



TRAFFICKING IN MIGRANTS

QUARTERLY BULLETIN



IOM International Organization for Migration

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MEETINGS

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on Smuggling and Trafficking

International Symposium on the UN
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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.

TEMPORARY RESIDENT PERMITS: A NEW WAY TO PROTECT TRAFFICKING VICTIMS?

Governments in Europe and North America are taking steps to use a temporary resident permit in schemes to protect trafficking victims and successfully prosecute traffickers. While the European Council is debating the introduction of a short-term residence permit for trafficking victims, the United States Government has announced that the Department of Justice will soon start issuing T visas to protect the victims of severe forms of trafficking in persons. The visa will allow the victims to remain in the US and assist federal authorities in the investigation and prosecution of human trafficking cases. Furthermore, when determined that such victims might suffer “extreme hardship involving unusual and severe harm” if returned to their home countries, the victims may be allowed to remain in the US. After three years in T status, victims may even apply for permanent residence. The T visa is designed to not only put the responsible criminals behind bars but also further protect the individuals who need protection from retaliation and further victimization by the traffickers.

The main points of discussions at a recent meeting organized by the Council of Europe in Geneva evolved around similar

measures to protect victims, such as granting them, for instance, a temporary and renewable resident permit. Resident permit systems are in place in such European Union (EU) countries as Belgium and Italy. This EU proposal is a move toward making such a scheme available throughout the EU.

This gathering, organized in cooperation with the Office of the UN High Commissioner for Human Rights, was called to discuss the possibility of drafting a European Convention against trafficking in human beings for the purpose of sexual exploitation. This convention would include a monitoring system to measure progress made in Member States to reduce such forms of trafficking.

The European Commission proposal for a council directive on the short-term residence permit issued to victims of trafficking states that the introduction of a residence permit for trafficking victims would be designed to encourage these victims to cooperate with the government authorities. It also states that the conditions for a permit are subject to a determination by authorities as to “whether the presence of the victims is

useful for the investigation or for prosecuting the suspects”.

Some participants argued that the resident permit should be granted on humanitarian grounds irrespective of the extent of the victims' cooperation with the police authorities. NGOs in various European countries have also been recommending that trafficking victims should be given residence until it is safe for them to return home, and not (as proposed in the European Commission proposal) for only as long as the victim's presence is useful.

Participants of the Geneva meeting reinforced the point that the protection and promotion of the human rights of trafficked persons must be at the centre of any anti-trafficking policies and programmes.

The Council of Europe has been involved in the fight against trafficking through various activities initiated by its Steering Committee for Equality between Women and Men in order to raise awareness of this grave and growing problem. IOM has been cooperating with the Council in or-

ganizing an international seminar on a coordinated action plan against trafficking in human beings in South-Eastern Europe that took place in June 2001. One of the recommendations adopted by the seminar participants is to launch national action plans against trafficking within the region.

Through periodic reports by a Rapporteur, the Council has also provided recommendations to Member States on various measures to combat trafficking in women. These measures focus on the prevention of trafficking in the countries of origin as well as the protection of the victims and prosecution of traffickers in destination countries.

Further developments in Europe

As of this writing, the European Council Framework Decision on combating trafficking in human beings including minimum sanctions for trafficking in people has still not been formally adopted. The decision on its adoption was withdrawn from the agenda for the 28 January Council meeting since

some Member States have not yet completed parliamentary steps that would allow them to adopt the framework.

However, individual European governments continue the fight against trafficking. For instance, the National Assembly in France examined a bill on 24 January 2002 that strengthens “the fight against the different forms of slavery that exist today (Bill 3522)”. This Bill has a provision for trafficking victims to be given a temporary right to remain in France while making a formal charge or testifying against the person responsible for committing the offence.

It is interesting to note that last year's French Parliamentary Commission of Inquiry into “modern slavery” produced a rather broadened definition of human trafficking. This definition does not require a person to have been subjected to force, coercion, or deception, but only that victims have found themselves in “conditions of work or lodging which are against his or her dignity”, or have been “procured” for exploitation in prostitution.

MEETINGS AND POLICY

ASIA-PACIFIC CONFERENCE ON SMUGGLING AND TRAFFICKING

The **Regional Conference on People Smuggling, Trafficking in Persons and related Transnational Crime** was held in Bali, Indonesia from **26 to 28 February 2002**.

