



TRAFFICKING IN MIGRANTS

BULLETIN



IOM International Organization for Migration

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TRAFFICKING IN GERMANY

TRAFFICKING IN GERMANY: NEW LEGISLATION AND PROGRAMMES PLANNED

Under existing German law, only trafficking for sexual exploitation is deemed as "trafficking" under Articles 180b and 181 of the German Penal Code. Other forms of exploitation linked to trafficking, such as forced labour, are not considered in these articles and are penalized under other regulations.

However, governmental working groups are currently having discussions in order to broaden the scope of the law and bring German legislation into line with the EU Council Framework Decision to Combat Trafficking in Human Beings, and also with the 2000 UN Trafficking Protocol. The ratification of the latter is under way in Germany, and a number of measures have also been adopted in recent years to combat trafficking.

In 1997 the Family Ministry established a national working group on Trafficking in Women, which included all federal and state ministries involved in the issue, as well as representatives of the three main NGOs active in this field (KOK, Agisra, SOLWODI). KOK (the Federal Association Against Trafficking in Women and

Violence Against Women in the Migration Process) is an umbrella organization of 38 consulting agencies and NGOs engaged in counter-trafficking activities. At the *Länder* level, a new project to raise the awareness of police officers in recognizing victims of trafficking was launched recently in North Rhine-Westphalia, one of the most active *Lands* on the subject of counter-trafficking initiatives.

Police cooperation with countries of Central and Eastern Europe (CEE) has intensified over the past years to focus on top countries of origin of victims of trafficking. According to the yearly reports of the Federal Criminal Police (*Bundeskriminalamt* or BKA) on trafficking in human beings, the highest number of recorded investigations was 522 in 1994, while the lowest, 257, was recorded in 1999. The number of identified victims similarly varied, ranging from 1,521 in 1994 to 801 in 1999. It is estimated that the number of unreported cases, including those trafficked for the purposes of forced labour or marriage, is significantly higher.

In 2001, 273 investigated cases led to the registration of 987 victims of trafficking, about half of whom entered Germany legally (e.g. on tourist visas). The predominant nationalities of those trafficked were from Belarus (14.2%), Ukraine (13%), Lithuania (12.1%), Poland (8.5%) and the

Trafficking in Migrants compiles information from the media, governments, and international governmental and non-governmental organizations. Although we respect the reputation of our sources, we cannot independently endorse the accuracy of individual reports. IOM does not necessarily agree with the opinions or decisions reported in this publication.

Russian Federation (7.5%). The 2002 BKA trafficking report is expected to be published in the summer of 2003.

In cases where the authorities successfully identify victims of trafficking, it is recommended that victims are referred to a specialized counselling centre. Victims are also granted temporary residence for a period of four weeks to decide whether to testify against their traffickers or to leave. Those who decide to testify are offered temporary work permits, police protection for those at risk of reprisals and assistance towards medical care. In order to facilitate the work of the counselling centres, the German Government also plans to grant counsellors the right to refuse to give evidence in order to ensure victim confidentiality.

According to KOK, cooperation agreements between counselling centres and the police have been signed in more than half of Germany's 16 *Länder*. However, regional differences remain and there are still difficulties, in the accurate identification of victims of trafficking as well as the referral to counselling centres.

According to the BKA, in 2001, 24 per cent of victims were deported, 13 per cent received temporary residence permits, 13 per cent returned voluntarily to their countries of origin, 2 per cent were included in police witness protection programmes and 8 per cent stayed in Germany for other reasons (marriage, asylum application etc.). The whereabouts of 39 per cent of the victims were either unknown or unregistered. It is noted that victims assisted by a specialized counselling centre are much more likely to receive temporary residence permits than victims without such assistance.

Since 1999, victims of trafficking have also been eligible for assistance under the IOM Assisted Voluntary Return Programme, which includes transportation and financial support, funded by the German Federal Government and the *Länder*. In 1999, IOM assisted 65 victims of trafficking, while in 2002 it assisted 130. Of the total of 429 assisted victims of trafficking between 1999 and March 2003, more than 90 per cent of the victims were from CEE countries.

In spite of increased efforts to combat trafficking, a number of issues still need to be addressed. For instance, further awareness-raising work with police officers, to enable them to recognize victims of trafficking is required, as well as comprehensive reintegration support for victims of trafficking returning to their countries of origin.

Counter-trafficking will continue to be a major focus of IOM Germany in the future. As the next step, a comprehensive strategy will be developed, in line with the recommendations of the Brussels Declaration, to address the complex needs of victims of trafficking. One aim would be for IOM to serve as a mediator between NGOs who assist victims of trafficking in Germany and NGOs who offer reintegration or other assistance in countries of origin, thus ensuring continuous assistance to victims.

For more information or suggestions on the approach of IOM Germany, please contact: IOM-Germany@iom.int.

COMBATING TRAFFICKING IN WOMEN: A LITHUANIAN PERSPECTIVE

Various estimates indicate that approximately 1,500-2,000 Lithuanian women are sold to brothels abroad each year and Germany, the Nordic States, the UK, Spain, Italy, Belgium, the Netherlands and Turkey appear to be the main countries of destination.

In Germany, the number of criminal cases involving women trafficked from Lithuania doubled between 1999 and 2000, bringing the number of known cases to 160. In 2000 the reported number of trafficking cases involving Lithuanians was higher than those for Russia, Ukraine and Poland, traditionally the main suppliers of trafficked women to Germany. Although these figures decreased in 2001, Lithuania still had the third largest number of trafficking cases, after Belarus and Ukraine. One of the reasons of the predominance of trafficking is the active participation of Lithuanian organized trafficking gangs in Germany.

Trafficking in women, according to IOM research, is not only increasing in quantitative terms, the methods of recruitment of women from Lithuania and other Baltic countries are also becoming more sophisticated. Recruitment is moving away from the usual newspaper advertisements to become more personalized, with traffickers trying to establish friendships with the prospective victims. Friends, acquaintances, boyfriends and particularly women traffickers are involved in the recruitment process.

According to a recent public opinion poll carried out by IOM in the Baltic States, people intending to work abroad initially rely on the recommendations of friends, acquaintances or relatives, thus making potential victims susceptible to manipulation through this method of recruitment.

As a response to this increasing trend, IOM, together with local and international partners, has taken a number of steps to counter trafficking in women in Lithuania, as well as in two other Baltic States – Latvia and Estonia. The first step was to identify the processes involved in trafficking and to analyse the general situation regarding this problem in the Baltics. Consequently, a pilot project on Research, Information and Legislation on Trafficking in Women in the Baltic States was initiated in September 2000. Financed by the Finnish and US governments, the project explored social and legal aspects of trafficking and evaluated the current level of public awareness of these issues.

This was followed in 2001 by an anti-trafficking campaign financed by the Swedish International Development Cooperation Agency (SIDA), aimed at informing women about trafficking dangers, safer ways of finding employment abroad and solutions to escape from the traffickers.

The campaign had two major components – prevention and information. An anti-trafficking website (www.focus-on-trafficking.net) containing information on trafficking in women in five languages (English, Latvian, Estonian, Lithuanian and Russian) was also launched in the same year.

The third step in counter-trafficking activities of IOM in the Baltic States concerned the assistance and reintegration of trafficking victims. An assistance project financed by the Finnish Government started in June 2002 and will continue until the summer of 2003. Since the start of reintegration activities IOM has provided assistance to 23 victims of trafficking from the Baltic States, the vast majority from Lithuania.

After gaining experience in a number of counter-trafficking activities, IOM Vilnius entered the fourth stage in Autumn 2002 – training of relevant specialists about trafficking in women. To expand the social support system available to victims of trafficking the first group of specialists addressed were social workers.

