
**UNITED NATIONS EXPERT GROUP MEETING ON INTERNATIONAL
MIGRATION AND DEVELOPMENT**

Population Division
Department of Economic and Social Affairs
United Nations Secretariat
New York, 6-8 July 2005

TRAFFICKING IN HUMAN BEINGS*

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*The views expressed in the paper do not imply the expression of any opinion on the part of the United Nations Secretariat.

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A. INTRODUCTION

Trafficking in persons is a particularly virulent offence against human rights, which has mostly been treated as a sub-set of irregular migration. It is however increasingly drawing the attention of policy makers as a labour issue involving “supply-demand” dynamics, and requiring data collection and policies appropriate to this.¹ The phenomenon may be old, but it has taken on new forms, as globalization has fuelled growth in certain economic sectors with demands for cheap labour, particularly of women and children in the sex industry and other service sectors; and as immigration laws have increasingly restricted entry into the labour markets of developed countries, driving much labour migration underground.

The crime of trafficking in persons is generally under-reported, under-recorded and under-legislated. There has been a dramatic growth in reportage and discussion over the past decade, mostly by academics, IOM, NGOs, UNICEF, UNESCO, ILO, OSCE, EC, UNHCR and some governments, and some cross-country data collection initiatives by UNESCO, IOM, the UN Office on Drugs and Crime (UNODC) and the Balkans Stability Pact Task Force in the Balkans - but there is still insufficient systematic analysis of its causes and impacts. Despite the fact that it has risen to the top of the international policy agenda, there is still a dearth of international and national legislation against trafficking in persons, for a variety of reasons, among them lack of data, neglect, lack of resources, and economic trade-offs between public enforcement and private sector laissez fairism. This has made it a high profit-low risk venture for the traffickers. It has only recently been criminalized in international law as a human rights and migration violation requiring prevention, protection and prosecution by governments.

This presentation looks at some key aspects of the trafficking phenomenon, the links to development as we know or surmise them, responses by governments and the international community, data and research issues and some future challenges for policy makers. The presentation draws on a variety of sources for its general observations, but uses the unique database established by IOM of over 5,000 cases of victims assisted globally by IOM in the period 2001 to 2005, to stimulate discussion about data gathering. As is the nature of case-derived data, its usefulness for a comprehensive analysis of the phenomenon is limited; but it brings to light some important observations for policy makers, and may offer a basis for further data gathering and theoretical analysis of the issue.

B. IS TRAFFICKING A DEVELOPMENT ISSUE?

Given its clandestine nature, there is little empirical data on the trafficking of persons, and even less theoretical work on it. The most cited and extensive data derives from the work of the US Department of State in compiling its annual Trafficking in Persons Report. Extrapolating on its country information, the 2004 report estimated some 600,000 to 800,000 men, women and children trafficked across international borders every year – the majority being trafficked into commercial sexual exploitation. The report does not include data on the many more persons estimated to be trafficked within their own countries in large areas of the world UNICEF estimates that in West and Central Africa alone up to 200,000 children are trafficked annually (Dottridge, 2002). ILO reports that some 200,000 to 250,000 women and children are trafficked annually in Southeast Asia alone, and that more than a million children are affected globally every year (ILO, 2002). Government reports from Bangladesh cite more than 13,000 children removed from the country over the last 5 years (IOM, 2005a). UNICEF has ventured

¹ ILO is undertaking comprehensive research into the labour dimensions of trafficking under its new Special Action Program to Combat Forced Labour (ILO/SAP-FL). The program comprised a survey of returned migrants, interviews with key informants and focus group discussions in the four origin countries, Albania, Romania, Moldova and Ukraine, as well as research in key economic sectors in seven destination countries. (IOM, 2005).

to calculate the global profits to traffickers at around \$7-10 billion a year (IOM, 2003). The US government estimates approximately \$9.5 billion in annual revenues to trafficking agents and accomplices, and links this to money laundering, drug trafficking, document fraud and human smuggling (US Department of State, 2005).

While cross-border trafficking is a crime and a breach of immigration and labour laws in many countries, it is also and principally a human rights violation that affects mostly people in vulnerable, usually low income, socially deprived, circumstances, such as women, children and minority groups. People often fall prey to the lure of traffickers – the offer of employment, higher income, better life opportunities for themselves and their family – out of necessity and a lack of information and resources to take their own action. These are typically the circumstances of the poor, and while available data show that it is not necessarily the poorest who are trafficked, many of the victims assisted by NGOs and IOs invariably come from some of the most poverty-stricken countries (Moldova, Mali, Nepal, Bangladesh).