The Indonesian and Australian Governments co-chaired this conference where 37 countries from the Asia and Pacific regions were represented mostly by one or more ministers. In addition, 15 observer countries were in attendance. The ministerial discussions focused on the following themes:

- Root causes of illegal movement of people and how to prevent them;

- How to build on existing regional and multilateral efforts and work cooperatively to stop smuggling and trafficking in persons;
- What measures can be taken to ensure the humane treatment of people who are smuggled, and the return and resettlement of people who travel illegally, taking into account the legal protection needs of the victims in accordance with the relevant international agreements;
- How to combat transnational crime associated with illegal migration.

IOM was also an active participant and IOM's Director General addressed the participants and delivered a paper outlining a comprehensive approach to migration management. The Director General also gave a brief overview of regional mechanisms and made three recommendations:

1. That existing regional bodies should be used, but energized and made more effective;
2. That they should be assigned only those matters better addressed multilaterally rather than bilaterally or nationally; and
3. That Working Groups should be used to look at regional mechanisms to sort through which parties are doing what, reinforce those that are effective, discard those that are not, and fill any gaps.

The Conference produced a non-binding Co-Chairs' Statement. This was a reflection of the 37 participating governments' ministerial level discussions on the issues of smuggling and trafficking. In addition, the participants agreed to organize two working groups led by the Thai and New Zealand Governments to study the issues in question and make proposals for concrete actions.

Both at the Ministerial Policy Dialogue and in the preparatory meetings, many participating government officials stressed the need for “capacity building” and as such in the final meeting in preparation of the Working Groups to follow up on the conference discussions.

INTERNATIONAL SYMPOSIUM

The United Nations Inter-regional Crime and Justice Research Institute (UNICRI) and the ILO-International Training Centre recently co-organized an **International Symposium on the UN Convention against Transnational Organized Crime: Requirements for Effective Implementation**. The symposium was held in Turin, Italy, on **22-23 February 2002**.

Of particular interest was a paper presented by the ILO Getting at the Roots, Stopping Exploitation of Migration Workers by Organised Crime. The paper outlined the ILO perspective and experience in combating exploitation of migrant workers by organized crime in its broader labour migration and regulatory context. Section I provides an analysis of the supply and demand factors driving trafficking and smuggling of migrant workers. Section II argues that restrictive immigration policies in countries of destination have created a lucrative market for human trafficking and smuggling. It also outlines the difference between trafficking and smuggling and examines gender and trafficking. Section III outlines data on trafficking and the resulting abuse of victims, drawn from the extensive ILO research and programmatic activity in several regions worldwide.

The report concludes with a number of recommendations for an integrated national legal and labour market policy package necessary to combat trafficking effectively and organized criminal involvement. These include:

1. An informed and transparent labour migration admissions system designed to respond to measured, legitimate needs, taking into account domestic

labour concerns as well. Such a system must rely on regular labour market assessments to identify and respond to current and emerging needs for workers, high and low skilled.

2. A standards-based approach to combating trafficking and exploitation of migrants, together with protecting basic rights of all migrants. This includes adopting and utilizing the Palermo Convention and its Protocol on Trafficking in Human Beings, complemented by the ILO and UN Conventions on migrant workers.
3. Enforcement of minimum national employment conditions standards in all sectors of activity to serve as a complementary system of criminalizing abuse of persons and of discouraging irregular employment.
4. Institutional mechanisms and practical measures including public advocacy and awareness raising to cover prevention, protection, rights restoration, recovery and healing services addressing victims of trafficking. Further, the nature and predominance of abuse of women in the trafficking phenomena require elaboration of gender sensitive migration policies which recognize gender equality as integral to the process of policy making, planning and programme delivery at all levels, focussing not only on providing equal treatment, but on ensuring equal outcomes.

SAARC CONVENTION

Member States of the South Asian Association for Regional Cooperation (SAARC), which includes Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, and Sri Lanka, signed the **Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in January 2002**. Under this Convention, the Governments commit themselves to, inter alia, regional cooperation, poverty alleviation, and criminalization of the trafficking of women and children for commercial sexual exploitation.

South Asia is notable for the large numbers of people trafficked across borders and within countries for a variety of forms of exploitation. The SAARC Convention, however, does not make reference to the November 2000 UN Protocol on Trafficking, as the SAARC Convention only addresses women and children and has a limited focus on prostitution, rather than covering all trafficked persons.

