statistics (Best, 1993, p.109-110). On the basis of Woolgar and Pawluch's (1985) 'ontological gerrymandering' critique, 'strict constructionism' developed which encouraged analysts to avoid any engagement with empirical assumptions and from making any links between the social construction of problems and the putative social conditions. However, Best (1993) argues that this approach is too limiting and does not allow the researcher to develop a critical analysis in relation to comparing the features of the social construction of the problem and the way that the putative social conditions are represented by empirical research (Best, 1993, p.116-118). This approach allows the enquirer to raise questions regarding the knowledge of the problem, although not making any claims about an objective reality. The link between theory and data in this reading of constructionism is in grounded theory which can build empirically based theories of social problems (Best, 1993, p.124).

Law provides an established alternative to the sociological study of social problems; "from a strictly juridical point of view, the only reality that a social problem has is its legal reality as a crime" and the main purpose of the application of the legal process is the enforcement of the law and the punishment of those found guilty of a crime (Nisbet, 1966, p.13). Nisbet (1966) outlines the sociological approach to social problems as being concerned with the causes of problems and their determining contexts (Nisbet, 1966, p.16). This alludes to the discovery of an objective statement regarding the social problem, an aim which has already been discounted. However, the 'determining context' of human trafficking provides a relevant platform for determining the context in which the dominant construction of the problem has developed. This approach provides a foundation from which to analyse the data but also to consider the results in light of their particular construction rather than to arduously describe the process of human trafficking.

Studies of social constructions of problems frequently focus on how definitions of these problems change over time, which is frequently the basis for the criticism regarding the use of the 'objective' conditions as a point of comparison for these changing definitions. In the case of human trafficking, the definitions have not changed so much as the focus has been maintained on a particular historical image of the problem, which has in turn impacted on the way in which trafficking has been defined through policy. Rather than

asserting that the social condition has remained the same throughout the period of increased official and academic attention, the view taken here is that the condition is more varied than the official construction suggests and that current theoretical models may be largely inadequate in accounting for the activity. The underdeveloped empirical and theoretical framework for human trafficking poses significant problems both for the consideration of the official construction of the problem and for any attempt to explore the activity itself.

A constructionist perspective values the utility of considering the problem through the relevant institutions. "There is a close and even predictable relation between the recurrent social problems of a culture and the identifying values and institutions of that culture" (Nisbet, 1966, p.1). From a functionalist perspective, despite their definition as social problems, the activities are part of a functioning society. For human trafficking, the markets that support the activity already exist and have identifiable demand; they are not created to support the activity of human trafficking. Similarly, through the functional processes of migration, the supply of individuals who desire to migrate and work are readily available, the desires are not created to fulfil the perpetrators' need to traffic. This concept is discussed below in relation to the interaction between formal and informal markets and reiterates the functionality of facilitated movement and employment within a migration framework.

Becker (1966) suggests that part of the utility of considering the construction of social problems is to reassess the position from which the problem is viewed (Becker, 1966, p.29). Whilst not suggesting that the findings and discussion can develop a clear and complete theory of trafficking, the aim is to begin to explore alternative theoretical frameworks that may broaden the lens through which trafficking is considered and to explore gaps revealed in the knowledge.

4.4 Constructions of Human Trafficking

As discussed in Chapter 2, several commentators have highlighted the parallel features of constructions of the perpetrators and victims in the white slavery discourses of the Victorian/Edwardian era and the current discourses of trafficking (Adams, 2005; Weitzer, 2005; Doezema, 2000). The operation of problematicity accounts for the similarities through the development of new approaches to policy reflecting the themes and direction of former policy (Turnbull, 2006). What may be reflected in the

development of the dominant trafficking construction is the framework originated in the moral crusades and reform directed at prostitution and white slavery in the Victorian/Edwardian period. The dominant themes can be identified through the official construction of the problem and the prioritisation of trafficking for sexual exploitation.

Farrell and Fahy (2009) use Spector and Kitsuse's (1987) natural history of social problems model to consider the framing of human trafficking in the US media and the consequent relationship with US trafficking policy. In a parallel to UK policy, US framing of human trafficking has developed as an issue of national security and the prosecution of perpetrators is a priority. In addition, it is possible to identify parallels between the UK and the US in the amplification of the problem, a lack of identification of victims and low numbers of prosecutions (Farrell and Fahy, 2009, p.617). This illustrates the development of a global policy discourse. Using media analysis, Farrell and Fahy (2009) found that human trafficking in the US began as an issue of women's rights framed within a human rights discourse which then developed into a crime (and organised crime) problem and subsequently into a problem of national security in the context of immigration (Farrell and Fahy, 2009). The events of 9/11 provide a key context to the conception of trafficking as an immigration threat to national security (Farrell and Fahy, 2009, p.619). With reference to Kingdon's (1984) analysis of policy formation described above, the events of 9/11 and the shift of focus to crime and security created fertile soil for the inclusion of trafficking policy within this context.

"The frames through which problems are understood…shape the types of responses and policies that are put into place. In the case of trafficking, defining the problem as a crime and national security issue demands criminal justice and national security system responses" (Farrell and Fahy, 2009, p.623). Therefore, evaluation of policy effectiveness largely rests on the numbers of prosecutions. Since very few US prosecutions for trafficking have viable links to terrorism, the national security emphasis has been criticised as being unsubstantiated (Farrell and Fahy, 2009, p.624). An exploration of the offenders who have been prosecuted as a result of the policy can illuminate features of the official approach and/or gaps between the official approach and the group of prosecuted traffickers.

> "While more simplistic notions about trafficking purported by claims
> makers and reported by the media helped ensure the passage of legislation
> and mobilisation of action, the primacy of criminal justice and national

security approaches may not in fact solve problems like trafficking that are rooted in complex social problems such as poverty, inequality and immigration" (Farrell and Fahy, 2009, p.624).

The legislation through which law enforcement personnel are compelled to deal with this problem results in the targeting of a specific group which neglects the experiences and the contribution to knowledge of other constructions of exploitative labour conditions.

Jahic and Finckenhauer (2005) consider the ways in which human trafficking has been (mis)represented through an examination of approaches to the discipline and the data used to support these positions, frequently citing a lack of clarity in the empirical evidence base. They discuss the construction of trafficking through prostitution, organised crime and migration. Increased interest in human trafficking coincided with the presentation of victims as 'our own' i.e. white, thus reflecting the historical themes of white slavery (Jahic and Finckenhauer, 2005, p.26). The discussion incorporates criticism of each of the constructions in their utility to explain trafficking concluding that "trafficking is in fact all of those problems, but it is not any of those problems alone" (Jahic and Finckenhauer, 2005, p.37). This suggests that the policy framework for trafficking and the way in which trafficking is problematized therein, has some notable issues emerging from the typical constructions.

Jahic and Finckenhauer (2005) identify the interest of the public in media reported cases as impetus for trafficking policy development; political attention would not have been so great "if victims were not such sympathetic creatures; and, if reporting these stories were not so profitable" (Jahic and Finckenhauer, 2005, p.26). The media have played a key role in defining and presenting a portrayal of trafficking, "thus increasing awareness and setting the stage for the advocacy work that followed" (Jahic and Finckenhauer, 2005, p.27). This illustrates the stereotypical portrayal of victims as a means of securing public interest in the activity, as suggested above in the discussion regarding moral crusades.

4.5 Framing Human Trafficking

Lee (2011) highlights six key conceptual approaches to human trafficking: slavery, as globalised crime, as transnational organised crime, as a problem of prostitution, a migration problem and a human rights issue (Lee, 2011, p.20). The approach to human

trafficking is dependent on the interests of organisational perspectives; "while governments' interest in trafficking is primarily grounded in concerns about irregular immigration and transnational organised crime, human rights NGOs' interest…is often based in broader concerns about 'modern slavery'" (O'Connell-Davidson , 2006, p.7). The potential links with criminology are apparent in each of these constructions and therefore, the problem has increasingly become 'claimed' as a criminological one (Spencer and Broad, 2011, p.277-279). These frameworks are explored in more detail as follows; sex work, organised crime, migration and human rights and globalisation. The parallels that can be drawn between trafficking and slavery, particularly white slavery have been discussed elsewhere. Issues of globalisation and human rights interact across all constructions and reflect the complexity in understanding the activity.

4.5.1 Sex Work

The complex link made between trafficking and prostitution is historically based and dominates the official agenda and the direction of research. This construction is additionally complicated by its acceptance as fact, rather than a construction (Agustin, 2008, p.7). The distinction made between different types of trafficking and the priority placed on trafficking for sexual exploitation results in the neglect of developing knowledge regarding trafficking for labour exploitation. In addition, the emphasis on sexual exploitation both officially and academically perpetuates particular constructions of the problem and limits the ability to broaden the lens through which the phenomenon is defined. Prostitution has distinct features as a political and public issue that allow policy to define trafficking in particular ways. This construction has been explored by commentators, notably Doezema (2000), discussed in more detail below.

The debates surrounding consent and the legitimacy of the decision to consent to sex work overwhelm much of the academic debate at the trafficking-prostitution nexus, as discussed in Chapter 2. This has far-reaching implications for the definition of victims of trafficking and for the way in which anti-trafficking legislation impacts on those women that choose to migrate to work in the sex industry (Doezema, 2005; Agustin, 2008)[8]. This also links with much of the human rights based approaches to human trafficking, discussed below.

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[8] Although central to the debates surrounding sex work and trafficking, the issue of consent and its implications to policy direction will not be explored further in this thesis as the discussions primarily

Doezema (2000) has considered the construction of human trafficking from a discourse perspective and found that the "paradigmatic image is that of a young and naïve innocent lured or deceived into a life of lurid horror from which escape is nearly impossible" (Doezema, 2000, p.24). The International Labour Organisation (ILO) emphasises situations of trafficking where women and girls have been forced into prostitution by "powerful organised crime groups" controlling the sex industry (ILO, 2005, p.52-3). Stereotypical accounts of perpetrators require an 'innocent' counterpart to highlight the plight of the 'ordinary girl' in contrast to the 'evil, deviant man'. However, despite the focus on sexual exploitation, it has been suggested that victims are subject to multiple forms of exploitation, "most commonly…a combination of sexual exploitation and labour tasks such as waitressing or cleaning" (Surtees, 2008, p.56). The primacy afforded to trafficking for sexual exploitation and the specific construction of these victims makes it difficult to identify victims whose experience differs from the stereotypical experience.

Doezema (2005) discusses the process of negotiation between the abolitionist and non-abolitionist camps during the development of the UN Protocol. Within this analysis, she considers the trafficking discourse and the processes through which particular themes become dominant within this discourse; using a social constructionist approach to consider trafficking within a policy framework. Doezema (2005) highlights that a positivist approach to trafficking, fixated on estimating the size and mechanisms of the problem has been favoured (Doezema, 2005, p.63). The positivist approach is criticised on the basis that identifying particular 'facts' regarding trafficking neglects to question the processes by which these facts are created and which construction of these facts is afforded legitimacy (Doezema, 2005, p.63). This self-supporting cycle perpetuates the dominant construction and makes alternative perspectives difficult to develop, as outlined above with regards to the concepts of policy reinforcement and incremental change. The longevity of the problem is evident from the parallels between the historical and current constructions. Doezema (2005) acknowledges this in her criticism of contemporary discourses regarding trafficking for rousing "the corpses of the Victorian imagination from their well-deserved rest" (Doezema, 2005, p.67).

The distinction between trafficking for labour exploitation and trafficking for sexual exploitation results in a range of consequences for the way in which the problem is

relate to debates regarding prostitution. Many commentators review the debates, see for example, Doezema (2005); Outshoorn (2005); Phoenix (2007)

constructed. It is arguably the moral attitude towards not only sexual exploitation but sex work as a whole that reinforces the distinction, maintains the dominant paradigm and becomes central to and a distraction from trafficking debates. Despite the linkage between the official construction of trafficking for sexual exploitation and issues of regulation of the sex industry, sex worker voices have been notably absent from the development of the dominant discourse, allowing for less opposition to the abolitionist perspective that all prostitution is violence and therefore all migration for the purposes of prostitution is trafficking (Doezema, 2000, p.33). This impacts on women who choose to work in the sex industry and those who work towards creating safe working conditions and structures for sex work.

The prostitution/trafficking nexus enables a gendered narrative which, similar to the legislation, views the victims of trafficking as primarily women and children. Chapkis (2003) reviews the Trafficking Victims' Protection Act 2000, arguing that, through exploiting anxieties regarding gender and immigration under the guise of trafficking, the Act is able to curtail immigration. Using this type of policy, the link between trafficking and sex work extends to immigration. Through this paradigm, "trafficking victims, described as vulnerable women and children forced from the safety of their home/homelands into gross sexual exploitation, are distinguished from economic migrants who are understood to be men who have wilfully violated national borders for individual gain" (Chapkis, 2003, p.924). This is justified on the basis of the white slavery moral panic, the distinction drawn between 'knowing' and 'unknowing' sex workers and the contingency of government support on the basis of willingness to provide evidence in a prosecution (Chapkis, 2003, p.924-5). O'Connell-Davidson (2006) views the parallel drawn between trafficking and slavery as potentially damaging to the understanding of trafficking, suggesting that control over the victim is not complete; "the wage slave can, by implication, make choices" (O'Connell-Davidson, 2006, p.7). This reinforces the need to understand the activity and the choices involved within the context of migration and the risks involved with making particular choices. Therefore, the ability to target immigration through trafficking policy depends on the construction of trafficking through sex work in order to utilise these justifications. The emphasis on trafficking of women and children for sexual exploitation is useful in increasing public support on the basis of general hostility towards undocumented workers (Chapkis, 2003, p.926).

Through a sex work construction, victims are defined on the basis of the activity into which they have been trafficked, rather than the migration journey and the wider exploitative conditions they may have experienced. In addition, those who are instrumental in their employment are therefore defined as traffickers (Chapkis, 2003, p.927). This relates to the conceptual issues with the terms 'trafficking' and 'traffickers' regarding the diversity of involvement in the activity discussed elsewhere (sections 3.2 and 9.2). This clearly links to the problem highlighted by the official approach which depends too heavily on the victim's evidence in the prosecution of traffickers. Furthermore, contrary to the stereotype of the evil, deviant male stranger, a significant problem facing victims is that they are frequently known to the perpetrator as a result of most illegal migration being 'chain', where migrants depend on friends and family for information and opportunities (Chapkis, 2003, p.932).

Through work with NGOs, Kempadoo (2005) argues that alternative perspectives on trafficking must consider the activity through a variety of migration paths and work sites including, but not confined to, the sex industry which she suggests challenges the radical feminist, predominantly Western view that dominates trafficking research (Kempadoo, 2005, p.viii). Through research and policy-making at the trafficking/prostitution nexus, "poor women's sexuality is used to mobilise anti-trafficking sympathy, funds and global attention for increased policing, law enforcement and a monitoring of borders" (Kempadoo, 2005, p.xxii). Dealing with trafficking through the links with prostitution is easier as the paradigm exists historically. What is more difficult is addressing trafficking as an unintended consequence of migration policy and acknowledging the diversity of migration trajectories for all involved in the trafficking process (Spencer and Broad, 2011).

There are several themes arising from this construction of the problem. Although this approach ostensibly prioritises the protection of women, critics argue that the underlying aims are the control of a 'troublesome' group of women and the control of fears and uncertainties relating to foreigners, security, national identity and the legitimacy of sex work as an option (Doezema, 2000). The close association with prostitution has been considered detrimental for human trafficking as a result of the moralistic links and the neglect of labour exploitation (Jahic and Finckenhauer, 2005, p.25). In addition, the convergence of trafficking policy and policy concerned with the regulation or control of the sex industry is incongruous and damaging; the needs and interests of trafficked victims do not coincide with the needs and interests of sex

workers (Jahic and Finckenhauer, 2005, p.34). These discussions primarily focus on the consequent stereotyping of the victims and the problems that this causes for migrant sex workers (Doezema, 2000) only mentioning the prevailing stereotypical characteristics of traffickers briefly, if at all. This is not to suggest that these perspectives are not vital in highlighting the problems faced by the victims described in these discussions. However, developing an understanding of the problem also requires knowledge of those defined as perpetrators.

4.5.2 Organised Crime

Commentators have highlighted a shift from the historical conceptualisation of trafficking and sex work to one of crime and security (Farrell and Fahy, 2010; Kempadoo, 2005). Making a link between trafficking and organised crime creates a sense of urgency and captures the attention of the media, government institutions and the public. This engages the public and it then becomes possible to link trafficking with illegal migrants with whom the public have little sympathy. The concern with this focus is the consequent movement away from human rights and social justice, arguing that this approach foregrounds corporate economic needs rather than those of the individual (Kempadoo, 2005, p.xiv).

As discussed above, the re-focusing of immigration into threat management and the organisation of international crime has occurred in the aftermath of the events of September 11th 2001. Despite significant definitional debates regarding the concept of organised crime, it has increasingly become a politically significant issue and one that has implications for the construction of human trafficking (for comprehensive considerations of the definitional issues, see Paoli, 2002; Albanese, 2000; Levi, 1998). Organised crime is consistently framed as a 'threat' (Paoli, 2002, p.62). As a result, those involved in the activity, through illegal immigration, are also perceived as a 'threat'. These issues are briefly explored here in relation to their significance for the construction of trafficking and those involved in the activity.

Human trafficking has been defined as an organised crime problem, particularly from an official perspective, evident through the inclusion of trafficking in national and international instruments/institutions such as the Serious Organised Crime Agency in the UK, the UK Organised Threat Assessment (OCTA) and the UN Convention against Transnational Organised Crime (2000). The discussion of Bruinsma and Bernasco's

(2004) approach to human trafficking networks provides an assessment of how criminal groups operate in this activity. However, the level of organisation varies widely from individuals acting alone to highly organised groups with well planned activities (Surtees, 2008, p.47).

It has been argued that approaches to assess organised crime do not reflect the perceived seriousness of the activity (van Duyne and van Dijck, 2007, p.101). The assessment of organised crime in the UK (through the OCTA) is difficult based on the paucity of knowledge and a lack of empirical research; a situation which is reflected across Europe (van Duyne and van Dijck, 2007, p.102). Assessment is problematic due to the "black and white valuation concerning perpetrators as well as their misdeeds…the focus point of the organised crime concept is 'what people do to organise crime' (for profit)," rather than focusing on the individual (van Duyne and van Dijck, 2007, p.103). This means that the approaches to the activity change; it is perceived in a different way and so although "the particular manifestation of crime has not changed", the valuation has changed (van Duyne and van Dijck, 2007, p.103). It is argued that approaches to organised crime are not neutral and exist on a continuum of approaches to both organised crime and immigration. "Lower class and ethnic minority crime organisers are mentioned as penetrating a certain crime area, which is subsequently qualified as 'organised crime'" (van Duyne and van Dijck, 2007, p.104). This is evidenced by the increased attention afforded to trafficking, once the victims were perceived as white, (Jahic and Finckenhauer, 2005, p.26) and the dominant construction of the trafficker as a migrant.

Based on the lack of empirical evidence relating to organised crime, it is argued that it is not possible to make meaningful, evidence based statements and the evidence cannot provide a rational basis for policy-making (van Duyne and Vander Beken, 2008, p.261). In the absence of a solid empirical foundation, other factors are influential in this sphere of policy-making. The role of emotions and fear are relevant to organised crime policy making set against the background of media reporting, film influences, the mafia construction and the language commonly associated with organised crime (van Duyne and Vander Beken, 2008, p.262-3). Similarly, the concept of risk when assessing organised crime activities is ambiguous and varies widely between organisations. Risk remains undefined for the purposes of the OCTA and therefore the risk analysis of these crimes lack delineating units to assess and give meaning to risk in this context (van Duyne and Vander Beken, 2008, p.273-4).

Cressey (1967) analyses the concept of organised crime as a social problem, arguing that organised crime is not a social problem for several reasons. Based on his own experience of researching organised crime, Cressey (1967) finds three factors relevant to the shaping of organised crime:

1. Information presented to the public about organised crime is generally sensational

2. The long-standing tendency to view individuals as responsible for crime results in difficulties in attempting to differentiate organised crime from other crime

3. The confidential nature of organised crime activities prevents the public and social scientists from developing a broader knowledge about the problem

(Cressey, 1967, p.104-106)

These factors can also be identified in the more recent approaches to organised crime, suggesting that the construction of organised crime is one that has longevity.

Cressey (1967) considers one of the roles of the Task Force on Organised Crime as the creation of a social problem through the education of the public regarding the threatening activities of organised crime groups. This approach to social conditions has implications for the way in which the condition is defined and perceived. By prioritising the need to highlight a particular phenomenon as a problem, funds become available for the study of and targeting of this problem, the results of which serve to further cement the activity as a significant and serious social problem (Cressey, 1967, p.107) reflecting Turnbull's (2006) problem setting/solving process.

Cressey (1967) distinguishes between the ability of the public to view organised crime as a social problem due to the close connection between organised crime and the provision of services for which there is high demand (Cressey, 1967, p.107). This concept is illustrated by the construction of human trafficking in two ways. Firstly, it accounts for the separation of trafficking for sexual exploitation from other types of labour exploitation. Denouncing activity which leads to employment in the sex industry is publically and politically acceptable. The embedded links to rape and sexual assault within this activity create solid foundations on which to define the victims and

perpetrators involved and provide strong justifications for robust strategies. Thus, unintended consequences of strategy such as the marginalisation of migrant sex workers or the deportation of potential victims as a result of brothel raids are justified on the basis of seriousness through the lens of prostitution and organised immigration crime. Secondly, this concept can suggest reasons for the lack of prioritisation of trafficking for labour exploitation. Whilst the sex industry is entirely outside the scope of many individuals' experience, other quasi-legitimate markets are more commonly encountered. The services provided by such industries, including agriculture, construction and catering are in high demand and thus, according to Cressey (1967), these services have a place in the social system (Cressey, 1967, p.107). More recent work has concluded similarly; "Illegal markets will thrive as long as there is a public demand" (Paoli, 2002, p.88).

Ponsaers et al (2008) discuss the concept of the informal economy and the difficulty of providing a clear definition for the concept by virtue of the relationship with the official economy and the changing inter-relation between the two on the basis of government definitions (Ponsaers et al, 2008, p.644-45). The definition of the informal economy shapes the relationship between the informal economy and crime depending on whether the informal economy is defined with a jobs-based focus which concentrates on the role of the informal economy in providing opportunities for marginalised groups. Alternatively, activity-based definitions focus on whether the activity itself is criminal (Ponsaers et al, 2008, p.645). Ponsaers et al (2008) view the blurred boundary between informal and official economies as providing opportunities for the involvement of organised crime groups and the resultant consideration challenges the idea that crime and the informal economy are separate but strongly related concepts, suggesting instead that they overlap in a number of ways (Ponsaers et al, 2008, p.647-9).

In relation to trafficking for human beings, this invites some interesting observations about the construction of the phenomenon. As opposed to other markets, for example, drugs, markets in human beings are not criminal by virtue of the commodity; migration acts as a source of supply. Influences of migration negate the necessity for the movement of the commodity since push and pull factors create the impetus or at least a desire for individuals to migrate. Whether they are performing work within the informal economy depends not only on the type of work but also on their immigration status. As a result, work performed by illegal immigrants can be constructed as informal due to their status whereas the same work performed by legal immigrants, is

constructed differently. In addition, work within the sex industry, due to the controversial framework of the industry is most commonly explained with reference to the informal economy; an issue which is easier to develop in terms of policy where the lack of acceptability of the sex industry are highlighted for the purposes of developing anti-trafficking measures, as discussed in Chapter 3.

European approaches to organised crime have emphasised the relationship between the provision of illegal goods and services and criminal organisations (Paoli, 2002, p.59). However, Paoli (2002) argues that, whilst the two can have some parallel features, the distinction between structures providing illegal services and criminal organisations needs to be maintained. She also suggests that the provision of these services is constrained by their illegal nature which inhibits the degree to which they can become highly organised, a concept confirmed by a review of empirical research (Paoli, 2002, p.67-8). "The most stable illegal enterprises are those relying on pre-existing non-economic ties" (Paoli, 2002, p.84) illustrating the importance of social networks created by, for example, long term migration, rather than links to large, organised crime structures. Those involved in the organising the provision and employment of migrants may be constructed through the official organised crime paradigm. However, through a consideration of the less-organised and constrained nature of the way in which these services are provided, these individuals may be alternatively constructed as having a range of roles in the provision of illegal services rather than as organised criminals involved in human trafficking.

"The dominant international approach to trafficking primarily identifies foreign-originating international gangs and 'source' countries as the main culprits, criminals and beneficiaries of the trafficking business…identified as greedy, immoral men from the global South and post-socialist states" (Kempadoo, 2005, p.xvii). However, Kempadoo (2005) argues that the connection between trafficking and organised crime ignores the relationship between legal and official institutions and organised crime and illicit markets. Constructing the threat of the migrant 'other' serves to "obfuscate the interaction between the state, corporate capital and underground sectors" (Kempadoo, 2005, p.xix). Thereby, the construction of trafficking through organised crime is presented as an alternative to potential links between legal and illegal market structures and those industries involved in the activity.

The UN Convention against Transnational Organised Crime clearly defines those involved in trafficking as members of international organised crime groups. However, the lack of evidence regarding the processes of trafficking and the nature of those involved in the activity means that it is very difficult to evidence these links (Sanghera, 2005, p.15). Through the construction of trafficking as an organised crime problem, discussion has highlighted the potential financial benefit of the involvement of organised crime groups in the activity. Estimates of the market vary: $5-7 billion/year is frequently cited although the methodology in reaching this figure is unsubstantiated (Jahic and Finckenhauer, 2005, p.28).

Through the construction of trafficking as a migration issue, the type of work is less important than the legal or illegal status of the migrant, the threat that this poses and in what ways this can be successfully controlled. However, the immigration construction is inextricably linked to the involvement of organised crime groups. Thus, the problem is dealt with as an issue of organised immigration crime, rather than immigration. Critics suggest that this guise of trafficking has allowed governments to pass harsh and restrictive immigration measures (Jahic and Finckenhauer, 2005, p.36; Chapkis, 2003, p.926-7). In addition, this framing of trafficking places responsibility for trafficking with the traffickers, rather than raising doubt regarding exploitative employment practices, restrictive immigration policy and structural inequalities (Chapkis, 2003, p.926).

4.5.3 Migration

Trafficking can be seen to fall with the policy remit of controlling irregular migration. Within a migration framework, trafficking is further delineated by the feminisation of migration and the concept of morality in the plethora of relevant key concepts that accompany the activity (Zavratnik Zimic, 2004, p. 9). As discussed in Chapter 2, trafficking is viewed within the framework of migration from a national and international perspective. In addition, the organised crime paradigm has strengthened links with the immigration 'threat' discourse. Furthermore, defining traffickers as migrants and trafficking as a migration issue perpetuates the theme highlighted above of the trafficker as a 'threat' and builds on their image as 'folk devils' (Cohen, 2002). Finally, this has been accompanied by an increased politicisation of migration issues. Crises over national identity have permitted the far right of the political spectrum to use fears of others as the basis for exclusionary campaigns. Whilst this is not an issue

specific to trafficking, it provides a context through which to account for the continuing relevance of the historical parameters.

A closed market will encourage more illegal migration than an open market (Van Impe, 2000, p.121). This is particularly problematic for the sex industry where the nature of the industry discourages the development of regulatory structures. Albanese (2008) argues that there is a relationship between policy and the existence of regulation and the consequent formation of criminal markets (Albanese, 2008). This then defines the presence of an illicit/unregulated market as a stimulus for migration to this market which may underpin some trafficking movement.

Through framing of the issue of trafficking as one of crime control and the consequent focus on prosecutions, governments have been able to present measures that are ostensibly anti-trafficking instruments with the aim of tackling illegal migration. "It is assumed that by casting a net to catch immigration offenders and individuals involved in a specific set of criminal activities such as those associated with prostitution, drug running, and people smuggling/trafficking, the authorities will also *catch* victims" (O'Connell Davidson, 2006, p.10, original emphasis). Whilst the problems for the victims of these offences are clear; the lack of protection, criminalisation and marginalisation, the consequences of the policy on offenders is less clear. The characteristics of this group are unknown; they represent the application of the legislation created by virtue of the dominant discourse. If the discourse is a very narrow construction of the problem, then the targeted group may be seen to reflect these stereotypical 'traffickers' or they may have other common features as a result of the (un)intended application of this policy.

UK immigration policy has contradictorily attempted to promote the positive aspects of labour migration whilst simultaneously emphasising the need to combat abuses of the immigration system. This has created a hostile public attitude towards migration as a whole (Crawley, 2006) within which traffickers are easily cast as 'others'. The stereotypical construction of traffickers becomes linked to fears of immigration and the threat posed to national security and national identity (Doezema, 2000). Migrants have long provided a convenient 'criminal scapegoat' group (Goodey, 2003, p.417) and their stereotypical construction of evil deviants sits most comfortably in this context. However, focusing on the criminal role of certain groups of migrants overlooks their experiences and journeys into the activity. It is assumed that traffickers "undertake

formal market surveys to identify the most advantageous market, calculating costs, risks and benefits, and…invest heavily in effectively penetrating their chosen markets" (Surtees, 2008, p.48). Whether those convicted for trafficking have this level of sophistication or whether these decisions are based on entrepreneurial considerations rather than the widely assumed exploitative motivation is unknown and their pathway into offending is little understood.

Sanghera (2005) argues that although trafficking is primarily a demand-led activity, most anti-trafficking strategies are concerned with victims; the supply element of the activity (Sanghera, 2005, p.8). This focus additionally concentrates on the latter end of the chain of activities which make up the trafficking offence, based on Bruinsma and Bernasco's (2004) conception of networks. As the processes of migration 'supply' willing workers, the crime of trafficking is not complete until the victim has encountered a degree of exploitation at the end of the process. Therefore, trafficking is difficult to detect during the early stages, as it has technically not yet occurred (Sanghera, 2005, p.14). Throughout the journey, the individuals involved change from facilitator and migrant to trafficker and victim. This makes anti-trafficking strategy in the early stages very problematic and as a result, law enforcement focuses on tackling the latter phases. The dominant approach does not acknowledge nor address these difficulties (Sanghera, 2005, p.15).

Dealing with trafficking through a migration lens can be over-simplistic. Attempting to prevent the migration of those most vulnerable denies women in particular agency in the decision to migrate (Kapur, 2005, p.29). Attempts to prevent migration through harsher border regimes have been found to increase the incidence of illegal border crossings (Cornelius, 2001). The perception of the threat to border security has seen a "casting of the 'other' as a threat to the security of the nation state" (Kapur, 2005, p.25). Kapur (2005) views the inability to deal adequately with migration through the relevant channels; migration, labour or market law as the impetus for other types of policy to tackle what is perceived as the problem of migration, including trafficking policy. The construction of the trafficker in the dominant paradigm "is an element in the process of criminalisation that…relies on a symbolic representation of them as being outside of the cultural norms of the host community and their activities constructed as being an element of their own culture. This cultural interaction between the law enforcement community and the migrant community contributes to the process of criminalisation"

(Spencer, forthcoming, p.12). It is not only the migration that is relevant to the construction of the trafficker but also perceptions of migrant culture.

The process of 'othering' is discussed frequently in migration literature (Green and Grewcock, 2003; Melossi, 2003; Young, 2003). The image of the trafficker is socially constructed "emanating from the way in which the state defines the…trafficker as illegal and uses that illegality to justify a complex array of punitive sanctions" (Grewcock, 2004, p.115). It is easier to accept that migrants are responsible for this activity. Trafficking, and the illegal immigrants entering the country as a result, are perceived as a threat to the "European identity increasingly formulated in terms of cultural difference" (Grewcock, 2004, p.116). Those engaged in trafficking are "not just criminalised because they have broken the law, but because they challenge the basis of national and European identity" (Grewcock, 2004, p.116). "Governments often argue that tough immigration policies are a pre-requisite for stability in multi-cultural societies, but the harsh enforcement of immigration controls inevitably impacts on relationships between minorities and the police and therefore the relationship with the state more widely" (Weber and Bowling, 2004, p.208). Thus falling outside the typical portrayal of a victim, accompanied by fear of authorities and their attitudes towards 'other' groups, serves to inhibit the ability of trafficking victims to report their experiences. Furthermore, 'othering' through migratory processes is compounded by a similar process concerning women who choose to work in the sex industry, who are doubly judged and rejected (O'Neill, 2010). The sensationalist approaches to the issue and the stereotypical image presented by the campaigners resonates with an emphasis "born out of a particular interpretation of sexual danger in a specific social and historical context" (de Vries, 2004).

The 'othering' of migrants through their status impacts on their opportunities, dependence on their social structures and cultural identities and the perception of migrants as a homogeneous group responsible for a myriad of crimes and illegitimate activities (Spencer, forthcoming, p.11; Bosworth and Guild, 2008, p.703-4). The cultural influence on migrant behaviour in the country of destination must be approached with caution as it is easy to link to stereotypes. However, drawing on the discussion developed by Mai (2010), cultural influences and attitudes must be acknowledged as a factor in the pathway to offending for this group of offenders.

4.5.4 Human Rights and Globalisation

Although issues of human rights and the impact of globalisation link to other constructions of human trafficking, they also warrant a separate consideration. Human trafficking is accepted as a violation of human rights although this is frequently not the uppermost issue (O'Connell-Davidson, 2006; Fitzpatrick, 2002; Jordan, 2002). Crime, security and migration are the primary influences to anti-trafficking strategy for law enforcement and migration authorities, "for whom security, rather than victim assistance, is of paramount importance" (Fitzpatrick, 2002, p.1146). Trafficking takes a global form in relation to explanations for the movement of people based on structural inequalities (Jones et al, 2007) and due to the globally reinforced nature of policy. "The globalisation of the problem of human trafficking suggests that international criminal justice policy-making fora are critical in reproducing and sustaining a hegemonic approach to both the understanding of coerced migration and international and national responses to it" (Spencer, forthcoming, p.3). This establishes hegemony of both definitions and responses which are reproduced globally through policy-making processes.

Human trafficking is framed as an outcome of increasing global mobility. It is suggested that a more focused approach on promoting human development in anti-trafficking strategy would develop more effective policy (Laczko and Danailova-Trainor, 2009). Linking human trafficking to human development involves a consideration of how these issues link to poverty which is complex and involves innumerable measurement issues (Laczko and Danailova-Trainor, 2009). Poverty is cited as a root cause of trafficking (Laczko and Danailova-Trainor, 2009, p.15) rooted in global structural inequalities, although a simplistic view of poverty does not assist with an understanding of victimisation. A non-economic consideration of factors contributing to poverty and an assessment of human or social capital and gender may be more helpful. Research suggests that victims are more likely to originate from middle income than low income countries (Laczko and Danailova-Trainor, 2009, p.15) which reflects movement based on awareness of relative income and opportunity outlined above. Therefore, a view of human trafficking from the perspective of globalisation is very complex and is at a distance from the lower level analysis of those convicted for these offences. However, these approaches focus, in accordance with international

obligations, on the protection, poverty, vulnerability and gender of victims. While crucial, it is also necessary to explore the characteristics of the traffickers and the influence of these factors on pathways to trafficking.

