



# TRAFFICKING IN MIGRANTS

BULLETIN



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## TRAFFICKING AND SMUGGLING PROTOCOLS ENTER INTO FORCE

The UN Convention Against Transnational Organized Crime entered into force on 29 September 2003, after it received its fortieth ratification in July 2003, nearly three years after its adoption by the UN General Assembly in November 2000.

With this ratification signatories are obliged to cooperate with each other to criminalize participation in an organized criminal group, money laundering and obstruction of justice. The Convention also includes extradition laws, administrative and regulatory controls, victim protection and crime-prevention measures.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, will enter into force on 25 December 2003, and has to date received ratifications from 45 countries.

The Protocol defines trafficking in persons as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiv-

ing of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

The aims of the protocol are to prevent and combat trafficking in persons, to protect and assist victims of trafficking and to promote cooperation amongst states.

The Protocol Against Smuggling By Land, Sea Or Air, which supplements the Convention Against Transnational Organized Crime, is also expected to come into force soon, on 28 January 2004, after Azerbaijan became the 40th country to ratify the instrument.

The Protocol requires participant countries to incorporate its provisions into domestic law, to seek out and prosecute offenders and to improve international cooperation on the issue. The smuggling of migrants is defined as the procurement of the illegal entry of a person into a state of which they are not a citizen or resident, for financial or material benefit.

For further information see the UNODC website: [http://www.unodc.org/unodc/en/crime\\_cicp\\_convention.html](http://www.unodc.org/unodc/en/crime_cicp_convention.html)

**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.**

## FIRST ANNUAL REPORT OF THE BALKANS REGIONAL CLEARING POINT ON TRAFFICKING VICTIMS

The first annual report of the Balkans Counter-Trafficking Regional Clearing Point (RCP) was released in September 2003. Established in June 2002 by the Stability Pact for South Eastern Europe's Task Force on Trafficking in Human Beings, the RCP aims to provide a standardized system of regional data collection on the effectiveness and continuity of victim assistance and protection.

The project, which is implemented by IOM with the cooperation of the International Catholic Migration Commission (ICMC), collects and analyses data on trafficking victims and programmes designed to assist and protect them in south-eastern Europe.

The report is based on information consolidated from nine countries and provinces in the region – Albania, Bosnia and Herzegovina, Bulgaria, Kosovo, Macedonia, Moldova, Montenegro, Romania and Serbia – between June 2002 and June 2003. It provides statistical figures on victims of trafficking assisted in the region, describes and evaluates the mechanisms for protection and assistance for victims and identifies gaps and areas for improvement in victim assistance and protection. The report also highlights good practices and effective measures in counter-trafficking.

Using information collected from local and international NGOs, international organizations, law enforcement agencies and relevant ministries and state bodies, the RCP reports that 5,203 victims of trafficking were identified and assisted between January 2000 and June 2003 within the region. The reports points out that the actual number affected by trafficking is far greater. The primary countries of origin of trafficking victims were Albania 2,241 (43%), Moldova 1,131 (22%), Romania 778 (15%) and Bulgaria 352 (7%), while Bosnia, Kosovo, Macedonia, Montenegro and Serbia were identified as the main countries of transit and destination.

The majority of victims were aged between 18 and 24 at the time of their

identification and repatriation, usually somewhat younger when recruited, as the length of trafficking/exploitation varied from two weeks to six years. It was also observed that the assisted victims of trafficking possessed lower levels of education than the general public within their home countries, with Albania and Kosovo having the poorest levels. For instance, 15 per cent of Albanian victims were never in formal education, while 5 per cent of Kosovar victims never attended school.

According to the report, the full potential of national and regional counter-trafficking programmes had not been realized because of an alleged absence of a clear strategy on implementation and oversight of progress, particularly noticeable at national level, and a general lack of communication and information sharing among service providers.

The full report can be found on the Stability Pact's website:  
<http://www.stabilitypact.org/trafficking/>

## PREVENTING THE TRAFFICKING OF WOMEN AND CHILDREN IN CAMBODIA

**By Ann Birch, Project Manager,  
Prevention of all forms of Trafficking  
in Women and Children,  
IOM Cambodia.**

Some recent high-profile cases of trafficking in young women and girls in Cambodia have highlighted the continued need for improvement in the country's response in all counter-trafficking areas, i.e. prevention, protection and rehabilitation.

As with most countries, the proportions of this human rights abuse are not known concretely, but it is believed to be thriving and Cambodia remains a receiving, transitory and sending country. Despite the huge challenges that face this country, which continues to grapple with extreme levels of poverty and with the task of rebuilding itself after the era of Pol Pot and the Khmer Rouge, there have been serious efforts on the part of the government to combat trafficking in women and children. Some of these efforts were

recognized in the 2003 Trafficking in Persons (TIP) Report, published by the US Department of State, which moved Cambodia from the Tier Three category to Tier Two.

Perhaps the most prominent of the country's ministerial departments working to stop trafficking in women and children is the Ministry of Women's and Veterans' Affairs (MWVA), which began a partnership with IOM in 2000, with financial support from the Ministry of Foreign Affairs of Finland, in order to implement a counter-trafficking project entitled "Prevention of All Forms of Trafficking in Women and Children".

The project combines information dissemination, education activities with local officials, advocating for policy changes and media projects that have sought to put the issue of trafficking on the public and political agenda. The central objective of the project is to strengthen the capacity of the MWVA to act as a lead agency within the government to protect and strengthen the rights of women and children and combat all forms of gender-based violence, of which trafficking is one of the most flagrant.

In the area of information dissemination, project activities have involved a mass information campaign that made use of live comedy and theatre to bring interactive awareness-raising materials to some 70,000 vulnerable people in remote rural areas over a six-month period. These activities have been followed up with more targeted, village-based activities that involve the establishment of peer networks amongst young Cambodian women, village-based volunteers and the potential development of community networks that empower communities to protect themselves and their most vulnerable members.

Within the areas of advocacy and media, the project has vigorously campaigned to strengthen both legal instruments and their implementation in an effort to better protect the rights of women and children who are at risk of, or become victims of trafficking. In particular the MWVA has lobbied for the ratification of the UN Convention Against Transnational Organized Crime and its supplementing Protocol. It has also petitioned to have two additional articles included in the country's new draft

law on trafficking in order to ensure a more humane treatment of trafficking victims.

This work has been supported by a national media campaign that has made use of television, radio and print media. Recent impact assessments have shown that key messages, i.e. to break the silence that surrounds trafficking and report on it, have been retained.

Lastly, in the area of educational activities for local authorities, the project has delivered capacity-building training to some 2,000 local officials on the socio-economic aspects of trafficking and irregular migration and the legal aspects of both, in order to better enable the involved authorities to implement related laws.

The project has so far been implemented in six target provinces (out of Cambodia's 24) that were selected in the year 2000. The project will come to a pause at the end of 2003, with the completion of its current round of funding. It is hoped, however, that a second round of funding will be forthcoming from the Government of Finland, which will enable the MWVA and IOM in Cambodia to continue to strengthen its counter-trafficking efforts in the area of prevention.

## **UNITED STATES: AN ASSESSMENT OF RECENT ANTI-TRAFFICKING INITIATIVES**

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Since the late 1990s the United States Government (USG) has been closely monitoring the issue of trafficking in persons, and since the adoption in 2000 of the Trafficking Victims Protection Act (TVPA), there has been a proliferation of initiatives to combat the phenomenon both at home and abroad.

Anti-trafficking measures at national level have included bolstering legislation on trafficking to provide better victim assistance and adequately penalizing perpetrators of trafficking. These measures have been coupled with activities by the Executive Branch to combat trafficking in persons and a Cabinet-Level Task Force, chaired by the Secretary of State, whose responsibilities include coordin-

ating and implementing the administration's anti-trafficking activities, was established in February 2002. Anti-trafficking initiatives have largely been based on the three-pronged approach of "prevention" of the act or trafficking, "protection" of the victims of trafficking and the "prosecution" of the perpetrators of trafficking.