In South-Eastern Europe, where extensive research and victim support has been undertaken, the trafficked victims come from the poorer countries of the region, which earlier speakers at this meeting have also identified as generally being large migration reservoirs – Moldova, Romania, Albania and Bulgaria. The ECA transition countries experienced serious increases in poverty levels in the 1990s and despite some reductions in poverty levels in recent years, Moldova and Albania remain the poorest in the region, and are also primary source countries for trafficked persons. In China, there is evidence that poverty in rural areas is causing considerable internal trafficking (IOM, 2005a). In West and Central Africa, poverty is seen as the key factor in the huge trafficking of women and children. Endemic rural poverty often causes poor families to sell their children to traffickers, hoping for improved circumstances for the children (Dottridge, 2002). In South Asia, two of the most poverty-stricken countries, Nepal and Bangladesh, are the major source countries (along with Sri Lanka) (ibid)

There are a range of other reasons why trafficking proliferates in some countries and regions, among them the presence of military or peace-keeping forces, e.g. Bosnia and Herzegovina or Kosovo in the late 1990s, or South Korea with its US military bases that have attracted entertainers from Southeast Asia (Lee, 2002; Seol et al, 2003). Demographic gaps such as the dearth of females in certain parts of India, or in China as a result of the one-child policy, are another demand factor (US Department of State, 2005). In one of the few studies covering internal trafficking, the UN Special Rapporteur on Violence against Women reports on the scale of internal migration and trafficking of women in China, largely from the poorer provinces to those where there are gender imbalances (IOM, 2005a). According to the Special Rapporteur, such trafficking accounts for 30% - 90% of marriages in some Chinese villages (Coomaraswamy, 2003).

Like smuggling, trafficking in persons re-directs the benefits of migration from the migrant, his/her family, community, government or legitimate employer to the traffickers and their illicit partners (\$7-10 billion according to the US Government. It can help irretrievably deplete a developing country of its human capital, reduce the returns to the home country through remittances and in many cases lead to the breakdown of families through neglect of children (a large percentage of trafficked women in SEE have children) and the aged (Clert, 2005; US Department of State, 2005). It can reduce the availability of family members to care for the elderly, and force children to work, denying them education and reinforcing the illiteracy and poverty cycle that hinder development efforts.

It can also pose a threat and cost to public health, also when victims of trafficking return home. The human and economic costs of unattended health problems of trafficked persons, particularly in the sex industry, and given the often unsanitary conditions under which trafficked persons work and live, are immeasurable (US Department of State, 2005). The human rights abuses of vulnerable and marginal groups can also perpetuate the social inequalities within developing societies (e.g. between men and

women) and between rich and poor countries. Finally, the success of traffickers is not just a human, social and economic undercutting of development efforts by national and international agencies, it is an erosion of authority, which in turn affects the welfare and security of a country (ibid).

1. Who is most vulnerable?

Regarding the implications of trafficking for poverty: household surveys show that age, minority ethnicity and location are major factors in determining poverty. Most affected are usually rural residents, children in large families and ethnic minority groups. Minorities and young people especially tend to experience acute labor market exclusion in post-conflict countries and to suffer isolation and powerlessness, especially in rural areas and small towns (Clert et al, 2005), and it has been shown that these aspects of youth vulnerability have been gender-specific (Report on Gender in Transition (Paci, 2002). In the Balkan countries, in particular, there has been an increase of women and girls being trafficked in the SEE region over the past 10 years. This has been linked to increased levels of domestic violence and discriminatory hiring practices associated with the transition, where migration offers women alternative economic prospects.

In the SEE region, one World Bank expert observes that human trafficking can be categorized as a form of gender-based violence that has increased with the upheavals of transition; and that young children from poor families have also been increasingly at risk (Clert et al, 2005). In the subsistence economies of Sub Saharan Africa, children are enlisted into the family labour pool as critical production assets. Child trafficking is demand-driven where there is a huge market for cheap labour and sex and insufficient legal frameworks or trained authorities to prevent it (IOM, 2005a).

However, there remains insufficient empirical and theoretical information about the causes and impacts of poverty on trafficking, and vice versa; a serious omission in any country and international efforts to prevent and prosecute the traffickers.