Nevertheless, the Convention does contain some measures in Articles VIII and IX to prevent trafficking and assist victims. The definition of “persons subjected to trafficking” also includes “fraudulent marriage” and “child marriage”. Yet, the Convention lacks provisions prohibiting the imprisonment of trafficked women or children which has been expressed as a concern given that victims of trafficking are placed in administrative detention in some South Asian countries. The term “protective home” has also caused some NGOs to express concerns, as trafficked persons may be detained in such homes against their wishes.

EU-IOM STOP CONFERENCE

The **Conference on Prevention of and Fighting against Trafficking in Human Beings with Particular Focus on Enhancing Co-operation in the Process to Enlarge the European Union** is scheduled to be held in **September 2002**.

The aim of this Conference is to broaden the participation of governments and experts responsible for preventing and combating trafficking in human beings in the EU Member States, candidate countries and relevant third countries. It is also a part of the EU’s continuing efforts to enhance a comprehensive approach against trafficking with particular focus on European Union enlargement.

The Conference will build upon the last six years of counter-trafficking activities undertaken by STOP (Sexual Trafficking of Persons) I programmes. The next

“summer” issue of the Bulletin will be devoted entirely to a discussion of the conference. Conference recommendations will in turn guide the future implementation of the EU’s STOP II Programme.

The government officials responsible for combating trafficking in human beings in the EU Member States, candidate and relevant third countries, along with members of the national parliaments, the European Parliament, Council of Europe, the European Commission, Europol, UN agencies, and IOM, will be invited. The following themes will be the foci of the conference discussions:

- Legislative action, including a review of the state of play and identification of necessary further measures;
- Law enforcement and judicial cooperation in criminal matters;

- Cooperation between judicial and law enforcement bodies and private transnational companies and national NGOs;
- Prevention of trafficking, including the role of partnerships, research, information campaigns and information exchange; and
- Protection of human rights and assistance to victims of trafficking, including re-establishment of human dignity, and return and re-integration experiences.

IOM Brussels is currently preparing this conference together with European Union Member States and institutions. The European Parliament, Council, Europol and NGOs will also participate in the preparation as partners.

UK ANTI-TRAFFICKING NETWORK [UKAT] CONFERENCE

The first UK Anti-Trafficking Network (UKAT) Conference, **Combating Global Trafficking: Approaches, Strategies and Interventions**, was held in London on **11 March 2002**. It was organized by WomenAid International, and was the first of a series of anti-trafficking conferences that will take place during 2002 with the aim of supporting the development of a UK National Strategy and Plan of Action to combat the trafficking of people.

Participants included dignitaries from European and African nations, as well as senior officials from international organizations, representatives from the Metropolitan police, the Royal Courts, and academic experts.

NEW IOM PUBLICATIONS

COMBATING TRAFFICKING IN WOMEN IN UKRAINE

IOM Research Report

This report presents the results of a set of surveys carried out in March and April 2001 which focus on the mechanisms of trafficking in Ukraine. While much is known about the impact of trafficking upon the women who have been trafficked, little is known about the mechanisms of trafficking: the process from recruitment, through transport to exploitation. The report presents new information and helps to substantiate some points which were previously only assumptions. The report is compiled from the results of surveys, focus groups and interviews together with an analysis of newspapers, laws and expert interviews.

The report covers inter alia the scale and nature of trafficking in Ukraine, the profile of Ukrainian trafficking victims, how

the victims are recruited, how they are transported and the trafficking routes taken, the experiences of trafficked women abroad, the return of trafficked women to the Ukraine, assistance available to returning trafficked women, who are traffickers, the effectiveness of counter-trafficking measures in Ukraine, as well as the respondents’ opinion as to which additional measures are needed in the Ukraine to tackle this issue.

A total of 586 people were interviewed across Ukraine for this study. They fell into approximately seven groups: 434 young women (aged 18-31, potentially victims of trafficking), 26 Ukrainian women who had been trafficked and subsequently returned to Ukraine, 59 respondents from the Ministry of Interior, 17 from NGOs, 13 from the Office of the Public Prosecutor, eight from the Border Guards and seven from the Secret Service. Finally, two traffickers were also interviewed.