Protection and assistance offered to victims includes access to benefits, informing victims of their rights under the TVPA, providing assistance in repatriating victims who choose to return home, and awareness-raising and training programmes for non-governmental organizations, concerned agencies such as, law enforcement agencies, and the public to help identify and provide support to trafficking victims. Efforts to investigate and prosecute traffickers have also been boosted, resulting in a twofold increase in the trafficking caseload of the Department of Justice. In Fiscal Year 2001-2002 there were 51 trafficking prosecutions, compared to 23 in 1999-2000. Twenty-eight cases are also pending against defendants charged during the 2001-2002 Fiscal Year.

Preventative measures have focused on providing economic alternatives in source countries through microcredit initiatives and the development of small business, jobs skills training to promote the financial independence of women and girls, as well as programmes to keep children, particularly girls in education, public awareness campaigns and improved data collection mechanisms. Regional strategies to improve understanding and develop programmes of action to combat trafficking have also been encouraged in the Americas.

At the international level, US initiatives to combat trafficking have included funding research projects to provide country and regional estimates on the scope of trafficking in order to identify trafficking trends and tailor policy to effectively address the phenomenon. The TVPA also requires the State Department to prepare an annual report on Trafficking in Persons (TIP), and since 2001 the report has evaluated international efforts to combat trafficking by categorizing countries along three tiers. The June 2003 TIP Report placed 15 countries – Belize, Bosnia and Herzegovina, Cuba, Dominican Republic, Georgia, Greece, Haiti,

Kazakhstan, Liberia, Myanmar, North Korea, Sudan, Suriname, Turkey and Uzbekistan – in the tier three category. For the first time, countries placed in this category faced sanctions, except those relating to trade and humanitarian assistance, unless measures were taken to improve their performance by 1 October 2003 or were given a waiver.

Consequently, new sanctions were announced against Cuba, Myanmar and North Korea in September 2003, barring them from any US military, educational or cultural aid. Although these sanctions are largely regarded as symbolic, the State Department emphasized that its aim was "not to punish, but to bring about progress" and to gain "more significant efforts by countries to abolish modern-day slavery".

While the TIP report presents one of the most comprehensive assessments of international anti-trafficking efforts, it has nevertheless been criticized for some shortcomings, especially with regard to its methodology and the weak verification of a number of allegations made in the report, and according to the New-York based organization Human Rights Watch, for crediting countries whose efforts to combat trafficking has been inconsistent.

More information on the anti-trafficking activities of the US Government can be found on the web pages of the State Department's Office to Monitor and Combat Trafficking in Persons:  
<http://www.state.gov/g/tip/>.

## **OSCE ADOPTS ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS<sup>1</sup>**

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**By Gabriele Reiter, Officer on  
Anti-Trafficking Issues, OSCE/  
ODIHR**

The OSCE puts the fight against trafficking in human beings high on its political agenda, and has requested its participating States to develop national anti-trafficking strategies throughout the OSCE region. To this end the OSCE Permanent Council – the political and decision-making body of the organization – developed and adopted the OSCE

Action Plan to Combat Trafficking in Human Beings in July 2003. This Action Plan provides the 55 participating States of the OSCE with a practical toolkit to help them implement their commitments to prevent and combat trafficking in human beings, based on the Palermo definition. The multidimensional Action Plan covers the areas of prosecution of traffickers, prevention and protection of victims. It provides recommendations as to how OSCE participating States and relevant OSCE bodies and field operations may best deal with political, economic, legal, law enforcement, education and other aspects of the problem.

The Action Plan puts a lot of emphasis on the cooperation between various governmental bodies, non-governmental and international organizations, which is

essential for any successful response to combat trafficking in human beings. Hence, the OSCE Action Plan promoted the concept of National Referral Mechanisms (NRMs). NRMs create cooperative frameworks through which state actors fulfil their obligation to safeguard the human rights of trafficked persons in coordination and strategic partnership with civil society and international actors.

There is a compelling need for clearer guidance on how to identify a victim of trafficking, how to investigate related crimes and how to coordinate adequate assistance. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw will shortly launch a handbook for the design, development and implementation of effective and inclusive NRMs (including identification, referral and assistance) addressing all target

groups as defined in the UN Protocol. Any response needs to be fine-tuned and adapted to the national context. The implementation of a protection mechanism based on international human rights standards should take into account the respective legislation, constitutional structures, commitments and obligations, as well as the infrastructure of governmental and non-governmental sectors.

In December 2003 the OSCE Ministerial Council in Maastricht will discuss ways of strengthening the OSCE's operational instruments to implement the OSCE Action Plan.

1. PC.DEC/557, 24 July 2003: <http://www.osce.org/docs/english/pc/2003/decisions/pced557.pdf>. The OSCE Action Plan is also available in Russian and will soon be translated into other languages.

## MEETINGS

### EUROPEAN COMMISSION EXPERTS GROUP ON TRAFFICKING

Pursuant to the recommendations of the Brussels Declaration on Preventing and Combating Trafficking in Human Beings, adopted at the the European Conference on Preventing and Combating Trafficking in Human Beings, held in Brussels in September 2002, the European Commission established an Experts Group on Trafficking in Human Beings in March 2003. Acting as a consultative body, the Commission may consult the group on issues relating to trafficking, and can also issue recommendations to the Commission on its own initiative.

On the basis of proposals received from the EU Member States, Accession and Candidate Countries, as well as from international, intergovernmental and non-governmental organizations, the Commission appointed the 20 members of the group on 27 August 2003. The group is composed of members from 10 current EU member states (Austria, Belgium, Denmark, France, Germany, Italy,

Netherlands, Spain, Sweden, United Kingdom), three acceding countries (Czech Republic, Hungary, Poland), one candidate country (Bulgaria) and representatives from leading international and non-governmental organizations.

The list of members was published in the Official Journal (C 205, 30.8.2003, p. 3) and on the Commission's Justice and Home Affairs website. The group elected Ms Marjan Wijers (Clara Wichmann Foundation, Netherlands) as president and Mr Marco Gramegna (International Organization for Migration) and Ms Hana Šnajdrova (Ministry of Interior, Czech Republic) as vice-presidents, who together with remaining members will act as independent experts and not representatives of the organizations they work for.

According to the Decision of 25 March 2003 establishing the group, the Experts Group shall issue opinions or reports, taking into due account the recommendations of the Brussels Declaration.

In particular, a report of the experts group based on these recommendations shall be submitted within a period of nine months following the establishment of the group

to assist the Commission to launch further concrete proposals at European level.

The Group held its first meeting in Brussels on 29 and 30 September 2003, where it decided to develop ideas on the required report in plenary as well as in working group meetings focusing on prevention, victim protection and assistance and police and judicial cooperation.

A follow-up meeting was held on 12 and 13 November 2003. The main focus of the Group's work is to monitor the implementation of the Brussels Declaration and to establish what else should be done in the counter-trafficking field, particularly in view of the EU's expansion.

The European Commission intends to issue a communication including an action plan aimed at implementing the recommendations of the Brussels Declaration in the most effective and comprehensive way. Such a communication will largely depend on the findings and proposals of the Experts Group.

Further information may be obtained at: [http://europa.eu.int/comm/justice\\_home/news/intro/printer/news\\_021003\\_en.htm](http://europa.eu.int/comm/justice_home/news/intro/printer/news_021003_en.htm)



## **TRAFFICKING OF UNACCOMPANIED MINORS IN THE EU**

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IOM Paris organized a two-day conference on trafficking of Unaccompanied Minors (UAMs) in EU Member States on 25 and 26 September, bringing together representatives and policy makers from the European Commission, International Organizations, NGOs, government authorities, and various public institutions working on children, migration and refugee issues.

The aim of the conference, part of the European Commission's STOP Programme, was to improve and strengthen the exchange of information among trafficking practitioners.