C. WHO IS BEING TRAFFICKED, AND WHY?

Observations in the following section are drawn from IOM's global database of 5233 cases of victims assisted between 2001 and June 2005. The cases have mostly been referred to IOM by law enforcement agencies, NGOs, international organizations and embassies. Contrary to many of the general, quick surveys of trafficking, the database is the result of a painstaking effort to collect information in a standard way across the world from the sources themselves, that could throw light on the causes, methods, routes, outcomes and players in this increasingly complex phenomenon. As many researchers know, this method has its own problems, not the least being the veracity of the responses to the interview questions, and the potential for the data to reflect the biases of the assisting agency.

Age, gender and low education are generally held to be the biggest risk factors. In reflection of the poverty indicators, the largest source countries, according to the IOM database, are high on development aid agencies' list of priorities: Moldova, Romania, Mali, Ukraine, Belarus, Bulgaria, Uzbekistan, Colombia and Kyrgyzstan. The database covers 50 more source countries, and 78 countries of destination.

In the IOM database, more than 81% of surveyed victims are females, more than 74% are 25 years of age or younger, the majority between 18 and 25 (56.9%). More than 55% are single, divorced; separated or widowed, and some 8% married. The Belgrade Regional Clearing Point also found similar trends in its Southeastern Europe caseload. Some 26-27% claimed to have children. The family status of victims deserves some attention, because of the impact on children and aged relatives left behind (Clert et

al, 2005). The Regional Clearing Point found in the case of Southeast European trafficked women, that many victims from Moldova and Romania were likely to be mothers at the time of recruitment (either married or separated), and the children often left in the care of other family members with few means, or in childcare institutions (ibid).

There is no clear evidence that a low level of education is necessarily a high risk factor. More than 60% of cases surveyed have had considerable education, even some university (3.9%). The first of the Belgrade Clearing Point reports in 2003 also confirmed this trend for victims in the South East European region, but found that it is a risk factor for Albanian and Kosovar victims (with some 85% possessing only some elementary schooling) (ibid). The Clearing Point also found that the average education levels of Romanian victims declined in the reporting period, suggesting that the information campaigns being conducted in the schools at that time were having an effect. At the same time, the education levels of Moldovan victims rose, which seemed to suggest that higher education may only be a mitigating factor where there are employment opportunities after the schooling (RCP, 2003).

Similarly, contrary to expectations, not all victims were unemployed prior to migration. Of the victims surveyed by IOM, more than 42% had had some work experience prior to their migration, mostly as self-employed or employed in some family business. But more than 50% claimed to have earned less than \$100 a month; and an earlier IOM report on Kosovo showed that 70% of assisted victims in Kosovo who had worked in their countries of origin had earned less than \$30 a month (IOM, 2002b). Thus the economic circumstances appear to be dire enough to call for survival strategies such as those offered by migration.

Household poverty levels appear to be an important risk factor. An earlier IOM report on 826 victims in South East European countries showed that more than half of the victims claimed to come from a “poor” family, and some 17% from “very poor” family circumstances (IOM, 2002a). The global database covering the period 2001-2005 showed some 33% claiming to come from “poor” circumstances, and some 14% from very poor households.

1. Minority groups

Being a member of a minority group like the Roma also seems to be a risk factor, especially in Romania, Bulgaria and Albania. The US State Department report on trafficking in 2003 found a disproportionate representation of women and girls from the Roma community among Bulgarian victims. The World Bank’s work on Roma and Egyptian minorities in Albania highlights the social exclusion/poverty factors that render these groups high risk (De Soto and Beddies, 2005). Databases such as the IOM one under discussion tend not to differentiate victims by ethnic, religious or other social affiliation, and hence provide insufficient data for further analysis (only few known cases of Roma).

Among other vulnerable groups, however, are children, whose trafficked experiences are severely under-documented (Dottridge, 2004). The IOM database shows a fair percentage of children brought to the attention of the organization over the years (916). Reflecting general trafficking trends, the cases originated principally from Mali, Ghana, Moldova, Romania, Bulgaria, Albania, Ukraine, Belarus, Kyrgyzstan and 23 other countries or regions. The phenomenon affects both females and males, and almost mirrors the overall gender breakdown among trafficked victims (more than 72% female; some 27% male). Since the chief purpose is labour of some kind, or sexual services, the older teenage children predominate (14-17 years of age).