Future IOM educational activities plan to target several other specialist groups, such as the police, lawyers, prosecutors, teachers and journalists, in order to increase awareness on specific trafficking issues. The focus of these activities will be both the prevention of trafficking in women and the improvement of assistance to victims.

EUROPEAN COMMISSION: NEW EXPERTS GROUP ON TRAFFICKING IN HUMAN BEINGS

Follow-up to the Brussels Declaration on Preventing and Combating Trafficking in Human Beings

The European Commission (EC) on 25 March 2003 adopted a decision to set up an Experts Group on Trafficking in Human Beings, pursuant to the recommendations of the Brussels Declaration endorsed at the European Conference on Preventing and Combating Trafficking in Human Beings, held in September 2002.

The Experts Group will be a consultative body responsible for developing new EU trafficking policies, strategies and initiatives in the field of protection, prevention, law enforcement and judicial cooperation.

The Group will be composed of 20 members with international and national background and expertise, gained through activities with administrations of European Union Member States (seven members), accession countries (four members), and intergovernmental, international and non-governmental organizations (nine members) whose anti-trafficking projects have been co-funded under one of the EU STOP Programmes.

Academics from research institutes or universities in the EU are also eligible for membership. In addition, *ad hoc* working groups of up to eight members may be created to work with the Experts Group on specific issues and topics of priority. Members will be appointed for a renewable period of a year on the recommendation of EU Member States and Accession Country governments, and relevant organizations. They will act in the capacity of independent experts and not as representatives of the states or organizations they are working for.

The body will issue reports on its own initiative or at the request of the EC by considering the recommendations elaborated in the Brussels Declaration. A report on these recommendations will be submitted during the first nine months of the creation of the Group.

The Experts Group will be coordinated by the EC, taking into account the priorities of the upcoming EU Presidencies. The Group will start its work under the current Greek EU Presidency and develop its full scope of activities under the Italian EU Presidency, which has already confirmed its strong interest and support.

The nomination procedure was launched in March 2003, and EU Member States and Accession Countries were invited to submit their candidates. An open call for organizations and academic institutions was published on the EC website, and the selection process was expected to be completed by the end of May 2003.

Further information may be obtained at: <http://www.belgium.iom.int/> or http://europa.eu.int/comm/justice_home/fsj/crime/trafficking/fsj_crime_human_trafficking_en.htm.

GHANA: ELIMINATING CHILD LABOUR

In June 2001, IOM launched a US-funded programme on the Return and Reintegration of Children Victims of Trafficking for Labour Exploitation in Fishing Communities. The project aims to return and reintegrate over 1,200 children working as forced labour in fishing communities in the Central and Volta regions of Ghana. Jointly implemented, among others, by the Ghanaian authorities, the International Labour Organization, the Catholic Relief Service and Apple, a local NGO, the programme had successfully registered over 1,200 trafficked children aged between 5 and 14 as of April 2003.

Through cooperation with local fishermen known to employ underage children, most of these slave masters, as they are locally known, agreed to release the children in exchange for training and modern equipment so they would not have to rely on child labour.

Family reunification will be consolidated through activities aimed at allowing children to return to school or join vocational training programmes. Poverty, identified as the root cause of trafficking in children, will also be addressed by giving the parents access to income-generating micro-credit schemes. To date, 45 children have been identified by their parents, who admitted that dire poverty left them with no choice other than to sell their children. The first efforts at family reunification were expected in April.

In an effort to eliminate child labour and child trafficking in the country, the Ghanaian government through the Ministry of Manpower Development and Employment signed a Memorandum of Understanding with the ILO International Programme for the Elimination of Child Labour (ILO/IPEC) in 2000. The ILO estimates that about 250 million children between ages 5 and 17 years are engaged in various forms of child labour worldwide. Of these, some 80 million are in Africa.

For more information contact the Project Coordinator, Dr. Ernest Taylor, at: taylorernest@iom.int.