To be released

VICTIMS OF TRAFFICKING IN THE BALKANS

IOM 2001

The study aims to increase understanding of the phenomenon of trafficking in women and children in the Balkans and neighbouring countries by examining data on trafficking collected from NGO, governmental and intergovernmental sources in 28 countries and territories. Although there have been many reports of incidents of trafficking in the Balkan region, there has been little systematic research on the scale and nature of the trafficking problem affecting this region.

The study has two main goals:

- To establish the extent of trafficking to, through and from the Balkans and neighbouring countries by collecting and assessing relevant data from governmental, non-governmental, and

inter-governmental sources, in a wide range of European countries;

- To critically assess the data and determine how existing data relevant to trafficking in the Balkans can be improved to help tackle the phenomenon and assist the victims of trafficking.

The region includes countries/territories of origin, of transit and of destination. Kosovo and Bosnia and Herzegovina represent trafficking destinations in the region, while Moldova, Albania and Romania, followed by Bulgaria, are the most significant sending countries in the Balkans and the neighbouring countries. Each country or territory is, to varying degrees, a country of origin, transit or destination. Some countries, such as Albania, which is equally a country of transit and of origin, have more than one primary role.

In this study, the significance of trafficking from the Balkans to Western Europe is interpreted based on statistical evidence as well as case-based information. The largest groups of women trafficked to Western Europe through and from the Balkans are Moldovan, Albanian, Romanian and Ukrainian, although there are significant differences from country to country which are elaborated in the report.

The Balkan region is also a transit region en route from Eastern Europe to Western Europe. While there are many explanations for trafficking for the emergence of the Balkans as a transit region, one partial explanation is the presence of conflicts in the region, which led to a breakdown of social, political and legal structures. This situation gives traffickers significant freedom to operate in the Balkans.

The major recommendations of this study are:

- The passage or entry into force of compatible and appropriate legislation;
- The development and strengthening of protection and assistance mechanisms;
- Prevention through socio-economic support and awareness-raising activities;
- Data segregation by gender, nationality, age and type of exploitation;
- Trafficking and migration data should be more clearly differentiated;

- The appointment of a national counter-trafficking coordinator;
- Information-sharing at the international level.

TRAFFICKING FOR SEXUAL EXPLOITATION: REPORT ON THE RUSSIAN FEDERATION

By Donna M. Hughes for IOM

A report entitled Trafficking for Sexual Exploitation: Report on the Russian Federation will soon be released by IOM outlining the situation of trafficking in persons in the Russian Federation. The report discusses the causes for the rise in trafficking in the Russian Federation over the last ten years, as well as the role of organized crime in this process. The report highlights the trafficking of persons within the Russian Federation, outlining the situation in various key cities and regions of the Russian Federation. It also examines the international trafficking of Russian women and children to countries in Europe, Asia, the Middle East and North America.

Trafficking in women and girls in the Russian Federation is compounded by the country's economic collapse, high unemployment rate, particularly among women, decreasing social status of women in the transition to a market economy and the increase in transnational organized crime groups. The Russian Federation is a country of origin, transit and destination for women and children trafficked into the global sex industry. The number of women and children who have become victims is unknown, but it is estimated to be in the tens-of-thousands, and possibly the hundreds-of-thousands. Organized crime groups control most prostitution and domestic and international trafficking in Russia. In the Russian Federation, crime groups are referred to as *mafia* and range in size and organization, from a few people who act as co-conspirators to hundreds of people organized into large networks. Domestic trafficking in women and children occurs within Russia, with women and children being

recruited and transported from rural areas to urban centres and from one region to another. Internationally, Russian women are known to be in the sex industry in 40-50 different countries around the world and Russian organized crime groups operate prostitution and trafficking rings throughout Europe, Asia, the Middle East and North America.

There is no specific law against trafficking in persons in the Russian Federation, although activities inherent to trafficking, such as forced prostitution, illegal deprivation of freedom, illegal departure abroad and document fraud, are included in the Criminal Code. Although trafficking in women from the Russian Federation has been on the rise for at least a decade relatively few measures have been taken to combat trafficking. One of the largest problems is the apparent lack of political will to recognize and address the problem of trafficking in women or to deal with organized crime which is behind much of the trafficking.

NGOs are the key group working to provide education and promote awareness-raising among potential victims of trafficking, warning women, and society in general, about the risks to women who travel abroad for work and the harm to women who are trafficked. NGOs throughout Russia report that there is a great demand for information on how to go abroad to work, and their task is often met by resistance from those involved in the trafficking industry.

The report calls for the Government of the Russian Federation, as well as countries of destination, to take action to prevent trafficking in women and children, backed by tougher anti-trafficking legislation. Such laws should be drafted in ways which do not punish or further terrorize victims, but which define a clear zero-tolerance policy for recruiters, traffickers and pimps, and those who benefit financially from the sex trade. Within Russia, the report recommends measures to expand targeted prevention and information programmes for both urban and rural areas, together with victim assistance programmes, particularly for children.

TRAINING MANUAL ON COMBATING TRAFFICKING OF WOMEN AND CHILDREN FOR LAW ENFORCEMENT AGENCIES

IOM 2002

IOM Dhaka has published a training manual for law enforcement agencies that work on the fight against trafficking of women and children. This is an outcome of the mission's project entitled Capacity Building of Law Enforcement Officials on

Counter-Trafficking of Women and Children. In order to contribute to existing efforts in the area of prevention of trafficking of women and children in Bangladesh, IOM Dhaka carried out an assessment of existing anti-trafficking practices and procedures and conducted trainers' training in the Bangladeshi Home Ministry. It also developed counter-trafficking Police Operating Procedures, as well as this manual for police authorities.

The Manual includes chapters on international conventions against trafficking in

women and children, other national laws punishing traffickers, and other possible methods to combat trafficking in women and children. It also contains technical information such as interrogation skills, community mobilization methods, and action plan preparation. Emphasizing an integrated approach to the fight against trafficking, the manual provides an overview of the activities of other governmental and non-governmental organizations or agencies who are working to curb the problem.

OTHER PUBLICATIONS

CRIME ASSESSMENT: TRAFFICKING OF HUMAN BEINGS INTO THE EUROPEAN UNION

EUROPOL, October 2001

It is difficult to clearly identify the threat that the Trafficking of Human Beings (THB) poses to a State, because it is a largely underground crime. Many prosecutorial efforts act solely upon visible parts of this issue, such as prostitution, and thereby ignore its causal structures. However, irregular migration costs European Union Member States (EU MS) huge amounts of money; directly in collecting, housing, processing and deporting unlawful entrants, and indirectly in dealing with associated social, criminal, and political problems.

Victims are trafficked from several distinct regions, some well known sources of other problems – illegal immigration, drug smuggling, money laundering, terrorism, and the activities of Organized Crime groups. Many EU MS are already trying to combat such criminality and subversion, have a network of Liaison Officers working mostly in their embassies of these regions, and also employ the domestic efforts of other State Agencies, such as the Navy or Coast Guard. How-

ever, all of these efforts must be coordinated amongst all 15 EU MS, since each MS is now an integral part of a greater collective territorial area, and has a duty to help safeguard that collective area.

The Baltic Sea Taskforce initiative against THB is a good example of close international cooperation at the operational level. A Mediterranean Sea Task Force should also be considered to address this and other aspects of regional criminality.

However, such efforts need to be sensitive to the victims of THB, as well as carefully document and identify the root problems before their launching. Coordination is needed to provide financial incentives to counter THB, and to carefully select the different responses appropriate for source, transit, and destination countries.

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

US State Dept. , March 2002

On 2 March 2002, the US Department of State announced the release of its 2001 Human Rights Reports. Entitled Country Reports on Human Rights Practices, it examines the respect for internationally recognized human rights in the countries

of Africa, East Asia and the Pacific, Europe and Eurasia, Western Hemisphere, Near East and North Africa, and South Asia. For each country, a section is devoted to "Trafficking in Persons". Depending on the situation in the country, the section inter alia, outlines legislative protection against trafficking and related activities. It highlights the trafficking situation in a particular country, whether it is a country of origin, transit or destination, in counter-trafficking activities. It also outlines any counter-trafficking initiatives undertaken by the Government or NGOs.

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:

Trafficking in Migrants
International Organization for Migration
CP 71, CH-1211 Geneva 19
Tel. +41.22.717 9111 Fax +41.22.798 6150
E-mail: traffickin@iom.int
Web: www.iom.int