The conference was a continuation of a two-phased project on trafficking in UAMs conducted by IOM. The first phase, which was spearheaded by IOM Brussels in 2000, involved research on trafficking in UAMs in Belgium, Italy, Germany and the Netherlands. IOM Paris implemented the second phase, and conducted new studies in Spain, France, and Greece, the results of which were presented at an international conference held in Paris in April 2002, culminating in the creation of an informal network on Trafficking in Unaccompanied Minors in Europe.

Further research, carried out in Ireland, Portugal and the United Kingdom, was presented at the September 2003 conference, as well as an update on the previously conducted research. The dynamics of trafficking, the living conditions of UAMs and efforts to provide protection and assistance to victims of trafficking were also explored, together with issues of prevention and actions taken to combat trafficking in human beings.

Despite a lack of comprehensive data, it was noted that there had been a marked increase in the number of unaccompanied minors trafficked to the EU for exploitation in the sex industry, begging, pick-pocketing and forced labour. This increase can be partly explained by requirements from the informal sector or sex trade. The increased demand for young women and girls may be based on

the assumption that young people are less likely to be carriers of sexually transmitted diseases or HIV/AIDS.

Victims usually come from countries facing severe socio-economic crisis or from broken homes. In some cases, minors have reported that their parents readily accepted and actively encouraged their migration as a form of subsistence for the entire family. The main regions of origin of the victims are Central and Eastern Europe (Moldova, Romania and Ukraine), Africa (Nigeria and Sierra Leone) and Asia (China, Afghanistan and Sri Lanka).

More information is available at the following address: [www.belgium.iom.int/STOPParis/](http://www.belgium.iom.int/STOPParis/).

## **REGIONAL COUNTER-TRAFFICKING CONFERENCE IN KOREA**

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A major international expert meeting on "Prevention of International Trafficking & Promotion of Public Awareness Campaign" was hosted by the Korean Ministry of Justice and the Ministry of Gender Equality, in Seoul, Korea, on 22-23 September 2003.

The meeting gathered experts representing a wide range of Korean authorities, governments from the Asia Pacific area and international organizations, such as UNDP, IOM, UNICEF, ILO, Asian Development Bank, the Intergovernmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC), and the related Bali Process on cooperation in combating people smuggling and trafficking in the region. Furthermore, a wide range of experts from national and international NGOs contributed to this meeting that focused particularly on identifying the needed action and relevant target groups for further awareness-raising on trafficking and smuggling in the region, and advancing into more concrete cooperation in information sharing and best practices at operative levels of counter-trafficking work.

Meeting material can be accessed on the meeting/ministry website, <http://www.mogego.kr/eng/trafficking/index.jsp>

## **KOSOVO: ANTI-TRAFFICKING CONFERENCE**

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A major conference on combating human trafficking was organized in Pristina, Kosovo, on 20-22 October 2003 by a consortium of organizations, including the Organization for Security and Co-operation in Europe (OSCE), IOM, the Office of the Prime Minister of Kosovo, and the UN Mission in Kosovo (UNMIK).<sup>1</sup>

The event assembled over 300 participants including government officials, the judiciary and law enforcement, social services, as well as non-governmental organizations to formulate a Plan of Action in Counter-Trafficking for the province. The background documents used to formulate this Plan included a number of key counter-trafficking initiatives such as the Brussels Declaration, the OSCE Action Plan to Combat Trafficking in Human Beings, and the work of the Stability Pact for South Eastern Europe's Task Force on Trafficking in Human Beings.

Working groups developed recommendations in the areas of Investigation, Prosecution and Judiciary, Protection and Assistance, Awareness and Prevention and Policy and Government Response. These recommendations were aimed at producing a coordinated and comprehensive approach to combating trafficking, with a balance between addressing judicial and law enforcement issues and respecting human rights of the victims.

It was also announced at the conference that a governmental structure has been established, constituting a Governmental Commission to Combat Trafficking in Human Beings in Kosovo.

More information on the recommendations of the conference can be obtained by emailing:

[iompristina@iompristina.org](mailto:iompristina@iompristina.org)

1. Also including the UNMIK's Department of Justice's Victim Advocacy and Assistance Unit (VAAU), UNICEF, Save the Children, the NGO Centre for the Protection of Women and Children (CPWC) and the NGO UMCOR.

## PUBLICATIONS AND PROJECTS

### VICTIMS OF TRAFFICKING IN THE NETHERLANDS, BELGIUM AND ITALY

In August 2003 a research report based on case studies of victims of trafficking in Belgium, Italy and the Netherlands was published under the auspices of the European Commission Hippocrates programme. The study examines trafficking for sexual and/or labour exploitation in these three countries, as well as victims of smuggling, and identifies practices and mechanisms of transnational crime related to trafficking and provides policy recommendations to help find solutions to prevent and combat the phenomenon.

Based on the case file analysis of almost 500 trafficking victims from the records of national NGOs, the report includes some useful findings on victim profiles, modes of recruitment, mechanisms for assistance and the impact of trafficking on the victims. To ensure a more effective approach to dealing with trafficking, the study recommends, among others, increased information sharing, monitoring and updates on the routes used by traffickers, an assessment of the legal and practical merits of an EU temporary residence permit for trafficking victims, the provision of durable return and reintegration schemes and standardized identification and referral procedures for victims of trafficking at the European level. The full report (*Research Based on Case Studies of Victims of Trafficking in Human Beings in 3 EU Member States, i.e. Belgium, Italy and the Netherlands*, by Ruth Hopkins and Jan Nijboer) can be found on the website of Rode Draad: <http://www.rodedraad.nl/documenten/Hippocrates.pdf>.

### NEW UNESCO DATABASE ON HUMAN TRAFFICKING

The United Nations Educational, Scientific and Cultural Organization (UNESCO) announced in August 2003 the establishment of the Trafficking Statistics Project, a human trafficking database, which focuses primarily on the Mekong sub-region of South-East Asia, but also on other regions affected by trafficking. Created out of a need for more accurate statistics on human trafficking, UNESCO has conducted literature reviews and analyses of existing figures on trafficking in order to trace their source and evaluate their validity. The database currently contains over 400 references to reports, documents and articles on trafficking from a variety of sources, catalogued by country or origin, country of destination, people affected, type of exploitation and the publication source.

The database can be accessed through the UNESCO Bangkok website:  
<http://www.unescobkk.org/culture/trafficking/matrix/matrix.asp>.

### CHILD TRAFFICKING IN WEST AFRICA

**The International Migration of Young Malians: Tradition, Necessity or Rite of Passage? By Sarah Castle and Aisse Diarra**

An October 2003 study funded by USAID, Save the Children UK and UNICEF, suggests that the extent of child trafficking in West Africa is likely to be over-estimated. Qualitative research was

carried out on the causes, context and consequences of youth migration in eight communities in central and eastern Mali, which identified labour migration patterns to neighbouring Cote d'Ivoire for work in plantations and in the domestic service.

Despite recent reports in the Western media of epidemic child trafficking in West Africa for work in cocoa plantations, of the nearly 1,000 children screened for the report, only four were considered to have been trafficked according to the internationally accepted definition of trafficking enshrined in the UN Trafficking Protocol, and only a minority of those interviewed had worked in the cocoa sector, although some had experienced some form of exploitation. Instead, the study reveals that migration among young people was partly an economic phenomenon, but also included social and psychological dimensions relating to the need to explore new places, experience new environments and accumulate material possessions in order to conform to peer group aspirations.

The report does not refute the existence of trafficking in the region, but highlights the weaknesses in the conceptualization of international definitions of trafficking and the difficulties associated with its operational application.

Sarah Castle is a Lecturer at the Centre for Population Studies, London School of Hygiene and Tropical Medicine. Aisse Diarra is an independent consultant. A copy of the full report may be obtained by sending an email to: [Sarah.Castle@lshtm.ac.uk](mailto:Sarah.Castle@lshtm.ac.uk). The centre's short courses in Sexual and Reproductive Health Research can be found on: <http://www.lshtm.ac.uk/prospectus/short/ssrhr.html>.

#### 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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