MEETINGS

HUNGARY: REGIONAL CONFERENCE ON PUBLIC HEALTH AND TRAFFICKING IN HUMAN BEINGS

From 19-21 March 2003, IOM Budapest organized a Regional Conference on Public Health and Trafficking in Human Beings, concerning Central, Eastern and Southeastern Europe, which culminated in the Budapest Declaration on Public Health and Trafficking in Human Beings. The Budapest Declaration builds on and complements previous efforts to provide physical, sexual and psychological health care to trafficking victims, such as the UN Trafficking Protocol, the Brussels Declaration and the Council of Europe's Recommendation on Action Against Trafficking in Human Beings.

As part of a more comprehensive approach to victim protection and assistance, participants to the conference agreed to dedicate more resources to public health concerns related to trafficking, establish minimum health care standards provided to trafficking victims and pay particular attention to vulnerable groups, such as children and those with special health needs. The Budapest Declaration, viewed as the first concrete follow-up to the Brussels Declaration with regard to health issues, will serve as a springboard for follow-up activities with regard to linking health, public health and trafficking.

For more information contact IOM Budapest at: mrfbudapest@iom.int.

OSCE SEMINAR ON TRAFFICKING IN HUMAN BEINGS

On 17-18 February 2003, the OSCE held a seminar on the National and International Economic Impact of Trafficking in Human Beings in Ioannina, Greece. The seminar was the second in a series of three prepara-

tory meetings which will culminate in the annual OSCE Economic Forum, in Prague in May 2003, focusing on the economic aspects of trafficking in small arms and light weapons, human beings and drugs.

The seminar heard presentations by various academics and specialists from IGOs and NGOs, and focused on the economic aspects and impact of trafficking, the root causes of trafficking, trafficking for forced labour, including sexual exploitation, and the need to improve data and research on all aspects of human trafficking. Recommendations of the seminar, which included measures to improve data collection, address the root causes of trafficking, enhance victim protection and cooperation in combating various kinds of trafficking, will be included in an OSCE Action Plan. This Action Plan will provide guidelines on the commitments of OSCE participating states and the role of the various OSCE institutions, and will develop activities in order to combat human trafficking in cooperation with other organizations.

It is expected that the May Forum will explore linkages that exist between the three identified forms of trafficking, as well as their relations with organized crime.

For the consolidated summary of this seminar and for further information see: <http://www.osce.org/eea/forum/>.

US: CONFERENCE TO COMBAT SEX TRAFFICKING

The United States Government's Office to Monitor and Combat Trafficking in Persons hosted a global meeting entitled Pathbreaking Strategies in the Fight Against Trafficking for Sexual Exploitation from 23-26 February 2003. This event brought together leading practitioners from around the world to network and share best practices in the fight against trafficking. Present at this event

were about 250 counter-trafficking activists from 110 countries, including 19 IOM representatives from 14 offices around the globe.

This conference was held just months before the release of the third *Trafficking in Persons Report* (TIP) in June 2003. Unlike previous TIP reports, countries that fall into the Tier 3 category may, for the first time, be subjected to sanctions by the US Government. Tier 3 countries are defined as those with governments that do not fully comply with the minimum standards identified in the US Trafficking Victims Protection Act of 2000 (TVPA) and are deemed not to be making significant efforts to bring themselves into compliance.¹ Sanctions may result in the termination of all non-humanitarian, non-trade-related assistance from the United States.

In addition, countries designated in Tier 3 may face US opposition to assistance (except for humanitarian, trade-related and certain development-related assistance) from international financial institutions, including the International Monetary Fund and multilateral development banks such as the World Bank.²

For more information on the *Trafficking in Persons Report* and the recommendations resulting from this conference, please visit the US State Department Office to Monitor and Combat Trafficking web site at <http://www.state.gov/g/wi/c6226.htm>.

