

# **FMO Research Guide: Human Smuggling and Trafficking**

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### **1. Overview**

#### **1.1 Introduction**

The smuggling and trafficking of people are not new phenomena and have existed as long as there have been boundaries between peoples and nations. The activities of individuals such as Raoul Wallenberg or Oscar Schindler in Europe during the early 1940s would now be regarded as human smuggling. Even as late as the Tiananmen Square protests in China, the irregular movement of people to Hong Kong facilitated by snakehead gangs was not of major concern to the international community.

Since the end of the Cold War, however, concern over human trafficking and smuggling has progressed up the policy agendas of many countries. Arguably it was the governments of Europe and North America that led this impetus in the 1990s, involving other regions if they happened to be countries of origin, transit, or reception for irregular migrants. It is also a period in which increasing efforts to control the movement of irregular migrants led to a plethora of visa restrictions, readmission treaties, carrier sanctions, airline liaison officers, and efforts to link development assistance to promises of controlling the movement of people.

Research into the trafficking and smuggling of people has only really mushroomed in the past ten years. The global industry was valued at between US\$5–7 billion at an

International Organization for Migration (IOM) Conference in 1994, but rigorous methodology for such calculations has been slower to emerge. By the mid-1990s, trafficking and smuggling had come to be seen as issues of migration management and control. By the late 1990s, human trafficking and smuggling had been framed as issues of transnational organized crime, and as a threat to both societies and economies. In the year 2000 the United Nations Convention on Trans-national Organized Crime was signed in Palermo, Italy, recognizing an international distinction between human ‘smuggling’ and ‘trafficking’ (explained in Section 1.2 below). This is a distinction that is still ignored by many in the media, by many politicians, and by some researchers.

This research guide sets out approaches to smuggling and trafficking under the three dominant policy paradigms of human rights (Section 2), migration management (Section 3), and organized crime (Section 4). It does no more than lay out some of the distinctions and suggest sources for more specialized information.

### **1.2 Definitions and international law**

Smuggling and trafficking now have legal definitions under the UN Convention on Trans-national Organized Crime 2000, which are likely to enter into international law during 2003. Each has a separate Protocol to the Convention; smuggling and trafficking are defined as follows:

- ‘Smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.’
- ‘Trafficking in persons shall mean the recruitment, transportation, transfer and 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 giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.’

Through the clear separation of smuggling and trafficking, the victimization of trafficked people is widely accepted. However, smuggled migrants’ human rights, especially smuggled refugees’ right to protection of smuggled refugees, arguably receive too little attention. While states have a great interest in cracking down on human smuggling as an international crime, there is hardly any discussion of alternative options for refugees in need of protection.

#### **Websites:**

UN Convention on Trans-national Organized Crime 2000, Protocols and list of signatory countries. As of August 2002, the Convention had been signed by 142 countries and ratified by eighteen.

[http://www.odccp.org/crime\\_cicp\\_documentation.html](http://www.odccp.org/crime_cicp_documentation.html)

‘Smuggling Protocol’ (Annex III to the Convention: Protocol against the Smuggling of Migrants by Land, Sea and Air). As of August 2002, the ‘Smuggling Protocol’ had been signed by 102 countries and ratified by thirteen, and requires a total of forty ratifications to enter international law.

[http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/index.htm](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/index.htm)

‘Trafficking Protocol’ (Annex II to the Convention: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children)

As of August 2002, the ‘Trafficking Protocol’ had been signed by 106 countries and ratified by fourteen, and requires a total of forty ratifications to enter international law. For a good analysis, go to The Annotated Guide to the Complete UN Trafficking Protocol by the International Human Rights Law Group.

[http://www.hrllawgroup.org/resources/content/Protocol\\_annotated.pdf](http://www.hrllawgroup.org/resources/content/Protocol_annotated.pdf)

### **1.3 Political context and policy**

Policy making and research in the area of human trafficking and smuggling can never be entirely divorced from political agendas or the economics of the marketplace. A series of writers, from different perspectives, have all argued the same point: that the growth of trafficking and smuggling has, at least in part, been a response to the growth of political efforts to stop less organized forms of irregular migration. This explains the ‘business model’ for illegal migration – where smugglers provide a service in lieu of legal means, or traffickers exploit the vulnerable. The ‘human rights’ case is also complex, given that much trafficking clearly exploits the human rights of many children and women. Yet there are sex workers who defend their right to work and migrate.

Another conundrum faces any attempt to end human smuggling that provides no legal or safe alternative to refugees who have no option other than to migrate illegally in order to escape a well-founded fear of persecution.

Any research on human smuggling or trafficking that claims to be ‘value neutral’ or ‘politically objective’ must be closely examined. For example, quantitative research can implicitly support notions of ‘migration management’ if it unwittingly assumes notions of the cultural or social status quo in the host community. