

Migration and trafficking in human beings

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We all know that nowadays the movement of people, voluntary or forced, presents multiple aspects, implications and dilemmas for states. The development of appropriate policy and management responses by governments to this challenge has become a fundamental issue for many countries around the globe, and it also impacts on inter-state relations more than ever before.

The large increase in smuggling and human trafficking is a direct consequence of mounting pressures arising from the migration phenomenon. Among all other issues in the migration continuum, the problem of trafficking in migrants is attaining alarming proportions. Every year tens or even hundreds of thousands of people, most of them women and children from less privileged countries, are exploited, sold, tricked and forced into situations of exploitation from which there is no escape. These people are abused as commodities by a transnational criminal industry, which has already generated billions of dollars for criminal organisations and groupings, which operate practically with impunity. The traffickers exploit the total absence of social and legal protection. The low social and legal status of trafficked women makes them especially vulnerable to violations of their human rights and to physical violence. Governments very often see the battle against illegal immigration as their first priority. Therefore victims of trafficking run the risk of being treated as illegal immigrants and immediately deported to their countries of origin.

While trafficking in human beings may share common characteristics with alien smuggling and illegal migration, we must be aware that it has its own distinctive features and dynamics involving particularly grievous human rights abuses which demand a specific and appropriate response. Migrants may use the services of smugglers or may cross borders illegally, but the fact that they are put into slavery-like situations, deprived of their freedom, makes it trafficking.

Before I shall go further into details on the complex problem of trafficking in human beings, let me say a few words about the Stability Pact (SP) for South Eastern Europe (SEE) and its Task Force on Trafficking in Human Beings.

The SP for SEE is a political initiative to encourage and strengthen cooperation between the countries of South Eastern Europe and beyond as well as to streamline existing efforts for assisting South Eastern Europe's political, economic and security integration into Europe. It is an instrument to coordinate and possibly accelerate the democratic development in the region, with the fight against human trafficking as one of the main issues.

The SP Task Force on Trafficking in Human Beings provides a regional forum for coordination and has developed a comprehensive regional framework for anti-trafficking efforts in the region. International organizations and NGOs form an Expert Coordination Team and act as focal points for the priority areas of concern – from prevention, awareness raising, victim assistance and protection, return and reintegration of victims, to legislative reform, law enforcement cooperation, and training and capacity building. They serve as an advisory board to the Chair of the Task Force. We would certainly highly appreciate to have the Red Cross on board. The SP Task Force acts as a clearing house, fostering coordination among relevant actors, providing information and supporting regional cooperation among governments, international agencies and NGOs.

Human trafficking is a particularly brutal and loathsome violation of human rights. It has rightly been called a modern form of slavery. Its victims are primarily women and children, the weakest and most defenceless members of our societies. Human trafficking has become the third biggest criminal business worldwide, after drug trafficking and trafficking in weapons. It has become one of the most lucrative criminal enterprises, which has long established its own criminal industry connected with related criminal activities such as money laundering, drug trafficking, document forgery, smuggling etc. And it is evident, that human trafficking could not exist and thrive to such an extent without corruption.

In South Eastern Europe, the problem of human trafficking is compounded by the instability of civil societies and the weakened rule of law which gives more scope to criminal activities and organised crime. The wars and conflicts have changed the social structure of life dramatically and caused dramatic shifts. In post war and post conflict areas women are more negatively affected by difficult economic situations than men. This bad economic situation makes the female population very vulnerable. Young women try to find jobs abroad and may easily become victims of traffickers.

We know that many women cross national borders in search of what they believe is legitimate work, but which turns out to be a form of virtual slavery or indentured servitude to employers who use them as prostitutes or in hard labour. Many women come to other countries after being promised jobs as waitresses or factory workers or in belief that they would be highly paid as

entertainers or sex workers. Very often there is also made use of false advertisement offering good jobs abroad. Once in the foreign country, however, they find themselves saddled with huge debts – usually 25–40,000 dollars –, which in most cases they are compelled to work off, and forced to work under brutal conditions without compensation until they are released.

Most often, the first link in the trafficking chain is a neighbour, a friend or acquaintance who is the local recruiter. She or he is linked with the employer or pimp who is located in the destination country. Another type of recruitment goes e.g. through middlemen such as foreign tour bus operators and people supposedly arranging jobs abroad.

Many women realize what kind of job they have to do only when they end up in a night-club, but then they have little chance to escape. And many women also accept to work as prostitutes because they know that nothing good is waiting for them back home. But still some of the victims would like to return home. Last year IOM (International Organization for Migration) has assisted the return of about 2,000 victims of trafficking out of the Balkan region back to their home countries.

A crucial point is the reintegration of victims where the Red Cross / Red Crescent could play an important role as well as with regard to the identification of victims of trafficking. We know from research projects that we only reach at maximum 30 % of the trafficked persons. The Red Cross / Red Crescent could participate in the so-called National Referral Mechanisms which we are currently developing in the countries of South Eastern Europe in order to better identify and assist victims of trafficking.

In its methods international trafficking in human beings is becoming both more brutal and more sophisticated. Once in the power of traffickers, who often pretend to be working for employment agencies, women are deprived of all chances of escape.

Some trafficking routes lead through the Balkans (the *Balkan route* being one of the best known routes used by organized crime and human traffickers) where the victims are sold to brothels and on markets – on to Albania, and through Greece and Italy into EU countries. The “owners” of trafficked persons usually are on good terms with the customs and police officers. There are of course other well-known trafficking routes, among them the most significant *Eastern Route* through Poland which starts in Belarus and Moscow. Another route, the *Central Route* from central European states, leads via Hungary, Croatia and Slovenia into Austria and thus into the EU. Migrants from Far and Middle East and from the former Soviet Union are transferred preferably *via Ukraine, the Czech Republic and the Slovak Republic or Hungary* into Western Europe. Another popular route leads *via Turkey, Bulgaria or Romania* first to Albania and then to Italy and thus into the EU. And fi-

nally, there is the *Mediterranean* or *Southern Route* mostly used by migrants from Africa via North Africa into Spain, Italy, Greece and Portugal.

The dominant countries of origin of women and girls have shifted over the years. From the mid seventies until 1980 most of the women originated from South America, followed by a wave from the Philippines which was superseded by women from Africa only for a short period of time (1984/85). From the mid eighties until 1989, a lot of women and girls came from Thailand and the French Overseas Territories (Réunion, Guadeloupe, Martinique). Since 1989 more and more women from Eastern Europe and from the Commonwealth of Independent States have been trafficked.

When we started with our anti-trafficking work within the SP Task Force in summer 2000 we realized that trafficking was either at the bottom of the agenda of governments in the region, or was not even recognized as a serious problem. Many governments showed very little willingness to acknowledge the issue, considering it much less important than other crimes. Cases of trafficking were seen as isolated cases and the transnational character of the enterprise was overlooked. Law enforcement officers were often complicit either overtly or through silence and failure to act. Very often state authorities prosecuted the victims instead of protecting their rights or going after the true culprits – the traffickers and the pimps. Frequently the women were regarded as criminals, entitled to little sympathy and support. Moreover, effective cross-border cooperation was lacking, and foreign ministries were not communicating with one another on the issue of human trafficking.

To start with, we have focused on fostering the awareness of the fact that trafficking in human beings is a distinct phenomenon being both a law enforcement issue and a human rights concern. There has been gradual recognition that the overall responsibility lies with the individual states. It is incumbent upon them to ensure compliance with their international obligations under human rights norms: to respect and protect the rights of individuals by legal, administrative and other means.

It goes without saying that no single institution nor country alone is able to combat effectively the problem of human trafficking. We must address the issue in a comprehensive, forward-looking, innovative and collaborative way. Key conditions for such an approach are better insight into the complexity of the problem as such as well as sustained international action supporting the individual states and countries in building their capacity to deal effectively with the trafficking problem on the basis of good policy and best practices. The problem of human trafficking by no means concerns only the countries of origin; rather it affects us all equally – in East and West alike – as country of origin, of transit or of destination. The push factors which force people to leave their countries are closely connected with the pull factors of the coun-

tries of destination. Only if we all together intensify our efforts we will be able to master this challenge.

Human trafficking is a global and complex problem. These complex reasons: the unequal economic development of different countries; the economic and social causes like mass unemployment in many countries of origin and poverty, but also inequality, discrimination and gender based violence in our societies; the prevailing market mechanisms; the patriarchal structures in the source and the destination countries; the demand side including the promotion of sex tourism in many countries of the world; the mindsets of men, etc etc, have to be analyzed and taken into account. If we want to achieve sustainable solutions, we must systematically address also and especially the structural roots of this criminal enterprise: namely the global inequalities in the distribution of jobs, resources and wealth.

Far too often, however, the defenceless victims of cynical traffickers are regarded as perpetrators and are criminalized and deported before the true circumstances are investigated – with no care or support and with no regard for the severe trauma these people frequently suffer. The women know that as “illegal aliens” and “prostitutes” the best treatment they can hope for is deportation, while authorities turn a blind eye toward the abuses they have suffered at the hands of their traffickers. Very often health care and the basic right to counsel or the service of a translator or the opportunity to sue their employers for damages is denied. We therefore promote the idea of a temporary resident permit for trafficking victims. They should be granted the right to abode for humanitarian reasons.

What is needed, is a shift in perspective. Trafficking in human beings must not be viewed primarily or exclusively from the perspective of national security; it must not be seen merely from the viewpoint of national protective interests; it must not be seen only as a fight against organized crime and illegal migration. Human trafficking is first and foremost a violation of human rights.

The status and the protection of the victims deserve special attention. In this area in particular, governments should make use of the experience and possibilities of non-governmental organisations which often more than other bodies are the advocates of the weak and weakest in our societies – organizations such as the Red Cross / Red Crescent which guarantee confidentiality to all victims.

Despite growing awareness of the fact that trafficking in human beings (nor illegal/irregular migration) cannot be satisfactorily dealt with by exclusion and control only, EU policies and those of many other Western countries have tended towards self-protective measures as opposed to a more comprehensive approach to the problem. We must admit that the existing measures

of deterrence are counter-productive and therefore part of the problem. Policies that attempt to deal exclusively with the consequences of human trafficking instead of dealing with its root causes are bound to fail. The emphasis on control, deterrence and immediate repatriation of victims of trafficking is often the beginning of a vicious circle. It encourages organized crime because, apart from seeking asylum, clandestine border crossing is still the only way of entry into the EU and other Western countries.

Let me make one last point: In many countries emigration looks like the only way out of a dreary life to growing numbers of people, especially of women. Trafficking in human beings must therefore also be perceived as a problem of labour migration. Lacking perspectives make the decision to migrate a legitimate strategy of survival. At the same time, many industrialized countries have come to realize that their own demographic developments are bound to result in the need for more foreign labour, not the least because of skills shortages and the obvious economic and longer-term social security implications. Individual countries and the EU as a whole will have to consider increasing opportunities for persons to migrate legally for work and/or training in countries of destination, particularly for women and girls.

Concluding, let me in this context sound a warning against too brief and too swift answers concerning human trafficking. They might get a headline or two and bring short-term satisfaction, but they will fail to bring about a sustainable solution of the problem. If we wish to achieve a sustainable solution or a lasting reduction of the problem, the complexity of this criminal enterprise has to be taken into account and must be our starting point.