Cases of trafficked children range from boy camel jockeys trafficked from Southeast Asia and the Sudan to the Gulf Cooperation Council states to extensive trafficking of children for farm labour and domestic work in Sub Saharan Africa (IOM, 2005). In West and Central Africa, the estimated 200,000

children being trafficked annually are moved from rural areas to cities, from Mali, Benin, Burkina Faso, Togo and Ghana to Cote d'Ivoire's commercial farms, and from and through eastern Nigeria to Gabon; and the phenomenon is growing (Dottridge, 2002). Street children, the products of famine, armed conflict, rural-urban migration, unemployment, poverty, broken and HIV-AIDS-wracked families are particularly vulnerable to trafficking – and if drawn into drugs and prostitution, either for survival or as part of the trafficking victimization, are doubly vulnerable to HIV/AIDS and other diseases (IOM, 2005a). UNICEF sees the most vulnerable children as being orphans and those affected by HIV/AIDS, street children, those displaced by war, and refugees. An EU report in 2001 already found evidence of increasing trafficking of minors to Belgium, Finland, Italy, Netherlands, Norway and the UK, where girls aged 15-18 had been repeatedly raped and exploited prior to arrival (IOM, 2002a).

D. WHO ARE THE TRAFFICKERS?

As with other forms of labor migration among poorer communities who have to help each other out through networking (e.g. Bangladesh), some 49% of the recruitment is through personal contacts – friends or family members (3% by family). This appears to be far more prevalent in Sub Saharan Africa, where families are driven to such desperate means through poverty). Research in Nigeria has shown that participation in trafficking usually involves an invitation to the head of the family or the potential victim herself from another family member, friend or stranger, and that a pact is usually made among the family, the recruiter and the migrant prior to migration, to ensure secrecy and compliance (IOM, 2005). Some of the trafficking runs along ethnic and cultural lines, for example IOM has discovered that Nigerian “madams” who received trafficked women and girls from Nigeria at the destination in Europe would use threats by magic if the victims refused to cooperate (ibid). The database shows that a relatively high percentage of recruiters are female (29%).

There is also evidence of a high level of criminal engagement in the trafficking business, particularly in the sex services industry in East Asia, Central, Eastern and Southern Europe and Southern Africa. But this is not to downplay the fact that in countries such as Korea, most companies involved in employing foreign entertainers, or managing entertainment agencies or clubs, are run like a family company, not necessarily with mafia involvement (ibid).

Contrary to the widely held assumption that women are mostly trafficked by men, reports in Asia show a growing tendency for women to recruit future victims; sometimes under compulsion as part of their own debt reduction vis a vis the traffickers (ILO-IPEC, 2002).

E. TYPE OF LURE/TYPE OF EXPLOITATION

The principal lure of traffickers is work. From the IOM global database, some 56% of victims had been offered a job, with the predominant types of jobs being: domestic work, dancer/entertainer, waitressing, selling, sex and au pair /childcare.

Several sources confirm that the most prevalent form of exploitation at the destination is sexual. According to the IOM database, some 71% of victims experienced this (compared with 11% for other forced labor). The Belgrade Regional Clearing Point estimates around 85% sexual exploitation in the years 2003 and 2004 of its more than 6,000 cases in South Eastern Europe. UNICEF estimated in 2002 that 90% of foreign migrant sex workers in the Balkan countries were victims of trafficking (UNICEF, 2002). In many cases, the exploitation is a dual one, labour and sexual services. But this varies from country to country, for example the Belgrade regional Clearing Point reports for the SEE region that in Bulgaria, 30.8% of victims in 2003, and 20.5% in 2004 had been trafficked for both sexual and other unspecified work purposes (RCP, 2005).

In IOM's database, 29% were totally denied freedom of movement; and 18% could only move around if accompanied. As already observed, many are abused en route by the trafficker, pimp and others during the trafficking.

F. ADDRESSING THE PROBLEM

1. The Protocol and the definition

The greatest difficulty with the issue of trafficking in persons begins with the definition and interpretation. The language used is often inconsistent across countries, laws and practices in addressing the crime. The definition of "trafficking in persons" in the Protocol to the UN Convention on Transnational Organized Crime widely adopted in Palermo in 2000 is a broad overarching one, open to broad interpretation. It covers the explicit use of force and coercion and recognizes other forms of deception and human rights abuses (debt bondage, deprivation of liberty and control over one's labor and earnings that come into play in trafficking for sexual exploitation (IOM, 2002). It also allows for the phenomenon of internal trafficking to be addressed – largely misunderstood and ignored by many governments, despite indications of its strong links to cross-border trade in women (UNICEF).