1. Trafficking in Persons Report, United States State Department, June 2002, p.10.

2. Ibid.

BALTIC CONFERENCE ON COMBATING TRAFFICKING IN MINORS

In cooperation with the Government of Finland, the Embassies of the United States, Sweden and Canada in Helsinki as

well as the Council of Baltic Sea States organized an international conference on best practices in combating trafficking in minors in the Baltic Sea region. The conference was held in Helsinki, Finland, from 1-3 June 2003, and was attended by government representatives from the organizing countries as well as practitioners and experts working in the field of

counter-trafficking in children, including IOM.

The event focused on legislation, prohibition, demand reduction, prevention and victim assistance. Commonly identified solutions and best practices were compiled into a tool-kit which is to be made available to participants and other stake-

holders involved in providing operational solutions to the problem of trafficking in minors in the Baltic Sea region.

Some 150 senior government officials, IGOs, NGOs, counter-trafficking experts and press representatives from all countries of the region and North America were expected to take part in the conference.

PUBLICATIONS

TRAFFICKING IN WOMEN AND CHILDREN FOR SEXUAL EXPLOITATION IN SOUTHERN AFRICA

In a new report on trafficking in women and children for sexual exploitation in southern Africa, researchers concluded that the region hosts a diverse range of human trafficking activities, from the global operations of Chinese triads and Russian mafia, to the trade in persons across borders perpetrated by local syndicates.

Between August 2002 and February 2003, IOM Pretoria conducted a research study in 11 countries in southern Africa, primarily based on interviews and statements from victims, sex workers, traffickers, police and government officials, grassroots NGOs, and the media.

The region's young women and children are especially vulnerable to the recruitment tactics of traffickers because civil unrest, economic deprivation and the effects of HIV/AIDS leave them with few opportunities in their countries of origin, making migration to South Africa or Europe the only solution for many.

In South Africa researchers observed that refugees could be both victims and perpetrators of trafficking, with desperate male refugees recruiting female relations from their countries of origin into the country. Ethnically-based refugee syndicates assisted individual refugee traffickers in recruiting and transporting victims from the country of origin to South Africa. These women are recruited through deception,

with offers of employment as waitresses in Johannesburg, and also often sexually assaulted as an initiation to sex work. Ironically, to protect their investment, the traffickers assist victims in applying for refugee status to prevent their deportation should the police detain them.

Cases of trafficking in children for labour and sexual exploitation were also reported at the regional level. Regional incidents included street children from Lesotho, who were running away from domestic violence or who were escaping the effects of HIV/AIDS, were abducted by white men and taken across the border, allegedly with the consent of border officials. These children were held captive in private houses and sexually assaulted. It was also noted that long-distance truck drivers exploited children from as far away as Zimbabwe and Zambia by keeping them as sex slaves on their routes.

According to the study, women and girls, aged between 14 and 24, were also being trafficked outside the region, usually into Western Europe. Lured with employment or education opportunities these young women were then sold to brothels upon arrival. The victims were further exploited through forced labour and debt bondage and threatened with assault or death by black magic if they failed to cooperate.

There was also evidence of women from Thailand, China, Russia and other eastern European countries being trafficked into South Africa with offers to study English or of employment as waitresses or club workers. Some of these women are forced to work indefinitely as sex workers in

order to pay off the heavy debts they contracted for their study or transportation costs, and either they themselves or their families are threatened with violence in the event of non-compliance.

Despite the gross violations inflicted on these trafficked women and children, and the huge profits such activities generate for criminal syndicates, trafficking in persons has yet to be adequately addressed in Southern Africa.

The study recommends that increased cooperation between southern African states is required to criminalize the trade, share information, protect victims, prosecute traffickers and raise public awareness in source, transit and destination countries to ensure that the phenomenon can be effectively curtailed.

The full report will be made available on the web pages of IOM Pretoria: www.iom.org.za.

CHILD LABOUR IN WEST AFRICA

Borderline Slavery: Child Trafficking in Togo (Human Rights Watch, April 2003)

A new report on child trafficking in Togo by Human Rights Watch reveals how thousands of children are trafficked across west Africa into conditions of slavery and exploitation. These children are trafficked across national borders under

sometimes life-threatening conditions, ordered into hazardous and exploitative labour and abused by their employers.