Fitzpatrick (2002) argues that despite a general recognition that human trafficking violates fundamental human rights, the strategies to tackle the sex trafficking of women and children have only recently begun to factor in a human rights dimension (Fitzpatrick, 2002, p.1144-5). The general approach to human rights and trafficking is based on sexual exploitation which neglects to acknowledge the impact on the human rights of other types of victim. This approach suggests that the violations of human rights for victims of sexual exploitation justify attention and debate; which is undoubtedly the case. However, neglecting to explore the human rights violations for victims of labour exploitation fails to acknowledge these experiences or take the opportunity to consider exploitation in a broader co-ordinated way.

Shifman (2003) considers the globalisation of sex markets and the subsequent impact on trafficking and human rights (Shifman, 2003). Sex markets have been globalised partly as a result of improvements in transport links and as a result of developments in technology (Shifman, 2003, p.125). Globalisation also relates to the global adoption of cultural, economic and political models which can present a distorted view of the Western World for those people in countries of origin, including the adoption of Western attitudes to consumption (Shifman, 2003, p.126) which reflects assertions made by Mai (2010) regarding motivations underlying migration for sex work.

Fitzpatrick (2002) discusses the element of human rights in The UN Protocol. The focus of The Protocol on transnational organised crime clearly demarcates the focus on that of organised crime. The Protocol "was drafted by an Ad Hoc Committee composed of state delegates involved in the crime control programme of the United Nations. The UN crime control arena is not one in which human rights groups or migration and refugee bodies have regularly participated" (Fitzpatrick, 2002, p.1150). This reflects the arguments outlined above that interest groups are largely not influential during initial policy development. However, Fitzpatrick (2002) highlights the achievement of human rights groups in developing an influential epistemic community which attempted to re-define the identity of trafficked persons as "victims of severe human rights abuse, rather than as criminal and illegal migrants" (Fitzpatrick, 2002, p.1151), although the extent of this achievement may be largely "symbolic" (Fitzpatrick, 2002, p.1151).

Jordan (2002) identifies a missed opportunity in the drafting of The Protocol to incorporate a strong human rights foundation which would have provided more significant support for victims (Jordan, 2002, p.31-2). Despite including some requirements to provide support to victims, The Protocol's primary focus is prosecution of traffickers.

The enacted obligations to support victims of trafficking have arguably been strengthened, in the UK, by the NRM. However, the practical application of the NRM has been criticised on the basis of human rights as "the separate policy agendas surrounding deterrence of non-EU international migration and freedom of movement within the EU have been effectively institutionalised under this NRM" (Hynes, 2010, p.956). The problem with this is that the assessment for non-EU nationals is conducted by the UKBA and the understanding of the subject's past is dependent on details of asylum claims made in "the broader environment of mistrust shown towards asylum seekers" (Hynes, 2010, p.956). In this way, the operation of the NRM is viewed as a labelling process which results in category based protection of human rights, thereby still not affording priority to the human rights infringements resulting from trafficking.

The debate regarding violations of human rights links with the divide between those who regard sex work as a legitimate occupation and those who see all prostitution as forced. The Protocol essentially views sex work as a legitimate option which allows migrant women who travel to work in the sex industry to be viewed as smuggled, if this is the case, rather than being automatically defined as trafficked by virtue of their work. The inclusion of the words 'deception' and 'coercion' in The Protocol are viewed from a human rights perspective as "vague and contested concepts; this ambiguity may undermine trafficking victims' access to the modest human rights protections provided in the Trafficking Protocol, which are absent in the Smuggling Protocol" (Fitzpatrick, 2002, p.1153).

Balch and Geddes (2011) argue that human rights is a significant narrative in the development of human trafficking policy but that the application of this narrative has been restricted by institutional demands (Balch and Geddes, 2011, p.34-5). The practical application of the policy is then understood within the context of maintaining a balance between meeting UKBA targets for the removal of illegal immigrants and the international human rights based policy requirements to protect victims of trafficking (Balch and Geddes, 2011, p.36).

4.6 Conclusions

The aims of considering the constructionist literature, the basis for the interpretative policy framework and the various constructions of human trafficking are to provide a foundation from which the data can be interpreted and discussed. The ontological considerations relating to the viability of separating a putative social condition from the construction of the problem introduce interesting concepts through which to analyse the data. The data in this thesis was viewed as a production of the official construction, rather than an objective reality.

Reviewing the ways in which trafficking has been constructed by the literature and official approaches indicates the complex nature of the problem and again illustrates the limitations of constructing the problem as primarily that of trafficking for the purposes of sexual exploitation. What can be identified in each of the constructions is the lack of evidence upon which the claims are made which has important implications for policy. Due to the grounding of anti-trafficking strategy in unsubstantiated myth, the interventions that are designed to combat trafficking do not have the desired or expected results (Sanghera, 2005, p.4). The legislation may not lead to the conviction of those people defined as traffickers in the dominant paradigm and the characteristics of these individuals may suggest different ways through which to understand the problem.

Chapter 5 – Methods, Issues of Access and the Research Journey

5.1 Introduction

Researching human trafficking is frequently described as difficult (Kelly, 2005; Laczko, 2005; Tyldum and Brunovskis, 2005; Laczko and Gramegna, 2003). Research in this area has been criticised for not being explicit regarding the methodology which does not then permit an assessment of the research quality (Kelly, 2005, p.236-7). Therefore, it is crucial here that the methodology is clear and effectively represents the research process and acknowledges the limitations. As a context to the research, this chapter begins with an overview of the methodological debates specific to human trafficking research. The next section provides an overview of the research journey and the issues of access experienced therein. The experiences described here fit into a methodological paradigm regarding the concept of political 'congregation' (van Duyne, 2011). This reflects and reinforces the concepts introduced in earlier chapters regarding the ownership of the problem of human trafficking. The research draws on three different data types; official documentary data; data from expert interviews and quantitative data from the risk assessment of people convicted for human trafficking offences in the UK from 2003-2008. Section 5.4 outlines the process of data collection, limitations and features of each of these data types.

This research adopts a mixed methods approach, specifically at the phase of analysis, discussed in section 5.5. The model for analysis is then described in order to illustrate the integration of analytic methods across the data types. Finally, the methodology is considered with reference to the interpretative policy framework outlined in Chapter 4 to highlight specific issues with analysing the data within this framework.

This chapter acknowledges the limitations of this data and the way in which the data originates from 'within' the dominant discourse. The data is a representation of the official perspective, as the group are 'traffickers' by virtue of the application of the legislation, the interviews are conducted with officials and the documentary data are produced through official administrative business. However, although the data represents or reflects the dominant discourse, it also potentially represents other facets of understandings of trafficking which can contribute to the theoretical framework or challenge the way in which the current perspective views perpetrators.

5.2 Researching human trafficking

There are a number of problems in relation to researching human trafficking which will be outlined here in order to provide a context to this research. Most of the populations involved in trafficking are hidden, including victims, traffickers, undocumented migrants and witnesses (Laczko, 2005; Tyldum and Brunovskis, 2005). Not only are the populations hidden but the activity is underreported, hence the attention paid to estimating the size of the problem (Laczko and Gramegna, 2003, p.183). For a variety of reasons, victims may not wish to share their experiences and therefore, a large proportion of research is carried out with small samples (Laczko, 2005 p.8). Due to the comparatively recent development of trafficking legislation in many countries, official data has been inconsistent and not systematically collected. Finally, there has been little evaluation based research regarding anti-trafficking approaches (Laczko, 2005, p.9) which is problematic in relation to criticisms leveled at policy for the unintended consequences on some groups.

As a complex cross border crime, there are implications for research in the ability to access and share data and information between agencies and internationally. "There is reluctance on the part of agencies within countries and between countries to share trafficking-related data" (Laczko and Gramegna, 2003, p.185). Rankin and Kinsella (2011) outline numerous ways in which research into trafficking can be better coordinated although do not mention developing the knowledge base regarding perpetrators other than through victim accounts (Rankin and Kinsella, 2011, p.173). Interestingly, Rankin and Kinsella have worked extensively in official institutions involved in combatting trafficking. Issues relating to the 'ownership' of trafficking as a problem will be discussed further below.

Some of the research in this area is polemic as the victim focus can result in sensationalised accounts of the processes (Zhang, 2009). Viewing the problem through a more detached lens does not necessarily minimise the experiences of the victim; it allows a more detailed understanding of the phenomenon (Surtees, 2008; Levi and Maguire, 2004; Williams, 1997). A recognition of the way in which legislation and the criminological framework shapes human trafficking is crucial to this analysis.

Kitsuse and Cicourel (1963) suggest that the theoretical guiding principle in the approach to official statistics is that "the *rates of deviant behaviour* are produced *by the*

actions taken by persons in the social system which define, classify and record certain behaviours as deviant" (Kitsuse and Cicourel, 1963, p.135, original emphasis). Therefore the emphasis for analysis of official statistics is to consider the ways in which the actions of law enforcement personnel have interpreted and applied the policy leading to the creation of the 'deviant' group represented by the data. The data are not rendered inappropriate by virtue of the individuals that are not included but rather the boundaries of the data are a reflection of the social processes which combine to produce the field.

Sophisticated tools have been developed for the collection of data from those assisted by counter-trafficking programmes, for example, the IOM Counter-Trafficking Module Database. This database has provided the foundation for research based on victims accounts (IOM, 2011; Surtees, 2005). However, as discussed in Chapter 2, comparable data is not routinely collected and analysed regarding traffickers. Whilst the data gathered from victims is crucial in understanding the victims' experiences of trafficking, it cannot be fully offender-focused. Through analysis of primary or secondary data sources; "more research with traffickers could reveal a great deal about traffickers' personal histories and the operation of trafficking" (Goodey, 2008, p.430).

Surtees (2008) concludes that future trafficking research should consider alternative data collection strategies, such as interviews with traffickers or the secondary analysis of court cases (Surtees, 2008, p.44). This may allude to the over-reliance on official data such as numbers of arrests (although this point is not made) and emphasises the importance of widening the quantity and quality of data available regarding traffickers. One of the areas for future research is exploring the low numbers of prosecutions (Kelly, 2005, p.257); the data and methods used in the preparation of this thesis allow a unique perspective to begin to consider this issue. Although this research is based on official data, the theoretical framework provides an inquisitorial approach to the official data, rather than interpreting it as reality.

5.3 The Research Journey and Access Issues

The aim of this section is to consider the experiences gained through conducting this research. These observations are made by reflecting on the theoretical framework. A reflexive account is important to provide a personal context to the research and the process of developing the account allowed me to consider phases of research and how they fit into the wider issues introduced in this thesis. Recognising the issues that shape the research process is "important on two counts: first, it allows some assessment to be made of the likely validity of conclusions; second, it encourages us to reflect critically on what comes to pass as knowledge" (Davies and Francis, 2011, p.282). In addition, validity can be increased through the use of multiple data sources and also through the process of reflection (Davies, 2011, p.173). Issues of validity and reliability will also be discussed below in section 5.5.3. The fieldwork reflections in this section have been developed from field notes taken during the research journey and provide complementary insights into the research process.

As a 'claims making activity' the processes by which access to human trafficking data is managed illustrates how human trafficking has been constructed as a "member's category" (Spector and Kitsuse, 1987, p.79). Building on this, the problem setting and problem solving paradigm developed by Turnbull (2006) can be used as a platform to explore the areas where policy reinforcement may cause a reflection of the dominant construction and where there are diversions from this paradigm. Therefore, the aims of discussing the research journey are to make links between the theoretical framework and the researcher's experiences and to provide further insight into the phenomenon of human trafficking.

Negotiating access: being defined as an outsider

As part of the process of negotiating access to data, I arranged a meeting with the UKHTC through a contact of my supervisor which took place in May 2010. The meeting took place at a café in order to maintain the secrecy of the UKHTC. Prior to the meeting, I had e mailed my proposal, at the request of the UKHTC. My supervisor attended the meeting with me. The meeting was attended by three male UKHTC staff.

For the majority of the meeting comments and questions were directed to my (male) supervisor, despite his best efforts to divert the conversation. I was therefore aware of my status as a younger, female early career researcher asking for assistance from a powerless position.

I outlined that I was planning to base the thesis around those convicted for trafficking offences and a member of UKHTC staff responded with 'we already know about that' although with no explanation.

I was unwilling to alter the focus or the theoretical framework for the thesis. Potentially being limited by agency restrictions would have impacted on the integrity and the methods of analysis.

Fieldwork reflections 1
Developed from field notes taken in May 2010

The initial research proposal supporting the current thesis included risk assessment data from the OASys with the following analysis outline;

'Quantitative analysis of the data collected from the risk assessment tool 'OASys' will be carried out. This system is used in prison and probation risk assessment, and is a system with which I am familiar through employment experience. Analysis of this data will examine variables, representing key characteristics of traffickers, and subsequently consider how this reflects on the overall construction of these offenders'

This analysis links to key research questions regarding the characteristics of those convicted for human trafficking offences and how this relates to the policy and legislation in this area, as discussed in the literature review.

5.3.1 Focusing and Re-focusing

Initially, this data was proposed as accompanying qualitative analysis of court records of trafficking cases and possibly interview data with convicted traffickers. Given the policy framework, the interviews with perpetrators would have added an additional perspective but were not

Accessing quantitative data: being perceived as an insider

The original proposal outlined risk assessments as a potential data source, with access at the time through the National Offender Management Service (NOMS). This was firstly as I regarded these assessments as a way of obtaining information about those people convicted for trafficking offences, secondly because this data would represent a certain application of the legislation and thirdly because I was familiar with these risk assessments from my employment experience.

Before starting my PhD, I had been working for the Probation Service for 5 years. When I began my PhD in January 2009, I had just found out that I was pregnant and so, for financial reasons for maternity leave, I stayed in employment in NOMS one day per week. I had completed the necessary access request form and as I was at work on that particular day, I sent the form from my NOMS e mail address. I received the data via e mail within a week. Whether this would have happened regardless of the e mail address, the ease with which I obtained the data was surprising. Sending the e mail from a NOMS address had not been a conscious or calculated decision and I was explicit in the application form that the data was for use in an ESRC funded PhD at the University of Manchester and was in no way connected with NOMS.

The contrasting experiences of making this application and the meeting with the UKHTC outlined in Field work reflections 1 may indicate a contrasting perception of me. On the one hand, in the way outlined in the notes above, and on the other hand as within the 'congregation'.

Field work reflections 2

Developed from field notes taken
April/May 2010

proposed as a central part of the research. There had been various problems with access that led to the inability to gather either of these sources of data. The experience of the negotiation process highlighted a number of issues which relate to the discussion regarding the official 'ownership' of the problem of human trafficking and the dominance of the official construction. Through active choice, in communication with key institutions I outlined the perspective that had developed through the consideration of the human trafficking literature that I have outlined in the preceding chapters. Briefly, that the dominant construction of human trafficking, reinforced at a global and national level, has significant implications not only for the understanding of human trafficking for sexual exploitation but also for a broader understanding of illegal immigration and the 'crime' of trafficking. In addition, the general dominant narrative of human trafficking obfuscates nuance within the framework of the official construction and thereby does not include other details of human trafficking cases in the criminal justice system or incorporate a perpetrator narrative.

The process of gaining access to data for the purposes of trafficking research has been highlighted as difficult by Bosworth et al (2011). This research aimed to explore the paradox between the official commitment to 'rescuing' victims and the increasingly harsh rhetoric with regards to migration and prostitution (Bosworth et al, 2011). In the course of their interviews with victims of trafficking, Bosworth et al (2011) highlight the institutional resistance with which their research was met. In attempting to interview victims of trafficking through criminal justice institutions (and under the overall regulation of the UKHTC), Bosworth et al (2011) experienced a 'silence' which they suggest is equally as revealing as the data itself (Bosworth et al, 2011, p.771). This highlights the utility for not only considering the themes that emerge from the data but also the absence of an expected theme.

Completing the literature review and considering the broader context of the illegal movement of people initially influenced the direction of the thesis towards the voices of migrant sex workers as this is significant gap (Agustin, 2006). This linked to the current research themes maintaining the focus on constructions of trafficking but would consider issues of agency and risk on behalf of the women and the process of marginalisation of migrant women through the trafficking legislation. Over several months, I made links with individuals working in organisations supporting sex workers and was able to conduct interviews with these people. However, the interviews

revealed the difficulties in accessing this population, not least in relation to the very small numbers of migrant sex workers with which the organisations had contact; a consequence of the marginalisation itself. A further difficulty was establishing effective relationships with these women which would engender sufficient trust to conduct interviews.

Through contact with sex worker support organisations and consideration of research conducted with sex workers, it became apparent that I would not be able to interview migrant sex workers for the basis of this thesis. The time necessary to develop relationships with women working in the sex industry is significant (Sharpe, 2000) and my personal circumstances would not allow for this work. In addition, although this research focus had emerged from the initial research proposal and could be linked to the trafficking discourse, I was concerned that the focus was becoming far removed from this discourse, the aims of the initial proposal and a criminological emphasis.

This led to a reconsideration of the proposal and a resumption of the original research questions. Whilst it is part of any research project to change over time and adapt to the literature, returning to the proposal brought renewed focus and an impetus to reconsider the dataset and the various constructions of trafficking, particularly in light of some of the themes that had arisen from conversations with representatives from different agencies and the migrant women. The questions that arose from contact with the sex worker support organisations have been put aside for the purposes of this research to allow a more refined focus on the traffickers.

"Where did you get that data?"

I attended a conference in 2013 at which there were a number of individuals engaged with trafficking work in an official capacity. Having introduced myself to one such person and being asked what work I was involved in, I outlined my research. I was asked what data the research was based on and I replied, 'the OASys risk assessments from people convicted for trafficking offences between 2003 and 2009.' The person appeared surprised and immediately replied, "Where did you get that data?" I replied by describing the experiences outlined in Field work reflections 2 above.

The surprise that I was met with struck me as a reflection of the tight ownership of this problem and reinforced the existence of the role of the 'bureaucratic entrepreneur'.

Field work reflections 3

Developed from field notes taken June 2013

Developing research perspectives over time

I started the PhD full time in January 2009 and have continued to study full time until completion. However, I have had two interruptions for maternity leave, one from August 2009-May 2010 and one from August 2011-May 2012. Whilst having two children during the process of a PhD would not be an experience I would recommend, having two periods away from the data and the literature enabled me to reflect on the process and to develop ideas more than I would otherwise have done. Whilst I was ostensibly on maternity leave, I maintained contact with my supervisor and did not forget about the themes and progress of my PhD research. Returning to the PhD following these interruptions was challenging but the experience of having these two lengthy periods where I could reflect was very positive and useful.

Returning to the original direction for the research, the overall aim was to consider characteristics and narratives of traffickers from within the criminal justice system which formed the basis for the analysis of the data. The interviews presented the experiences of criminal justice professionals working with these cases and thereby the limitations and practical implications of the policy. This provided a broader context for considering the construction of trafficking and the way that these narratives operate within the more general, dominant discourse. The full assessments and pre-sentence reports provided case study type data to exemplify and elaborate some of the issues highlighted as a result of the analysis of the quantitative data set.

Upon attending the farewell speech of Professor van Duyne at the University of Tilburg in 2011, I was introduced to the concept of 'political congregation' (van Duyne, 2011) which reflected my experiences during the research journey. He describes a 'congregation' consisting of the narratives surrounding organised crime, the belief of the wider community in these narratives and the social and political context (van Duyne, 2011, p.9). He highlights four recurring characteristics within the congregation which were identifiable in my own research journey and in the wider literature (van Duyne, 2011, p.9-10). Firstly, the role of problem owners, who can be seen to have a "certain common interest in promoting their theme" (van Duyne, 2011, p.9). Secondly, the use of emotive language which conveys the seriousness of the problem; a theme which has emerged from the literature review. Thirdly, "the inflationary 'colouring' of reality" which contains an in-built bias (van Duyne, 2011, p.9-10) which effectively represents the lack of interest in pursuing an offender-focused perspective. Lastly, that the problem owners need an audience of believers; those who are not within this group are not part of the congregation.

The research journey has therefore provided an interesting and relevant insight into the construction of human trafficking. The body of research relating to human trafficking is very much 'owned' by official institutions and therefore both supports and perpetuates the dominant trafficking discourse. I acknowledge that, as this thesis is based on official data, it cannot fail to reflect these dominant themes. However, the aim is to consider what alternative theoretical perspectives analysis of the data can indicate and how the internal criminal justice narratives link to the dominant framework. Finally, acknowledging the limitations of the data and analysis and the perpetuation of the dominance of the official construction allows the research to be discussed in a more effective context.

5.4 The Data

The dataset for the current thesis was as follows;

- SPSS dataset of National Offender Management Service (NOMS) Offender Assessment System (OASys) assessments relating to seventy-one individuals convicted for human trafficking offences between 2003 and Mar 2008

- Ten pre-sentence reports (PSRs) and nine full OASys assessments for individuals convicted for human trafficking offences between 2003 and 2008

- Interviews with four police officers involved in dealing with and processing cases of human trafficking

- Interviews with five legal professionals with experience of processing cases of human trafficking through the court system

- Interviews with two people working for organisations providing support to sex workers

This section will consider the various data sources and their advantages and limitations with reference to the context of their collection and analysis. The SPSS dataset, PSRs and the full OASys assessments are data collected by NOMS and as such are official data. Therefore, it is also useful to consider the utility and limitations of officially produced data and expert interviews.

The use of agency records is appropriate in order to conduct policy related research (Maxfield and Babbie, 2011, p.335). However, it is important to understand how these sources are produced and the various strengths and limitations. Other than the

interviews, the qualitative and quantitative data were non-public agency records produced in the organisational functioning of the criminal justice system. It is crucial, when dealing with this data, to; "understand how agency records are produced" (Maxfield and Babbie, 2011, p.338). On a personal level, experience of working in the police and probation services enabled a wide and in-depth understanding of the practicalities involved in the production and recording of this data and the purposes for which it was produced.

One of the main issues that can impact on the validity of using official data is changes in recording practices. This did not impact on this research as, within the time frame of the research, there were no significant changes to the relevant legislation and the processes used to collect the data had not altered in this period. However, the lack of a specific offence and therefore data before this time frame means that the data cannot be compared. It would potentially be possible to compare this data with data related to trafficking convictions in the future although this will depend on the shift to and content of a new 'modern slavery' act.

Agency records only contain information regarding cases that have come to attention of the authorities and in the case of this data, cases which had been successfully prosecuted. As with other research conducted from agency records, the findings are probably not generalizable to unreported instances of human trafficking (Maxfield and Babbie, 2011, p.340). However, this issue is of less importance in this instance since the research questions and interpretative policy framework require the analysis of cases within the criminal justice system. From an ethical perspective, it is difficult to see how research could be directly conducted with traffickers in the operation of their business.

One of the problems identified in relation to the validity and reliability of using official data is the social production of such data (Maxfield and Babbie, 2011, p.348-9). Cultures within the relevant organisations will impact on the way in which data is collected and recorded and thereby, patterns of perception regarding trafficking behaviour will be present in the data. However, it is precisely this organisational construction of trafficking that this research is focused on and so, rather than limiting the validity and reliability, the social production of the data is part of the framework within which the data was analysed.

To overcome problems of reliability during coding, the data were coded on two separate occasions with a time lapse in between of approximately one month. The two coded

documents were then compared and any inconsistencies reconsidered. This was an interesting process that allowed the refinement of categories and highlighted areas of overlap between categories that formed the basis for discussion of why and how these categories were inter-related. Using a range of different data sources also mediated against issues of validity and reliability present when relying on one source (discussed further in section 5.5.3). It was possible to identify themes across data sources and therefore across agencies, which increases the likelihood that these themes are present in other human trafficking data within the criminal justice system. In addition, the various data sources offer different dimensions of trafficking within the criminal justice system, giving a wider overview of practitioners' perspectives on working with these cases.

5.4.1 Offender Assessment System

Recent changes in the criminal justice system have seen the reconfiguration of the structure for offender assessment and the way in which information is collected from offenders. Reviewing these changes and the current themes in the context of risk based penal strategies, Field and Tata (2010) highlight the increased use of actuarial risk assessment, the emergence of penal populism and new systems of public management relating to the 'new penology' (Field and Tata, 2010, p.236). The context of the new penology has impacted on the probation service in that the focus has shifted from a welfare based approach to one of managing risk. In addition, the context of managerialism has increased the need for the development of tools which will achieve consistency at a national level (Lancaster and Lumb, 2006, p.278). Despite issues with this, explored below, a level of national consistency increased the validity of the analysis of the quantitative data.

The Offender Assessment System (OASys) was introduced in 2002 with the aim of providing consistency to the assessment process and on-going recording of information. All individuals convicted for an offence are assessed using OASys. OGRS[9] is embedded within OASys and provides information relating to age, gender and data regarding previous and first convictions. Systematic risk assessment tools have also been introduced in other countries, including Canada and the USA (Mair and Burke,

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[9] The Offender Group Reconviction Score (OGRS) is integrated within OASys. Upon completing an OASys assessment of an offender, the system will present an OGRS score which is used to inform NOMS work with offenders. OGRS uses a number of variables to give a predictor for future offending: the higher the score, the higher the likelihood of reconviction.

2006). OASys includes a large amount of information about the offender in order to determine the level of risk posed by the offender and the ways in which this risk may be most effectively managed. The assessment of risk also includes an assessment of the likelihood of reoffending (Lancaster and Lumb, 2006). The assessment consists of static and dynamic factors which, from a risk perspective, allows a greater degree of insight into potential change, and from the perspective of this thesis, provides a wider span of information regarding offenders' backgrounds, characteristics and details of the offences. In addition, the OASys risk of harm screening considers the factors relevant regarding risk of harm that the offender poses to others and themselves.

The applicability of risk assessment tools such as OASys to minority groups has raised concerns due to the research foundation of these tools being white males (Lancaster and Lumb, 2006, p.284). As the majority of cases within the dataset are migrants, this is an issue for consideration. The research foundation primarily pertains to the utility of the information in OASys in relation to predicting levels of re-offending presented by migrant offenders. However, although worth discussing on the basis of the perceived 'risks' associated with traffickers/trafficking, interpretation of any risk data is done within the context of these limitations.

Discussions of the reliability of OASys focus on the ability of the assessment tool to predict risk, as the purpose of the assessment. The ecological fallacy of OASys is an issue since the risk of reoffending is based on whether the individual displays character traits which have a high statistical probability of reoffending (Fitzgibbon, 2007, p.91). Therefore, this tool should be viewed as an addition to other available data (Fitzgibbon, 2007, p.95). In this analysis, combining the OASys data stream with other data increased the methodological rigour. For those working with OASys, the context is problematic in providing an under-emphasis on the subjective nature of assessment combined with an emphasis on and reduced tolerance for 'risk' (Crawford, 2007, p.165). This also indicates the importance of considering the OASys information in conjunction with other information sources which allow the practitioner to input narrative.

Research has evaluated OASys with reference to several aspects. Moore (2009) considers the internal reliability – how well the items within each scale measure various aspects of the same characteristic and construct validity – the ability of the tool to distinguish between individual and social level characteristics (Moore, 2009). This

analysis found that ten of the eleven OASys scales had high or adequate reliability, measuring discrete characteristics. 'Relationships' did not have adequate reliability (Moore, 2009) suggesting that the questions in this section were failing to measure a specific factor.

The ability of OASys to capture the motivation to offend is problematic. Although one of the purposes of the assessment is to determine the motivation for offending, the assessment does not directly ask this question, as it is viewed as a factor that will emerge over time during work with the offender (Lancaster and Lumb, 2006, p.286). A concept such as motivation is difficult to quantify directly and as such it may be possible to tentatively discuss motivation indirectly through other variables or through the consideration of comments made in the preparation of the pre-sentence report.

From a practitioner perspective, numerous factors have been found to impact on the quality of the OASys. Crawford (2007) highlighted the lack of discretion, the onerous structure which discourages narrative and therefore the ability to be responsive and that the assessment tends to focus on the details of the offence rather than the offender (Crawford, 2007, p.159). However, this assessment was focused on one probation area and fairly small sample sizes although employed a robust mixed methods approach. In further research considering a practitioner perspective, OASys was considered comprehensive, detailed and good for risk assessment and, in terms of disadvantages, time consuming and inflexible (Mair and Burke, 2006, p.20).

Morton (2009) considers whether OASys is able to provide reliable scores for offenders through an inter-rater reliability study. The research found that most sections of OASys were reliable or moderately reliable, the least reliable sections were financial management, alcohol misuse, thinking and behaviour and risk of serious harm (Morton, 2009). Inter-rater reliability assessed by another study was considered "reasonably robust" (Home Office, 2000, p.38). Having reliability throughout the OASys has clear implications for the analysis of the data as any discrepancies will impact on the interpretation. The results here indicate that most sections of OASys should have at least a base level of reliability. In addition, comparing the themes arising from the quantitative dataset with themes emerging from other datasets will provide a method for cross-checking.

In the context of the new penology, risk-based assessment tools such as OASys have been criticised for de-skilling practitioners as the process allows for little discretion and

for limiting the development of an effective relationship between probation officers and offenders (Fitzgibbon, 2007). In addition, it has been suggested that the use of tools is aimed more at the ability of criminal justice institutions and management to meet targets and to deal with the 'threat' of crime than dealing effectively with offenders (Horsefield, 2003). However, the development of actuarial risk assessment tools was partially based on the acknowledgement of a lack of explicit decision making and evidence-based decisions in probation work (Kemshall, 1996) with the aim of moving towards increased consistency and measurement throughout the service.

The context of assessments in the changed penal landscape increases the focus on risk management. In relation to assessments, this "decontextualize[s the information] with the effect that what is gathered is less focused on personality responses to situations and more on the situations per se" (Crawford, 2007, p.165). In relation to the analysis of the data, this indicates that although some characteristics of the individuals may be apparent, the assessment primarily views the individual as a 'trafficker'.

Despite criticisms, what the OASys tool does provide is comparable data regarding offender characteristics linked to their offences. This information is computerised and consistent in relation to the content and questions asked to each individual. The efficacy of risk assessment and management and the use of these tools in the context of the risk society are relevant for the assessment of the individuals and the ways in which these impact on the practitioners and offenders. The context of the risk society and the concept of risk in discussions of trafficking are discussed in Chapters 9 and 10.

OASys has been used as part of the basis for research developing typologies of offenders committing serious further offences (Crassati and Sindall, 2009). The data was used alongside other actuarial risk assessment data and some narrative data. The aim of this analysis is to provide a description of serious further offences and offenders and the research used statistical tests to determine relationships between the background variables and characteristics in order to develop typologies (Crassati and Sindall, 2009). However, little basis was found on which to draw typologies due to low sample size and the lack of the availability of the offenders' narrative accounts. This may prove a parallel obstacle in the analysis of this data. However, the purpose of this research is not to develop a typology of traffickers but rather to consider the various characteristics emerging from an exploratory analysis of the data. Furthermore, although the sample size is small, it is a population in that it reflects all individuals convicted for human

trafficking offences rather than a sample of a greater population which provides a robust justification for this analysis.

5.4.2 Pre-sentence Reports

The Criminal Justice Act 1991 introduced a change from social enquiry reports to pre-sentence reports (PSRs) on the basis of increasing consistency, placing a greater focus on the seriousness of the offence and moving away from a welfare-based assessment model (Cavadino, 1997). The use of PSRs and monitoring procedures were also aimed at decreasing issues of discrimination towards minority groups (Hudson and Bramhall, 2005). During the same period, National Standards were introduced to assist the implementation of the Criminal Justice Act 1991 and probation officers were trained in the practical application of the legislation. PSRs were intended to focus on providing information about the offender and the offence that would assist in the sentencing process (Raynor et al, 1995). Research carried out in order to assess the quality control procedures of PSRs indicated a wide diversity of approach between and within probation areas in the period following implementation which raised concerns regarding consistency (Raynor et al, 1995, p.478). As a result of these concerns, a Quality Assessment Guide was developed with the purpose of developing consistent practice and procedural safeguards in relation to PSRs (Raynor et al, 1995, p.481-2).

PSRs in England and Wales currently represent the key document in providing the court with information regarding a defendant's background and character (Field and Tata, 2010, p.238; Tata et al, 2008). According to National Standards, the report should include information that situates the offence within the offender's background, the factors leading to the offence and the attitude of the offender towards the offence with a view to the viability of a community sentence (Tata et al, 2008, p.842-3). This context may need to be considered during analysis as it will influence the direction of discussion with the offender and the way in which the material is presented. PSR writers are influenced by the sentencing guidelines, the likelihood of a custodial sentence and the local knowledge of sentencers (Tata et al, 2008). In the case of offences relating to human trafficking, it is likely that custodial sentences are the primary means of disposal (Sentencing Council, 2003) and therefore, the basis for a PSR relating to a trafficking offence will be developing a dialogue that considers the relevant mitigating or aggravating factors that will impact on the length of custodial sentence.

With a similar trend to human trafficking convictions, the majority of those convicted for drug trafficking offences are migrants. The issue of preparing PSRs for migrants in the context of drug trafficking offences has been considered by Hammond (1995) as part of the changes made in the 1991 Act resulting in the preparation of these reports becoming compulsory for all offenders, including migrants. Hammond (1995) found that the preparation of PSRs improved perceptions of migrants and enhanced communication between agencies (Hammond, 1995, p.18). The quality of the reports was judged to be high with relevant corroborating evidence from the country of origin of the individual (Hammond, 1995). This is encouraging as the presence of corroborating evidence will increase the reliability of PSRs as a data source and therefore lend increased weight to the analysis.

The way in which minority ethnic offenders are constructed by writers of PSRs has been considered by Hudson and Bramhall (2005) in relation to Asian offenders. The findings in this report are potentially relevant to the current data since it comprised almost entirely of migrant offenders and as such represented minority groups. A key difference found was in relation to expressions of remorse which were notably lower for Asian offenders on the basis of a lack of familiarity with the criminal justice system (Hudson and Bramhall, 2005, p.729). Hudson and Bramhall (2005) also discuss the findings in the context of wider constructions of Asian 'otherness'. The research found similarities between the emphasis in the reports and stereotypical constructions of Asian people; discussions of Asian offending focused on family relationships rather than employment, and offending was depicted as being part of the Asian offender's personality or characteristics, rather than as a result of 'adverse circumstances' which were more frequently considered in relation to white, British offenders (Hudson and Bramhall, 2005, p.731-2). The assessment of the offenders, through the numeric scores and the narrative descriptions, reinforced stereotypical constructions and an 'othering' of this offender group (Hudson and Bramhall, 2005, p.736-7). This is an interesting notion to consider as the dominant paradigm of human trafficking contains some key stereotypes of perpetrators and the role of culture in these offences which may have impacted on the preparation of the PSRs.

PSRs have been used to determine typologies of sex offenders (Danni and Hampe, 2000). In this instance, the authors are able to base their research on previous classifications and typologies of sex offenders since there is a wide body of work in this area (Danni and Hampe, 2000, p.491-3). However, in the current thesis, this is not

possible as what is known about traffickers is not adequate to support this level of hypothesis making and confirmation. Danni and Hampe (2000) found that the consistent and standardised categories used in PSRs were useful and vital for this type of research. As the classifications had been pre-determined, variables were compared and statistically differentiated between the offender types. As an exploratory study, this thesis may provide the basis for future hypothesis making regarding perpetrators of trafficking offences.

Finally, the OASys data and the PSRs are limited as they consist of only those who have been caught, charged and found guilty of a trafficking related offence. However, the lack of research in this area generally justifies a starting point for exploratory research (similar work has been undertaken in the context of organised criminals by Scheinost, 2010). The size of the quantitative dataset is seventy-one: a fairly small number of cases. However, the dataset is an entire population as it was all individuals who had been convicted of trafficking offences within the given timescale. In this respect, the dataset was complete; there had been no sampling. Although small, the dataset represented the processes of the criminal justice system and linked directly to the narratives of the criminal justice professionals.