Trafficking in persons" shall mean 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 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.

The Protocol provides a broad basis for policies to address the victim, not just the crime – particularly regarding sexual exploitation and exploitation of prostitution. It requires countries to take action against the traffickers, protect and assist the victims and help prevent the trafficking. While many governments have signed the Protocol (and variously the Convention), fewer have ratified it and implemented it in national laws (117 countries had signed it, and 85 had ratified it as of July 2005).² In the absence of any strong enforcement and monitoring mechanism, it is often the peer pressure of, for example, the State Department's annual report, that compels governments to take regulatory action. The US Trafficking Victims Protection Act of 2000 disaggregates two kinds of "severe forms of trafficking" in its definition: sex trafficking involving commercial sex induced by force, fraud or coercion (or where a person induced to such acts is under 18 years), and the recruitment, harboring, transportation, provision or obtaining of a persons for labor or services through force, fraud or coercion for involuntary servitude, peonage, debt bondage or slavery.

In the case of trafficking for sex-related work, which in most regions appears to be the major purpose of trafficking, the policy debate becomes complicated by national laws in host countries that differ on the legalization of prostitution or on sexual exploitation (if at all covered. Major differences of approach became apparent in the negotiations during the drafting of the UN Protocol. The Coalition against Trafficking in women (CATW) saw all prostitution as a violation of women's human rights (Doezema, 2002), but the Human Rights Caucus saw prostitution as legitimate labour. One expert points out that where only forced prostitution is considered illegal under national laws it is usually very difficult to establish this in court (Hughes, 2000).

² Compare 112 signatures and 76 ratifications of the Smuggling Protocol, and 147 signatures and 106 ratifications of the Convention as of July 2005.

There is a lingering question in Europe about whether the legalization of prostitution plays a role in counter trafficking efforts, particularly given the scant evidence that legalization can help reduce the magnitude of trafficking. Indeed, there appear to be more trafficked women detected in West European countries, where aspects of prostitution are legal. Some experts find that legalization may only protect nationals and further marginalize the position of trafficked women. ILO points out that even where the industry is legal, it is insufficiently monitored and regulated (Kelly and Regan, 2000).

Trafficking is often confused with smuggling, where there is no victimization, coercion or exploitation imputed. “Migrant sex workers” has also been confused with trafficked migrant workers, thus distorting both estimates of the scale of the problem and the potential response by authorities. The perpetrators can also be difficult to define, as the trafficking process frequently involves a number of players including family and relatives: a friend of the family introduces the person to a recruiter, who may appear legitimate, but abuse and exploit the person en route, and eventually pass or sell the person to an employer or a person who controls and profits from prostituting the migrant against her will in a transit or destination country. In many real cases, the distinctions between smuggling and trafficking are blurred. In the sex industry, if one also accounts for the “client” or beneficiary of the migrant’s services, the language of the Protocol does not sufficiently cover the “demand” side of trafficking and sexual exploitation of migrants (IOM, 2002).

2. Global and Regional Initiatives

There are a number of other international instruments guiding governments on how to address aspects of trafficking in persons, among them: the Convention on the Elimination of all Forms of Discrimination against Women (1979) (CEDAW), Convention on the Elimination of all Forms of Racial Discrimination (1965) (CERD), Convention on the Rights of the Child (1989) (CRC), Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000), Slavery Convention (1926), Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) and the Convention on the Status of Refugees and the Optional Protocol to the Convention on the Status of Refugees (1967). The first three of these – CEDAW, CERD and CRC – are notable for their inclusion of mechanisms to monitor compliance, mainly through periodic reporting by state parties on legislative reform (IOM, 2005b).

There are also several regional and hemispheric conventions or resolutions that call on countries to combat trafficking in persons. For example, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994); or the resolution adopted by the Inter-American Commission for Women (CIM) on “Fighting the Crime of Trafficking in Persons, Especially Women, Adolescents and Children”, which enjoin member states to act against trafficking through domestic legislation and national, bilateral and multilateral coordination mechanisms. In 2004, The General Assembly of the Organization for American States (OAS) adopted a resolution requesting members to take all appropriate measures to strengthen their legal, judicial and administrative systems to combat the trafficking crime. The Declaration of the Third Summit of the Americas (Quebec, 2001) reflects a commitment by governments to strengthen regional cooperation in addressing the legitimate needs of migrants and taking measures against trafficking in persons. Many of the regional consultation processes on migration such as the Puebla Process (Central America, Mexico, North America) in the Americas, the Bali Process in Asia, or the MIDSA process in Southern Africa now feature counter trafficking high on their cooperation agendas.

In Europe, the recently established European Union’s Expert Group on trafficking in persons has submitted a report with recommendations on prevention, root causes, direct assistance and collaboration with law enforcement to combat the crime. This will form the basis of a communication by the Commission to the European Council on possible EU policy and future counter trafficking budget lines.

The recommendations have a new focus on the labour market and the need for such activities as training of labour inspectors, as well as the health sector, and the need for health practitioners to better identify and assist victims. The Council of Europe Committee of Ministers adopted a new Convention against trafficking in persons in May 2005, which challenges the law enforcement focus of the Protocol definition and interpretations, and is more victim-oriented. There is also an effort to expand more on the labor exploitation elements of the Protocol definition of trafficking in persons.

The principal UN agencies concerned with human rights and children have recently adopted guidelines concerning children who are trafficked. These are aimed mostly at government agencies responsible for assisting and protecting trafficked children and deciding on their fate afterwards. UNHCHR issued a set of “Recommended Principles and Guidelines on Human Rights and Human Trafficking in 2002: and UNICEF issued its Guidelines for Protection of the Rights of Children Victims of Trafficking in 2003, developed in the specific context of South Eastern Europe. UNICEF’s guidelines cover a range of practical and legal issues, including the legal right to be in a country, access to justice, protection of the child as a victim and training of government and other agencies dealing with trafficked children (Terre des Hommes, 2004). The work of ILO on child labour in Asia (ILO, 2002), or by UNICEF, IOM, OSCE/ODIHR, and the NGOs in South Eastern Europe, or UNICEF in Africa is critically important both to bring assistance to the victims and international attention to the crime.

Many countries still lack the legislative means to address the issue of trafficking comprehensively. In the Caribbean, a poor region experiencing high levels of trafficking, also as a transit point for North America, there are no comprehensive legal tools to combat trafficking,. However the Caribbean Community (CARICOM) has established model legislation on women’s issues, covering sexual offences, domestic violence and sexual harassment, as a basis for regional governments to draft national laws on these issues. A recent report by IOM and the OAS points to this model legislation as a source for best practices in countering trafficking in this region.³ The Government of the Republic of Korea passed two anti-prostitution and anti-trafficking laws in 2004, which appear to have had some results in terms of victims rescued and traffickers arrested (US Department of State, 2005). The State Department report also highlights the initiative of an NGO in India in establishing its own Trafficking in Persons report on the initiatives of state governments in that country (ibid). In Bangladesh, an inter-agency Counter Trafficking Thematic Group was set up some years ago, which has helped bring to light the incidence of trafficking of men from that country (Bangladesh Counter Trafficking Thematic Group, 2003).

There are a myriad of efforts by many governments and regional and international entities to ensure better cooperation between law enforcement agencies, NGOs and international organizations such as IOM, UNHCR, UNICEF and ILO. These include training in identification of victims, interview techniques, referrals (as per the cases in the IOM and RCP databases) protection and assistance. IOM has an extensive training manual, including modules on interview techniques, assistance to victims, health care (including psycho-social therapy), law enforcement cooperation and return and reintegration. In 2000, the governments of Mali and Cote d’Ivoire signed a Cooperation Agreement on Combating Transborder Trafficking of Children, which defines some minimum standards for taking the best interests of the child into account (UN Population Division, 2004).

³ In June, 2005, IOM and the OAS completed a comprehensive review of legislation and policy in the seven Caribbean countries (the Bahamas, Barbados, Guyana, Jamaica, the Netherlands Antilles, St Lucia and Suriname) to combat trafficking in persons, with support from the US Department of State and Ministry of Justice of the Netherlands (IOM, 2005c).

Capacity building efforts with government agencies under EU programs, or funded by the US and other governments, are showing results in the number of new laws and training programs in place in a number of vulnerable regions. UNICEF is supporting Morocco and Spain in their agreements to jointly address the trafficking of children between the two countries (often transiting through Morocco). IOM Information campaigns have been implemented in countries of origin and destination throughout Europe, particularly South Eastern Europe; and shelters and assistance programs at both ends of the migration spectrum are being operated by many NGOs in cooperation with governments, IOM and others. School campaigns, hotlines and capacity building of NGOs and others have been variously implemented and supported by IOM, OSCE, UNICEF and NGOs in Europe and Asia.

Assisted return and reintegration programs play an important part in these efforts. Conditions for sustainable return are critical for those victims who cannot or do not wish to remain in destination countries; UNICEF and others have estimated that up to 5% of trafficked women returned to SEE countries are re-trafficked. On the other hand, one NGO in Romania claims a reintegration rate of 84% of returned trafficked women (UNICEF et al, 2002), where they are assisted. IOM has also found that the majority of Moldovans assisted in their return and reintegration were still in Moldova, and employed, after 12 months. Where possible, IOM undertakes monitoring of the reintegration process after 3, 6 and 12 months of assisted return. Despite these efforts (dependent on funding by destination country governments or international donor agencies), there is globally a lack of effective reintegration programs that address housing, education, health, employment, substance abuse and trauma. This encourages re-trafficking. Policies to address this can be a form of secondary prevention.

Such global and regional initiatives reflect strong commitments by governments, but these are in many cases not followed through with concrete implementation plans, nor is there sufficient effective enforcement and accountability or coordination (also among UN agencies)⁴.

3. Data and Research

While still hugely inadequate, the body of data on trafficking in persons is growing. As the International Federation *Terre des Hommes* reports, most statistics refer exclusively to cross-border trafficking and remain very imprecise (*Terre des Hommes*, 2004). Trafficking data are being collected globally by the US Department of State for its annual report and by IOM through its assisted cases in South Eastern Europe (SEE) and other regions (the Counter Trafficking Module (CTM) database). The Belgrade Regional Clearing Point (RCP) established by the Stability Pact Task Force (EU/OSCE) and operated by IOM under the auspices of the OSCE also has considerable data on assisted victims in SEE countries. The UN Office of Drug Control (UNODC) maintains a global database under the Global Program against Trafficking in Human Beings drawn from research reports and statistics from governments, international organizations, academia and the media. ILO has collected a valuable set of data globally on labour exploitation, particularly of women and children (see the Mekong Sub-Regional Project to Combat Trafficking in Children and Women and the new ILO/SAP-FL research program mentioned at the beginning of this presentation). UNESCO has collected data on appropriate legislation, and its “Trafficking Statistics Project” based in Bangkok offers a practical Internet tool to collect worldwide data on trafficking (www.unescobkk.org).

⁴ See *Terre des Hommes*' comment that the UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography may have the brief to advise governments on how to combat child trafficking, but does not coordinate initiatives taken by UN agencies.

In East Asia, there is a huge dearth of concrete data on trafficking, a notable exception being a recent research project commissioned by the Ministry of Gender Equality of South Korea, which surveyed female migrants in the sex industry in Korea, South Korean male potential users of their sexual services and female migrants who had returned to their homes in the Philippines (Seol, et al, 2003). However, a large number of studies have been undertaken in South-East Asia particularly in the Mekong Region, due in part to the active engagement of UN and other donor agencies in that region (Derks, 2000; Caouette, 2002). IOM observes that there is much less research on trafficking in the North East Asian region, with the exception of an ILO-IPEC program in southern China and some studies on Japan and South Korea by NGOs such as Human Rights Watch (2000) and IOM (1997).

Aside from the country reports by the US Department of State, research by ILO and UNICEF in China, reports by NGOs such as Human Rights Watch and the Coalition against Trafficking in Women (CATW), UNODC, IOM, the Korean government and other researchers (e.g. the Asia-Pacific Migration Research Network (APMRN), a common source of information on trafficking in persons in East Asia are the media (including the Japan Times, Bangkok Post, Korean Times, Agence France Presse, and Deutsche Presse Agentur) (IOM, 2005a).

The case-related databases of IOM and the RCP provide useful information directly from the victims on the reasons, methods and purposes of the trafficking, as well as the age, gender, familial, educational and work profile of the victims and who, broadly speaking, their traffickers were. The cases, however, are mostly those referred by the authorities or NGOs, and are unlikely to be reliable indicators of the overall numbers involved. For example, the RCP's database registered some 5778 cases between 2000 and 2004 (5 years) across the SEE countries Albania, Moldova, Romania, Bulgaria, Kosovo, BiH, Serbia, Croatia, Montenegro and Macedonia. IOM's global database covers some 5,306 cases between 1999 and February 2005.

Governments and NGOs of countries of destination are more actively studying and approaching the trafficking phenomenon, for example the Norwegian study "Crossing Borders" on transnational prostitution and trafficking in Oslo (IOM, 2005a) funded by the Norwegian Government's Plan of Action for Combating Trafficking in Women and Children or the Swedish-funded regional assistance program for the Balkans established by IOM some 5 years ago. Since 2004, the Inter-American Commission of Women (CIM), the OAS Anti-Trafficking Coordinator's Unit and IOM have been implementing a one-year capacity building and applied research project in Bolivia, Mexico and Belize to study, train and raise awareness about the need for coordinated mechanisms to address trafficking (ibid).

An important initiative that bears watching is the project commissioned by the US National Institute of Justice (in the US Department of Justice) to develop a methodology to generate credible and reproducible estimates of the magnitude of human trafficking into the USA for purposes of labor and sexual exploitation. Guided by an Interagency Technical Advisory Committee (including DoJ, IOM, ISIM), the project will assess empirical data around two critical regions and using simulation techniques develop trafficking models that would yield some initial estimates through testing in the critical regions. This is intended to help correct the huge gap in trafficking data, and serve future planning and assessment of prevention and interdiction strategies (reference IOM Washington, DC).

Research and public reporting have proven to be effective in encouraging change in governance practices in this area. For example, following IOM's report on trafficking in the SADC region in 2003, the wide-ranging Southern African Counter Trafficking Assistance Program was set up (with information campaigns, hotlines, documentaries, capacity building of government, training of law enforcement officials). More action is needed by governments, and the international community in enforcing it, to prosecute traffickers. Large trafficking magnets such as South Africa still do not have specific anti-trafficking laws, in South Africa's case despite evidence that organized crime syndicates are responsible for trafficking in that region.

G. FUTURE STEPS

1. Development Responses

There is huge scope and need for trafficking in persons to be addressed in analytical work by agencies supporting development and poverty reduction, such as the World Bank. Other agencies working with migrants and governments on the ground, such as IOM, UNICEF, Terre des Hommes, ILO and OSCE should continue collecting baseline data from victims, law enforcement agencies, NGOs and others, while the development aid donor agencies should help devise appropriate analytical tools to undertake poverty assessments, gender assessments, analyses of the multiple vulnerability potential for certain groups, such as youth, and generally be able to estimate the impact of economic and labour market dysfunctions on criminal activities such as trafficking. There also needs to be better linkage between trafficking prevention strategies and broader education, empowerment and poverty alleviation efforts aimed at the same vulnerable populations that fall prey to traffickers. For example, it is not sufficient to advocate for better skills training and education for girls in developing countries without viable, sustainable income generation initiatives. International development projects aimed at poverty reduction, gender equity and social inclusion of youth need to be more closely linked to anti-trafficking efforts (Clert et al, 2005).

Government capacities should be strengthened in every country to routinely conduct baseline data collection, particularly in a more coordinated format. Researchers should refine their methodologies to adequately capture the diversity of causes and effects of trafficking. This is particularly urgent for Sub Saharan Africa and the cultural and economic contexts within which internal and international trafficking of children occurs on such a scale and with such impunity. The myriad efforts of UN agencies and others could be better coordinated, as could the oversight of implementation of the Convention.

2. Other complementary actions

There is a well-rehearsed compendium of actions that governments could take to underpin the proposed development-aimed responses to trafficking, particularly in cooperation with each other and with expert international organizations, including:

- Better cross-border collaboration, as for example between Mali, Senegal and Burkina Faso, to combat child trafficking and cooperate on the safe repatriation of their children.
- Model legislation as a basis for actions against trafficking a la the CARICOM one.

- Minimum standards of health care, and specialized physical and mental health services for victims of trafficking.
- Capacity building of NGOs, who in most countries are working directly with the victims and increasingly as human rights advocates.
- Information campaigns in high risk communities about safe forms of migration; also access to information in destination countries.
- Telephone hotlines in countries of origin, transit and destination.
- Witness protection programs for victims of trafficking; and visa and residency leniency, also for families of victims
- Sustainable reintegration efforts through assistance, counselling, psycho-social therapy, skills training, micro-enterprise support and job placement, for those who return (voluntarily or involuntarily).
- Training of law enforcement officials, labour inspectors, diplomats, teachers, judges, prosecutors, attorneys, international military and peace-keeping forces, including civilian contractors, and the media.
- Government-to-government institution building in developing anti-trafficking laws, or better implementing existing ones, and ensuring non-discriminatory practices against vulnerable and/or minority groups.

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