This case study from Togo is reported to be illustrative of a regional phenomenon of trafficking involving at least 13 countries, where girls are trafficked into domestic work and boys into agricultural labour.

In a survey involving 90 children, 72 of whom are described to fulfil the legal definition of trafficking under the UN Trafficking Protocol, poverty, lack of education and orphanhood linked to HIV/AIDS deaths were cited as some of the causes of trafficking. Other factors included porous borders, lax regulatory environments and corrupt border officials. The reluctance of the government to hold democratic elections has, in addition, led to drastic freezes on international development aid, which further exacerbates the situation in Togo. The government's failure to protect children who flee their traffickers has also forced some young girls into prostitution, and risk of infection with HIV.

The report concludes that despite Togo's international obligations under the UN Protocol on Trafficking of Persons, it has made insufficient progress to reduce the number and severity of its child trafficking cases. It recommends that Togo, and other west African governments, take immediate steps to prosecute child trafficking under domestic law, including the ratification of the UN Protocol on Trafficking of Persons and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. International donors are also urged to provide the necessary financial assistance needed for Togo's anti-trafficking programmes.

This report is available online at: <http://hrw.org/reports/2003/togo0403/>

AFGHANISTAN: RESEARCH ON TRAFFICKING

In December 2002, IOM Kabul embarked on a six-month research study, funded by the US, to assess the current situation re-

garding trafficking of Afghans, particularly women and children, within and from Afghanistan, and of third-country nationals to Afghanistan.

The study will define trafficking within the Afghan context, outline trends and use available information to draw up recommendations for the Afghanistan Transitional Authority (ATA), produce a report on trafficking within and from Afghanistan and contribute towards establishing a network of governmental, NGO and IGO partners.

IOM is currently liaising with ATA, NGOs and UN agencies in Afghanistan and bordering countries, to share available information on the trafficking phenomenon in the country.

In order to verify information gathered from official sources, IOM will also meet with youth and women's groups working with persons who are potentially vulnerable to traffickers. The findings of the study, together with its recommendations, will be compiled into a final report to be submitted to the ATA and to the international community to increase understanding of the phenomenon and encourage actions to end the practice.

For more information regarding the research project on trafficking of Afghans, please contact the IOM field office at: iomkabul@eikmail.com

POLARIS PROJECT LAUNCHES NEW WEBSITE ON HUMAN TRAFFICKING

The Polaris Project to Combat the Trafficking in Women and Children launched in April 2003 a new online research centre for the anti-trafficking movement, HumanTrafficking.com.

The website includes, among others, a searchable database on sex trafficking issues, a database with detailed profiles of hundreds of global anti-trafficking organizations and an extensive online forum for information-sharing and discussion.

A legal database of trafficking cases and laws from around the world will also be available in the autumn of 2003.

For more information regarding the Polaris Project, please visit the following web site: www.HumanTrafficking.com.

COMBATING TRAFFICKING IN PERSONS: A DIRECTORY OF ORGANIZATIONS

Change, 2002

A useful directory of governmental, non-governmental and intergovernmental organizations involved in activities to combat trafficking of persons has been compiled by the Anti-trafficking Programme of the London-based human rights organization CHANGE.

The directory aims to enhance inter-agency cooperation on trafficking by providing organizations in countries of origin, transit and destination a range of actors working nationally and internationally to achieve similar goals.

This Directory is available online at: www.antitrafficking.org

INFORMATION EXCHANGE

This bulletin aims to improve the exchange of information on migrant trafficking among governments and international organizations. As such, we solicit information from readers on migrant trafficking – magnitude, new incidents, trends, policies – which would be appropriate for publication. Commentary or analysis is also welcome. Organizations that wish to be included in the Networking column should send in a resumé of their work and a contact address. Reproduction of the bulletin, in part or in its entirety, requires prior authorization by IOM. All queries and contributions should be addressed to:

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