5.4.3 Interviews

Although only a small number of interviews were conducted, the pool of people from which these interviewees were drawn was quite small. The number of interviews that I was able to conduct narrowed with knowledge of how cases were processed through the criminal justice system. The relatively small number of cases nationally means that there were only a small number of police forces with dedicated trafficking units (the structure of police forces changes regularly; anecdotally, one interview indicated that only five forces had such dedicated units). In addition, as the legislation was fairly new and the cases infrequent, the CPS had few prosecutors that routinely worked on these cases. These factors served to narrow the bank of criminal justice experts able to comment on human trafficking and therefore the potential pool of interviewees.

In their discussion regarding the ideal number of qualitative interviews, Baker and Edwards (2012) consult with a number of experts in qualitative methodologies. Baker and Edwards (2012) include Julia Brannan's response that it is important to "select cases which are not only relevant to specific research questions but should seek out

those cases that are likely to prove our assumptions wrong in the analysis" (Baker and Edwards, 2012, p.16). In this regard, the decision to select cases from within the criminal justice system, in order to discuss the dominant paradigm can be justified and illuminated. The dominant perspective is wide-ranging in influence but narrow in explaining the theoretical and empirical foundations. Therefore, accessing narrative streams from within the criminal justice system provided contributions which were analysed in accordance with the dominant discourse, to consider the ways in which the dominant discourse was present in practice and potentially what was missing. The NGO perspective provided an alternative to some of these considerations.

The interviews contributed one aspect of the narrative streams in this thesis which mediated the limitations of conducting a small number (Baker and Edwards, 2012, p.22). In addition, Flick's response to Baker and Edwards (2012) suggests that planning expert interviews will limit the field (Baker and Edwards, 2012, p.27). Finally, when discussing the question of the number of qualitative interviews, Jennifer Mason responds to Baker and Edwards (2012) that the strength is built through the consideration of the data in the analytic framework rather than the number of interviews (Baker and Edwards, 2012, p.29).

Considering the reliability and validity of expert interviews, Dorussen et al (2005) found that experts were more coherent in relation to more salient issues (Dorussen et al, 2005, p.317). Themes either identified or missing in the expert interviews may be a product of working within the policy framework. In terms of considering the contribution of the interviews within the framework of the dominant discourse, this raised some pertinent points to be considered further in discussion of the findings. "The validity of the information collected by means of expert interviews crucially depends on the quality of the experts" (Dorussen et al, 2005, p.333). All the interviewees had worked with human trafficking cases for at least five years and had dealt with several cases. Again, although the numbers of cases that the 'experts' had dealt with may appear small (in some cases less than ten), in relation to the overall number of cases, it was a notable proportion. Dorussen et al (2005) found that a theoretical link between the reliability and validity of the data can be supported on the basis of coherence between experts in interviews although it is not necessary for experts to be equally knowledgeable on all matters (Dorrusen et al, 2005, p.333). In addition, despite the links made possible between reliability and validity, reliability should not always be

sought after; it is always possible that experts will diverge regarding a particular issue (Dorrusen et al, 2005, p.334).

Data gathered from law enforcement professionals is a mixture of "reported memories of direct own experience combined with shared indirect knowledge" (van Duyne and van Dijck, 2007, p.117). However, this collective bias does not suggest that these data sources should be discarded as unreliable (van Duyne and van Dijck, 2007, p.117). Indeed, in relation to the theoretical framework, the collective bias may reflect the ways in which the dominant paradigm both did and did not feature in the expert interviews. The combination of personal experience and shared knowledge may produce an interesting mix of the dominant construction and other perspectives developed through dealings with these cases.

The interviews were unstructured qualitative interviews. All interviews were arranged by appointment and were to some extent time limited. However, when arranging the interviews, it was agreed that the interviews would take around an hour and a half and so there was ample time to develop an initial rapport with the interviewee and to explore all avenues of discussion as they arose. The interviews were initiated with the following question or a close approximation;

"Tell me about your experience of working with human trafficking cases"

For most interviews, this elicited a large amount of information. Sometimes the interviewee asked for further clarification of what was meant by the question. In response to this, I tried to maintain a broad focus to avoid leading the interviewee. Following the initial response, the remainder of the interview consisted of follow-up on comments or cases mentioned. Through employment, I have had substantial interview training in addition to motivational interviewing training, both of which I found useful in the interview process for remaining 'outside' the topic and avoiding leading the interviewee. The interviews were primarily lead by the interviewee. I used reflection to elicit further comments and occasionally reminded an interviewee of an earlier comment made or case referred to in order to obtain further detail. The interviews were conducted in this way to, as much as possible; obtain an account of the interviewee's experience of working with human trafficking cases and to explore their perceptions and perspective of the actors and the processes so that the consequent data could be discussed within the theoretical framework.

5.4.4 Ethical considerations

Ethical approval was gained for all aspects of the research in 2010. The data was anonymised throughout and references of names were removed from the thesis in order that none of the cases were identifiable. The quantitative data were kept at all times on a personal laptop which was password protected. The qualitative data that was in documentary form was kept in a locked cabinet at home for the duration of the research period. Interviews were recorded onto a digital recorder. The interviews were transcribed onto my personal laptop and the recording deleted once the transcription was completed and checked. The transcripts were stored using alpha-numerical identifiers which were allocated on the basis of the order in which the interviews took place. During the process of analysis, the interview transcripts were printed to visualise the themes. The transcripts were shredded on completion.

5.5 Methods for Analysis

5.5.1 Analysing Interview and PSR Data

Braun and Clarke (2006) acknowledge the widespread use of thematic analysis along with the lack of clearly demarcated methods for carrying out this type of analysis (Braun and Clarke, 2006). Their paper attempts to provide some clearer guidelines for the use of thematic analysis for qualitative data. Thematic analysis is seen as being compatible with a constructionist framework (Braun and Clarke, 2006, p.82). This analysis is defined as "a method for identifying, analysing, and reporting patterns (themes) within data" (Braun and Clarke, 2006, p.83). Key to thematic analysis is that the theoretical framework is made explicit and the data is approached in relation to the theoretical framework and the research questions. Although the use of thematic analysis is framed towards developing theory, it differs from a traditional grounded theory approach which enables the theory to be developed in a more exploratory and tentative way (Braun and Clarke, 2006, p.85-87) which is appropriate for this research.

"A theme captures something important about the data in relation to the research question, and represents some level of *patterned* response or meaning within the data set" (Braun and Clarke, 2006, p.87). Issues of prevalence and frequency of themes need to be considered although there are no definitive rules in relation to levels at which a theme will become definable as a 'theme'. The authors differentiate between a theoretical thematic approach where the data is analysed in relation to a pre-determined

theoretical framework and an inductive approach, where the framework is driven by the data. The analysis in this research was conducted within the context of the theoretical framework and literature review, knowledge of which provided a number of themes that were expected from analysis although the framework may also be driven by the data in that an unanticipated theme was identified in the analysis and included in the discussion.

Table 1 describes the phases of thematic analysis which formed the basis for the analysis of the interviews and the documentary data. However, it was crucial that the analysis of all datasets was performed in parallel so that the phases of analysis informed each other and the themes arising from the analysis were identified in the whole context rather than in relation to the relevant dataset. The table is adapted from Braun and Clark (2006) with comments in italics added to highlight reference to the analysis of the quantitative data. Further consideration of mixed methods approaches is outlined below in section 5.5.3.

1. Familiarisation with the data and transcription	Immersion in the data, reading and re-reading and note making regarding potential patterns/codes *Familiarisation in conjunction with familiarisation of quantitative data*
2. Generation of initial codes	Organisation of data into meaningful segments which retains any inconsistency and context across the data
3. Search for themes	Focuses the analysis at a broader level of themes rather than codes
4. Review of themes	Reviewing and refining themes to establish clear and identifiable distinctions between themes. Re-reading of all data and development of a thematic map which accurately represents the range of data gathered *Review of themes emerging from descriptive statistics*
5. Definition of and naming themes	Identify what the themes captures, how this relates to the research questions and allocate appropriate name
6. Production	A write up of the qualitative analysis *in conjunction with the quantitative analysis* which provides a concise, coherent and justifiable discussion of the key themes in relation to the research questions

Table 1: Phases of thematic analysis (Braun and Clarke, 2006)

Coding or indexing "organises the copious notes, transcripts and documents that have been collected and…represents the first step in the conceptualisation of the data" (Bryman and Burgess, 1994, p.218). The process of conceptualisation continues and moves away from the data, with the inherent danger of losing the context, and hence underlines the importance of the cyclical nature of the coding to refer back to the context to check the category assignment. Bryman and Burgess (1994) discuss a distinction between descriptive and conceptual categories where the former are elements in the indexing system and the latter are associated with theoretical perspectives (Bryman and Burgess, 1994, p.219). This classification aimed to result in five or six general themes (broken down into sub-categories) but there needed to be no more over-arching themes so that the findings were manageable (Creswell, 1998, p.144). Whilst analysing qualitative data, the process of identifying themes, categories and then creating an index resulted in a manageable schema through which to view the data. However, it was important not to consider the text in isolation once it had been categorised; linking back to the context is a necessary step in checking that the data has been effectively indexed (Mason, 1994, p.93-5). In this context, it was important that the categories were linked back to the context of the immediate data and the data as a whole.

"Concepts are the building blocks of theories…but they do not constitute theories in their own right" (Bryman and Burgess, 1994, p.220) which poses questions about whether data analysis can create substantive theory. As an exploratory study, this analysis can highlight alternative directions for the consideration of trafficking and begin to build a tentative theory regarding the interplay between the official construction of the problem and the perspectives emerging within the interpretative policy framework.

Grounded theory is commonly cited by qualitative researchers as a framework for analysis although the extent to which it is employed in its entirety is debatable (Bryman and Burgess, 1994, p.220). Rather than being employed as a method for managing data, Bryman and Burgess (1994) suggest that the utility of this approach has been to direct researchers towards the process of extracting theory from concepts and through highlighting the processes of coding and concept creation (Bryman and Burgess, 1994, p.220).

Finally, the main disadvantage of thematic analysis is the limited interpretative power if it is not used within an established theoretical framework (Braun and Clarke, 2006, p.104). This highlighted the importance of making explicit links between the interpretative policy framework and the discussion the data as a whole. This is discussed below in section 5.6.

The presentation of multiple realities is a characteristic of qualitative design (Creswell, 1998, p.21). However, the inclusion of the quantitative OASys assessments provided an additional stream of data that could be analysed within the wider framework of analysis. As the body of literature relating to traffickers is so small and grounded theory is the guiding theoretical principle, this study did not make hypotheses regarding expected outcomes. In addition, as the quantitative analysis is descriptive and exploratory, the two methods of analysis are similar in their process. Creswell (1998) suggests the utility of qualitative methods "because of the need to present a detailed view of the topic. The wide-angle lens or the distant panoramic shot will not suffice to present answers to the problem, or the close-up view does not exist" (Creswell, 1998, p.17). This also identifies the overall utility of linking qualitative data to a different type of data that can provide an additional facet.

5.5.2 Quantitative Analysis: Exploratory Descriptive Statistics

As an exploratory study and as the data relates to a complete population, there was no necessity to perform inferential statistics. This enabled the data to be 'described' through this analysis, in order that the themes arising from the quantitative analysis were related to the themes emerging from the other data. Using a grounded approach and on the basis of the lack of research, there were no hypotheses to test.

The limited information relating to each case made it impossible to explore each individual in detail, to consider the wider context of their actions and make links to their backgrounds. However, the overall aim of analysing the quantitative dataset was to extend the knowledge regarding traffickers and to relate this to the framework for analysis. Although the data was limited, it represented a spectrum of information unexplored elsewhere and provided an overview of a complete population. In addition, it was possible to reflect on some detail of cases through the qualitative data.

Multiple Correspondence Analysis (MCA) was considered as an additional phase in the analysis of the quantitative data. However, incorporating MCA would have made this research unmanageable in terms of time taken to conduct the research and in relation to the length of the thesis. Therefore, a choice had to be made between focusing on the quantitative data only, including the MCA or putting the MCA aside and using a wider spread of data. I decided on the latter option on the basis that this data and analysis would more effectively answer the research questions within the policy framework. Including the qualitative data was important to capture perspectives regarding how those represented in the quantitative data ('traffickers') were processed through the criminal justice system. Having identified the prevalence of the dominant discourse through the literature review, it was then important to explore the data in relation to this discourse. Focusing entirely on the quantitative data would have yielded an interesting, but very different picture and would not have enabled as much breadth in the consideration of policy application. The future use of MCA is discussed in Chapter 10.

5.5.3 Mixed Methods: Integration in Analysis

A mixed methods approach was chosen as I deemed it important to access multiple sources of data and to integrate the data in the phase of analysis, in line with the 'integration' processes discussed below (Moran-Ellis et al, 2006). As outlined by Denscombe (2008), using mixed methods produces a more complete picture of a phenomenon and develops initial findings (Denscombe, 2008, p.272). The aim of the methodology was to analyse the datasets in such a way that allowed a grounded theory approach and viewed the data effectively within an interpretative policy-linked framework. Commonly held divisions regarding quantitative and qualitative data do not apply to this research in a straightforward way (explored in more detail below). Rather, both stages of the research and analysis were asking questions about different aspects of a process and gave meaning as to how the process and the end result were connected. This thesis did not suggest that the quantitative data held a 'truth' regarding trafficking, but that the quantitative data, like the qualitative data, provided a particular view of the problem, which may assist understanding involvement in trafficking.

The production of the data in this research cannot be described as a fully integrated mixed methods approach. The integration of the data did not occur until the phase of analysis. The quantitative data were collected at an early stage in the research journey. As secondary data, the collection of this data was instant; having been sent the data

electronically, the data was gathered. This occurred before any of the interviews or analysis of the documentary data had taken place. The next stage of data collection was obtaining the documentary data which also occurred as a single event. Finally, I conducted the interviews. The decision not to begin analysing the existing data in advance of conducting the expert interviews was made consciously. The purpose was to avoid allowing an awareness of the themes emerging from the sources of data already obtained from impacting on my approach to the expert interviews. This is not to suggest that the expert interviews were conducted with a neutral approach; the knowledge and understanding of the existing literature and the theoretical framework established a context for the interviews. However, delaying analysis of the other data sources meant that I was not searching for themes in the interviews that may have been identified through this analysis. Rather, the direction of the interviews was informed by responses of the interviewees and by my reflections and requests for elaboration.

This thesis uses quantitative and qualitative data and methods. Therefore, it is necessary to consider the conceptual implications in the interpretation and use of these data types and the way in which they were used together. The term 'triangulation' was introduced by Denzin (1970) and is widely used to refer to the combination of these methodologies. However, the term has lost its precise meaning over time (Fielding and Schreier, 2001, para.4). Due to mixed methods being a relatively new approach in the social sciences, it is important to clarify exactly what is meant by mixed methods and to explicitly outline the way in which it was used in the research (Moran-Ellis et al, 2006;. Creswell, 2003, p.209). This is important as failing to do so obscures the difference between the outcome of using mixed methods which relates to the epistemological claims and the processes by which different methods are brought into relation with each other (Moran-Ellis et al, 2006, p.45-6).

Fielding and Schreier (2001) describe three models of triangulation;

1. The validation of results obtained by different methods

2. As a way of gaining a wider picture of a phenomenon

3. 'Original' triangulation where it is necessary in order to gain any (not just a wider) picture of a phenomenon (Fielding and Schreier, 2001, para.5).

During the stage of analysis in this thesis, the themes emerging from the dataset were identified and mapped in relation to that dataset. Model (1) above, allows a theme

identified in more than one dataset to have increased validity. Considering the issues outlined above with accessing data for trafficking research and the issues I experienced, using all data available was a means of achieving model (2). I have outlined the limitations of each data source above. It is important that each dataset is considered within its context; within the policy framework. Regardless of whether the data is qualitative or quantitative, it was understood through the policy framework and as a product of the legislation. None of the data sources were afforded legitimacy as a veridical truth but rather given equal weight interpreted as a result the operation of policy. It is not necessary to subscribe to a "notion of absolute standards, objectivity and 'truth'" for mixed methods to have an important place in research processes (Fielding and Schreier, 2001, para.43).

Greene et al (1989) identify three uses of mixed methods that do not involve triangulation, one of which is the use of mixed methods to include multiple components in a single project. Building on this, Moran-Ellis et al (2006) aim to provide a description of what this type of integration involves. Within the process of integration, "the material differences of those separate entities are not erased, but work synergistically to produce a whole that is greater than the sum of its parts" (Moran-Ellis et al, 2006, p.50). The notion of integration within the research design was important to ensure that the data were used in relation to each other. This relates to the practical issues employed in the analysis as opposed to discussing the nature of the knowledge generated through mixing methods (Moran-Ellis et al, 2006, p.46). The use of more than one method in social research is widespread but the reasons and ways for employing this are various. Integration "involves the generation of a tangible relationship among methods, data and/or perspectives, retaining the integrity of each, through a set of actions clearly specified…and that allows [researchers] to know more" (Moran-Ellis, 2006, p.51). The ways in which more is known depends on the specific theoretical (or epistemological) framework, so in this case, links to the interpretative policy framework.

In considering whether data can be described as being integrated or combined, Punch (2005) identifies three key points; whether the methods are regarded equally; whether the methods influence the operationalisation of each other and whether they are conducted simultaneously or sequentially (Punch, 2005, p.246). Moran-Ellis et al (2006) develop this by suggesting that the methods need to be given equal weight and should be operationalised toward a common goal (Moran-Ellis et al, 2006, p.52). In this

research, the data sources and methods of analysis were regarded equally and with equal weight; none was assumed as a more reliable interpretation. In relation to the second point, the analysis of the data was operationalised towards the common goal of the research questions with the theoretical framework acting as "a clear mechanism which creates an appropriate and effective interface between [the data sources]" (Moran-Ellis et al, 2006, p.52).

Moran-Ellis et al (2006) argue that integration can still occur if there are separate methods but integrated analysis; that is that the integration does not occur until the analysis stage (Moran-Ellis et al, 2006, p.53-4). The approach adopted in this research reflects components of the approach described by Moran-Ellis et al (2006). Once the phase of data collection was complete, the data was conceptually positioned in parallel and each data source was analysed in order to identify key themes (Moran-Ellis et al, 2006, p.54). With reference to the literature review and the theoretical framework, the themes identified within each data type were followed and this cross-referencing was used to create a theme-map with the aim of interlinking the findings as they emerged from each dataset. The strengths of this approach are "allowing an inductive lead to the analysis, preserving the value of the open, exploratory, qualitative inquiry but incorporating the focus and specificity of the quantitative data" (Moran-Ellis et al, 2006, p.54). Importantly in this research, identifying inconsistencies and tensions between the data types was as important as identifying themes between data types.

One of the problems cited with mixed methods research is the ontological incompatibility of positivism and constructivism (Cupchik, 2001; Bryman and Burgess, 1994). The frequent norm is that quantitative methodologies assume a positivist ontology; suggesting that there is a single reality that the data is capable of representing (Tashakkori and Teddlie, 1998, p.7). Conversely, a constructivist ontology, associated with qualitative methodologies, represents specifically and socially constructed realities that are products of the activities of groups or individuals (Cupchik, 2001, para.1). However, although this methodology is based on quantitative and qualitative data, all data types are viewed as being a product of the application of policy and the interpretation of this through the criminal justice system. Therefore, the interpretative policy framework, described in Chapter 4, provided a way of understanding and defining the data as 'constructed' by policy; each data type represented a constructed reality capable of illuminating the research questions.

Pragmatism is commonly viewed as the philosophical partner for mixed methods research (Feilzer, 2010; Denscombe, 2008, p.273). It is not necessary here to provide a history of the philosophy of pragmatism (see, for example, Rorty, 1999). However, it is useful to link to the idea of pragmatism to move away from the positivism versus constructivism debates and it is a concept that fits this research approach effectively. A pragmatic approach to mixed methods research accepts that there are "multiple realities that are open to empirical enquiry" (Feilzer, 2010, p.8). A pragmatic paradigm moves away from the epistemological dichotomies and has therefore been termed 'anti-dualism' (Feilzer, 2010, p.8). If a phenomenon is accepted as having multiple layers, using mixed methods is an effective way to observe more of these layers. Moving away from the traditional positions assumed through the use of quantitative and qualitative methodology, pragmatism views "qualitative and quantitative methods as not exclusively tied to specific…positions often connected with different methodological traditions" (Kelle, 2001, para.2). Denscombe (2008) suggests that the mixed methods paradigm needs to be "sufficiently flexible, permeable and multi-layered to reflect the reality of social research in the 21st century" (Denscombe, 2008, p.271). The purpose of using mixed methods in this research fits most closely with Denscombe's (2008) second purpose; "to produce a more complete picture by combining information from complementary kinds of data or sources" (Denscombe, 2008, p.27).

Using mixed methods is no guarantee to improving validity (Fielding and Schreier, 2001, para.44). However, the ability to discuss the findings generated through each data set both within the framework of that data and with reference to other findings allows themes, or the absence of themes, to be considered in the context of other findings. This is a more realistic view of the value of mixed methods; not to guarantee the accuracy of conclusions but to allow "a more critical, even sceptical stance towards…data" (Fielding and Schreier, 2001, para.46).

In her research, Feilzer (2010) analysed data sets separately at first and then by moving back and forth between the data sets so that the findings from one data set informed, questioned and illuminated the findings from others (Feilzer, 2010, p.12). Feilzer (2010) suggests that the type of validity enhanced through mixed methods approaches is different to the traditional validity associated with quantitative enquiry (Feilzer, 2010, p.14). Instead, mixed methods research develops a validity that "requires reflection on the question or theory to which the data speak" (Feilzer, 2010, p.14).

Creswell (2003) advocates the use of a visual model for the research strategy (Creswell, 2003, p.209). To achieve integration, analysis needs to occur with the quantitative data and the qualitative data and also between the approaches (Creswell, 2003, p.220). I developed the model below in conjunction with Table 1 as visual aids for the integration in analysis and to provide an illustration of the way in which the approach to analysis allowed the themes to be cross-referenced. Following the same process to draw themes out of the datasets allowed them to be linked and simultaneously informed the process of analysis.

- Becoming familiar with the data and any notes made during the data collection process for each data type

- Identifying recurring themes within data types and then across data types

Familiarisation

Identification

Indexing

Collation

- Linking the draft thematic framework back to the data to check context, concludes with charting finalised themes

- Collating recurring themes into groups or categories across data types

Figure 1: Analytical cycle for the identification of themes arising from quantitative and qualitative data

Assumptions made on the basis of the quantitative data or the qualitative data remain limited (as do assumptions made from the overall dataset). However, linking the two datasets allowed for more rigorous consideration of the data and a wider representation of the problem facets. However, this research did not use triangulation in the traditional sense of using one dataset to check the validity of the other (Fielding and Schreier, 2001). Mason (1994) uses two datasets (quantitative and qualitative) in a similar way; to create a broader picture of a phenomenon. She suggests that linking the data does not require that the same questions are asked of both datasets but instead requires asking

questions that will problematize the relationship between the datasets and link the data by using them to address a particular topic from a variety of angles (Mason, 1994, p.105-7). Encountering inconsistencies between the data can be problematic where one dataset is afforded privilege over the other. However, inconsistencies can be used to explore problems with data analysis or as a feature of the way in which the problem is constructed (Bryman and Burgess, 1994, p.223).

Finally, a note regarding the use of computer assisted analysis. "Computers cannot perform the creative and intellectual task of devising categories or of deciding which categories or types of data are relevant to the process being investigated" (Mason, 1994, p.108). Based on the small number of interviews, a decision was made not to use a qualitative analysis computer package. However, a computerised system to build an index of categories during analysis was useful and therefore the themes were entered into a spreadsheet programme. The themes and categories were thereby easily retrievable against the interviews and sources and could be entered into the spreadsheet and altered relatively quickly. The descriptive analysis involved the use of SPSS to produce the graphical representation of the variables although, as with any computer analysis, the interpretation could not be performed by computer.

5.6 The Data within an Interpretative Policy Framework

Lee (2011) criticises much of the existing scholarly research related to human trafficking as assuming that there is a 'truth' to human trafficking that robust research can reveal (Lee, 2011, p.16). None of the data in this research was afforded superiority or assumed to be a representation of the truth. In order to move the understanding of trafficking forward with this data, it must be viewed in relation to the theoretical framework outlined in Chapter 4; the foundation of constructionism and the development towards an interpretative policy framework. Thematic analysis within a constructionist framework does not seek to analyse the contributions of the individuals in relation to their motivation or beliefs regarding the discourse but in relation to the wider social constructions of the matter (Burr, 2003).

Kelly (2005) highlights the increased interest in the problem of trafficking during the 1990s and the consequent increase in output of international organisations. However, "publications may primarily reflect a claims making process, vying for influence over how the issue is understood and where it is located intellectually, symbolically and

materially" (Kelly, 2005, p.236). Trafficking is highly politicised; those with access to relevant data can influence how that data is used and the links to prostitution debates introduce a moral element which impacts on research (Tyldum and Brunovskis, 2005, p.18). Breuil et al (2011) focus on the ways in which victims and perpetrators are portrayed in narratives on women that vary on the basis of organisational, cultural and socio-economic interests. As in this thesis, Breuil et al (2011) do not suggest that one narrative of trafficking is the truth and that others are false but that the narratives "refer…to the way in which separate groups of actors shape "the truth"" (Breuil et al, 2011, p.31). This emphasises the importance of considering the data within the interpretative policy framework in order to maximise the efficacy of the analysis and discussion. Berman (2003) discusses the notion of dissonant statements in relation to human trafficking which are representations of trafficking that do not cohere with the dominant constructions of sex trafficking (Berman 2003, p.43-44). This underlines the importance of considering 'absent' themes.

Finally, much of the data can be regarded as 'legal' data and so it is worth noting a way in which legal processes can be understood. Hales and Gelsthorpe (2012) use a frame of reference described by Hawkins (2001) in their research regarding the criminalisation and victimisation of migrant women as trafficked victims. Using a similar approach, this analysis sets similar parameters emerging from the literature review. These contextual elements provided a way of viewing the themes as they emerge or identifying absent factors. Hawkins (2001) regards discretion as central to legal systems; it is the everyday behaviour and interpretation of the actors within the legal system that provide answers to the questions posed as a case is processed through the legal system (Hawkins, 2001, p.11).

Hawkins (2001) highlights the importance of a holistic approach when understanding decision-making within a legal context and within the context of a case (see Hawkins, 2001, Chapter 1). The decisions made in previous cases and the context of official documents provide a foundation for the decision-making in subsequent cases, thus a specific framing of a problem will result in decision-making over several cases becoming bound together. In particular, "the history of a case is especially important because the legal method compels the selective social reconstruction of the past" (Hawkins, 2001, p.31). The implication of this for policy is that discretionary practices framed in one part of the system will be transposed elsewhere (Hawkins, 2001, p.32).

In relation to the methods, this understanding of the way in which cases are processed provided impetus for accessing data throughout the criminal justice process with a view to considering the relational perspectives therein.

The "routine and repetitive decisions" (Hawkins, 2001, p.39) made by those involved in processing legal cases "leads to the development of shorthand ways of classifying cases and appraising each one by focusing on the extent to which it presents typical features" (Hawkins, 2001, p.40). When faced with cases that do not fit the 'norm', decision makers deal with this complexity by "moulding cases into a binary type" (Hawkins, 2001, p.40). Within the policy framework, this suggests that cases may be dealt with more easily within the dominant paradigm, whereas those that fall outside this construction present more challenges.

5.7 A note on the presentation of the findings

Due to the use of various data sources, a decision had to be made during the course of analysis and writing up the findings, regarding the best way in which to present the findings. Several ideas were considered, for example, organising the findings according to the institution of origin or by theme; merging all data sources under a single heading. However, ultimately, I decided to present the findings according to the data source. Whilst this has resulted in three findings chapters which may appear to contain some repetition, I believe this was the best way in which to present the findings clearly. Allowing the findings to be presented according to data type allows a separate consideration of the institutional source of origin but allows the interview data to be considered as one entity. This permits an additional consideration of the way in which professionals discussed particular themes, rather than merging the interview data with the documentary data and potentially losing its inherent richness. In addition, as described above, there were advantages in identifying a theme across several data types; displaying the findings in this way allows the reader to observe the evidence of reoccurrence. Finally, I decided not to present the findings on the basis of themes as this provided the format of the discussion chapter and I wanted to distinguish clearly between an informative presentation of the findings and a discursive consideration of these findings.

5.8 Conclusions

This chapter has outlined the data and methods with a view to explicitly stating how the data was analysed within the theoretical framework and how a mixed methods approach was adopted. The methodology allowed for the data to be analysed in order to identify reflections of the dominant construction of human trafficking and also the subordinate narrative streams viewed as points of resistance and challenge within the dominant construction. The methodology also allowed for the identification of gaps as well as substantive themes that emerged from the data.

Considering the challenges and experiences highlighted in the course of the research journey provided an additional perspective to the research. This further illuminated the theoretical framework and gave a further context to the data. Experiencing the process of researching human trafficking gave me another layer to understand the complexities of researching this area, particularly considering the political aspects of the area and the compact nature of organisations and individuals involved.

Chapter 6 - Qualitative Findings 1: Findings from Documentary Data

6.1 Introduction

This chapter provides details of the findings from the analysis of the qualitative documentary documents; the pre-sentence reports and the qualitative sections of the OASys reports. These findings are presented separately as, although both documentary sources prepared by probation officers, they have different purposes which may impact on their content.

6.2 PSR findings

This data consisted of ten pre-sentence reports for individuals convicted for human trafficking cases. The data all related to migrants and represented eight male and two female offenders also convicted in 2003-2008 and so are within the seventy-one cases in the quantitative dataset. Due to the nature of pre-sentence reports, a key aspect of the narratives in this data was a description of the level of responsibility taken for the involvement in the offence. PSRs are used to inform the sentence in relation to factors which may impact on sentence length. Although the version of events and the level of culpability presented to the PSR writer may be influenced by the offender's awareness of their impending sentence, the PSRs are also informed by a range of other sources; victim and witness statements, police documents and evidence presented during the court hearing or trial. Therefore, within the theme of responsibility, there was an interesting parallel observation of the congruency between the offender's account and the accounts presented through the other sources. PSRs are limited in that they are administrative data and therefore the narratives are essentially official. However, the document, and its production, had a close proximity to the offender and a variety of other information which widened the basis of the information.

6.2.1 Responsibility and role in the offence

The PSR data indicated that the offenders took limited responsibility and minimised their involvement in the offence, although most submitted guilty pleas. There were key differences in the way in which responsibility was attributed to the female offenders

compared to the male. Where the men presented accounts that differed from the other material, the PSR writers described that they could not corroborate the accounts with reference to the other evidence used in the preparation of the PSR. One PSR stated that the man's explanation of his involvement was "far-fetched" (PSR 9) whilst another introduced his account; "somewhat unbelievably" (PSR 4). All male PSRs indicated that the offender was failing to take responsibility for the full involvement in the offence. Both PSRs relating to female offenders described the women as naïve and that they were involved in the activity to a lesser extent than the male co-defendants and/or, due to their intimate involvement with another co-defendant. Although the role of the female offenders was clearly outlined in the PSRs, the writers did not highlight the presence of minimisation as they did with the male PSRs. In one of the female PSRs, the writer suggested that she became involved as a result of indirect threats due to the nature of the violence and threats towards the victim; a suggestion that was not accepted by the offender. This was reflected by the writer as evidence of the controlling element of the relationship between the co-defendants.

There appeared to be elements of the activity for which offenders were reluctant to take responsibility. Trafficking accounts indicated various roles; recruitment, transportation, organising sexual encounters and providing accommodation. However, in all PSRs, offenders denied an active participation in all or some of the sexual elements of the offence and five PSRs denied knowledge that the victim was working as a prostitute against her will. One PSR described evidence presented at court that the defendant had been involved in uploading sexually provocative photographs onto the internet which was denied by the offender. This discrepancy was not explored further but emphasis was placed on the refusal to engage with a discussion regarding this element of the offence despite the evidence to the contrary: this minimisation was linked to increased risk. Further to this, most PSRs reflected a lack of recognition of the impact on the victim and a lack of remorse. This was a significant feature of the PSRs, noted as a risk factor and point of concern by the PSR writers. The concept of risk was interesting in relation to these offences as the notions of risk, responsibility and remorse were discussed in the same way as they would be for high volume offences, such as burglary and robbery. However, it is possible in these cases that the relationship between the perpetrators and the victims, within a migratory framework impacts on the way in which risk applies to these cases. This will be considered further in the following discussion chapter.

6.2.2 Victim experience

The PSRs all described high levels of physical, sexual and psychological trauma experienced by the victim which was presented as a justification for the classification of the offender as high risk of harm. Most PSRs outlined a relationship between the victim and the offenders which compounded the trauma suffered by the victim. This was particularly the case in relation to the sexual elements of the offences and the PSR writers expressed concern that there was little remorse in relation to trauma suffered by victims that were either a friend or family member of one of the network. Several PSRs highlighted a breach of trust on the basis of a relationship between the victim and the offender which increased the seriousness of the offence. To illustrate,

> *"it is clear from the victim's statement that [he] had previously shown her some kindness in securing medical help for her. However, this trust was later exploited when the victim was sent to work as a prostitute on the streets of [town]"* (PSR 7).

The relationship between the victim and an offender was described by PSR writers as a key factor in the process of decision-making to move to the UK. However, this was one of a number of factors that may have influenced the migration journeys of both of the perpetrators and victims.

Eight of the PSRs indicated that the victim was aware that she would be working as a prostitute on arrival to the UK although remuneration for the work was not received as promised. One victim had travelled to the UK on the promise of making large sums of money as a dancer/prostitute but, following each sexual encounter, "all monies were distributed between all of the co-accused" (PSR, 3). A further case described the perpetrator taking money from the victim for her accommodation, transport and food; "the victim states that she was left with no money following these contributions" (PSR, 5). Several victims described a lack of agency in their prostitution; for example, the number of men with whom they had sexual relations. The other two PSRs described victims who believed they would be working as waitresses in the UK. These two cases contained descriptions of a higher level of violence. In addition to the experiences suffered during the course of the trafficking offences, four of the PSRs described other offences that were convicted separately to the human trafficking offences (two counts of rape and two serious physical assaults).

6.2.3 Offender background

6.2.3.1 Migration journey

All PSRs described a migration journey undertaken by the offender which related to other factors; employment, the country of origin and structural inequality. The PSRs described the employment situation in the offenders' countries of origin as poor which was frequently cited as motivation for migration. Half the offenders described making remittances to their families in their countries of origin, which provided the impetus for them to remain and work in the UK. Nine of the ten offenders were engaged or trained in manual employment, primarily construction, in their countries of origin although had worked in a series of jobs in the UK mostly in hotels and restaurants. Eight of the ten PSRs were regarding offenders from outside the EU and therefore their status and employment in the UK were outside legal employment arenas. Countries of origin named in the PSRs were the Czech Republic, Lithuania and Romania (some represented more than once). These narratives suggested that they were irregular migrants who would not be able to pursue legitimate work opportunities.

Two of the PSRs described a migration journey where the offenders were promised an employment opportunity by an acquaintance in their country of origin, travelling to the UK on the basis of this promised work and then, on arrival, finding that the work was not available. Their financial situation then compelled them towards other options.

6.2.3.2 Criminal history

All PSRs described criminal history. Half of the offenders had no previous convictions, including the two women. The other half had convictions for a range of offences although all had only one or two convictions variously; possession of drugs, fraud, shoplifting and immigration-related offending.

6.2.3.3 Motivation

The PSRs all highlighted financial gain as the primary factor for involvement in the activity. The primary motivation for money seemed to be rooted in the desire to support families in their countries of origin. Accounts of finances suggested that their situations were very disadvantaged. Most perpetrators had dependants in their countries of origin to whom they made remittances which left them with little money. One case described the offender as being in significant debt in the UK; £7,000 with no source of income

(PSR, 8). Only those perpetrators in the UK legally had 'legitimate debt' owed to housing or utility companies. The nature of the financial disadvantage for those perpetrators who were not legal migrants is not described in detail although half of the PSRs described the perpetrators and their families as 'poor'. In six of the PSRs, the offenders lived with either extended family or friends, which suggested that they did not have sufficient finances to secure their own accommodation.

All accounts described the sexual exploitation of the victims although only three of PSRs suggested direct involvement in sexual abuse of the victim. The PSRs did not describe the human trafficking offences as being sexually motivated although the two with accompanying rape offences made links to the sexual motivation of rape.

6.2.3.4 Education

All offenders were educated to a basic level in their countries of origin and age of school leaving was described as being approximately sixteen. The PSRs outlined a fairly low level of educational attainment and the offenders were either unemployed (4), worked in construction (4) or in hotels as a cleaner (1) and porter (1).

6.2.3.5 Family background

Most PSRs described the offenders' backgrounds as functional. Most offenders were in an intimate relationship; the two female offenders were in relationships with co-defendants in their cases. Seven of the ten cases had children, including the two female offenders. The children of the male offenders all resided in the countries of origin while the children of the female offenders were also in the UK.

6.2.4 Networks

The networks described were all small, consisting of five co-defendants at the most but more often three. The element of what is termed 'group enterprise' in the PSRs was used as evidence that the activity involved a degree of organisation and therefore increased the seriousness of the offences. The PSRs described a number of relationship types between the actors; family, friends or acquaintances made through employment or mutual acquaintances. The networks were ethnically homogenous and the victims were frequently the same nationality as the offenders.

The description of the offences and activities undertaken by the individuals in the commission of the offences described a number of roles as follows;

6.2.4.1 Recruiting

This involved the recruitment of the victim in the country of origin or within the UK into the activity. This role was one that offenders admitted to and was distanced from the sexual element of the offence as the offenders describing this element frequently stated that they thought the victim was willing to work in the sex industry. In all the PSRs, the victims were recruited by a relative (4) or friend/acquaintance (6) with whom they had previously had contact in their home country.

6.2.4.2 Accommodation provider

All PSR accounts described the victims staying in accommodation belonging to either one of the co-defendants or a family member or acquaintance of a co-defendant.

6.2.4.3 Transporting

This involved driving the victims to and from their accommodation to premises where they were prostituted. The typical arrangement described in the PSRs was off-street prostitution arranged by the perpetrators. Both female offenders were described as taking this role.

> *"In interview, [female offender] accepts she was aware that the victim was working as a prostitute and would be involved in taking her to pre-arranged meetings"* (PSR, 7).

"[Male offender] described that following the visit by [co-defendant] to his home, an agreement was made for the victim to be taken to an address. [Male offender] acknowledged that he transported the victim to the venue and returned later to collect her. He stated that he was aware that this was so that the victim could engage in sexual activity for money but maintained that he had not been involved in the organisation of this arrangement" (PSR, 8).

6.2.4.4 Organising sexual activity

This role was the one least acknowledged by the offenders: the organisation of the meetings between the victim and the customers. Although infrequently acknowledged

and blamed on other members of the network, the PSR accounts suggested that the offenders were involved in this element of the offence. The nature of the arrangement outlined above suggested that the prostitution was advertised in some way; this may be linked to the explicit photographs which were taken in two of the cases although the practicalities of arranging the sexual encounters were not detailed in the PSRs.

6.2.4.5 Handling money

This involved the collection and distribution of money. As above, the PSRs provided financial motivation as the primary reason for involvement in the activity. The PSRs referred to case file evidence that the offenders gained financially from the arrangement; the money from the arrangement went directly to A's co-accused and threats were made against the victim in order to keep compliant (PSR, 10). The victim in PSR 2 described the money being shared between the co-defendants.

5.2.4.6 Abusing

Individuals in this role performed physical and/or sexual abuse of the victim or threats which maintained control over the victim. Although the PSRs described the impact on the victim as significant in terms of physical and sexual abuse, it appeared that this was not inflicted directly by the offenders in six of the cases. The physical and sexual trauma experienced by the victims in these was as a result of the sexual activity with customers. In four PSRs (relating to male offenders), the additional offences indicated direct involvement in physical and sexual abuse of the victims. However, due to these offences being heard separately, the details of the offences were not included in these PSRs.

The PSRs did not highlight substance use or mental health as significant factors.

6.3 OASys findings

The findings discussed in this section relate to the free-text sections of nine OASys assessments of offenders convicted for human trafficking offences. The cases did not appear to be the same as those represented in the PSR data. These assessments were carried out post-sentence and so the issues regarding culpability were different since the sentencing decision had already been reached. OASys assessments are carried out regularly (generally, National Standards require assessment every sixteen weeks). The

OASys assessments comprising this data related to reviews carried out with offenders within six months of their sentence. As the primary purpose of OASys assessments is to review risk of harm and risk of re-offending, this was a key theme arising from this data.

6.3.1 Offender background

6.3.1.1 Migration journey

The OASys data included detail regarding the migration journeys experienced by the perpetrators in their migration to the UK. Six of the nine cases travelled to the UK to find work. Cases naming the country of origin referred to Albania and Romania. Three of the cases suggested that their employment opportunities were restricted by co-defendants; O6 travelled to the UK on the promise of work but no work transpired and so he 'solved' this problem by sending for his ex-partner whom he knew would work as a prostitute and earn money for himself and the man who had assisted his migration. O8 moved because

> *"his family were struggling financially, he decided to work in the UK. He stated that he hoped to get employment in construction or agriculture but [co-defendant] would not let him leave the property unaccompanied and therefore he could not seek employment"*(O8).

The two female offenders in the OASys data travelled to the UK with their partners so that their partners could find work. The remaining case did not include any information regarding the migration journey. Of the nine cases, only one perpetrator was working legitimately at the time of the offence. Two of the cases (one male and one female) were in the process of making asylum claims at the time of assessment. Two of the cases made detailed links between work and making remittances to their country of origin. One male offender's parents had paid £8,000 for him to travel to the UK on the understanding that he would assist them financially once employed. These accounts of migration for employment, the financial situation of families in the country of origin and remittances suggested perceived and fundamental inequalities between the countries of origin and the UK.

6.3.1.2 Criminal history

Seven of the nine cases had no previous convictions, including the two female offenders. Of the remaining two cases, one had a previous acquisitive conviction in the

UK related to drug use. The assessment highlighted that this was no longer an issue for the individual as he was no longer taking drugs. The remaining case had a previous conviction for fraud in the country of origin.

Substance use and mental health issues were not highlighted as significant issues in any of the cases.

6.3.2 Networks

The data described the co-defendants involved in each case and the relationships between all the defendants. All the cases consisted of small networks; two consisted of five individuals, four consisted of four offenders and three consisted of three individuals. Although it is possible that others participated in the activity, those who had completed the OASys assessments had access to the case information, including witness statements. Most accounts of the offences included a description of the recruitment, the journey to the UK and the exploitation phase, with involvement by the defendant/s at one or a number of these stages. The nature of these accounts suggested that the networks were, for the most part, complete as they described the process from end to end.

The networks primarily consisted of men although all except one of the networks included at least one female trafficker. In all networks featuring women, with one exception, all of the women described in the networks were partners of a co-defendant. Five of the nine cases had at least two co-defendants who were related to each other, all either fathers or uncles, sons or nephews. Eight of the cases described the co-defendants as having some shared history; childhood friends, business acquaintances or friends. In the remaining case, the offender stated that he had not met his co-defendants prior to his participation in the offence.

The data gave rise to the following findings regarding the recruitment of victims and the relationship between the victims and perpetrators, the level of awareness in relation to prostitution and the arrangements for their sexual exploitation

6.3.2.1 Recruitment

In five of the cases, there was a relationship between the offender and the victim (either as a relative or a friend), which was instrumental in the recruitment phase. In these cases, the relationships were mentioned in relation to the migration choices. In four of

the cases, the victim travelled to the UK because the friend/relative had assured them that work would be available;

> "The victims were [offender's] sister-in-law and her friend. [The offender] persuaded them to come to England where he told them he could find them work in a restaurant or a bar" (O8).

In one of these cases, the victim was an ex-girlfriend of the perpetrator who persuaded her to migrate and work as a sex worker;

> "he facilitated the victim's arrival here, knowing she was a prostitute, helping her to do that and in return expected to be rewarded" (O6).

In another of these cases, the victim travelled to the UK whilst pregnant having been promised accommodation so that the baby could be born in the UK (O7). Finally, one of the remaining cases described a sexual relationship between the perpetrator and the victim; confirmed in the victim statements. There was no prior relationship between the perpetrator and the victim in this case, it appears that the relationship started once the victim had arrived in the UK, having answered an advert in her country of origin and migrated on the basis of work promised through this advert.

The decision of the victim to migrate to the UK appeared to be made primarily on the basis of work being available, a notion frequently relayed to the victim by a relative or friend. In the cases where there was no prior relationship, the victim travelled for the purposes of work, having in one case answered an advert, described as being "targeted by individuals with the promise of securing better paid employment" (O3). The journey was then described as being 'arranged' by the offender. In five of the cases, the victim was accompanied on the journey by the defendant.

6.3.2.2 Awareness of sex work

Only two of the nine cases involved victims who knowingly migrated to work in the sex industry. One of the victims travelled to the UK after having answered an advert to be a dancer, having explicitly stated that she did not want to work as a prostitute;

> "[defendant] approached her about going to the UK. He told her that she could make money through having sex with men but she told him that she wanted to remain as a dancer" (O2).

Six of the victims stated that they were forced into prostitution, five having been promised alternative employment and, as above, one travelled in order to give birth in the UK.

Five of the cases detailed the way in which the victims were forced into prostitution. All included the use of violence or threats. In two of the cases, the victim/s were held against their will and threats were made regarding their families; "[victim] was held against her will and told that her family would be killed if she tried to leave" (O5). Direct violence was used in three of the cases, one carried a separate charge of ABH and another for rape; "[victim] had sustained injuries that confirmed she had been assaulted" (O2). In two of the other four cases, the victims' passports were taken from them.

6.3.2.3 Arrangements for sexual exploitation

The assessments contained some information regarding the arrangements for the sexual encounters which took place off-street in all but two of the cases. Of these two, one knew she would be working as a prostitute and had agreed to share some of the earnings with a man who was her ex-partner. In the other case involving on-street prostitution, the members of the network convicted for trafficking drove the victim to a street location and waited within sight of the victim (O2). All the other cases except one involved off-street prostitution where the victims were driven to private houses to have sex while members of the network waited; "[the victim] was driven to homes of men to have sex while [the co-defendants] waited" (O1); "[offender] transported the victim to various locations and took money from her following liaisons" (O3). In the remaining case, the victims had been advertised to

> "wealthy clients in a manner that insinuated that they were virgins…
> [offender] asked for £50,000 for each girl and said they could be broken in"
> (O4).

All cases described the women as being housed in private accommodation which, in combination with the circumstances of exploitation, resulted in their almost constant supervision.

6.3.2.4 Prostitution and responsibility

Throughout the assessments, the offenders discussed the level of responsibility taken for the offence in relation to whether they had prior knowledge that the victim was working as a prostitute and whether they were doing so willingly. Four of the offenders attempted to justify their behaviour by stating that the victim was aware she would be working as a prostitute;

> *"[offender] stipulated that the victim had made her own decision to become a prostitute and that he merely took advantage of the opportunity to profit from it"* (O1);

> *"[offender] stated that [victim] only came to the UK so she could work as a prostitute and she had agreed to share the earnings from it – he said it became a problem when they disagreed about how much he should have"* (O6).

In two of the cases where the victim had clearly stated that they were unaware that they would be working in the sex industry, the assessments suggested that the offender limited their culpability by stating that the victim had asked about working in the sex industry;

> *"[male offender] accepts a limited amount of responsibility stating that the victim enquired about working in nightclubs and on the streets"* (O3),

or that they did not know that the victim had been promised alternative work;

> *"[male offender] was aware that some of the women he transported were involved in prostitution but thought they were there of their own free will and he thought he was doing them a favour"* (O4).

Finally, another case linked prostitution with the concept of responsibility citing cultural differences; the offender "attempts to avoid the seriousness of his actions by claiming that prostitution was rife at home" (O9).

6.3.3 Gendered explanations

In both assessments of the female perpetrators, the Probation Officers made efforts to explain their involvement in the offence which did not form part of the accounts of the

male perpetrators involvement. In one case, cultural issues were highlighted as an explanation;

> *"clearly the men were the leaders and the women defendants were expected to follow. There were cultural and ethnic issues at play…she is expected to follow her partner's instructions"* (O7).

However, at a later stage, when discussing the financial aspect of the offence, the following comment was made;

> *"the motivation for money is a major driving force given the struggling financial situation, rather than any cultural obligation"* (O7).

In the second case, the role of the female perpetrator "played a lesser role in the arrangement" (O9). Both cases suggested the presence of abuse between the female and male co-defendants whereby the women were acting under pressure from the male offenders; "there may have been consequences for the defendant if she hadn't followed instructions" (O7) and "power and control played a part in her participation in the offence" (O9).

6.4 Summary

The following key findings emerged from the documentary data.

- An identifiable gendered narrative regarding the level of responsibility both attributed to and taken by offenders, the roles performed during the offence and the significance of intimate relationships between offenders.
- The presence of relationships between offenders and victims which was viewed as key to the processes underlying migration.
- Migration journeys of offenders both restricted and presented opportunities which impact on the pathway into this offending.
- A complex association between migration, sex work, exploitation and the concept of agency on behalf of the victim.
- Convicted offenders have a range of previous convictions, several with none
- A financial connection to the country of origin in the form of remittances.
- The networks were described as small and cohesive with close ties between actors who take on various, non-mutually exclusive roles.
- A notable absence of the concept of organised crime.

Chapter 7 - Qualitative Findings 2: Interview Findings

7.1 Introduction

The following findings arose from eleven 'expert' interviews. The police officers were a detective inspector, a detective sergeant and two detective constables from three different large metropolitan force areas who worked in specialist units which working with trafficking offences amongst other sexual offences. Three of the CPS prosecutors worked in conjunction with SOCA and two worked with regional police forces. All had prosecuted several cases involving charges of human trafficking. The two members of staff from sex worker support agencies worked in two large metropolitan areas and had been involved with the organisations for nine and four years (referred to as SWS). I conducted all the interviews between May 2011 and July 2012.

7.2 Identification of cases

Three of the four police interviewees discussed the way in which trafficking cases came to the attention of law enforcement. Relationships established between the police and sex workers and sex worker support organisations played an important role in this respect with three police officers who stated that information about potential victims arose from these sources;

> "there were these foreign girls but maybe they wouldn't see them that much
> but they'd sometimes be worried about them because they looked young or a
> bit scared or didn't seem to know the score" (P1);

Another case described a prostitute who reported activity to the police which had roused her suspicion as the victim had originally arrived in the middle of the night, she had not been seen by any of the other women and the witness had heard arguments between the victim and the perpetrator where she was asking for money and her documents (P4).

Two of the four prosecutors and one police officer discussed the importance of family or charities in the country of origin contacting the authorities on the basis of anxiety regarding their relative (P2). The two prosecutor interviews identified charities in other countries as a useful point of liaison for victims and their families and the CPS throughout the trial process (CPS2, CPS4). The support workers described having been alerted to trafficking cases by both the victims and other sex workers who passed on concerns. However,

> *"we wouldn't necessarily contact the police, we would encourage the woman to do this if she wished but…sometimes people would rather return home if they have managed to get to us then we will help them with that"* (SWS2).

One of the prosecutor interviews suggested that brothel raids were used as a means of identifying trafficked victims but highlighted the limited success of this approach;

> *"most of the time when they raid a place, no one is willing to talk. When I've had any kind of involvement in any operations and they give the results, there are never very significant outcomes"* (CPS4).

Furthermore, the interviews with the sex worker support workers suggested that brothel raids were used as a way of targeting migrant women and did not frequently result in the identification of trafficked women;

> *"it's not like we have a great relationship with the police, they will leave some of the premises alone to a certain extent but there are, there can be times where we're, let's say not convinced about their motivation for raiding a particular premises, there's not been any information that there are trafficked women there and then, bang, after the raid, women are deported or disappear"* (SWS1).

Brothel raids were discussed in two of the police interviews, one in relation to Operation Pentameter, questioning the success of the operation (P2). The other discussed a particular case; we

> *"went in to try to identify trafficked girls and to target the traffickers. It was a bit, well, I don't think it went as planned. We didn't find any victims at our location or no-one that would say anything anyway. One of the girls jumped out the window and disappeared"* (P1).

Additionally, one prosecutor interviewee identified a successful operation which located a set-up which was trafficking people for fraud. Traffickers were moving people into the UK from another EU country, using them to open fraudulent bank accounts, apply for credit cards and to obtain welfare (CPS1).

Finally, some victims took any opportunity to escape from their situation. A prosecutor described one case "where a victim managed to run out of the brothel door as one of the punters was leaving and she just ran out in her underwear into a fish and chip shop" (CPS1).

7.3 Prostitution/Trafficking Nexus

All the interviewees discussed the complex relationship between trafficking and prostitution and several themes arose from this area and reinforced the primacy afforded to trafficking for sexual exploitation. Most interviewees discussed the level of awareness in the victim of their prospective work as a prostitute when they travelled to the UK. One of the support workers stated having never encountered a case where the victim had no idea that they were coming to work in the sex industry;

> *"I think it's the stigma, the stigma that stops victims from saying that's what they migrated for, it's more acceptable and maybe less shameful to say that you thought you were going to work in a café but really, the knowledge is there"* (SWS2).

One prosecutor stated that "some victims are completely naïve and others are more knowing victims" (CPS1). In relation to the evidential and prosecution process, three of the prosecutor interviews and three of the police interviews indicated that it did not make a difference to the likelihood of conviction if the victim knew she was migrating to work in the sex industry. The following quote highlighted an interesting perspective of a prosecutor in considering the strength of the victim in outlining the reasons for her migration;

> *"I remember one in the witnesses box and she was asked were you a prostitute and she said, yes, I know exactly what I was going to be doing here but I came here because I wanted the money for my children at home and I wanted money but I didn't come to earn money for them [the traffickers] and I thought, what I great answer…I came here freely to earn my own money and not be exploited"* (CPS1)

This effectively illustrated the balance reflected throughout the interviews between recognising that knowingly migrating to work in the sex industry had the potential to present a stigma in the court proceedings and having the right to make that choice for financial reasons and not to be exploited in this venture. Another interviewee described a case which illustrated the overlap between smuggling and trafficking and how cases can move between the two; the victim had travelled to the UK knowing she would be working as a prostitute as a friend had told her she would make more money. She was flown in by the friend and initially she was satisfied with the arrangement; she was

paying back the money and understood that after that she was free to go but that never happened.

> *"He carried on taking the money so she was having sex with she said 5 or 6*
> *men a day for about £25-£30 and she never saw anything"* (P1).

A similar situation was described by another police officer; the victim was described as being from a poor background, living with her parents; providing and caring for them. She was offered work as a dancer although she knew it would probably involve sex work but she had been working as a sex worker in country of origin earning £5 for sex so she thought "she'd nothing to lose". Her brother-in-law paid for travel and his friend met her at an airport in the UK. She was then taken to a brothel and when she woke up to find that her money and documents were gone and she had been locked in (P4). One of the support workers discussed the difficult and "isolated" situation in which victims find themselves if they had been trafficked by their families; "they haven't got anyone to go home to" (SWS1).

One of the prosecutor interviews suggested that a 'knowing' victim can impact on proving the element of coercion;

> *"it's difficult because you've got a lot of girls coming willingly, they suffer*
> *this occupation abroad and so they come willingly…it is a problem during*
> *trial because you've got to prove coercion"* (CPS2).

The interviewee went on to describe that it was the perception of the jury that was difficult to manage, that the situation was more complex than just the presence or absence of coercion but

> *"it's the perception that if I'm bringing you in against your will, you'd be*
> *kicking and screaming…but it doesn't work like that"* (CPS2).

The interviewee exemplified evidence submitted by the defence to try to negate the element of coercion, such as a CCTV recording of the victim willingly walking into the UK with the perpetrator and suggested that this is superficial and does not capture the nuance of the activity. Further comments in another CPS interview suggested that coercion could be proved through other evidence

> *"violence, threats…they threaten their families, you might see a*
> *text…withholding their passports"* (CPS3).

This illustrated the practical difficulty of the stereotypical perception of a 'trafficked victim' and the reality of women in these situations. This balance was reiterated in relation to other themes and is referred to below.

Despite the significant evidence that being a 'knowing' victim did not generally impact negatively on the prosecution process, it was evident that the victim's status as a knowing prostitute was not an entirely neutral factor. When discussing the issue, several interviewees added caveats; "I'm not saying they deserve it or anything" (P1); if the victim has not been lied to,

> *"it's then more to do with the like the working conditions than a criminal offence…of course it isn't that and I would gather the evidence in the same way"* (P4).

Two of the prosecutor interviews and one of the police interviews suggested that the victim's status did not make a difference now but historically this may not have been the case, comparing the cases to rape where the character of the victim was discussed during trial; "I think years ago that might not have been the case but people are more enlightened now" (CPS3).

However, there were indications that a knowing victim may indirectly impact on the judicial process;

> *"where it might be perceived that they were happy to go along with it, that they've not been trafficked but they've been exploited…they might get a plea to a lesser offence concerning prostitution for gain"* (P2).

The element of coercion was perceived as difficult if people knew they were coming to work as a prostitute

> *"you're trying to look for something that deceived them and it's not always black and white…if someone is quite upfront and street wise and you know these women are not always, they're not naïve…they know what's what and they're trying to improve their situations or help families or whatever"* (P1).

One of the support workers felt that,

> *"the right girls will get a lot of help, you know from various authorities and projects whereas it is more difficult for those who, shall we say, are seen to have made bad decisions"* (SWS2).

Furthermore, processing these cases could be difficult if the victim's family were not aware of the nature of their work, making the victim reluctant to continue with a prosecution without the ability to be open with and gain support from her family (P2). Although the victim may be 'knowing', her family may not, another factor identified which impacted on the prosecution process. In one case a victim had told her family

she was helping the police because the owner of the bar had been convicted for fraud. Her family were not aware of her work as a prostitute and were providing her with support and accommodation following her return to her country of origin. Guidelines stipulated frequency of contact and communication with the victim but in this case, communication had to be limited; "we had to be very careful about running roughshod over" the wishes of the victim (CPS1).

Some of the interviews recognised that there was a stereotypical narrative of trafficking;

> *"the archetypal trafficking [victim] is the person who's been made to be a sex worker yet there's no reward and they're only doing it because of the intimidation"* (P2).

However, with reference to the discussion above, it did not appear that this was the most common type of trafficking case processed through the CJS. On a wider scale, one prosecutor interview identified the stereotypical perception of trafficking as an issue in proving the offence and the defence had used this – raising the question

> *"wouldn't trafficked victims be taking every opportunity they've got to escape and the jury, who don't have a very wide understanding of the offence can start to have doubts about whether it is a genuine trafficking case"* (CPS2).

There was a sense which emerged from the interviews that the victims' experiences were perceived by the CJS as serious;

> *"some of the stuff she said was awful...you wouldn't want to stay in the country, would you, after all that shit"* (P1);
> *"that case was awful, a family business, sending your niece out to have sex with men so that you've got some money in your pocket"* (CPS4);
> *"it's all a bit distasteful, I find it quite offensive"* (CPS1).

Interestingly, these three interviewees were all female.

Victim coercion was described as operating in a number of ways. A lack of knowledge in the victim's family sometimes provided the opportunity for blackmail to continue working or the family would be informed of the sex work;

> *"she was spat on, not let her wash, told that she still owed money, threatened her and her family and kept saying how important it was that she provided for her sister and parents and that she hadn't told her parents what she would be doing and so threatened that they would tell them"* (P4).

One of the CPS interviewees described a similar case where coercion operated on the same basis. This case involved two female traffickers who were trafficking female victims and blackmailing them;

> *"taking pictures of them…and this one picture of this girl, she looked desperately unhappy, it was awful, so you know, forcing them to pose and then putting these photos on a website and saying to her look, if you don't do as we say or if you try to leave, we know where your family live…and we'll send them the photos and tell them you've been working"* (CPS4).

Again, the language used in this description, *desperately* unhappy and the voicing of opinion illustrated the perspective of the interviewees towards this activity.

7.4 Victim/perpetrator relationship

The interviews evidenced a variation in the level of relationship between the victims and perpetrators. One prosecutor stated that the victims are mostly strangers;

> *"they can see a girl at a bus stop, stop the car, chat, maybe arrange a date in, in the nearest big city next week and you go to a party and they they're saying, you know, we're thinking of going over to England"* (CPS1).

The same interviewee went on to suggest that girls end up in difficult or dangerous situations because, having built up some kind of relationship with this individual, they think "it won't happen to me and you're with somebody who you think you can trust" (CPS1). The element of trust was highlighted in other interviews as an important point in the process. Discussing a case where the victim had been trafficked by her brother-in-law, a police officer stated,

> *"the [country of origin] police also took a statement from the victim's sister…saying that she hadn't known about the circumstances and her partner had been giving her the money saying that her sister was earning 60% and she'd trusted him, they'd both trusted him"* (P4).

One of the support workers outlined a similar case involving the exploitation of a relative adding, "She wasn't stupid, you know, she was a streetwise working girl but she trusted him, he was family" (SWS2).

Most interviews indicated that there was some prior relationship between the offender and the victim.

> *"There seems to be some level of relationship between the perpetrators and the victims, you know, they're often family or friends they bring in"* (CPS3); *"most of the girls don't have any family and if they're being exploited by their families then there's no one to support them"* (P2).

One of the prosecutor interviews suggested that a relationship between the victim and perpetrator can help with making threats to the family or threats that they will tell the family what the victim has been doing; the relationship facilitating the coercion process outlined above (CPS4). Several cases were described where the traffickers were family or friends; an uncle and cousin (P1), brother-in-law (P4), friend who said she could make more money as a sex worker in the UK (P1), brother and brother's partner (SWS1).

7.5 Structural inequalities

The police and prosecutor interviews both identified inequalities between the UK and countries of origin as potential reasons for the victims choosing to migrate and for traffickers becoming involved in this activity. These inequalities are the framework within which people are making the decision to migrate, the complexities of which are illustrated effectively in the following quote;

> *"I remember dealing with this girl and it was described to me that her father was a woodcutter and they lived in a sort of hut…and when you looked at it, it was like one of those huts in the park where you get your putters…it's wasn't nice, there were no walls and the rooms were divided by that stuff you put down when you're doing a damp course…her parents appeared to be alcoholics and she was working in the week and then going at the weekend picking potatoes…and really and truly although she half hoped that she was going to get this cleaning job when she got to England, she did have a suspicion at the back of her mind that all might not be as it seemed but she was so desperate so she just thought I'll have to do it and even if I have to work in a brothel then alright"* (CPS1).

Interviews indicated that almost all traffickers encountered are migrants, born out in other data sources. One of the police interviews explained this on the basis of cultural differences in attitude;

"in some of these countries [of origin] women are seen as property…if a woman can be a piece of property then the person you are exploiting, you don't consider them as people" (P2).

Alternatively, one of the prosecutor interviews considered that traffickers who were migrants often sent money home to help very poor relatives which, "may be due to the strength of the pound, particularly when the money is sent home to relatively poor countries" (CPS4).

Victims were described as originating from poor backgrounds and migrated for financial purposes. In the countries of origin,

"there's just no work, you spend all day gathering sticks to put on your fire…to these people who've got nothing [town] is really attractive, they're looking to improve themselves" (P2).

The poverty of the victim was reflected in other police interviews highlighting the inequalities between the countries of origin and destination; "I think she was poor [victim]…a different kind of poverty than we know here" (P1); If you come from a country where there is,

"no running water, no lighting, no heating then you can live in a terraced house in a pretty rough area but you've got food, heat, light, water and shelter, it's acceptable, attractive even" (P3).

The vulnerability of the victim was frequently stated in various ways. Victims were described as vulnerable by virtue of their background as "alcoholics, single mothers" (CPS3).   One police interviewee suggested that "initially, maybe we didn't fully appreciate the vulnerability of the victims" in addition to the levels of corruption of police in their experience in some of the countries of origin that makes it difficult for victims to trust the police here (P3).   Another aspect of vulnerability was suggested through the place of victims in the society of their country of origin;

"you need to question the role of females in these communities…what kind of freedoms do they actually have and I'm not so sure they have a lot of freedoms" which leads to the ease of their victimisation (CPS3).

The vulnerability of the victims was exacerbated by their circumstances and led to their inability to escape;

> "the victims I've dealt with, they couldn't walk away, they weren't able to, they don't have any money, they don't have any means of transport, they don't know anyone" (CPS4).

Despite the presence of the narrative outlined above regarding 'knowing' victims with a level of agency in their migration, the emphasis of vulnerability presented in these interviews linked into the dominant paradigm in relation the construction of the victim.

7.6 Criminal Justice Procedures

7.6.1 Aspects facilitating positive process

The most frequently discussed aspect of processing these cases successfully appeared to be the collaborative work of the police and the CPS throughout the judicial process. This had the effect of creating specialists who were knowledgeable and experienced in working with these offences. This relationship between the police and the CPS was cited in almost all the interviews as being a positive aspect of investigating these types of offences and as a factor in the high incidence of prosecutions. "We work closely with the CPS and they have input from the beginning" (P1). A metropolitan CPS office had set up a weekly charging clinic for a specialist department which dealt with trafficking cases which allowed the police to seek specific feedback on their investigations; "that way, we have a better handle on the case, there are no nasty surprises later on" (CPS3). Having involvement in the cases from inception and through the process of gathering evidence gave the CPS awareness of what the consequences would be if the evidence was gathered in a particular way and there was continuity of prosecutor (CPS 1). Another police interview stated that it was easier to secure a conviction if there had been good communication between the police and the CPS from the beginning (P3).

Several interviews identified international cooperation as a positive experience in dealing with cases. The interviewees referred to: good communication and information sharing (P2); effective translation services and involvement of organisations in the country of origin that provided support and information regarding the court process to the victim (CPS1). P4 also described a case who was able to obtain money from a local charity for travel to the trial; obtaining previous convictions and background information relating to the perpetrator (CPS1); and generally high levels of communication (CPS4; P4). The

"process of working with international organisations to gather evidence and help support victims through the process has aided prosecution and made it easier for the victims to go ahead" (P3).

The interviews also highlighted inter-agency co-operation as a positive factor (P1; P4; CPS2; CPS3), which was reflected to an extent in one of the support worker interviews:

"the ones who work regularly around [area], they're alright, they work hard for the victims and they leave the workers alone mostly, don't get me wrong, there are problems but the ones who specialise in sex offences, they mostly handle things properly" (SWS1).

The evidential burden in trafficking cases was predominantly on the victim. However, most interviews identified tools or methods that helped to lessen the victim's burden. The victim's evidence was supported by physical evidence e.g. lack of clothing, possessions, children who did not attend school (P2). Technological and other developments providing support to victims were identified as a supporting factor; having a screen between the victim and the perpetrators and entering court through a different entrance (CPS1), giving evidence over video link (P3) and having support provided by specialist volunteers (SWS1). Providing corroborative evidence has been also been aided by technology; the system of money transfers can be used to track people if they had sent money to another country, tracking flight schedules and obtaining mobile phone evidence of transactions or meetings (CPS4).

The legislation and policy was generally described as effective: the legislation,

"is strong, if you put resources into it and you have a good victim, then you will get a conviction" (P2).

"I've spent a lot of time working with police who deal with trafficking and my experience of them is that they are very good, very experienced which leads to successful trials" (CPS3).

Another CPS interviewee cited the involvement in cases from the outset as a factor in the conviction rate of 95% for trafficking cases (CPS1).

7.6.2 Procedural difficulties

The immigration status of the offenders has made it difficult to trace them (P1, P2, CPS1). In addition, one police officer stated that travelling to other countries to detain an offender would only be undertaken if the offence was sufficiently serious and the

offender was directly responsible, otherwise the resources would not be available (P2). However, due to the positive reflection of international cooperation, this was described as being less of an issue;

> *"in the past we used to send people over to other countries to gather evidence but now the systems for gathering evidence from other countries are very reliable and good systems have been set up"* (P3).

Two of the prosecutor interviews highlighted an interesting problem in accepting the victim's initial account. The current practice in the UK criminal justice system is that the first account offered by the victim is legitimate. However, interviews suggested that it can be difficult for victims to trust the police due to police corruption in their countries of origin (CPS1, CPS2) and because of that and the gravity of the victim's experience, sometimes the first accounts were not entirely truthful. A prosecutor reflected that this is

> *"normally an absolute disaster, the witness has no credibility and so we had to rethink…the way in which we viewed the witnesses"* and why they changed their stories (CPS1).

However, these versions of events ultimately had to be revealed to the defence which was damaging for the case (CPS1). In relation to the burden on the victim, outlined above, the impact of this pressure resulted in inconsistent and incompetent witnesses which were an obstacle to successful prosecution (P2). This created a difficult paradox in accepting the victim's version of events and preparing for a successful trial. One prosecutor discussed the concept of A.B.E. (achieving best evidence) and stated that the

> *"starting point is that I always believe what [the victims] say, I think there can be no other way but then we also have to look at how they come across, how consistent are they and what evidence can we find to back up what they are saying so for example, if a victim is saying she has been injured, is there any scarring, did she go to a doctors, if they came on a plane, can we get a schedule from the airline"* (CPS3).

Inconsistency was not regarded as a 'nail in the coffin'; "inconsistencies are not always a disaster – "it shows they're human" (CPS4). Finally, the consistency and detail provided by the victim were also cited as being important for identifying genuine cases. Once a good relationship was established with the victim,

> *"they will provide a very comprehensive account as they have spent quite a long time with the perpetrators and that forms the basis for distinguishing*

genuine victims from people who make it up – they are not able to make up

the same level of detail as genuine victims and they are not consistent" (P2).

Inconsistency was also apparent here in the narrative of the professionals in the conflicting premise that the victim accounts were unequivocally believed and the recognition that these first accounts were not often accurate and would later be altered.

In terms of law enforcement responses, one interview highlighted the nature of the commodity; human beings as a factor in the difficulty of developing responses. This suggested that trafficking should be approached differently from other types of organised crime due to the human victim aspect. With other types of organised crime,

"such as drugs or money laundering, you can sit back and let things happen

to gather evidence but can't risk doing that with trafficking cases so it is not

as easy to gather information about the wider picture" (CPS1).

The prosecutors discussed the operation of pleas in these cases and the impact of pleading to an alternative offence. Some interviewees suggested that pleas to trafficking were not common and that these cases tended to go to trial (P1; P4; CPS1; CPS2; CPS4). One prosecutor commented on the decision not to plead against the advice of their counsel;

"I think it's stupid, I think they decide not to take counsel's advice, I don't

know what they were doing, they were stupid in my opinion because the

evidence was overwhelming in that case and it was overwhelming but they

didn't plead guilty" (CPS1).

One interviewee stated that 'there are some offences that people are willing to plead to, like GBH, something that's "quite macho" but trafficking, sexual trafficking is "one of those offences where there's a bit of a hang up about pleading" (CPS4). People would rather plead to controlling for prostitution because it focuses on money rather than coercion. If a defendant was willing to plead to controlling and the sentence was appropriate and similar to a sentence for trafficking then "we're not going to argue too much about what they plead to and in fact it would not be proper for us to do that"'(CPS2). However, the plea may not have been appropriate in relation to the circumstances of the offence;

"you might get people who plead to controlling but this may not reflect the

full seriousness of the offence but it may not be in the public interest and in

the victim's interest to push the victim into a full trial if the offender is
pleading to controlling" (CPS4).

This illustrates the balance between the public interest of a prosecution and the victim's interests. Finally, if a plea was accepted for a lesser offence, it was recorded as the alternative offence, not trafficking, which clearly had implications for figures. In addition, one prosecutor suggested that failing to record cases as trafficking made it difficult for organisations to justify funding; "it's all about recording" (CPS2).

In terms of proving the offences, the most difficult elements highlighted included proving that those running the brothel knew that the women were trafficked and therefore other offences are prosecuted (CPS2); proving the degree of exploitation, particularly outside trafficking for sexual exploitation (CPS3).

> *"With domestic servitude, if there has been an element of pay then it is hard*
> *to prove the exploitation, it's easier with sexual exploitation because*
> *everyone knows what that is"* (CPS3).

Another interview highlighted the nexus between smuggling and trafficking as a barrier to understanding operations and pursuing prosecutions; in

> *"a lot of the cases that I have dealt with the suggestion is that it is not so*
> *much a trafficking route than a smuggling route and yes, of course you*
> *might get a trafficked person now and again on that route but it is very hard*
> *to prove that anyone…knew anything about the status as a trafficked*
> *person"* (CPS5).

In all of these cases, the legislation and judicial processes narrowed the focus towards trafficking for sexual exploitation cases as these appeared easier to prove, which reflected and reinforced the dominant paradigm. Elaborating on this theme, one prosecutor detailed a possible solution to this problem which was an assumption of guilt if there was a girl in a brothel who is foreign then it could be assumed that they are trafficked unless it could be proven that they were not (CPS2). I responded that this might impact negatively on migrant sex workers, which did not appear to be an important consideration from this perspective;

> *"that's the risk you take if you get involved with that kind of work…it would*
> *make it more difficult for migrant women to work as prostitutes but…if the*
> *market has been totally closed down in the UK then you wouldn't get people*
> *trafficked here and it would solve the problem for us"* (CPS 2).

This illustrated the narrow focus of criminal justice in relation to trafficking activity without fully considering the context of the prostitution and placed a degree of blame on those women who chose to migrate as prostitutes if they are then victimised in some way.

During the course of the interviews, the ways in which the CPS worked with the police and SOCA was outlined. The CPS worked specifically with SOCA on level 3 crime, that is crime with a national or international dimension so the focus was working with organisations from abroad regarding bringing people in to the country; "upstream traffickers" (CPS 1). In a similar way to the engagement with police forces from the outset, the CPS were involved in the SOCA cases from the investigative stage and provided assistance with the process of gathering evidence. The offenders investigated by SOCA and the related CPS are judged as being more serious as they are SOCA subjects;

> *"you don't get to be a SOCA subject without either having previous criminal history or there's been a lot of research into your background"* (CPS1).

However, throughout the interviews, the nature of the cases dealt with by SOCA did not differ from those dealt with through police forces. Given the definition of level 3 crime, most trafficking cases where the journey of the victim can be traced to the country of origin, the offence would have an international dimension and so the utility of this definition for the purposes of defining 'serious' trafficking activity is problematic. Finally, the decision to absorb the UKHTC into SOCA had created some difficulties for inter-agency working; "a lot of people in the voluntary sector might not have been happy with [the decision] because it is effectively a criminal focus" (CPS 1). This illustrates the crime/security lens through which trafficking is primarily regarded by virtue of the dominant paradigm.

7.7 Perpetrators

Several features re-occurred in the discussions of those convicted for trafficking offences as follows;

7.7.1 Other offending

Following from the discussions above highlighting the positive experiences of national and international co-operation, the CPS interviews confirmed that previous convictions tended to be received for these cases (CPS1; CPS2; CPS4). Most interviews suggested that the previous convictions were varied; there were

> *"some with none, some with none relevant some with some relevant previous convictions"* (CPS1);

> *"nothing striking…sometimes no criminal involvement prior to the trafficking offence and sometimes some low level things, maybe shoplifting or something but nothing unusual and nothing serious really"* (CPS4);

> *"he'd been into a few bits locally…crime, selling stuff in pubs, public order, low level stuff, nothing major and not making loads of money or anything like that"* (P1).

One CPS interviewee suggested that there were more links between the previous convictions and involvement in trafficking offences; there tended to be

> *"some criminal background, not much education. It's very rare that someone will be bringing in people or drugs and they've never been involved in anything before because they have to have those criminal connections to facilitate what they're doing"* (CPS 2).

Discussions of specific cases involved aspects of the activity which led to separate, additional convictions. This appeared to be common; most cases seemed to include a charge additional to the trafficking offence. Offences included physical assault (P1 - 2 cases), rape and sexual assault (P1; P2; P3; CPS3). Interviews suggested that additional offences would only be charged if they were sufficiently serious to warrant a separate charge above and beyond the activity of the trafficking. Most of these cases involved minor assaults but they were not always charged because they were part of the trafficking; part of the "submission phase…intimidation and getting power and control over the victim" (P2). Similarly, prosecutor interviews highlighted the nature of the offence in deciding whether it was within, or separate to, the trafficking offence;

> *"there is usually some sexual element in the offence which will be part of the trafficking conviction unless it is something serious, like rape"* (CPS1).

A case was discussed during one of the prosecutor interviews which involved a victim who was locked in a basement overnight. The prosecutor laid an additional charge for false imprisonment for that one night in addition to the trafficking due to the seriousness and as a separate offence in case the offender was not found guilty of the trafficking.

> *"some would say that is part and parcel of the trafficking which it is but I felt it should be marked out separately"* (CPS4)

7.7.2 Financial/sexual motivation

The primary motivation that emerged from the interviews was financial. The motivation seemed to be for money although

> *"we never seem to find any money...I think a lot of it was gambled and went back to the countries they came from"...A lot of the money that they made was found to go home to parents, extended family, children "because they're poor, you know, their backgrounds"* (CPS 1).

The relevance of remittances was reflected elsewhere;

> *"we didn't find any money, he claimed all the money had been sent home* (P4);

> *"We are finding evidence of sending money home to parents, families, whatever, we can find evidence of money transfers because now, you can't really send money to another country without there being some sort of chain of evidence"* (CPS4).

Again, the suggestion that the amounts of money were not significant was also reflected elsewhere;

> *"it's all about survival...it's trafficking, well, it's sexual exploitation yes, it is but it's on a survival footing, it's not to buy a new mansion"* (P2).

The set-ups for the sex work varied although interviews suggested that those to which prosecutions referred were at the lower end;

> *"you get ones that are more upmarket and they can really make an awful lot of money but most of the cases I've seen haven't been like that, it's been more like...£15 for a blow job, that sort of thing and you know, you can make money like that but you're not going to make a fortune"* (CPS4)

A police interviewee discussed Russian women working in [town] and said it was fairly large scale but it did not get reported.

"Are they sexually exploited? Are they doing it against their will? No. Is it morally right? No but if you speak to some of these sex workers, they're really pleased with their standard of living and the way they are treated. They're in top class hotels and they're living the life of…compared to where they come from they're on a different planet" (P1).

Considering the motivation for involvement in trafficking, one police officer expressed disbelief at the perpetrator's decision-making.

"I can't understand some of these trafficking jobs that I've dealt with because it seems if you've got a modicum of sense…you would be breaking the law but you wouldn't be trafficking them and forcing people to do it against their will" (P2).

This was partially reflected in one of the sex worker interviews;

"There are plenty of women willing to travel to the UK to work the streets and, yes, someone might help them travel and they might get them set up. If they have a debt to someone, they just pay it, some of them can, and do, get out of it. The trafficking, the really nasty locked in basements trafficking, it goes on but it's, it's something else and rare, very rare" (SWS1).

These perspectives illustrated an interesting paradox that the activity was high risk in relation to the potential rewards gained in other ways in relation to involvement with trafficking for sexual exploitation. As stated above, many of the victims were willing to migrate in order to work in the sex industry and so it was important to consider what motivated the movement from facilitating women to take part in the sex industry to the exploitation and coercion involved in the offence of trafficking.

Evidently, considering the other offences linked to trafficking in these interviews and elsewhere in the data, the offences involved a sexual element. This was not mentioned in any of the interviews as potential motivation for the involvement in trafficking. One prosecutor interview acknowledged the sexual elements in the activity, not from the point of view of sexual gratification but more in the process of establishing power and control over the victim; to "dominate and humiliate and control" (CPS1).

As above, most of the cases described in this and other data related to trafficking for sexual exploitation. However, two cases falling outside prostitution were described by one prosecutor (CPS3) which highlighted some interesting issues relating to potential motivation as follows;

1. A female perpetrator trafficked a woman in her fifties from Africa for the purposes of domestic servitude. Once in the UK, she was required to care for the offender's two disabled children and was effectively a prisoner in the family home. She was not able to read or write English and only had limited language skills and was therefore described as having limited ability to escape her situation. The motivation here appeared to be financial although the perpetrator was not earning any additional money, rather avoiding having to pay for childcare. This case did not result in a prosecution which the prosecutor linked to the lack of a clear definition for exploitation outside sexual exploitation. The case was appealed and the appeal was upheld on the basis that the direction to the jury regarding the element of exploitation was insufficient. On re-trial, the accused was acquitted on the basis that the victim was not reliable. The prosecutor felt that the victim did not come across well after spending a year in the UK in the interim; "people have an idea of what they expect from a victim of trafficking and that wasn't it" (CPS3).

2. A family trafficked a 50 year old man and an unrelated 8 year old girl to the UK. The man was forced to beg and the girl was forced to work in the home as a domestic servant. This case did not involve sexual exploitation although the man was subject to rape. In relation to the trafficking, the man's role was to earn money through begging which was then taken from him and the girl was forced to care for the other children in the house. Here, the element of exploitation was proved in relation to the prosecution as there was additional medical evidence to corroborate the victim's evidence from both the man to prove the rape and girl who, upon discovery was "filthy and had to have eight teeth removed and put in to foster case because it turned out that her mother had been involved" (CPS3).

7.7.3 Attitudes/background

Traffickers were predominantly described as migrants (CPS4; P2). Those convicted for trafficking were described as being poorly educated, no money and no social skills, "they've not got many options" (P2). Another police interview stated "they're not the cleverest offenders I've ever interviewed" (P1). Reflecting these themes, one prosecutor interview stated that the traffickers "didn't seem to have any particular

intelligence or language skills" and came from poor backgrounds (CPS1). However, a theme emerged from the prosecutor interviews, which was not highlighted at all in the police interviews regarding the lack of empathy which led to a consideration of why they are able to act in this way. They

> *"don't have any empathy with the women and they were just commodities...it makes you wonder what has happened in their backgrounds to allow them to treat another human being like that"* (CPS1).

They are "very ruthless, have no conscience" (CPS3). One prosecutor suggested that it might be due to local cultures of violence which result in different cultural norms, it "makes a difference on how you might value people" (CPS2). Technically, this lack of empathy and conscience was linked to "very rarely getting expressions of remorse" (CPS4). Perceptions of cultural difference were frequently alluded to and have been outlined in several sections here. Only once was this voiced specifically with reference to the type of offending committed by different groups;

> *"it's difficult because I don't want to stereotype but from my experience people from Romania tend to be more involved with domestic servitude and sexual exploitation is more around Albania, Eastern Europe and Africa"* (CPS4).

One police officer framed traffickers in a very particular way based on experience, stating that most cases were people from Eastern Europe

> *"migrating to our country and they've got no source of income, no trade and they need to survive basically, so their fall-back position is petty criminality and ultimately prostitute members of their own family which then support a group of people, extended family"* (P2).

This interviewee defined this as 'low level trafficking'. When asked how this would contrast with 'high level trafficking' the response was

> *"it's portrayed on TV, someone buys someone for x thousands of pounds and then exploits that person but that's not been my experience"* (P2).

This reaffirmed the contrast between the dominant paradigm of trafficking and cases that were processed through the criminal justice system.

7.7.4 Female traffickers

Discussions of the role of female traffickers occurred in almost all the interviews, mostly through discussion of individual cases and fell into three sub-themes. There was an overall tendency to explain the presence of the women in the activity which was not present in the narrative regarding the male traffickers.

7.7.4.1 Role in offence

Some interviewees suggested that the female trafficker had been involved to a lesser extent than the male trafficker.

> *"She'd been there but not been part of it very much…there was no doubt she'd been aware of what was going on, she gave her a lift to one of the houses"* (P1).

However, other interviewees stressed the equality of the involvement;

> *"there are women who are convicted for trafficking...it's such a vile and violent thing but there are women and the women can be quite cruel. I don't see the women taking a lesser role"* (CPS3).

The juxtaposition of the vile and violent nature of the offence and that fact that there are women taking part highlighted the tendency in the interviews to explain the female presence. Another prosecutor interview reflected a similar approach,

> *"in my experience, the women traffickers have had similar roles to the men, which is interesting, but they may also have been victims"* (CPS4).

The phrase 'which is interesting' highlighted the perceived conceptual incongruity of trafficking and women. This perception of trafficking was used to the perpetrators' advantage; one prosecutor suggested that females were used in the recruitment as female victims were less likely to suspect that women would be involved in trafficking (CPS1).

Finally, in one case, it was suggested that the female trafficker assisted the victim in escaping. In this case, two of the traffickers, one male and one female were involved in a relationship and the female trafficker was of the same ethnicity as the victim. The victim stated that the female perpetrator had left the door open on purpose in order that she could escape, and then left the room. This was denied in interview but the victim

was adamant and it was surmised by the police officer describing the case that she was in fear of her co-defendants (P1). This description minimised the female trafficker's role in the offence by virtue of her male co-defendant and partner controlling her participation and through her empathy and assistance afforded to the victim.

7.7.4.2 Victim turned trafficker

It was suggested that women became involved in trafficking after they have been a victim of trafficking, a status which was difficult to manage legally.

> *"As time goes on, some of the women turn and they actually become like a trusted person and they become almost a trafficker themselves…it's difficult to work out in some of these cases as, if they are traffickers then they've got there through being victims"* (CPS3)

Therefore, in the decision to put that person before the courts, it was necessary to assess their level of criminality and to consider whether it was in the public interest to prosecute (CPS3).

> *"We had one woman who kept going back and recruiting people and bringing them back and she overstepped the line and she could have stopped what she was doing"* (CPS1).

Another interviewee suggested that female traffickers "have worked as prostitutes, they have sometimes been trafficked themselves"… the decision to prosecute will be made on the basis of whether it is in the public interest and depending on what they have done (CPS4). These interviews raised an interesting balance regarding the status of women as victims or perpetrators and the assessment of their guilt and innocence which will be explored further in the discussion.

The language used in describing the offending pathways of these women was interesting and illustrated the juxtaposition of the roles that women were described as taking in this offending and the ways in which criminal justice professionals explained these roles. The word *turn* used to describe a woman turning from a victim into a perpetrator connoted turning as used to describe food going bad; the woman has 'gone bad' or turned to the dark side; changed sides. This was associated with trust, that once she had gained the trust of the traffickers, she was able to work with them. Similarly *over-stepped the line* begged the question; what was the nature of the *line*? This suggested there is a point at which their involvement in the offence negated their

experience as a victim and their role as a trafficker became relevant in the interest of the public, and their victim status was no longer a relevant concern.

7.7.4.3 Relationship with co-defendant

The interviewees outlined three cases in which the female perpetrator had been in a relationship with the male perpetrator (P1; P4; CPS3). These cases linked to the two sub-themes outlined above, in which the relationship was seen as an additional explanatory factor for the woman's involvement. One woman had been

> *"giving the victim lifts, so she could have sex with blokes and then she would take the girl back and hand the money over"* (P1).

Here, the participation in the activity was to a lesser extent and the female was not described as having made money from the offence. A second case involved a former victim who

> *"used to work for him as a prostitute but then they got together and she was promoted to looking after the premises when he wasn't there"* (P4).

The use of the word *promoted* was interesting here; the male had power over the female, and the idea of her status as second in command indicated her lesser role. Finally, a female perpetrator

> *"claimed that the male trafficker was violent towards her, she's been there against her will but had been too scared to do anything about it but there was no evidence to prove this"* (CPS3).

This again illustrated the difficulty of defining the status of women in these situations.

7.8 Networks and Arrangements

In describing the case studies, the interviews referred to the arrangements made in the process of recruitment, movement and exploitation of the victims and the relationships and networks involved in these processes. The interviewees suggested that the networks are ethnically homogenous (P2; CPS1, CPS3).

> *"Albanian men bringing in Eastern Europeans, Chinese bringing Chinese, Nigerian bringing Nigerian and so on because those are the people with whom they have connections"* (CPS1).

It is interesting in this description that Albania was then widened to Eastern Europe. Possibly the homogeneity of the networks linking to Europe were slightly more diverse due to the more open borders.

As above, there was frequently a relationship of some sort between the victim and the perpetrator, which was reflected in other data sources and therefore the recruitment of the victim was facilitated by the relationship. In one case described by a police officer, an uncle and cousin contacted the uncle's sister and said there was unspecified work for her daughter, his niece. He paid for the flight and met her in the UK. She then worked as a prostitute and her money was taken from her by the uncle and cousin. There was some suggestion that the mother was involved but there was insufficient evidence to prove this element (P1). This, along with some of the cases described above illustrated the close-knit and cohesive networks described throughout the interviews, with frequent familial relationships between the members of the network and sometimes with the victim.

In more organised networks, the interviewees described a process of 'ordering' victims in response to photographs sent by phone from the country of origin to the UK;

> *"so they're photographing a girl and then sending it over on an iPhone and…trading like a commodity"* (CPS1).

Another case involved Nigerian women who were available in Ireland and if one was required in the UK, "you could place an order and then one would be dispatched" (CPS2). Those involved in the transport of women were described by one prosecutor as being "like drug mules" (CPS1). The buyer in the UK paid around £3,000/£4,000 for a girl although this was paid in instalments to the recruiter as the victim earned money (CPS1). With these arrangements, the debt was pushed through the network, in some cases back to the country of origin which assisted with detection of the activity through international financial transactions. This also accounted for the lack of money found with those arrested for the offence in the UK. The description of these more formal arrangements still related to small networks. All cases described consisted of small numbers in the networks;

> *"maybe 5 or 6, sometimes families and they've obviously talked about what they're going to do but I haven't come across really sophisticated gangs"* (CPS4).

The interviewees frequently described the practicalities involved in arranging sexual encounters. The victims were mostly described as being "almost a prisoner" (CPS1) in a house and then being driven to either brothels or houses to have sex and then collected and returned to the house (P1; CPS1; CPS4). Another case was described where a

victim was "kept in a brothel, locked in and men would be brought to the room to have sex with her" (P4). In both these circumstances, the victim was under almost constant scrutiny which was time consuming for those involved but necessary to prevent the victim from escaping.

One police officer described the patterns of trafficking as changing over time; a few years before, there was more use of forged documents which had become rarer, with an increase in women who knew they would be working as prostitutes (P4). The suggestion that patterns of trafficking have changed over time indicated that those involved in this activity make decisions based on the efficacy of the movement as a business and minimising opportunities for detection. Moving away from the use of forged documents removed the possibility of detection via these means. Similarly, targeting 'knowing' victims included less risk than forcing women into prostitution.

Two interviewees suggested a link between the presentation of trafficked victims and asylum applications. One police officer suggested that more women were travelling from Africa but there were difficulties with their stories;

> "it appears that they have a script if you like, that they think will help with asylum so we've had to work with borders [UKBA] with that one" (P3).

Reflecting this, one prosecutor stated that there were

> "a lot of people from Nigeria coming over and saying that they are victims of trafficking and they all have the same story, I mean exactly the same story, and I need to be careful here because I'm not saying that there aren't people from Nigeria being trafficked but it was clear that these people hadn't been, there was no evidence and then you've got to think why would they do it" (CPS4).

7.9 Emphasis on trafficking for sexual exploitation

The emphasis on trafficking for sexual exploitation was largely reflected in the interviews. All the police officers interviewed worked in specific units for dealing with trafficking offences relating to sexual exploitation or dealing with these offences within a wider remit of sex offences. When asked about labour exploitation, they all stated that there was no specific unit for that type of offence and it fell outside their remit. Considering why this might be, one police officer related it to issues of funding and migration policy;

There is a "vested interest in finding trafficked victims, to get funding for trafficked victims and it's quite frustrating sometimes when they declare someone as a trafficked victim before they've even said a word so they can be – you know – we've rescued 53 trafficked victims, well, sorry you know, they're not trafficked victims they're economic migrants so you know, they've come in to find a better life here and they've found that if they say they're trafficked everything stops and everyone gives them loads of money and attention" (P2)

The use of the word *rescued* here reflected a theme commonly used in the media and in official accounts when reporting on the results of a brothel raid. The use of this word depicted these women as completely at the mercy of the traffickers and beholden to law enforcement. Of course, these stereotypical scenarios did exist but the majority of the activity, as suggested here, was more complex than this scenario allowed and neglected to acknowledge the agency with which many of these women travelled to work in the sex industry.

One prosecutor stated "I wouldn't say it's quite the problem or it's not seen as being quite the problem" (CPS1). Another suggested that the difference may be due to the nature of the offences; that labour exploitation may be harder to track because it tended to happen in cultures to which we do not have as much access due to cultural norms regarding relationships with authority, for example, Chinese communities (CPS3). This linked to a case described by a police officer (P2); a Chinese man had travelled to the UK to make money and send remittances to his family but a snakehead[10] who had organised his migration then threatened him, asking for more money and threatening to cut his hands off. His family in China then phoned the embassy and it was reported to the police but this was only because they needed the help of the authorities after receiving a phone call from the son screaming. Another prosecutor stated that she had been working increasingly with cases involving domestic servitude (CPS4). This interviewee also discussed having dealt with cases where there was sexual exploitation and other types of exploitation but the exploitation was more difficult to prove in cases other than sexual exploitation;

"I can see where there are areas of crossover and I've had a few cases where I've had to say, does this amount to exploitation?" (CPS4).

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[10] 'Snakehead' is a word used to refer to human smugglers and is commonly used in China and by Chinese communities in other countries. For further reading, see Zhang and Chin (2002)

One prosecutor stated having dealt with cases of sexual exploitation and domestic servitude but no cases where they had been committed together (CPS3). Victims of sexual exploitation were also often used to perform domestic duties but they would not be charged with labour exploitation for this work, the prosecution would focus on the sexual exploitation (CPS3). The discussion highlighted that the sexual exploitation was more straightforward to prove, whereas non-sexual exploitation had more nuance, particularly in cases where money had exchanged hands.

A significant focus for researching human trafficking has been based on discussing the extent of the problem with the frequent suggestion that only the tip of the trafficking 'iceberg' has been discovered, particularly in relation to the 'true' extent of trafficking for sexual exploitation. The prosecutors interviewed were specialist prosecutors who had worked with human trafficking cases since the inception of the legislation. As the low level of prosecutions suggested, the numbers of cases encountered by these prosecutors was low (CPS1; CPS2; CPS4). It has also been described above that there was not a large failure rate in prosecutions although some of the initial trafficking prosecutions may result in an alternative conviction. The police interviews did not identify that the problem was significantly bigger; they did not report encountering intelligence relating to trafficking or cases where an individual was arrested but not charged. The extent of the problem was directly discussed by one police officer;

> *"you don't know what you don't know but I don't think it's that big a problem, I really don't, I think it does go on, we've proved that and there is sexual exploitation, there's exploitation for money but there always has been, you know pimping, prostitution for money, you know, it's just the level and the vulnerability of the victims, I'm not so sure it's that wide spread. I think it's been made a big issue"* (P2).

As outlined above, the support workers had encountered cases involving trafficking but it was described as "rare" (SWS1).

One prosecutor discussed a number of cases he was dealing with regarding smuggling routes from outside the EU and that these routes tended to be regarded largely as smuggling routes. However,

> *"there is a suggestion that there is a huge problem in India...a lot of the trafficking that goes on in India is actually internal rather than to the UK. I'm sure there has been some trafficking to the UK but again, very, very*

hard to identify it and the authorities do seem to have cut down the money for it. Again, the Chinese, one doesn't know how much is hidden beneath the surface in the bonded labour market but there is certainly a suggestion, it is only a suggestion it can't be evidenced but that there are enough people here illegally from China to have one working in every Chinese takeaway in the country...certainly there seems to be a good supply of labour that is available but whether, except in exceptional cases, we are never able to prove that they have actually been trafficked in" (CPS5).

The same interviewee also made reference to language and attitudes to authority as a reason for non-reporting; within the EU the victims probably had some English language ability, some knowledge of the CJS and less concern regarding authorities but there was a much different set of issues seen as operating with countries outside the EU (CPS5). Finally, this interviewee cited structural inequalities and perceptions as a reason cases come to light from some countries and not others. The UK did not frequently encounter cases from India, Afghanistan, China,

"because they don't regard themselves as victims...even if they were working in awful conditions for peanuts, some of them would say, well it's better than the life we were leading at home so that is a great obstacle to overcome, cultural factors, not wanting to report things outside their culture" (CPS5).

In contrast to the nature and shape of the trafficking networks described here, this suggested that gathering evidence in order to prosecute smuggling cases and those cases involving countries with particular cultural tendencies was much more difficult and therefore provided additional explanation for the apparent focus on trafficking for sexual exploitation and for the 'Eurocentric' tendency.

7.10 Organised crime

The concept of organised crime was notably missing from the interviews. The way in which trafficking operations were organised was discussed, resulting in the narratives regarding networks and arrangements above. The interviewees did not discuss trafficking as an 'organised crime' or bring up the concept of organised crime except for the following comments; one of the police interviewees stated that the networks in the cases he has dealt with had not been very sophisticated..."it's not organised crime" (P2). Two of the prosecutors stated that trafficking was "organised on a low level"

(CPS4) and that trafficking was organised "in the sense of a group of disparate individuals loosely organised across the world" (CPS5). Another prosecutor stated there was no known involvement in other types of organised crime activity; "they seem to just stick to what they're doing, the main place where it all comes together is the money laundering" (CPS1). How this relates to arguments in organised crime literature and to trafficking as organised crime will be discussed further in Chapter 9.

7.11 Summary

The findings from the interview data can be summarised as follows;

- A gendered narrative was evident with reference to women's roles in these offences and the significance of both intimate relationships and previous victimisation.
- Law enforcement approaches resulted in a focus on a particular type of trafficking identified through brothel raids and on the basis of intelligence. Interviewees discussed a stereotypical, dominant construction of trafficking and the impact of this on case processing/perceptions.
- Although prior knowledge of sex work on behalf of the victim was described as not impacting on the judicial process, the interviews contained a moralistic element.
- There was generally some relationship between the victim and perpetrator which was used to operationalize threats/blackmail with family members in the country of origin.
- The networks were primarily small, ethnically homogeneous, close knit and cohesive.
- Pathways into this activity for all actors were seen to be based partially on the basis of structural inequalities.
- Judicial processes were enhanced by positive inter-agency and international co-operation and hindered by the inconsistencies in victim's accounts.
- There was a notable absence of a theme of organised crime in the interviews.

Chapter 8 - Quantitative Descriptive Analysis of Offender Assessment System (OASys) Data

8.1 Introduction

The following analysis describes the characteristics recorded in OASys of seventy-one offenders convicted for offences of trafficking in human beings. Of the assessments, thirty were carried out in prison and forty-one were carried out in the community. The majority of the data available for the two groups was the same, regardless of the assessment setting. The data has not been separated on the basis of the assessment setting as assessments are carried out by probation staff whether in the community or in a probation setting. However, some of the prison-derived data is limited in that some OASys categories did not apply, for example, 'accommodation'. Unless otherwise stated in the following sections, the missing values analysis of the data showed no significant missing data for any of the variables of interest.

The OASys assessment is split into sixteen sections which provide the information to calculate the overall risk score for an offender. Therefore, the analysis of this data is presented in relation to these sections. Each section included a series of questions which identify whether the individual has no problems in the related area, some problems or significant problems. The OASys Manual provides extensive guidance (along with training received by those under-taking assessments) in scoring these questions. Some questions require a yes or no response, for example;

> *Question 3.3 Currently of no fixed abode or in transient accommodation –*
> *the term 'no fixed abode' is used to describe offenders who do not have a*
> *permanent base, are homeless, have no postal address or sleep on a*
> *different friend's floor every night. It does not include those who have*
> *temporary accommodation. Answer yes if there is evidence of 'no fixed*
> *abode'* (OASys Manual, 2002, p. 55).

Most questions require the assessor to score a 0, 1 or 2. The manual provides lengthy guidance for each question, for each score, for example;

Question 7.3 Easily influenced by criminal associates – Score 2 if the offender is constantly influenced by peer pressure. The offender: may express excessive loyalty to their mates and be concerned only with what friends think, rather than anyone else or may be gullible and easily manipulated by other to take part in criminal activity (OASys Manual, 2002, p.81).

8.2 Sections 1 and 2

Sections 1 and 2 include the demographic data, data regarding the nature of the current offence, previous convictions and offending history.

8.2.1 Gender

The dataset consisted of 48 (67.6%) men and 23 (32.4%) women. Analysing the data on the basis of gender was considered and some exploratory analysis was conducted along the lines of gender. For many of the sections of OASys, for example, accommodation, the numerous categories of data within the questions caused the data to be split into such small numbers as to render the discussion meaningless; having only one or two cases in some sections.

8.2.2 Ethnicity and Nationality

The data recorded for ethnicity was separated into four categories only and was missing for twelve of the cases; hence ethnicity data was available for 83.1% of the overall population.

Ethnicity	Frequency	Percentage
White	42	59.2
Asian	7	9.9
Mixed	2	2.8
Other	8	11.3
Total	59	83.1

Table 2: Ethnicity

The primary ethnic category for the population was white representing 59.2% of the population. This was limited in the ability to analyse the data further as the 'white' category was not broken down any further. Notably there were no black offenders in the population which links to the 'Eurocentric' approach of law enforcement to human trafficking discussed above. The dataset also had no recorded information relating to the country of origin of these individuals which would have provided a greater degree of detail for the purposes of analysis. OASys also records whether the offenders are foreign nationals which related to 68 of the 71 cases.

8.2.3 Age

The age range of the offenders at the time of assessment was 20-60. The median age was 29 with an inter-quartile range of 25 to 42. The following boxplot shows a narrow spread around the mean with a larger spread in the third (older) quartile.
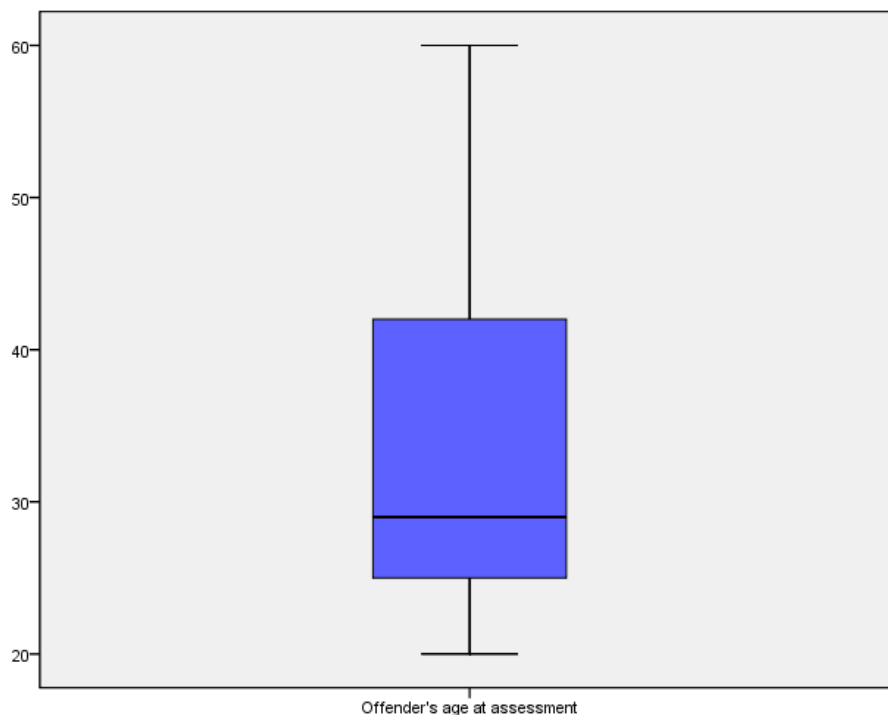
Figure 2 Boxplot showing the spread of offenders by age at assessment

OASys also includes the age at which the offenders were first convicted: onset of offending. This has limitations in that it is a record of only offences for which the

individual was caught and arrested. However, it can provide some insight in relation to the criminal background of these offenders.

The mean age at which these offenders were first convicted was 29. The overall range was 16 to 56. The central 50% of offenders were aged between 21 and 35 at the time of first conviction. Both indications regarding age described above suggest that these offenders may not be engaging with this type of crime until their late twenties/early thirties which is a comparatively late age to begin offending (Farrington, 1986). As discussed in Chapter 2, this has been found to be a feature of offenders involved in organised crime offences (Kleemans and de Poot, 2008) and will be discussed further in the following chapter.
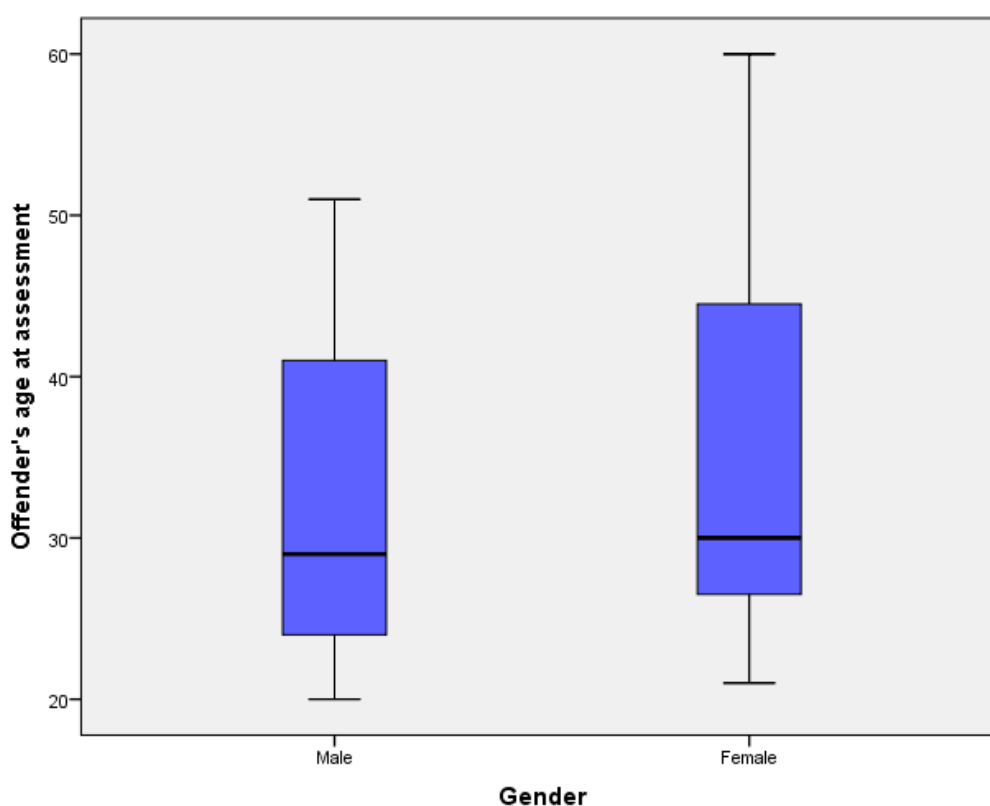
Figure 3 Boxplots of age at assessment by gender

Figure 3 illustrates the age at assessment by gender. There was not a significant difference between the median ages of the offenders on the basis of gender being 29 for males and 30 for females. The range and spread of the female offenders were skewed by the presence of an outlier of the age of 60.

8.2.4 Offences convicted

The dataset consists only of those who had been convicted for human trafficking offences. These are represented in the table below. In addition, there are two offences which are not represented in the table as there were no convictions for these offences during the relevant period. These offences were trafficking into the UK for the purposes of exploitation and trafficking out of the UK for the purposes of exploitation. These offences relate to exploitation other than sexual exploitation. The offences for which the individuals were convicted for are shown in the table below. Over half of those convicted for human trafficking offences were convicted for the offence of arranging or facilitating the arrival of a person to the UK for sexual exploitation. 97.2% were convicted for offences relating to sexual exploitation; there were only two convictions during the relevant period for the offences of trafficking for *exploitation*, rather than labour exploitation.

Offence type	Frequency	Percentage
Arranging or facilitating arrival of a person into the UK for sexual exploitation	39	54.9
Trafficking for sexual exploitation	19	26.8
Arranging or facilitating travel of a person into the UK for sexual exploitation	10	14.1
Trafficking people within the UK for the purposes of exploitation	2	2.8
Arranging or facilitating departure of a person into the UK for sexual exploitation	1	1.4
Total	71	100

Table 3: Convictions by offence type
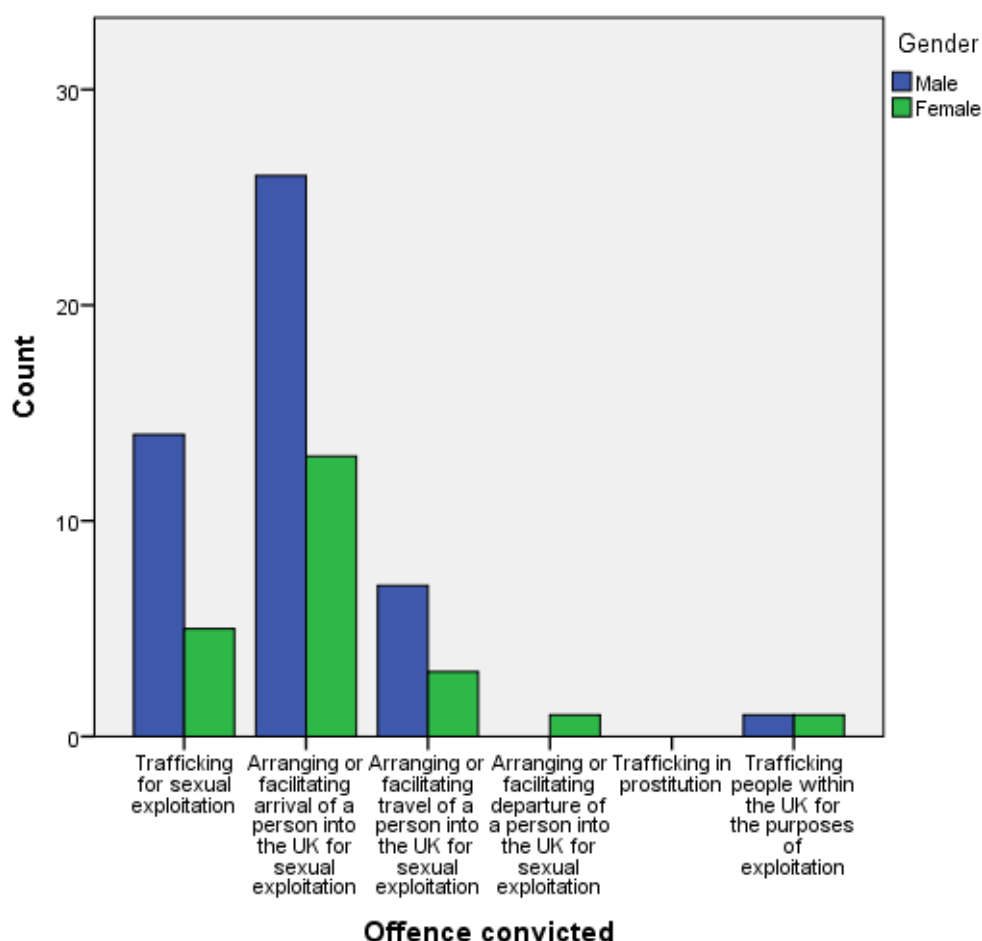
Figure 4: Graph showing category of offence convicted by gender

This graph shows the numbers of male and female offenders convicted for each offence. The pattern of offending between genders did not vary greatly depending on type of offence. It appears that proportionately fewer female offenders were convicted for the trafficking for sexual exploitation offence whereas proportionately more female offenders were convicted for the arranging offences.

8.2.5 Sentencing

Sentencing data was available for 47 of the 71 cases. This may be because the assessments were carried out prior to sentencing and therefore the sentence could not be recorded at the time of the assessment. Of the 47 cases with sentencing data, 45 received custodial sentences. None of these cases received a short sentence of 12 months or less. As the remaining assessments were carried out in the community, it is probable that those with no sentencing data received a community sentence.

For those assessments completed in prison (30 cases), the length of sentence data has been recorded as follows;
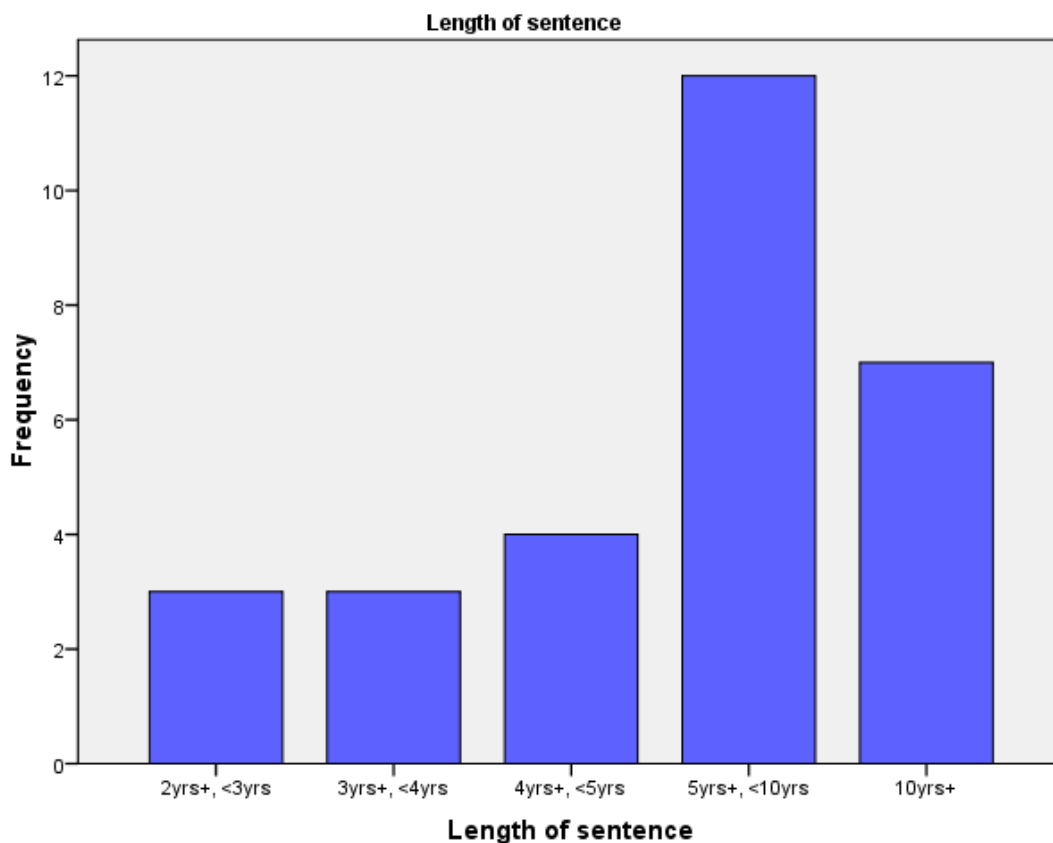
Figure 5: Graph showing length of prison sentence

Of the 30 cases with sentence length information available, 19 cases received a sentence longer than 5 years with the most likely sentence being between 5 and 10 years. Analysis was carried out regarding the sentence length for males and females. However, with the small numbers of cases with this information available, the numbers within each category became very small and so this has not been included in the final analysis.

8.3 Summary of Sections 3-11

One of the purposes of OASys is to assess the offender's criminogenic needs in order to effectively direct any interventions in areas posing the highest risk. Whether an offender has a criminogenic need in a particular area is determined by the scores in each

section; a combination of considering whether the individual has problems in a particular area and then whether this problem is linked to their offending. The following table provides an overview of where this group of offenders was determined by OASys to have a criminogenic need. The most common need for this group was 'Lifestyle and associates, followed by 'Education, training and employment' and then 'Accommodation', 'Thinking skills' and 'Relationships'. The significant areas in which there was almost no criminogenic need were drugs and alcohol misuse. The areas of criminogenic need have also been analysed on the basis of gender given the gendered narrative highlighted throughout the data. The areas where the need was identified as substantially different on the basis of gender is further discussed below. The areas in which there was a higher level of criminogenic need identified will be considered in further detail below. Those in which there was a lower level will not be considered in more detail in this section although the significance for the lack of these features, for example, drugs and alcohol, will be considered further in Chapter 9.

Section	Criminogenic need (%) (no missing data)	% of total males with need	% of total females with need
3. Accommodation	48%	52%	40%
4.Education, training and employment	54%	54%	52%
5.Financial management	30%	29%	30%
6. Relationships	42%	40%	48%
7.Lifestyle and associates	68%	77%	48%
8. Drug misuse	1%	2%	0
9. Alcohol misuse	0%	0	0
10.Emotional wellbeing	21%	15%	35%
11. Thinking skills	44%	44%	44%
12. Attitudes	37%	50%	9%

Table 4: Criminogenic need

8.4 Section 3 Accommodation

Information regarding accommodation status was gathered for those offenders living in the community at the time of the assessment; 41 cases. The remaining cases did not represent missing data as the offenders were in custody and therefore the accommodation status did not apply to them. Individuals featured in more than one category, for example, if they were living with their partner and children, they featured in 2 categories, and therefore the count of responses does not equal 41.

Accommodation status	Number of cases
Lives with parent	12
Lives with relative	9
Partner	32
Children	17
Alone	9
No fixed abode	22

Table 5: Accommodation needs of convicted offenders

25 of these cases were assessed as having significant problems in relation to the suitability of the accommodation, 13 as having some problems and the remainder as having no problems. The most common living arrangement was living with a partner. As stated below, a high proportion of this group offended with their partner and so this accounted for their accommodation status being recorded as problematic. As stated above, accommodation was identified as a common criminogenic factor with this group. Over half of the cases had no fixed abode which would clearly involve significant problems and needs in this area. Other data suggested that a proportion of this group were in the UK illegally and so this may have accounted for their inability to locate suitable accommodation. In addition, the relevance of this section may be due to the high numbers of offenders who carried out the offence with their partner or member of

their family with whom they were continuing to live. The small number living alone also highlights the closeness of the networks for these offenders.

8.5 Section 4 Education, Training and Employment

Of the 71 cases, 57 were recorded as unemployed at the time of assessment. However, 30 of these cases were in custody; therefore 27 of the 41 cases in the community were unemployed[11]. Of those cases in the community, 13 reported working full time and 1 part time. Having the necessary skills for employment was not considered a significant problem for most of the group as a whole; (no problems = 43%; some problems = 45%; significant problems = 11%; n = 71). The assessment reported most of the group as having positive attitudes towards employment (79%). The problems identified in this area appeared mostly related to unemployment. This may also be linked to the problems identified in the financial section below.

Education appeared to be less of a problem than employment. 70% reported no problems with school attendance (n = 71) and 63% had achieved some level of qualification; 34% having no qualifications. Literacy was also not a problem for the majority of the group. At assessment, 78% had no problem with reading, 76% no problems with writing and 95% no problems with numeracy (n = 71). Only 3 cases were assessed as having a learning difficulty.

Considering the data available for this section and the high percentage (54%) with criminogenic problems identified in this area, it appears that the problems were centred in unemployment. Again, it is possible that the migration status of this group could account for the high incidence of unemployment and this, along with the high levels of unemployment, could account for the recourse to illegal sources of income highlighted in the following section. Alternatively, this may be a reflection of the difference in income available between legitimate and illegitimate sources. The criminogenic need may be related more to the legitimacy of the employment rather than the lack thereof.

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[11] This relates to legitimate employment, those recorded as unemployed were earning money although this was not through employment recordable under this section and is explored further in the financial management section.

8.6 Section 5 Financial management

A range of data was collected in relation to the financial situation of the offenders. Although only 30% of cases were assessed as having a criminogenic need in this area, the financial motivation highlighted in the qualitative analysis justified a further analysis of this section. In response to a question relating to the main source of income, the individuals reported as follows;

Main source of income	Frequency	Percentage
Income (self)	35	49.3
Income (partner)	3	4.2
Wages (other)	2	2.8
State benefits	7	9.9
No source of income	6	8.5
Other	15	21.1
Don't know	3	4.2
Total	71	100

Table 6: Sources of income

Unfortunately, no further data was available regarding a breakdown of the 'other' category. However, OASys does record information regarding problems that the offenders have with illegal income.

		Problems with illegal income			
		No problems	Some problems	Significant problems	Total
Main source of income	Wages (self)	10	13	12	35
	Wages (partner)	0	0	3	3
	Wages (other)	1	0	1	2
	State benefits	2	3	2	7
	No income source	1	2	3	6
	Other	0	1	14	15
	Don't know	0	0	3	3
	Total	14	19	38	71

Table 7: Main source of income and problems with illegal income

Table 5 shows a breakdown of the main source of income and whether cases experienced problems with illegal income. The responses to whether the case was experiencing problems with illegal income were limited to no, some or significant problems which will vary in meaning depending on the experience of the individual. Therefore, there is some utility in viewing the data dichotomously as either 'problems' or 'no problems'. 71.4% of those with a main source of income as their own wages reported problems with illegal income and all of those relying on partner's income. 5 of the 6 with no income source reported problems with illegal income. Overall, 57 cases reported problems with illegal income. Interestingly, 14 of the 15 with 'other' as their main source of income reported significant problems with illegal income.

8.6.1 Financial and Sexual Motivation

As above, the theme of financial motivation emerging from the interviews led to a further consideration of the financial management above. In addition to this, OASys included an assessment of whether the current offence was sexually and/or financially motivated. The other factor assessed for motivation was racial hatred motivation, of which there was 1 case. The sexual and financial motivation were assessed as follows;

Sexual motivation – Any aspect of sexual behaviour during the offences is counted as sexual motivation. In some offences, there may not appear to be an obvious sexual motivation initially, but if they contain sexual elements, then sexual motivation needs to be recorded.

Financial motivation – Does the crime provide a source of income and financial reward for the offender? Most 'professional offenders' will be financially motivated (OASys Manual, 2002, p.51).

Considering these definitions, it is surprising that not all the offences were recorded as involving both financial and sexual motivation. The most common group was financially but not sexually motivated, with 36 cases, followed by those which were financially and sexually motivated. Sexual motivation was only recorded for 19 offences.

		Financial Motivation		
		No	Yes	Total
Sexual Motivation	No	13	36	49
	Yes	4	15	19
	Total	17	51	68

Table 8: Sexual and financial motivation

In addition to the sexual motivation, data was gathered regarding the presence of a sexual element within the commission of the offence. This related to sexual behaviour in the commission of the offence such as "sexual contact with the victim, exposing oneself and any sexual motivation for a non-sexual offence" (OASys Manual, 2002, p.46). 25 cases reported no sexual element to the offence, with 46 responding positively to the sexual element. The lack of consistency in recording whether the offences were assessed as having a sexual element or were sexually motivated is notable here; the definition of sexual motivation actually includes offences with a sexual element. Finally, 6 cases were assessed as having an element of pornography relevant to the commission of the offence.

8.7 Section 6 Relationships

As stated above, the assessments identified 42% as having a criminogenic need in this section. 74% (52) offended with their partner in the commission of the current offence. 17 cases were assessed as having an element of domestic abuse in their relationship; 13 as victims (11 female and 2 male) and 4 as perpetrators (1 female and 3 male). The high incidence of offending with an intimate partner links to the narratives emerging from the interviews regarding women's roles in trafficking and relates to the shape and nature of the networks.

63.4% (45) reported having a relationship of some sort with the victim; that the victim was not a stranger; the remainder 36.6% reported that the victim of the offence was a stranger. 20% (14) of the cases involved repeat victimisation.

8.8 Section 7 Lifestyle and Associates

This was the section in which this group of offenders were most commonly assessed as having a criminogenic need. The following table provides a breakdown of where the problems in this section appeared.

Factor	No problem in this area	Some problems in this area	Significant problems in this area
Community Integration	23	36	12
Participation in activities[12]	28	29	14
Easily influenced	17	37	16
Manipulative lifestyle	16	21	34
Reckless behaviour	32	28	11

Table 9: 'Lifestyle and associates' needs of convicted offenders

[12] This refers to involvement in leisure activities, linking to the concept of having positive social bonds in the community

This section "deals with aspects of the offender's current lifestyle, which could place them at risk of re-offending" (OASys Manual, 2002, p.77). The section aims to measure the likelihood of reconviction based on the presence of criminal/non-criminal associates and participation in non-criminal activities. Based on the percentage of cases co-offending with intimate partners and the high numbers of migrants in this population, it was clear that the prominence of criminal associates would be high and the ability to integrate in the community low, which was reflected in the data here. The manipulative lifestyle section considers "whether the offender's lifestyle exploits others...they might do this by being deliberately misleading and untruthful, exploiting weaknesses through bribery, or threatening to reveal information" (OASys Manual, 2002, p.81). It is evident from the description of this section that the offenders would score highly in this category as the language here is similar to that in the definition of the offences for which they have been convicted. In addition, this section takes into account the victimisation of a friend/acquaintance, a category in which a large number of these cases fit (as above, 45 having some relationship with the victim).

More male offenders than female were assessed as having a need in this area. It was only possible to speculate on the reasons for this but it may be on the basis of the high numbers of male family members described as being in the networks in the qualitative data.

8.9 Section 10 Emotional Wellbeing

Emotional wellbeing was identified as a criminogenic need for 21% of the cases. In accordance with this relatively low number, most of the categories indicated no problems in the areas in this section. The sections of note; in which offenders were assessed as having some problems were social isolation, difficulties coping and attitudes to themselves. 30 of the cases were assessed as being socially isolated (having either some (24) or significant problems (6). 21 cases were assessed as having difficulties coping and 21 cases had problems with their attitudes towards themselves (not the same 21 cases). A higher percentage of female offenders had a need in this area compared to male offenders. This reflects literature based on the needs of female offenders more

generally[13]. This group of offenders had no issues with self-harm, suicide or had undergone any psychiatric treatment.

8.10 Section 11 Thinking skills

This section measures aspects of the offender's awareness and behaviour in relation to their offending. The following table indicates the degree to which these aspects were a problem for this group of offenders.

Factor	No problems in this area	Some problems in this area	Significant problems in this area
Interpersonal skills	55 (77%)	16 (23%)	0
Impulsivity	53 (75%)	15 (21%)	3 (4%)
Aggression	31 (44%)	23 (32%)	17 (24%)
Temper control	57 (80%)	12 (17%)	2 (3%)
Recognition of problems	21 (30%)	39 (55%)	11 (15%)
Problem solving skills	21 (30%)	36 (50%)	14 (20%)
Awareness of consequences	10 (14%)	40 (56%)	21 (30%)
Understanding people's views	24 (34%)	33 (46%)	14 (20%)

Table 10: 'Thinking skills' needs of convicted offenders

The most prominent needs for this group were in the latter 4 sub-sections, problem and empathy based categories. Of the first 4, only aggression features prominently as either some/significant problem. The assessment of difficulties in these latter 4 categories links with the lack of empathy emerging from the qualitative data; not accepting responsibility for the offence may result in higher scores in these sections. The awareness of consequences may suggest that perpetrators were not aware of the nature

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[13] For example, see the Corston Report (Home Office, 2007)

of the offences they were committing and of the seriousness and length of the sentences they would receive for their involvement.

8.11 Section 12 Attitudes

Problematic attitudes towards offending were identified as a criminogenic need for 44% of the overall population. Notably, there was a significant difference between the need on the basis of gender (50% of all males compared with 9% of females). This could potentially be linked to the acceptability of male offenders in this offending compared to the need to explain the presence of female offenders discussed above. It may also be linked to the influence of the male offender on the female offender described elsewhere in the data.

8.12 Risk

The overarching purpose of OASys is a risk assessment and the data provided three measures of risk which are considered here; the overall OASys score, level of risk in the community and risk of reconviction. OASys includes a weighting of the data on the basis that not all offending related factors are equally correlated with assessments of risk and reconviction and so the raw scores are weighted in due accordance.

8.12.1 Total OASys score
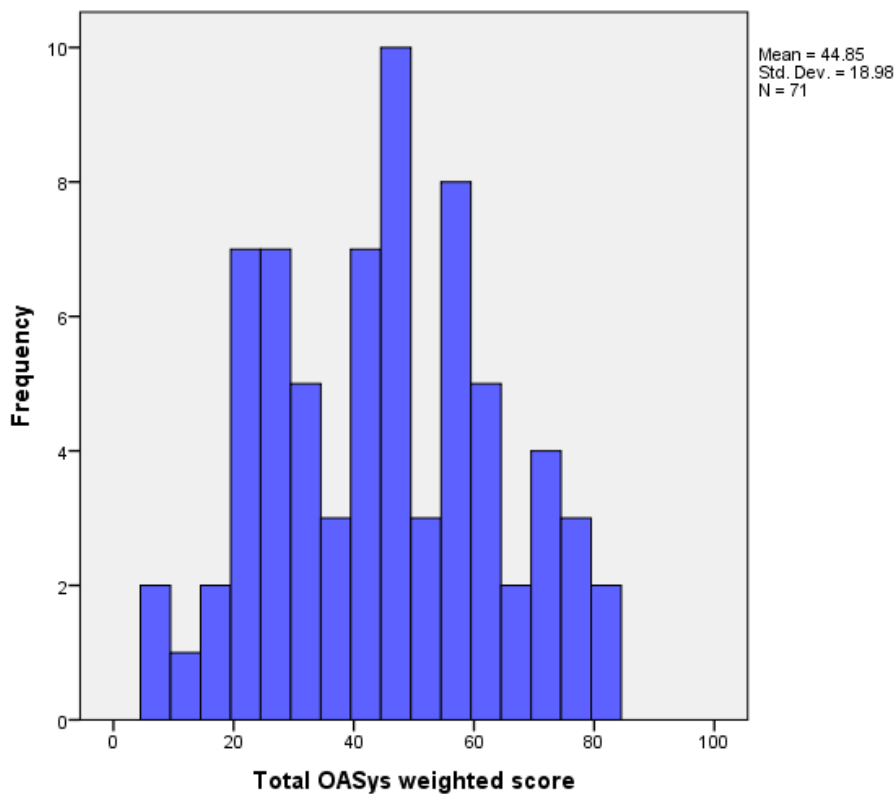
6: Graph showing total OASys weighted scores

The total weighted OASys scores for this group ranged from 5 to 85. The mean score was 44.85 with a fairly large standard deviation (18.98), indicating a wide spread of values around the mean. These scores are used as the basis for the assessment of the risk of harm and the likelihood of reconviction, outlined below. It is interesting that this was normally distributed and underlines the fact that this is a heterogeneous population.

The mean score for male offenders was 47 compared with 36 for females which indicated that they were assessed as having higher and/or more complex criminogenic needs.

8.12.2 Risk of harm

This measurement refers to the risk of harm that the individual was assessed as posing. Risk of serious harm is defined by OASys as "a risk which is life-threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible" (OASys Manual, 2002, p.128). The level of risk of harm

determines the way in which cases are managed; a low or medium level case will be managed through the normal NOMS processes of offender management, not attracting any specific risk management strategies. High risk cases require a closer level of supervision and monitoring which may include multi-agency management strategies, depending on the nature of the case. As shown below, most of these cases were medium risk (47 cases) and only 11 cases would not be managed through the normal processes.

Risk level assessed	Frequency	Percent
Low	13	18.3%
Medium	47	66.2%
High	11	15.5%
Very High	0	-
Total	71	

Table 11: Risk of harm

The assessment of risk of harm was analysed in relation to gender on the basis that the females had been identified as having a lesser role in the offences and had been convicted for lower level offences. This was reflected in the risk of harm scores. All offenders assessed as posing a high risk of harm were males. The majority of the medium risk offenders was also male (n = 32, % of category 68%) whilst the females represented the majority of the low risk assessments (n = 8, % of category 62%).

8.12.3 Risk of reconviction

The risk of reconviction is assessed using a combination of offending information, both past and present, on the basis that past behaviour is a solid predictor of future behaviour (OASys Manual, 2002, p.14) and the range of criminogenic needs identified above.

Risk of reconviction	Frequency	Percent	Males	Females
Low likelihood	29	41%	18	11
Medium likelihood	42	59%	30	12
High likelihood	0	-		

Table 12: Risk of reconviction

As above, none of this group was assessed as having a high likelihood of reconviction. A lower risk of reconviction will attract a lower level of intervention in relation to tackling future offending although the nature of the sentence received will combine this with the element of punishment on the basis of the current offence. Considering the risk of reconviction by gender, the female offenders were split between low and medium risk relatively equally whereas the males were most commonly assessed as medium risk.

8.13 Summary

The quantitative analysis indicated several key findings outlined below.

- Several of the significant criminogenic needs identified by this assessment were linked to the pattern of offending with an intimate partner. The nature of this offending problematizes the accommodation status, as the offenders were frequently living together and the relationship itself becomes a criminogenic concern. The aspect of co-offending may also partially account for the high number of female offenders in the population.
- This data set consisted of a high proportion of female offenders.
- The age of onset of offending was later than traditional research outlines.
- The assessment identified a high level of issues with employment and significant issues with sources of illegal income. In addition to this, the problems with homelessness suggested that the migration status and consequent accommodation status of these individuals could be a factor in their offending pathways.

- There were key difference between male and female offenders in relation to the offences they were convicted for, the sentences received, levels of risk and criminogenic needs in the areas of lifestyle and associates, emotional well-being and attitudes.

Overall, this group of offenders was assessed as low/medium risk of harm and risk of reconviction despite the defined seriousness of the offences convicted. Clearly, there are some issues with the applicability of OASys for this type of low volume offence and the demographics of the offenders do not adhere to the samples predominantly used in the construction of OASys as an analytic tool. This raises some interesting concepts regarding risk and the meaning of risk in relation to this group of offenders; a theme which will be captured in the discussion.

Chapter 9 - Blurring the Boundaries: A Discussion of the Findings

9.1 Introduction

This chapter draws together the themes outlined in the findings to discuss the interpretation of these themes within the theoretical framework and in accordance with the research questions. The discussion here is developed in light of the limitations presented in Chapter 5. However, it is also important to emphasise the strengths of the range of data sources, together with the increased reliability gained through the analysis across them. Quotes and statistics are used from the findings in order to evidence points made.

Following an initial discussion regarding terminology, section 9.3 begins with the prime research consideration; the characteristics of individuals convicted for trafficking offences. Through their involvement in trafficking offences, this group have gained power over their victims for personal gain. Understanding offenders' characteristics assists in providing a context for these actions and the relative status of these individuals based on their reduced 'power' or social capital. The following section outlines the gendered narrative. The primary way in which victims and women are understood in this activity is through the framework of prostitution. These themes link to the ways in which migration is integrated into these power relations and the potential impact of both employment and migration status on victims and perpetrators. The discussion is then widened to consider the shape and operation of the networks. The final section considers the data within a policy focused framework to identify points of dissonance with the dominant construction.

9.2 'Trafficking' terminology

The term 'trafficking' is problematic in the context of the networks and the multiplicity of roles performed by the actors in these offences. The networks in the data are informal, opportunistic and lack organisation. The networks and activities also indicate high levels of control required to maintain power and control over the victim. The high-intensity nature of the activity and the relevance of remittances to family in the country of origin appear to impact on the ability to build large financial rewards.

The term 'trafficker' is used as a blanket description for all individuals involved in the activity, some of whom form part of the migratory network of the victims and have diverse tasks. Therefore, the perpetrator/victim dichotomy is less useful than an approach which integrates the migration journey and helps to explore the pathways into this activity for both victims and offenders. A default set of images are projected onto the perpetrators of these offences through sex work narratives and the process of 'bureaucratic ownership' (Levi, 2009). This represents a specific brand of criminality which fails to understand these individuals and their pathways outside this default narrative. This research provides a way of understanding these perpetrators within their migratory pathways and networks. Therefore, with the purpose of developing a neutral platform from which to understand these processes, the term 'manager' will be used to refer to traffickers[14]. I have chosen 'manager' on the basis of the power dynamics and relationships identified in this research between the trafficker and victim. The term 'manager' also connotes a contract between the trafficker and victim, which the trafficker is able to alter at any time.

Similarly, the term 'victim' is problematic as it fails to recognise the nuance within the migration journey which involves negotiation and fluidity on the basis of the relationships between all actors. Therefore, I will refer to the victims as 'workers' when discussing the wider issues of migrants engaging with managers in order to access work which may or may not become exploitative. This is not to deny their experiences of victimisation but rather to recognise the complexity of the relationships between the actors involved and to avoid labelling such people through a classification that they frequently do not accept and are given by the 'rescue industry' (Agustin, 2008). The terms 'victim' and 'offender' are used to refer to those dichotomies as presented through criminal justice processing of these cases.

Although 'manager' and 'worker' represents another dichotomy, it has a great deal of flexibility. These terms allow for the changing circumstances between the actors to fit along a continuum of exploitation (Skrivankova, 2010) and link to the concept of power and power relations within these networks and processes. The terms account for situations identified where workers, although working in exploitative conditions, are satisfied with the arrangement. The terms also allow migration to be present for all actors which can then be viewed as a factor which mediates the power dynamics

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[14] Mai (2010) uses the term 'agents' for a similar purpose.

between the worker and the manager and limits opportunities which can allow the manager to become more exploitative in the terms of the 'contract'.

9.3 Characteristics of people convicted for trafficking offences

Criminology is engaged in the study of perpetrators of a wide range of crimes (including crimes commonly defined as 'organised crime').   However, this is significantly lacking in relation to those convicted for trafficking offences. The findings in relation to the characteristics of this group can be understood through a consideration of social disadvantage. This group lack social capital and, in some ways, lack power. This does not fit easily within the framework of the dominant construction; that of the stereotypical 'trafficker'. Clearly, there are significant differences in the status and needs of workers and managers and developing an understanding of the restrictions on the social capital of managers does not negate the abuse experienced by victims. However, these findings permit an understanding of 'managers' as a group with some common characteristics and experiences.

All data sources identify a lack of previous convictions, particularly for other 'organised crime' activity. The quantitative data indicated a mean age of onset of offending as 29. Clearly, this group consisted of only those offenders who had been caught and convicted for the offences and it is possible that they had committed previous offences for which they were not apprehended.   However, on the basis of this research, understanding those convicted for this offence requires an alternative consideration of pathways into offending. Combined with the low numbers of previous convictions, this late onset suggests the behaviour is not founded on previous and developing criminality but is based on other experiences during migration. The following section will consider the role of the migration journey and the perception of structural inequalities and cultural aspects which may provide a different way of understanding this behaviour. The nature of the networks identified across the data and the lack of previous criminal involvement indicates that those convicted for these offences are not the organised criminals commonly associated with these crimes. The size and nature of the networks and the lack of previous criminality in this data demonstrate the mechanisms of the (limited) social opportunity structure operating within a framework of migration and social disadvantage.

The 'whiteness' of the population is reflected across the data; several interviews indicate that the most common type of trafficking encountered involves Eastern Europeans which suggests that the focus for law enforcement is within or adjacent to the borders of the EU. This indicates a 'Eurocentric' view of and response to the problem and emphasises the protection of white victims; with connotations of historical 'white slavery' themes. This then illustrates the problematicity of policy through the continuity of historical trafficking ideology in the current application of legislation.

The findings indicate that the overwhelming majority of those convicted for these offences are migrants. Not only are the individuals and their backgrounds differentiated as 'other' but the poverty and social situation in their countries of origin are described in terms of a different category of deprivation from that in the UK. The data is critically limited in the extent to which it is able to provide information regarding the country of origin of the individuals. However, the lack of convictions for 'black' perpetrators in the quantitative OASys data and the 'whiteness' referred to above, indicate that streams of trafficking activity identified in the literature review from African countries are not being successfully prosecuted.

The complexities of decision-making within the migration journey and the socio-political and economic context in the countries of origin create cultural foundations for involvement in trafficking, although it is more complex than suggesting that trafficking is culturally based. When discussing culture, one interviewee used the conditions in the country of origin to account for the difference in attitudes towards acceptable behaviour in certain situations;

> *"they seem to have a different culture with regards to survival"* (P1).

This embodies crucial perspectives regarding the interplay between trafficking, culture and motivations for involvement captured in this data. The findings regarding networks also develop understanding of the relational interplays, discussed below.

The perception of the inequalities and the narrative of 'othering' links to culture as an explanation for involvement in these offences. Two such comments emphasise the intolerance of this activity within Europe whilst suggesting that certain cultural attitudes may support it:

> *"I suspect it is culture, you know…in some places, even in Europe, life is cheap"* (CPS3)

> *"it is evident that in their culture men have the responsibility of undertaking employment and bringing home the money and clearly the women do not see this as their business"* (PSR7).

Across this data, the theme of 'migration and opportunities' offers an alternative explanation which views cultural difference and beliefs as operating with a framework of the migration journey and opportunities available which impact on social capital. Although the migrant status of this group of offenders provides support for the notion that the main perpetrators are migrants, the operation of the policy is circular in that law enforcement approaches target migrant workers who are primarily trafficked by managers from the country of origin. Coordinated approaches involving border agencies and law enforcement are more likely to target migrant managers and workers. On the basis of these findings, it is not possible to suggest that there are UK nationals involved in undetected trafficking operations. However, what the data does indicate is that successful prosecutions include a particular type of offender.

Findings across the data highlight that this group has difficulty integrating into society thereby reducing their social capital. Employment is cited as the primary motivation for migration and one of the most highly scoring criminogenic needs (in the quantitative OASys data) for this group of offenders. Although lacking a high level of education and employment, the qualitative documentary data indicates a history of employment, frequently tied to their migration journey.

> *One case had left his country of origin to work in another country...when this did not work out, he left to travel to the UK on the promise of work which only lasted for six weeks after which he returned home, only to revisit the UK on another promise of work the following year. Each move by this case was made on the basis of employment in conjunction with his family* (O2).

Most managers have some level of qualification (63%) and the problems with employment were exacerbated through migration. This then places migrants in a position where they begin to consider other options, including recourse to exploitation for financial gain. The problems experienced with unemployment are linked to the precarious financial situation and availability of illegitimate sources of income. All data sources highlight elements of financial hardship and a lack of basic amenities in the lives of the managers throughout the migration journey. This is incongruent with the

dominant construction: the lucrative aspect of trafficking emphasised in official documents.

Due to the high incidence of co-offending in this data, the relationships with intimate partners and family and accommodation status are criminogenically problematized in the OASys data (accommodation = 48%; relationships = 42%; lifestyle and associates = 68%). These relationships, which usually act as networks of support for offenders, become problematic in this context. As a result, most offenders are living with their co-defendant/s, which is therefore assessed as presenting significant issues in relation to their offending. Furthermore, the homeless status of over half those cases assessed in the community, in addition to their migrant status, indicates the limited legitimate options available and the lack of cohesion with the local community.

All interviewees questioned the motivation for involvement in trafficking offences. Forcing women into sex work appears irrational given the availability of women willing to migrate and work in the sex industry;

> *"certainly there has been reporting of groups of Eastern Europeans who find that their lot is acceptable, better than working as a prostitute where they were"* (CPS4).

Assessing the risks of involvement in trafficking raises difficult questions regarding motivation; managing women willing to work in prostitution and not attracting any attention from law enforcement is achievable and does not carry with it the risks of lengthy detention that trafficking now bears. However, this assumes that the managers are involved in a larger enterprise rather than managing one or two women. The offences largely described in this data refer to single victims with instrumental links to the managers whereas the ability to engage with larger groups of employees is associated with different shapes of networks and more organised systems not present in this data. The mechanisms of law enforcement and prosecution are therefore mostly focused on and successful in dealing with the small, unsophisticated operations.

The conceptualisation of financial motivation is unclear and inconsistent from this research. Narratives emerging from qualitative analysis indicate that the financial benefit is small and for 'survival' rather than luxury.

> *"well, it's not to buy a mansion" (P1)*

There is a discrepancy in the data between the assumption that the activity is financially motivated and lucrative and the lack of assets identified in the investigation of the

offences. Descriptions of the networks and arrangements reveal that although the buyer pays a fee for the worker, it is paid in instalments to a recruiter which has the effect of pushing the debt back through the network and may explain the lack of assets seized from those in the UK. Investigations described in this research found evidence of remittances but not large seizures of assets. This supports the construction of human trafficking based on the networks described herein with negligible links to organised crime. The relevance of remittances highlights the importance of understanding the migratory context and pathways into criminality for the managers, outlined further in section 9.6.

The available data suggests that sexual gratification is not a substantial motivating factor. A small part of the qualitative data points towards the presence of a serious sexual element in the offences (two PSRs; five qualitative OASys). Other cases with a significant sexual element may not be reflected in the quantitative OASys data as the conviction may have been for rape, carrying a higher maximum sentence. Therefore the offences recorded as trafficking were not those where the sexual element is a key motivator. Where the workers do not consent to the sex work, the data indicates higher degrees of violence, threats, additional violent and sexual offences and confiscation of passports which is congruent with the dominant construction. These coercive tactics also result in power and control over the worker which may be part of an alternative motivation for this offending. Conversely, where the worker was aware of the nature of the work, but the exploitation was in relation to the terms of the work, the methods of coercion are less severe, reflecting a different, more entrepreneurial motivation for involvement. More work is needed to understand the nexus between trafficking and sex offending and more entrepreneurial operations.

The limited responsibility and lack of victim impact identified across the qualitative data suggest that these managers have a particular view of the activity, framed in the qualitative data with reference to cultural normalcy or background;

> *"I wonder whether it is a difference, you know, in Albania or Lithuania…because, I mean, with domestic violence, most of the people who I worked with who were violent came from a home where there was violence in the home"* (CPS1).

In addition the PSRs indicate that the offenders deny the sexual elements of the activity. Where the worker is described as 'knowing', the manager is willing to discuss the experiences of migration and sex work. Where exploitation and coercion increase,

managers deny these links despite corroborating evidence. Similarly, cultural attitudes towards women are framed as a potential explanation for the acceptability of the commodification of women and as an explanation for the lack of victim impact expressed by managers.

> *"[defendant] was unable or unwilling to see the impact of his actions on the basis that prostitution is 'rife' in his home country" (O9)*

The ability of OASys assessments to accurately assess the financial and sexual motivation for these offenders must be questioned on the basis of the data. Given the operational guidance and the nature of the offences, it is remarkable that not all the cases were assessed as having both sexual and financial motivation; only 15 cases were assessed as being motivated by both factors. Furthermore, the inconsistency in the assessment of 'sexual motivation' and 'sexual element' provides additional evidence for the inadequacy of some aspects of the assessment instrument for this type of offence, as discussed in Chapter 5.

Emotional well-being was not generally identified as a significant need for this group although social isolation was identified as a need which links to migrants' place in the community, restricted access to alternative social opportunity structures and illustrates limited social capital. There was a significant lack of drug and alcohol use both as a problem experienced by this group of offenders and as a factor relevant to this offending. Drugs and alcohol are frequently linked to offending of many varying types[15]. Therefore, the lack of substance use whether linked to the offence or not, is notable. Substances do not feature as a motivation for financial gain nor are they used as a coping mechanism. In addition, substances were not mentioned in any of the qualitative data. If the operation of trafficking activity is approached as an enterprise, albeit a disorganised and opportunistic one, then the presence of alcohol or drugs could potentially be detrimental to the operation of trafficking activity and therefore avoided.

This groups' homelessness, lack of legitimate income sources, employment and limited social networks all contribute to their categorisation as socially disadvantaged. Feeley and Simon (1992) describe a socially disadvantaged group which they term 'underclass[16]' as a "permanently marginal population…without hope; a self-

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[15] See, for example, Bean (2008) regarding drugs and crime and Dingwall (2006) for alcohol and crime
[16] The features advanced by Feeley and Simon (1992) regarding the 'underclass' identified in America in the 1980s and 1990s and the subsequent marginalisation of this offender group are those which have

perpetuating and pathological segment of society that is not integratable into the larger whole, even as a reserve labour pool" (Feeley and Simon, 1992, p.467). In this discussion, Feeley and Simon (1992) are referring to the underclass in America during the 1980s/1990s. However, on the basis of the findings and the preceding discussion, these notions can be seen to apply to this population. Feeley and Simon (1992) then argue that reintegration and therefore rehabilitation are not seen as relevant to this group. As stated above, many of this group will be deported and so rehabilitation and reintegration into the community are not priorities in sentence planning of offender management within the UK. This research allows important attributes of this offender group to become apparent which contextualises them in a different way and begins to explain their pathways into trafficking. These people are excluded from society in the UK in a number of ways and their social capital is reduced. Furthermore, this group are then excluded from rehabilitation and reintegration and, as outlined above, from a criminological understanding.

Perceptions and beliefs surrounding sex work and migration create a particular set of opportunities for managers. This understanding of the problem negates any motivation to further understand the criminality and the pathways into crime. In order to understand involvement in these processes and therefore to inform strategies to address them, research needs to broaden knowledge regarding managers and workers' experiences as men and women, as migrants and as criminals. Furthermore, this discussion highlights the potential implications of restrictive migration policy discussed elsewhere and the consequent marginalisation of migrants in the UK[17]. As illustrated, the managers are presented throughout the data as irregular migrants unable to gain legitimate employment opportunities;

> *"O2 was not able to find work or claim benefits in the UK so on his first trip depended on…his sister"* (O2);

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strong resonance with the offender group analysed here. It is this point that I want to emphasise here. However, I am cautious in using the term 'underclass', and have instead chosen to use socially disadvantaged in order to avoid the connotations associated with the word 'underclass' through the work of Charles Murray (see for example, Murray and Lister (1996)). This point is not to associate the notions surrounding Murray's interpretation of 'underclass' with migrants but rather to highlight the cumulative impact of migration on aspects of social disadvantage which may act as contributory factors for pathways into this offending. Therefore, the phrase 'socially disadvantaged' is preferred in this discussion.

[17] These concepts are relevant in providing a context to the consideration of this group of offenders as socially disadvantaged as migrants. For a full discussion of the experiences of migrants and social cohesion in the UK see, for example, Hickman et al (2012)

> *"He stated that he hoped to get employment in construction or agriculture but he could not get legitimate employment"* (PSR9).

Managers then take advantage of their limited networks to seek financial gain, frequently exploiting those within their networks, further discussed in section 9.6.

9.4 Women in Trafficking: Narratives of Gender

9.4.1 Women as perpetrators

The role of female managers is an emerging area of research in criminology that has not received significant attention. The focus on male dominance and the construction of traffickers has narrowed the criminological lens, neglecting the role that women play in this activity. The dominant paradigm does not include or acknowledge a female manager as women are clearly delineated as the victims of this activity.

This research contributes significantly to the understanding of women as managers and, crucially, by considering why women are represented to the extent that they are in conviction data (38%). The policy-focus has defined men as perpetrators and women and children as victims, creating problematic dichotomies. However, this research shows that women are significantly represented amongst those convicted for these offences and the discussion of their involvement illustrates the ways in which women's involvement is constructed. This is important as it allows an understanding of the gendered lens through which officials view this activity and through which individuals arrested for these offences are processed. The perceived conceptual incongruity of women and offending is well documented (for example Belknap (2001); Walklate (2001); Heidensohn (1996)). Although criminological research has broadened its consideration of female offenders; female roles in organised crime are rarely considered.

In many ways, the narrative emerging from the interviews regarding female participation in these offences reflects theories of females in the criminal justice system and perceptions of female offending generally. Involvement of females in this type of crime; one that is considered to be sexually exploitative, is considered 'unnatural' (Wijkman et al, 2010). As a result, a number of narratives can be identified which explain their participation which are not present for male participation in these offences.

The tendency for these professionals to justify or comment on the presence of female offenders indicates a conceptual difficultly with their presence and perhaps reflects the incongruence with the dominant paradigm. Through these explanations, women are frequently denied agency throughout their decision-making and employment choices and, as migrants, denied agency in their decisions to migrate. The offending is explained in three ways;

(a) Through an intimate relationship with a male manager
(b) Minimised on the basis of the role taken in the offence or
(c) Framing the journey into offending on the basis of former victimisation

9.3.1.1 Offending with intimate partners

Across the data, male and female managers are frequently in an intimate relationship (74% of the population are recorded as offending with an intimate partner). Female managers' relationship status, in conjunction with the description of their lesser role in the offence represents their participation as less powerful and involving less agency. Furthermore, some of these relationships are abusive and therefore the female acted under duress of the more powerful male manager. Surtees (2008) highlights this type of co-offending in trafficking as an emerging theme, stating that the woman usually recruited the victim and the man dealt with escorting and transporting her" (Surtees, 2008, p.45). Findings here do not reflect this description; the female traffickers were not largely responsible for the recruitment of the victims but were assigned the roles of transporting the worker and 'babysitting' duties.

Cultural norms are used to explain the roles taken within the offence by the males and the females. A set of cultural expectations attributed to one female manager within an intimate relationship resulted in her inability to question her partner in relation to his income. Therefore, although she was aware of his income and unemployment, her apparent ignorance is accepted and she is portrayed as innocent based on cultural normalcy. Furthermore, elements of power and control through domestic abuse within the relationship are presented as an explanation for women's behaviour and role in the offence which reduces the power and agency of the female manager through subservience to her partner.

Women's trafficking convictions need to be understood in the context of migration since the majority of those convicted for these offences are migrants and their decision-making therefore occurs within this framework. Considering these events from a life course perspective; the development of an intimate relationship can act as a significant trajectory which would impact on pathways away from offending (Sampson and Laub, 1990) although clearly, a relationship with an offender would not promote this. In addition, the instability and potentially isolating experiences of migration would also impact on decisions to offend. The lack of social bonds, legitimate employment and legitimate employment opportunities and the closeness of the ties within the offending networks provide a solid foundation for offending. In this context, social capital is further limited through the power relations with partners and the perception of female managers by the criminal justice system.

9.3.1.2 Minimising women's roles

Women proportionately feature more in convictions for the arranging and facilitating offences than for the main trafficking offence indicating that they are 'assisting' the main manager who is male. The female managers are frequently assigned a lesser role or portrayed as being under the control of the male manager whether in the context of an intimate relationship, as above, or through other relationships.

The roles performed by female managers are those that are more likely to come to the attention of law enforcement as they operate at the forefront of the activity. 'Baby-sitting' duties and transporting the workers are more likely to result in spending significant time with the worker and will therefore enable easier identification than managers in other roles;

> *"[name] seems to have played a lesser role within the arrangement, than her co-defendants…in some ways she befriended the victim, spending time cooking, shopping and talking about their children"* (PSR10).

This description of the case clearly highlights the commonalities between the female worker and female manager who are discussing typically gendered topics creating a type of camaraderie. The ways in which law enforcement efforts are mobilised and cases are processed operate in a gendered way, focusing on roles in which female managers are more likely to be present. The power of the policy to target what is constructed as *the* problem through the dominant paradigm appears to be misdirected

and instead focuses on those targets which are easier to detain and further marginalises female migrants.

9.3.1.3 'Turning': female managers as previously exploited workers

This narrative draws on experiences of women who have previously worked as sex workers under exploitative conditions and moved into trafficking as a way of easing their situation. The findings indicate that there is a point at which their victim status ends and their status as an offender becomes more relevant, judged on an individual basis by the prosecutor. The analysis described women as *'turning'*. The use of this term gives rise to imagery of 'turning rotten' or 'going bad' and is an external influence operating on the women. This also highlights 'victimhood' which is placed within the offending pathways of female managers. However, the same mechanisms may operate for the male perpetrators. The experiences and social disadvantage of the male managers suggest a type of male victimhood. However, the impact of these experiences is not referenced in the data. Males are more naturally constructed as offenders and therefore there is no tendency to dwell on the pathways resulting in this activity.

These narratives indicate that women's roles are fluid, changing and that their guilt or innocence is under scrutiny. Furthermore, the female managers in this narrative are again lacking power. The male manager is constant; he has the power to dictate and change the female's status from worker to victim of exploitation to manager. Neglecting to question the role of the man in these situations necessitates reliance on a singular (and arguably not very useful) definition; 'trafficker'. The range of ways in which women's participation is viewed neglects the migration experiences of the women and the context within which these women make decisions. In addition, the minimisation of women's, or some offenders', involvement on the basis of the role highlights further limitations of the term 'trafficker'.

The narrative of female victimhood is reflected throughout the data. Unlike any other offences, the prosecution of the perpetrator for these offences takes place within a very specific construction of the victim. Although the data suggests that victim status is not impacted by prior knowledge of prostitution the narrative emphasises the vulnerability of particular victims and suggests a hierarchy of victims, discussed further below.

Throughout the gendered narratives of the female manager, women are portrayed as transgressors of the 'normal' constructions of trafficking. Certainly, female offending

does not fit into the dominant construction which partially accounts for the explanations given for their presence, on the basis that the criminal justice professionals interviewed are involved in the preparation of the documents used for qualitative analysis, work within the dominant construction. The representation of female managers in the data is a paradox within the dominant policy construction. On the one hand, the stereotypical offender targeted through official accounts is constructed as a predatory male with organised crime connections. On the other hand, the application of the legislation has resulted in females representing over a third of convictions and the notable absence of links to organised crime, discussed below.

9.4.2 The Shadow of Sex Work: Moralising arguments

The focus of law enforcement on trafficking for sexual exploitation is illustrated in the overwhelming majority of prosecutions for this offence. All qualitative data sources contribute to the complex picture of the nexus between sex work and trafficking with the primary focus on whether or not the worker was aware that she would be working in the sex industry. Outwardly, this awareness does not appear to present a significant impediment to the prosecution process, a finding which potentially reveals a development within court proceedings of an acceptance of sex work;

> *"I think it used to be the case, you know prostitutes can't be raped but I've got a feeling that's changed you know we also prosecute offences against prostitutes and we see successful prosecutions where the victims are prostitutes, for rape and for trafficking. They're victims too"* (CPS3).

Interviews reflected recognition of the ability of these women to choose to commodify their bodies. It is key to identifying victims of crime within the sex industry that women are able to consent to sex work and therefore to raise complaints when they are victims of crime. If sex work is increasingly accepted as a legitimate work option, then the exploitation can be assessed on the basis of other aspects, for example, the pay received, freedoms afforded during the course of the work and other conditions. These factors are discussed by prosecutors as key indicators of exploitation. This would then allow the assessment of exploitation of sex work to be made in the same way as exploitation in other types of labour.

That the victim was not forced into the work did not appear to impact on judicial proceedings; there was no aspect of judgement acknowledged in the proceedings. However, the language used when discussing elements of sexual exploitation suggested

that the prosecutors regarded this as more serious than those forced into other kinds of work and was judged in terms of their moral values. This suggests that the apparent ease with which sex work and commodification are pronounced as acceptable may not correspond with underlying beliefs. That these views are expressed only by female interviewees indicates a moralised perspective which regards the women as transgressors of social norms and illustrates the normative values of the prosecutors. To reiterate a quote capturing this perspective;

"It's all a bit distasteful" (CPS1).

These underlying notions again minimise the power of the female migrant engaged in sex work.

Moral judgements and the validity of 'choice' were also evident regarding situations where sex workers' 'agents' are paid a substantial portion of earnings but the sex workers are satisfied with their conditions, particularly when compared with the conditions in their countries of origin. However, it is acknowledged that this situation falls outside the framework of trafficking as the sex workers do not consider themselves to be exploited. This judgement of the sex work/trafficking nexus removes any power and agency from these women as economic migrants. It is a perspective commonly reflected in narratives relating to sex work and trafficking and indicates a focus on push and pull factors without acknowledging the wider desires and experiences of the migrant. The concept of 'prostitution as violence' in conjunction with 'migration for sex work equates to trafficking' would view these women as victims regardless of their consent.

The findings indicate interplays of institutional power between the agencies involved and the policy impact on migrant sex workers. Police interviews suggest that those involved in this work recognise the utility of making working links with sex workers and sex worker support groups for the purposes of intelligence. Sex worker support groups remain wary of law enforcement and continue to identify the impact of policy on sex worker migrants. This demonstrates a functional tension between the agencies involved. However, one perspective raised in the interviews suggests that the narrow focus of criminal justice cannot afford to become concerned about migrant sex workers; becoming marginalised is a risk of choosing to migrate as a sex worker which adds another limitation to the definition of victimhood in these cases. This response again illustrates a normative judgement of sex work and places a degree of blame upon women who have chosen to migrate for sex work.

Parallel narratives in the data provide evidence for a two-tiered impact of sex work on trafficking. Although sex work, and the choice to engage in this work are not explicitly judged, and do not ostensibly impact on the criminal justice processes, the findings reveal undertones of moralism and a gendered operation of power. In terms of migration, "the association with sex overwhelmingly affects how migrants are treated" (Agustin, 2009, p.11). The continued impact of the sex work paradigm illustrates the process of policy problematicity through the sustained reference to the sex work debates and the consequences that this has for females as workers and as managers in this sphere. The sex work discourse is still accepted as fact, rather than a social construction and a feature of this policy-making. In addition, this research reveals a gap between what is described as happening and underlying normative judgements. These findings emphasise the importance of allowing victims and perpetrators the space to narrate their migration trajectories and engagement with this activity within the context of their migration whilst allowing for their recognition as victims of crime if appropriate.

9.4.2.1 Victim narratives

Victims are constructed within a very specific gendered framework, strongly linked to sex work and infused with moralistic notions. The victim status is precarious; the concept of 'turning' discussed above removes prior claims to victimhood. The victim's classification as a sex worker leads to a 'tarnished' victim status which gives rise to elements of blame and moral judgement. The features of the victim narrative discussed below are strictly in relation to female victims, mostly female sex worker victims. Despite some suggestion of a male victim experience, this was not significantly discussed in the data. Finally, the conviction of traffickers occurs within a very particular paradigm of the victim with specific assumptions about the victim which does not occur in most other types of crime except rape with which some parallels are drawn below.

Descriptions of victims and their migration journeys reveal a negotiation of conditions which are subsequently violated and thus cross a boundary in the relationship from partnership to exploitation. The status of the victim as 'knowing' is used by perpetrators to justify the offences and minimise responsibility in terms of a not guilty plea;

"[name] states that the victim was fully complicit and in fact had been told by a friend that this [working as a sex worker] would be a good way to obtain free accommodation" (PSR9).

This allows the managers in their accounts, to shift the emphasis away from concepts of exploitation and to focus on the actions of the victim. 'Turning', the perceived transgression of the victim from innocent to guilty, minimises responsibility for the decisions to work in an environment which, after all, is known to be exploitative and apportions blame. In this narrative, willing migrants are granted agency in their decision-making, primarily on the basis that their foolhardy decision-making led to undesirable circumstances.

'Innocent' victim status is denied from certain women on the basis that they transgress cultural and social norms including 'good women should not work as prostitutes', reflecting discourses of Victorian purity movements. The more extreme version of this is that in fact women cannot consent to sex work as it is a form of violence in itself. Whilst acknowledging the traumatic experiences of these victims, this also calls into question their role in their own victimisation. This argument has parallels with the construction of female victims of rape. Belknap (2001) discusses the concept of victim blame in rape cases, drawing on cultural norms that women should not drink, should not dress provocatively and should not place themselves in vulnerable situations; doing so burdens them with some of the blame for their consequent victimisation (Belknap, 2001, p.215).

Acknowledging the evidential burden on the victim, interviewees suggest that developments within the criminal justice system, particularly in relation to technology have provided greater support to victims. Victim narratives emphasise the vulnerability and powerlessness of the victim, congruent with the dominant paradigm although dissonant with the narrative affording agency to the victims in their migration journey and decision to work in the sex industry;

"the most vulnerable people that you can think of, they're the victims of trafficking" (P1).

One interviewee commented that if the victim is 'good' then the trial will progress well. The use of the adjective 'good' again places a degree of responsibility on the victim; conversely, if the victim is 'bad' then presumably the trial will not go well and the burden of that responsibility will lie with the victim. The 'quality' of the victim is

therefore measureable on the basis of their previous behaviour; they are responsible for rendering themselves powerless in the context of the court case.

The use of the word 'rescue' to describe operations or law enforcement approaches to trafficking is not always appropriate as those women's circumstances are more complex than the stereotype of a trafficked victim forced into prostitution requiring law enforcement assistance. The concept of rescue; to "save (someone) from a dangerous or difficult situation" (Oxford Dictionary, 2013) removes any agency or power from women who have migrated to work in the sex industry. The concept of being 'saved' reflects Victorian/Edwardian social purity movements and the connotation of redeeming these women. One comment captures this element along with the powerlessness of the victim;

"they were quite lucky, we managed to rescue them quite early" (P3).

There is a value judgment attached to the notion of rescue; particularly if the victims choose to remain in the 'dangerous or difficult situation'. The discrepancy in the reported number of victims 'rescued' is a product of organisations involved in this type of work and the need to justify their existence; what is referred to as the 'rescue industry' (Agustin, 2010). This concept is related to that of policy reinforcement and is discussed below. The findings indicate a level of awareness that the success of the 'rescue missions' may not be as straightforward as it appears and hence presents a point of challenge within the dominant paradigm.

These findings develop the critical analysis of accounts of trafficking victimhood, particularly in relation to the explanatory narratives of their involvement as managers. The issues of globalisation and debates which overwhelm the sex industry impact on a criminological understanding of this victim. The prioritisation of sex trafficking and the consequent framework for trafficking has further implications for the way in which trafficking activity as a whole is viewed. Historical perceptions regarding the sex industry, the impact that this has on women and gendered relations have far reaching implications that, while trafficking is viewed primarily in this way, will continue to confuse understandings and knowledge of these processes. This is acutely an issue with reference to those victims who later 'turn' and commit trafficking offences for which they are convicted. Their victim status is then negotiable on the basis of their subsequent actions suggesting that their experience as a victim is no longer valid.

9.4.2.2 Trafficking enterprises, victims and trust

Several features of the findings reveal the basis for an entrepreneurial framework for this activity which helps to develop the understanding of these processes and the interplays of power that take place therein. Notions of trust are frequently discussed in relation to the relationships between the worker and manager/s. The element of trust is important in the recruitment process. The use of trust to facilitate movement can be viewed as functional within an entrepreneurial framework. Further evidence for an entrepreneurial approach is the decreasing use of violence within trafficking offences found in this data; the presence of violence attracts unwanted attention and increases risk. The findings indicate a general lack of accompanying convictions for violent/sexual offences which points towards the operation as financially driven rather than operating for sexual/violent gratification or as a result of patterns of escalating offending. Treating workers agreeably and developing an effective public interface are crucial to the efficient running of a business or at least for the purpose of avoiding detection. Visible injuries will potentially disallow the worker from working for a short time as well as attracting the attention of law enforcement or medical personnel. This is not to suggest that workers are treated well but rather that the findings indicate that physical abuse is minimal and that power is gained through other means. As in other relationships in which power and control are used, the threat of violence or other threats can be sufficient to maintain functional cooperation[18]. This approach also allows an understanding of the experiences, and the changing conditions between the worker and manager as existing along a sliding scale; a continuum of exploitation (Skrivankova, 2010). The point at which the level of exploitation experienced through the informal contract between the manager and worker becomes unacceptable, the worker is then self-defined as a victim of abuse. This research shows that this point varies depending on the circumstances of the worker and therefore imposing the victim status too early in the process can neglect worker agency and decision-making.

The lack of violence identified in the quantitative data is partially contradicted by the presence of violence in the qualitative data. It may be that at pre-sentence stage, there is an emphasis on violence and risk by the report writers in order to ensure a longer

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[18] The range of abusive behaviours extends far beyond the physical in domestic abuse; see for example, Pence and Paymar (2003); Dobash and Dobash (1984). For a discussion of the complex use of violence and threatening tactics in organised crime groups see, for example, Hobbs (1995)

sentence. This was embodied in the following summary of one case involving physical violence against the victim;

> *"I have considered the level of seriousness, I have taken into account the aggravating factors of violence used against the victim and that they were forced into prostitution against their will. I have assessed the seriousness as high"* (PSR9).

This PSR writer then recommended a custodial sentence on the basis of the violence and the forced prostitution with reference to public protection legislation. The violence may then become a less important factor following sentence and as such not be sufficiently serious to be entered as a significant factor in OASys. Finally, higher levels of violence and threats are used when workers are forced into sex work which brings into question the motivation for trafficking workers who are not willingly working in the sex industry. This points towards an alternative, less entrepreneurial motivation in the movement and exploitation of people based on the desire to gain power and control or a motivation for sexual gratification through exploitation.

Notions of trust are also relevant for criminal justice professionals working with the victim to build the case for the prosecution. Data indicates that the victim's first account is not always accepted as a reliable reflection of the truth. The victims are portrayed as frequently inconsistent and unreliable which questions their claim to victimhood but also causes problems during the trial due to the legal notion of the first account and the availability of this first account to the defence which may undermine later accounts of the victim. The following case provides an example of this;

> *"There's no point building a case if somebody is inconsistent or not credible or whatever. I had one case where the victim said I've been trafficked and I've been raped and when you looked at the video interviews the first one she said she'd been raped three times but then in a subsequent interview where she said she'd been raped five times and then a later interview where her story changed again and you know I'm not saying she hadn't been raped…but there were other inconsistencies"* (CPS3)

This narrative presents two conflicting approaches to trafficking victims with justifications for their unreliable accounts. One prosecutor states that victims are always believed from the outset as that is the only way to approach cases. However, the same interviewee later states that victims of these offences are difficult to work with and manage due to the inconsistency of their accounts. This again illustrates a dissonance

between the policy and procedure and an underlying judgement of the victims. This further reinforces the finding that this group of victims experience a very specific type of victimhood that is discordant with the 'typical' victim, even the stereotypical trafficking victim.

9.4.2.3 Coercion/Exploitation

These findings develop the understanding of the operationalization of 'coercion' and 'exploitation' in these cases. Prosecutors indicate that they tend to use dictionary definitions of these concepts in the absence of a definition included in the legislation and currently in the absence of a definition developed on the basis of a substantial body of case law. A number of issues are raised regarding these concepts although they are not highlighted as posing significant impediments to successful prosecutions which is inconsistent with some of the academic debates.

The concepts of exploitation and coercion are discussed with reference to the distinction between trafficking for sexual exploitation and for labour exploitation. The notion of exploitation is portrayed as fluid and more difficult to define in cases other than trafficking for sexual exploitation. The element of exploitation in labour cases is described as being complicated by the presence of money, suggesting the financial element acts as a barrier to exploitation and can begin to negate the exploitation in terms of proving the offence. This again provides evidence for the acceptability of a specific type of victimhood where payment is seen to balance the experience of exploitation. In cases for sexual exploitation, this is not the case, which returns to the assumption that when the body is being commodified, exploitation can be assumed. In terms of proving the offence, the onus is on the prosecution to actively prove exploitation in cases involving labour exploitation, which does not occur in the same way in sexual exploitation cases as the exploitation is readily accepted through the sex act. This perspective again removes the power of choice from the migrant if she has migrated for sex work.

In establishing coercion, it is the sex act to which the worker is assumed to not consent; that acts as the exploitation. Conversely, it becomes a question of working conditions in labour cases which is more complex and is described as conceptually shifting from the sphere of criminal into civil law. This is built on the social norms that classify incidents related to sex work as criminal law and views those engaged in this work as

transgressors of these norms. Prosecutors discuss an assumption made outside the criminal justice system that victims who appear to acquiesce with the manager are not being coerced. These value judgements of the victim are specific to this construction of a victim and link to the concept of a 'good' victim discussed above.

Proving elements of coercion and exploitation reveal a blurred boundary between the stereotypical portrayal of the victim and the experiences of victims. The stereotype creates problems for those victims that do not fit and provides the defence with evidence supporting an assertion that they have not been exploited. This is a particular problem in cases prosecuted through trial by jury as the jury are more likely to have engaged with the dominant paradigm of trafficking through media. In addition, the operation of policy reinforcement and problematicity mean that definitions and constructions developed in one part of the criminal justice system are replicated in another. As Hawkins (2001) suggests, stereotypical cases will influence the understanding of cases of the same nature, even if they are not a good fit, providing a foundation for the perpetuation of the dominant construction.

A conceptual distinction is drawn in this data between trafficking and migration for sex work leading to exploitation with the latter potentially leading to the acceptance of a lesser plea. The following conversation in interview illustrates this point effectively;

> *P3 Some of the victims have worked as sex workers before [pause]*
> *R in their own country?*
> *P3 Yes, you know, of their own volition and there may be an issue where it might be perceived that they were happy to go along with it, that they've not really been trafficked but they've been exploited, they might be, I don't know because, they might get a plea to a lesser offence, concerning prostitution for gain*

This indicates that consensual migration for sex work in which the worker is later exploited is viewed as less serious. This contradicts the assertion that the status of the victim does not impact on the prosecution process and provides further evidence for the gap between procedural description and moralised undertones. It may be viewed that the status as a knowing victim does not impact on whether the offender is successfully prosecuted as the offender is still convicted for all cases in this data. However, it does portray that exploitation of workers who willingly migrated for sex work is not viewed as serious as exploitation of those who were deceived regarding the nature of the work.

9.5 Integrating the migration journey

The findings in relation to the managers and workers in these processes indicate a need to understand the migration journey of these individuals in order to better understand the pathways into this activity. While approaches that focus on the cultural context of the migrant must be approached with caution, failing to account for these factors presents an incomplete picture of the migration journey. The two PSRs which describe manager migration journeys based on unfulfilled promises of employment are interesting in that they reflect descriptions of the journeys of workers; developing a parallel between the starting points of the workers and managers. These offender pathways depict a narrowing of opportunities based on the situation in the country of origin, status, reduced social capital and the use of networks to maximise the options available. The narrative reflects those commonly encountered in accounts of worker experiences into exploitation. Both groups experience powerlessness on the basis of their backgrounds and experiences. However, the ways in which the workers and managers deal with this powerlessness are different; managers are constructed as predatory whilst the workers are constructed as reacting to the powerlessness as a motivation to escape poverty and seek betterment.

The findings from the qualitative analysis suggest that workers often demonstrate agency in their decision to migrate; exploitation was not evident from the outset or at recruitment stage. This is partially on the basis that most of the victims are presented as knowing that they would be working in the sex industry. The relationship between the worker and manager is identified as being instrumental in the decision to migrate but the migration was motivated by employment. The finding that migration is fuelled by employment is well supported by migration based literature and therefore not surprising but stating this link does afford some agency to the workers through this data that is frequently missing in official accounts of trafficking. Given this context, it appears that exploitation is a risk taken into account in the process of migration by women who eventually become victimised. That is not to suggest that this therefore apportions the workers with any of the responsibility for the later exploitation but that the naivety frequently attributed to workers in the dominant paradigm neglects to acknowledge their understanding and awareness of their migration journeys and employment choices.

This analysis reveals an emerging complex relationship between cultural attitudes towards sex work and the migration journey and pathways into trafficking. The qualitative documentary data suggests that the managers use a cultural acceptability of sex work to justify their involvement in the activity, a perspective that is reflected in attitudes expressed in interviews with prosecutors and police. In this narrative, the prevalence and social tolerance of sex work in the country of origin is used as an explanation or justification for exploiting workers in sex work in the UK. An alternative and opposing narrative in the data is the element of shame attributed to workers on the basis of their sex work. It is not clear whether the shame is expressed by the victim in these accounts or whether shame is assumed or projected by the report writer on the basis of normative moral judgements identified above. Nonetheless, the element of shame applies regardless of prior knowledge and is often linked to the worker's avoidance of informing their family. This barrier between the worker and her family is exploited by the manager through the use of blackmail and threats. It also impedes the prosecution process as victims are reluctant to proceed in order to protect their experiences. In addition, it is more difficult for the victims to proceed without the support of their families. The victim is therefore rendered powerless within the dynamics of her own family, through her engagement with sex work on the basis that sex work is not culturally acceptable. The way in which these cultural norms interact with familial/local attitudes on a more individual basis in this data also guards against applying cultural assumptions in a blanket sense to support migration and trafficking patterns more generally.

This data can be understood through a closer consideration of migration journeys which are closely linked to employment pathways, opportunities and the decline of social capital. The experience of one case is summarised;

> *"he and others travelled to the UK on the promise of some work and a roof over their heads, the <u>victim</u> also travelled with them to work…when he arrived in the UK from Romania, the work did not materialise. He then used the victim to earn cash by facilitating her to act as a prostitute"* (O6).

The definition of the victim as a 'victim', underlined above, is not applicable at the time as she was travelling, by choice with this network for the purposes of employment. The pathways towards trafficking activity are shaped by actions of co-defendants, others who exploit a less advantaged position and/or a lack of legitimate opportunity. In addition, the structural inequalities and the need to make remittances again highlight the

motivation for employment-based migration. The high incidence of unemployment evidenced throughout the data combined with the apparent significance of employment as a motivation for migration illustrates the narrowing of options within the migration experience. This group, although not highly qualified, are not characterised as having problems with skill sets necessary to secure employment. It is rather the lack of legitimate income sources which necessitates recourse to alternative income types. Most of the offenders convicted are assessed as having problems with illegal income sources. This is to be anticipated; offenders convicted for trafficking, particularly within the dominant paradigm, are expected to be profiting financially from the exploitation of others but this may also underscore a lack of ability to interact with the legitimate labour market.

Assumptions regarding migration journeys impact on the ability of women to be recognised as managers within a trafficking framework. The example outlined above (O6) captures this notion succinctly. Throughout the data, female managers are described as accompanying either an intimate partner or a relative, whereas the emphasis for the male migration is employment. Migrating for the purposes of employment is therefore gendered, with the assumption that it is men who travel to work, to better themselves and to provide for their families (Agustin, 2009, p.19). In addition, involvement in crime, particularly sexually exploitative crime, is constructed as a masculine endeavour. The combination of these factors adds to a construction of trafficking that excludes women from active participation in these crimes.

Bosworth et al (2011) question whether the immigration status and migratory journey alter the overall shape of the experience of the women as victims.

> "Does the existence of global inequality simply add another layer of harm to their victimization?...These women, after all, may well have suffered considerable economic privations. They are unlikely to have received much formal education and, depending on their country of origin, more likely to have come from an entrenched patriarchal culture where violence against women is rarely policed or is ingrained in the culture and history of a jurisdiction or to have fled civil war or conflicts characterized by gross human rights violations." (Bosworth et al, 2011, p.774)

The findings discussed here suggest that, given the parallels emerging between the workers and managers in this activity, the immigration status and migratory journey will impact on the overall shape of the experience of women as managers and on male

workers and managers. This data suggests the utility of broadening the framework of structural inequalities in order to understand how some managers find a pathway into this activity. Clearly this is not the case for all managers. However, for those with low levels of social capital, this framework provides an important way in which to understand their engagement with trafficking. As managers, women (and men) may have suffered from considerable disadvantages described here and the cultural structures which are more permissive of violence against women. Instead of this resulting in their victimisation, or following victimisation, this leads to a pathway which exploits others from a similar background. This data builds on these concepts through a reframing of the question posed by Bosworth (2011) to address offender pathways into this activity.

Consideration of decision-making by migrants frequently cites sets of 'push' and 'pull' factors which can be seen to underpin the migration process. Developing this reasoning, the operation of structural inequalities narrows the options for both workers and managers. The migration journeys of managers and workers explored here can be seen as a risk-based decision-making activity in which options are based on circumstances and the level of planning is low. This research builds on the findings of Jaeger et al (2007) who discuss the role of risk aversion in migration propensity, finding that those who are more willing to take risks, particularly in relation to employment, are more likely to migrate (Jaeger et al, 2007). These concepts can be extended to consider decision-making and pathways to offending for these individuals. This risk-based decision-making in this research operates in conjunction with an identifiable narrative relating to the perception of structural inequality and culturally based norms. This process also removes some of the agency in the decision-making process of migrant women, both as workers and managers, linking to the gendered narrative above. This is not a feature which is present in the discussion of the men and in fact, the assumption and emphasis on the organised criminality of trafficking neglects to recognise the experiences of the managers as migrants and the impact of this on their criminality.

These findings present a new way to begin to understand the pathways into criminality for these offenders and highlight that integrating the migration journey into this understanding is crucial. The tendency to neglect the broader background of the offender can be attributed to the shift to the new penology and accounts for the failure of dominant constructions to fully explore and understand the interaction between the migration journey and the involvement in trafficking.

"Policies premised on this [the old penology/sociological criminology] perspective addressed problems of reintegration, including the mismatch among individual motivation, normative orientation, and social opportunity structures. In contrast, actuarial criminology highlights the interaction of criminal justice institutions and specific segments of the population. Policy discussions framed in its terms emphasize the management of high-risk groups and make less salient the qualities of individual delinquents and their communities" (Feeley and Simon, 1992, p.466).

Therefore, policy focuses on the management of organised criminals as a large, homogeneous group rather than focusing on specific groups and the processes which impact on their decisions to offend. This again reflects the tendency for policy in this area to focus on the global/transnational rather than the local and individual. Furthermore the crime/security lens through which the dominant paradigm views trafficking neglects to understand the impact of offenders' migration journeys instead viewing migration as a way of restricting the influx of people on the basis of security.

These findings have a wider utility for criminology in advancing the understanding of trafficking. Criminology has been slow to incorporate the issues and impact of globalisation (Bosworth et al, 2011, p.775). It is necessary to understand the local nature of the networks involved in these offences and the position of these networks within a global context. The emphasis on transnational crime as 'global' has led to the focus on assessing the risk and threat posed by the 'alien other'. An understanding of the local and cultural context is necessary to understand the mechanisms of these crime markets (Hobbs, 1998, p.408). This research shows that convicted cases portray a range of facets which relate to local and global cultural factors; from close knit, cohesive networks to the economic and structural context behind the formation of these networks and the decision-making process which leads to the exploitation of victims who are initially, in similar circumstances to the perpetrators.

9.6 Close, small and disorganised: networks and organisation

A theme of networks was identified early in the process of analysis and across data types. A network approach to understanding the data allows women to be present in a variety of roles. The shape of the networks is small, with high density and high cohesion which is contrary to some research/analysis explored below. The networks are

based on familial, affective relationships that are described as predominantly ethnically homogeneous. The operation of the networks is informal and frequently uses existing relationships to facilitate movement. This has important implications for the understanding of how policy is targeting trafficking activity.

The findings are based on the exploratory consideration of the networks in the data available regarding the size and shape of the networks. An in-depth social networks analysis is not applicable to this research as there is insufficient information to fully categorise the range of characteristics of the social relationships between the traffickers[19]. However, it is pertinent to consider the shape of the networks described in the data compared to the outline given by Bruinsma and Bernasco (2004) regarding the trafficking of women. Bruinsma and Bernasco's (2004) discussion regarding social networks in international organised crime outline relevant facets of social network analysis and their applicability to criminal networks, one being trafficking in human beings. Based on the nature of the activity and analysis of cases, Bruinsma and Bernasco (2004) state criminal networks in the trafficking of women

> *"can generally be typified as a "chain" with at both ends some smaller clusters: one rounds up the women and the other draws them in and exploits them or sells them on to other persons…The clusters are isolated from each other: the persons at both ends of the chain networks do not know each other or only superficially… The cohesion of the criminal network is extremely low, as is the density of the network. In addition the criminal networks are not usually large… The mutual social relationships are, on the whole, restricted and are characterized by low frequency of contract, absence of affective relationships, the domination of instrumental relationships and absence of multiplex relationships between the members"* (Bruinsma and Bernasco, 2004, p.88)

The shape of the networks is depicted as follows, with a 'cluster' responsible for the recruitment, a chain involved in the transportation of victims and a final 'cluster' in the country of destination primarily involved in the exploitation of the victim.

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[19] See Bruinsma and Bernasco, 2004, p.80-83 for a full outline of the data required for this type of analysis
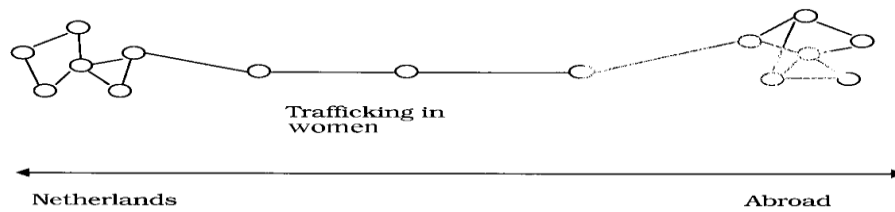
Figure 7: Shape of trafficking networks (Bruinsma and Bernasco, 2004, p.90)

The current research shows that the networks are small and consist of five managers at the most. The networks in the data may consist of the 'smaller clusters' described above; the activity occurring at one end of the chain, in the country of destination. The isolation of the clusters in the data may reflect the seeming independence of the networks and lack of awareness of others involved. However, the data also indicates that several of the networks are involved in the whole process; recruitment, transportation and exploitation. This suggests that there are fewer people involved in the activity and it is not as sophisticated in the level of organisation as the cases analysed by Bruinsma and Bernasco (2004). The density of the networks referred to above is defined as the "proportion of existing social relationships compared to all possible relationships in a network" (Bruinsma and Bernasco, 2004, p.81). Contrary to the low density and low cohesion in the networks described above, the networks drawn from the data suggest strong relationships between the participants; family, intimate partners or friends and therefore higher levels of cohesion. The strength of relationships between managers also suggests a higher frequency of contact and the presence of multiplex relationships between members. Finally, the data indicates that the networks are often ethnically homogenous, including the nationality of the worker/s. The closeness of the ties within the networks is also evidenced by the significant issues identified with accommodation. The accommodation is problematic criminogenically as many of those convicted have been involved in the activity with their intimate partners. In addition to issues in couples co-offending, outlined above, the commonality of this shape of offending impacts on the shape and nature of the networks. Relationships based on intimate partnerships represent these cohesive, dense instrumental ties.

In conjunction to the presence of relationships between the managers and workers, the nature of the networks can be hypothesised as a product of the participation in the

activity. Bruinsma and Bernasco (2004) suggest that cohesive networks occur where a high level of trust is needed due to the criminal and financial risks involved in the activity and that therefore, they do not tend to occur in networks for trafficking in human beings (Bruinsma and Bernasco, 2004, p.90). However, the current research suggests a high level of cohesion which requires additional explanation. Involvement in trafficking and the financial risk taken may be very significant to these managers, particularly given the poor backgrounds and the need to make remittances indicated in the data. Therefore, the financial involvement in the activity potentially has significant and far reaching consequences for the managers. This necessitates cohesive relationships where they can engender trust illustrated by co-defendants who are family, partners and friends. In addition, the heightened awareness of the changes to trafficking legislation internationally and the related increase in sentence length (Wooditch, 2012, p.673) may increase the perception of the criminal risk taken by these managers and therefore increase the need for trust and cohesion in the network.

The finding of a high incidence of relationships between managers and workers may also contribute towards explaining the nature of the networks in this data. In order to effectively recruit a worker, a manager will need to establish some kind of trusting relationship, even if this is based on deceit. A cohesive and ethnically homogenous network with shared ethnicity with the victim will make these bonds easier to establish. A smaller network with multiple and complex relationships between those involved may generate greater trust on behalf of the worker to enter into the initial migration journey. The knowledge of these close ties and the ethnic ties with the country of origin can later be used by the manager as points of coercion through threats to family which may appear more concrete if there is an established link. In addition, the cohesion may serve to present a more united front to the worker which makes it more difficult to escape or report exploitation.

As stated above, analysis of networks was done with limited information; further detail may have provided a different picture of the activity. The differences identified between this data and the discussion of Bruinsma and Bernasco (2004) may be a product of this and/or the difference in sample size; 11 compared to 23 (Bruinsma and Bernasco, 2004, p.87). However, in some instances, the differences appear existent as the shape of the networks seems complete, since the managers were involved in all aspects of the process. Whilst some trafficking operations may consist of a collection of

smaller clusters with clear roles, this data suggests that other trafficking operations are appreciably smaller and the managers do not have defined roles.

9.7 Policy reinforcement

Chapter 4 provides the interpretative policy framework which informs the consideration of the data within the dominant trafficking paradigm. In addition, the cyclical nature and problematisation of this policy emerged as an independent theme and a framework which informed the analysis. Comments referring to policy in this area can be usefully interpreted and understood in this way. There is a tendency identified across official organised crime documents to create and refer to self-serving figures, as outlined in the literature review. These findings indicate that issues in the prosecution process can result in the CPS accepting a plea for a lesser offence which is therefore not recorded as a trafficking offence. In addition to impacting on the figures for trafficking convictions, this impacts on opportunities for research. Issues of recording trafficking offences are highlighted in interviews in relation to perpetuating victim-focused support organisations, illustrating the necessity to self-evidence within an established remit which maintains the problem setting/solving paradigm. Agustin (2009) discusses a process of self-positioning by support groups which defines the victims of trafficking in a particular way and therefore these groups can position themselves to provide assistance to this group. This self-positioning on behalf of the 'helpers' creates a gap to be filled on the reverse; a requirement to condemn the perpetrators who, by default, are forcing the women into these positions since they cannot be attributed the agency to choose this work.

This research highlights experiences of good communication between agencies and across borders; interviews consistently highlight positive experience regarding information sharing and communication. This may be due to the homogenous group; communication within the criminal justice system is straightforward as protocols exist to share information throughout the life of a case. Similarly, protocols exist for the ways in which countries share information with each other, particularly within the EU. Whether this information would be available to those outside the criminal justice system is not discussed, although personal experience in the process of this research would suggest not, particularly if the research agenda conflicts with the official construction. The ease of accessibility to information within the criminal justice system is completely

justifiable on the basis of confidentiality. However, this process further reinforces the divide between those with 'ownership' of the problem and those outside which perhaps explains the problems described by researchers and my own research experiences.

Qualitative analysis indicates that these cases are dealt with by specialised units and individuals. The low volume and high complexity and longevity of these cases necessitate this specialisation. However, this also filters knowledge in a particular way and creates a pool of expertise that controls the management and judicial understanding of these cases. This echoes processes of policy reinforcement and accounts for the development of the role of bureaucratic entrepreneur (Levi, 2009) within trafficking law enforcement. This creates the opportunity for a paradigm within a paradigm where the dominant construction developed through a global policy discourse is reflected in ever decreasing circles to an 'inner circle of trafficking expertise'. However, there are themes emerging from the analysis which are incongruent with the dominant construction and may therefore suggest alternative ways of understanding this problem.

9.8 Incongruence

One of the key findings of this research is the gap between the policy construction of these offences and the resultant group of convicted 'trafficking offenders'. The interpretative policy framework and the problematicity of this policy assist in understanding this incongruence. The approaches of law enforcement that are being used to detect workers and managers, indicated in this data, do not appear to be targeting the type of trafficking primarily described in policy and official documents as 'the problem'. This incongruence may suggest that the shape of trafficking differs from some of the claims made in the official construction of the activity. Alternatively, or in combination, it may indicate that approaches to trafficking are focused on that area of the activity that can be relatively easily detected within the limitations of the resources available, a point evidenced in this research by the high incidence of female convicted offenders. In addition to this incongruence, continued application of policy in this way further marginalises migrants and places migrant sex workers at risk. The result of the application of this policy is circular in the restrictions imposed by migration policies, the limited opportunities available to these migrants opens the option of criminal decision-making or involvement in criminal pursuits, relating to the problem solving/setting framework. A more robust approach to consider the space between

migration and trafficking must appreciate the migration journeys and how these journeys intersect with involvement in illegitimate markets.

This research suggests that the sentences received for these offences are not commensurate with the policy rhetoric. As discussed in Chapter 2, part of the motivation in changing the legislation in relation to trafficking was to introduce options for longer sentencing and can be identified as the basis for a further incongruence. The maximum sentence for trafficking is fourteen years. The length of prison sentences received by those convicted reflects the gravity of the offences. However, 36% of the population received a community sentence, which does not equate with the risk and seriousness afforded to this activity through official accounts and risk assessments. There is incongruence between the emphasis on the length of sentence and the ability of the legislation to act as a deterrent and the sentencing reflected in the data. Again, this would suggest that the policy is not being targeted where it purports to be; the type of activity for which individuals are convicted falls outside of the expected seriousness. Also, if what is suggested in official documents and in the interviews is in fact happening; that there is a higher level of trafficking, then these groups may be avoiding detection on the basis that the primary investigative source is brothel raids.

9.8.1 Unravelling the concept of risk

The concept of incongruities presents a way of understanding the data pertaining to the themes of risk throughout the data. The nature of the risk outlined in the dominant construction is inconsistent with the nature of risk presented through the risk assessment in this research. However, risk remains a significant theme which emerges from a review of the literature and policy in this area. So, if it is not the risk of an offender, the risk of harm, risk of reconviction that this risk relates to, then the question remains regarding the nature of this risk. Given that the group of convicted offenders consists almost entirely of migrants, the risk may relate to the risk presented by the migrant 'other'. The profile of these individuals as socially disadvantaged and the 'migrant other' reflects the conceptualisation of this policy on a crime/security basis. The targets, or the eventual group of convicted offenders to which this legislation applies on the basis of this data are low level, unsophisticated and disorganised: 'socially disadvantaged'. Understanding their pathways into offending is crucial to understanding the activity at this level, and tackling this, and other activity and structural inequalities underlying these activities.

This research provides evidence for a further understanding of how the concept of risk sits within a framework of migration. The relationship between worker and the manager is highlighted as a factor which increases risk in terms of the OASys assessment. However, in this offending, this can be seen as a feature of the small networks, migration journeys and decision-making regarding sex work and migration within a cultural context. Migration literature indicates that the migration journey is a balance of risks and benefits, carefully considered by migrants (Haug, 2008; Jaeger, 2007). This group of offenders have migrated primarily for the reasons of employment and with the intention of making remittances. Through this narrative, trafficking may be an activity classed as a 'risk' along the migration and employment journeys of these migrants, within the limitations of legitimate employment options restricted by immigration policy. Managing the 'risk' posed by this group is therefore associated with the management of borders, reflecting the policy overlap with security and migration, rather than in relation to the impact of restrictive immigration and employment policies.

Trafficking is constructed through policy as a serious activity. However, those convicted for these offences are predominantly assessed as low/medium risk of harm and reconviction. The notion of a low/medium risk of harm contrasts strongly with the stereotypical portrayals of victimisation presented through the dominant discourse. The victims' experiences are undoubtedly harrowing and traumatic; the purpose of this discussion is not to negate or under-estimate these experiences. The utility of underlining this paradox here is to contrast the presentation of a highly organised, exploitative and dangerous network of individuals by virtue of official documents and the data showing the risk assessment of the population of individuals convicted for these offences[20].

The risk of reconviction is low/medium for this group of offenders. This contrasts sharply with the links frequently made to organised crime. Individuals connected with organised crime can be assumed to have continued links to illegitimate sources of income/illegal activity and therefore the likelihood that they will be involved in this type of activity in the future would be high. The 'continuing' nature of organised crime suggests an on-going enterprise (Albanese, 2000). However, what this data suggests is not a continuous activity, even at a disorganised level (Paoli, 2002) but a smaller,

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[20] The notion of risk here refers to the potential to cause harm to victims, as defined in Chapter 8.

opportunistic structure which, according to assessment of likelihood of reconviction, is not likely to be repeated.

The risk of the activity relates to the discussion in Chapter 4 regarding ways in which trafficking may fit into the distinction between private troubles and public ills (Wright Mills, 2000). One aspect of trafficking which has received substantial attention is that of extent of the problem of trafficking. The total number of convictions for trafficking related offences in this population is seventy-one; the qualitative data provides further detail on some of these and some subsequent cases. Clearly there are limitations with the data, as discussed in Chapter 5. However, throughout the data, the size of the problem is not described as significantly larger than the prosecutions suggest. However, there is some detail of activity which takes place outside that which falls under the scrutiny of law enforcement due to the status of the workers; they do not define their experience as exploitative and therefore there is no case to pursue. If this is defined as trafficking, then the size of the problem may be much larger than the data suggests. However, it is conceptually difficult to define workers as victims of trafficking if the workers do not want to be removed from their situation and they do not view themselves as exploited. In this context, the 'risk' of this activity can be seen as having different meanings.

9.8.2 Chasing Shadows: Searching for organised crime

The absence of connections to organised crime in this data suggests there are some difficulties in viewing this activity within an organised crime framework. On the basis of the literature review, I had expected themes of organised crime and quickly identified this as a missing theme during the analysis phase. During the interviews, in accordance with the methods, I did not lead the interviewees towards discussing organised crime. Therefore the 'silence' in the area of organised crime is notable and has arisen by virtue of the interviewees only, not as a result of direct questions regarding organised crime.

The shape of the networks suggests an affinity with the discussion of organised crime advanced by Paoli (2002); that operations involved in this type of crime are disorganised and opportunistic in nature without the involvement of large scale criminal enterprises. Corruption has been linked with both organised crime and trafficking (Ponsaers et al, 2008; Albanese, 2000; Maltz, 1976). However, the concept of corruption did not significantly feature in this data other than a suggestion that

corruption in the country of origin impacts on victims' ability to report trafficking. This is not to suggest that corruption does not exist in trafficking operations. However, it appears that corruption is not a feature of those offences for which individuals are convicted within the UK. This is supported by evidence that highlights the lack of systemic corruption in the UK (Spencer et al, 2011) which would not provide a stable basis for the operation of corruption in UK based trafficking activities.

There was some suggestion in the data that previous involvement in other criminal activity may have assisted in developing connections and networks to facilitate trafficking activity. However, this is not widely evidenced as the majority of the perpetrators did not have previous convictions and the most common form of network relations was through family or friend ties. As stated above, in terms of research, human trafficking appears to have fallen behind other types of organised crime, particularly in the understanding of the offenders involved. The commodification of the body and labour through human trafficking serves to set this activity apart from other types of organised crime and it is potentially the human feature of this crime which impacts on research and shapes the development of policy.

9.9 Summary

This discussion has outlined the implications of the key findings emerging from the data in the context of the interpretative framework. The operation of policy reinforcement can be identified throughout the findings in the reflection of the dominant construction. This is evident through the maintenance of historical themes of moral judgement of sex work and the continued influence that the sex work framework has in the processing of these cases. The gendered narrative also reinforces particular stereotypes and can be seen to create a very specific victimhood which marginalises other experiences. However, at other points, departure from the dominant construction can be identified. This can be seen through the characteristics of the individuals convicted for these offences in contrast to the rhetoric outlining the targets of this policy. Similarly, the shape of the networks and the absence of themes relating to organised crime contrast with the strong links made to organised crime elsewhere. These incongruities suggest a gap between the policy framework and the way in which the policy is being applied.

These findings strongly point towards integrating the migration journey and experiences in order to understand the pathways towards criminality for these individuals. The

current policy framework constructs managers and workers in a specific way which obfuscates the establishment of robust criminological understanding of both groups. This research has developed an exploratory consideration of the gaps in this knowledge and a critical examination of the incongruities that exist in this area. Chapter 10 will outline key recommendations on the basis of this exploratory research.

Chapter 10 - Disturbing Continuity

The original contribution of this research can be summarised under three headlines: (i) developing the knowledge of people convicted of trafficking offences; (ii) understanding the central role of the migration journey and (iii) acknowledging the impact of historical continuities on policy in this area. In addition, there are several areas for further work on the basis of additional analysis of the data gathered in the course of this research and through new research endeavours.

10.1 Developing knowledge of managers

Knowledge of actors in this activity is, at best, marginal. In accordance with historical themes, the focus remains on sexual exploitation and the victimisation of women and children targeted by these offenders. Through this lens, the moral outrage that accompanies discussion of this movement of people is congruent with the established framework. This standpoint towards the offenders, created from a place of righteous judgement negates any need to further explore the characteristics of this group. However, this research demonstrates that failing to understand this group effectively will result in a distorted understanding of the activity as a whole and how it fits within wider issues of migration, structural inequality and gender. This research indicates that stereotypes contained within the dominant paradigm of the "dark, haunting criminals" (Berman, 2004, p.41) discussed in the literature are not always consistent with those people primarily convicted for these offences. The lack of previous convictions and the late onset offending of this group indicate that their criminality needs to be understood in different ways, through their experiences of marginalisation impacting on their access to social capital.

Research in this area is keen to give a 'voice' to those not represented, which accounts for the focus on victims and gives rise to the themes on which policy in this area is based. The research that underpins policy in this area omits key actors; the managers. In order to understand more about the process referred to as trafficking and the victimisation experienced therein, it is crucial to understand all aspects of the issue, including those who are held responsible for it. This exploratory research begins to include perpetrators in this framework and, in analysing the features of those convicted

for these offences, indicates a lack of coherence between the policy emphasis and the policy results as a result of processing these cases through the criminal justice system.

The experience gained through conducting this research, discussed in Chapter 5, indicates how the ownership of the problem, particularly regarding the information pertaining to the perpetrators, ring-fences information and indirectly perpetuates the dominant paradigm. This research has effectively linked to the ideas of Turnbull (2006) focusing on the concept of problematicity to explain the continued policy reflection and reinforcement. These ideas are useful in this area to move away from an unfavourable perspective on policy-making institutions and to focus instead on the processes of policy-making that underpin policy reinforcement and therefore the continuity of historical themes.

The foremost aim of this research was to enhance knowledge regarding individuals convicted for trafficking offences; an aim which has been successfully met with an exploration of this group. It will not be possible to develop a fulsome understanding of this activity unless 'traffickers' stop being viewed through the lens of the dominant construction. This will enable the inclusion of further relevant characteristics which have been identified here; issues with problem solving, accessing income (particularly legitimate income) and perhaps with power and control. Adopting a wider lens, the links between this activity and markets for sex can be viewed through opportunities within a market that allow for exploitation for this group. Where highly exploitative labour markets exist, people will manipulate gaps within these labour markets for exploitation and material gain. It is the pathways into this activity which this research has been able to begin to explore and which is poorly represented in existing research. Developing an awareness of the pathways into this type of criminality is important in understanding the nexus between the illegal movement of people across borders and the structures that control access to employment and income.

If the perpetrator can be understood holistically as an individual with a variety of experiences leading to engagement in this activity, then it is possible to remove the perpetrator and the victim from the strict dichotomies imposed by the dominant view. This allows a much more nuanced understanding of the networks in which the perpetrator and victim link in various ways, evidenced in this research. Acknowledging the relationship between victims and perpetrators is not to minimise the experiences of exploitation or the importance of victim-focused research. The findings have defined

the networks of those convicted for these offences as small, dense and disorganised. The shape and nature of these networks reinforces the need to explore alternative pathways into this offending outside the framework of organised crime. The notable absence of 'organised crime' throughout this research necessitates different models of this activity.

10.2 Understanding the role of the migration process

This exploratory research allows the voice of the perpetrator to be included in these debates which has underlined the importance of understanding the role of the migration process as the basis for inequalities which serve to limit legitimate opportunity, for all actors in this process. As discussed, migration is integral to trafficking discussions, although the nature of links has sometimes been problematic, for example, restrictive migration policy necessitating more recourse to traffickers for those wanting to migrate. The basic concept of push/pull factors clearly explains and accounts for movement of people across borders but it "also envisions migrants as acted upon, leaving little room for desire, aspiration, anxiety or other states of the soul" (Agustin, 2009, p.17-18). In terms of pathways to this offending through migration, a superficial understanding views these offenders as economic migrants determined to make money regardless of the cost to others and does not fully appreciate the pathways of men and women, managers and workers.

In much of the victim-focused research, which emphasises the utility of a human rights framework, there is a notion that the understanding of this activity should move away from a crime of immigration. However, this research indicates that this is a key way of understanding the perpetrators and their pathway to this criminality. There need not be a blanket application of either human rights or immigration across trafficking; different lenses may illuminate different aspects of the activity and the experiences of the participants.

The resurgence of interest in trafficking from an official and academic perspective over at least the last ten years has integrated issues of migration to the extent of viewing the implication of restrictive policy on options for legitimate movement and the impact of structural inequalities underlying the impetus for the movement. In law enforcement terms, this has resulted in a concentration of approaches at borders; an approach almost doomed to failure since policing all borders at all times is highly resource intensive and

not physically possible. With recognition that the 'problem' of movement cannot be resolved, the discussion surrounding trafficking legislation appears to be moving away from this focus. However, I believe that this research has neglected a key role of migration as an interactive and dynamic element associated with pathways into this criminality. Focusing on the exploitation experienced by the victims is, unmistakably important. However, understanding the events leading up to the offenders' involvement is crucial in developing an in-depth, criminological understanding of motivation and criminality.

An important aspect of the integration of migration is beginning to view the type of activity described as trafficking as part and parcel of migration. This is a difficult process during which a balance must be struck between understanding the operation of migration and culture in the pathway to criminality and exploitation whilst also avoiding the adoption of moral judgements on the basis of anxieties about 'others'. In this analysis, by virtue of the application of trafficking legislation, offenders convicted for these offences are primarily migrants. This is not to suggest that exploitation is not perpetrated by British people; the findings represent a population resulting from the criminal justice processing of these cases. However, the prominence of the migration status shown in this research adds a further aspect of their apparent criminality; they are perceived as transgressing the laws through the transgression of borders which both reinforces and exemplifies the moralistic framework at a time of crisis over boundaries (Berman, 2003, p.58-9).

10.3 Historical continuity

These findings have not revealed any significant changes that disturb the historical continuity of the dominant themes. The historical themes apparent in the literature review considering the parallels between the notions linked to contemporary trafficking and those linked to white slavery remain relevant. The terms of reference have moved on and the element of judgement is more difficult to detect superficially. However, it remains a problem with a similar construction to that conceived over a century ago. The theoretical framework utilised in this research is useful here to in order to understand the longevity of these themes. Viewing the development of this policy in light of the cyclical processes and incremental changes outlined by Turnbull (2006) provides a coherent framework to understand policy. Furthermore, as this activity is defined as a

transnational issue, the continuity of these themes exemplifies the international policy-making patterns and the operation of global policy reinforcement. Reviewing this policy can provide an opportunity to move beyond the historical parameters and to consider trafficking in a different way.

This research indicates the importance of moving away from the dichotomies imposed through the historical parameters. Clearly, there are individuals engaged in exploitation of others. However, there are also complex interplays of power operating between all actors which situate this within a wider framework of the processes of migration and the way in which opportunities are limited. The focus on trafficking for sexual exploitation has distorted the understanding of the problem and shifted the debate into areas of sex work, agency within sex work and the gendered narratives evident in this and other research. However, viewing this through a wider lens; there is exploitation within the sex industry but there is also exploitation within other industries where the markets present opportunities for abuse of processes. In addition, the existence of unregulated and illegitimate markets, such as the sex industry, will provide greater opportunities for abuse than those with regulation. Redefining policy must consider both the role of migration, particularly regarding pathways into offending and the shape of the markets which support exploitation.

Drawing conclusions from this research in late 2013 has coincided with resurgence in political, media and NGO attention to this activity. This has been prompted by the recent announcement of commitment to developing a single modern slavery act. Development of the bill is planned for spring 2014 and so the content is unavailable for analysis. However, comments made by cabinet members begin to indicate that the core parameters remain in these discussions. In the reporting of the new bill, the focus remains on women and children as the primary targets for protection and as sex as the key market in which this activity takes place. The Home Secretary references the sexual exploitation of young women in nail bars as one of the motivating factors for overhauling this policy (Guardian, 2013). This immediately chimes with historical themes which, if perpetuated, will result in the new bill building on previous definitions and policy constructions, as described by Turnbull (2006). This demonstrates the necessity for a clearer, more contemporary policy-making approach to this area rather than continuing to be bound by historical parameters.

10.4 Concluding Summary

This thesis moves forward the understanding of those individuals convicted for trafficking offences in the UK on the basis of current legislation. Within an interpretative policy framework, this group are viewed with reference to a particular paradigm of human trafficking where several points of incongruence can be identified between those convicted and the paradigm.

- Those convicted for trafficking offences are characterised as socially disadvantaged on the basis of their low levels of social capital which is caused partially by factors stemming from their immigration status
- There is a lack of connection between those convicted for trafficking offences and 'organised crime' suggesting that the legislation is focusing on a particular type of trafficking or that the shape and nature of trafficking differs from those organised crime based constructions
- There are complex interplays of power throughout the trafficking sphere including; institutions and agencies, managers and workers and within the networks of managers
- The gendered narratives of trafficking in the criminal justice system reflect historic and dominant themes and moralistic judgements which obfuscate alternative attempts at describing this activity
- There remains an historical continuity of the themes in this area which appear to be emerging in the new modern slavery bill

Recent announcements to make changes to the current legislation state that it is important to broaden the understanding of trafficking as primarily an organised immigration crime (Guardian, 2013; quoting the Home Secretary). Certainly a focus on the activity within the UK, regardless of the migration journey, may remove some of the issues conflating the illegal movement of people and the eventual acts of exploitation. It will be interesting to observe how this legislation moves trafficking beyond the current construction, based on the understanding of policy development that characterises change as incremental and future problem setting as occurring within previously defined parameters. Acknowledging the low number of prosecutions for trafficking offences as part of these announcements recognises that the policy is not

operating as it was intended. However, failing to address the parameters on which this policy is based and to include *all* actors in the research informing policy will result in further policy reinforcement and historical continuity.

10.4.1 Future work

This research gives rise to several specific recommendations for further work. Through this exploratory study, it has been possible to analyse features of this activity which have been previously missing from the debate. Beginning to develop an understanding of these areas has also created further questions and the collection of data can be used as the basis for additional research.

- As discussed in Chapter 5, multiple correspondence analysis (MCA) was considered as an option in the analysis of the quantitative data although this was not chosen for reasons already outlined. However, this provides a rich area of research for the future. MCA is a technique for exploring data that has been used in social science (Le Roux et al, 2008; Kakai et al, 2003) although less so in criminology. Notable examples include Beauregard et al (2007) who use MCA to analyse characteristics of the 'hunting process' of sex offenders and Dobash et al's (2007) analysis of men convicted for murder. MCA allows cross-tabulations to be represented graphically to allow simultaneous exploration of similarities or dissimilarities of identified factors without losing meaningful information in the process of analysis (Beauregard et al, 2007, p.1075). The visual representation groups similar distributions closely and those dissimilar, further apart. This approach can be used to begin to develop a model of different types of trafficking offending.

- The identification of power dynamics and the importance of social capital throughout the findings can be used as the basis for further research in considering the operation of power throughout this activity; between institutions, agencies, within the networks and for the individual. Linking to theories of power may provide an innovative way of understanding this area.

- Criminological understandings of perpetrators of these activities need to be clarified and advanced. This research has illuminated the importance of the

migration journey and the associated changes to social capital experienced by this group. Further research through interviews with those convicted can help to explore the pathways into this activity.

- Future assessments of anti-trafficking policy can be made on the basis of a consideration of the ways in which the policy has developed from or moved beyond the current construction, within an interpretative policy framework. Building on the approach outlined by Balch and Geddes (2011) an analysis of this policy within an interpretative policy framework can illustrate how the policy-making process gives meaning to the activity. This will advance the understanding of the operation of policy in this area and also highlights potential problems with the legislation based on the repetition of previous frameworks.

- The incongruence between the policy and the group of offenders convicted by virtue of this policy indicates the necessity of developing alternative approaches to trafficking. On the basis of these findings, approaches to reducing the exploitation of others through channels of movement may need to consider the opportunities available to migrants with limited social capital and how the structural inequalities, created by restrictions in migration policy can be managed more effectively.

The process referred to as trafficking is multi-faceted and links to various other areas which can both help to broaden understanding and/or create further problems, particularly for marginalised groups. The primacy of the sex work narrative and the continued use of dichotomies to explain the experiences of the people involved and affected by trafficking together create a very narrow lens through which to understand the underlying issues supporting this exploitation. This research contributes to the body of knowledge in this area by giving voice to some of the key actors involved and begins to show ways of understanding their involvement outside of the dominant framework.

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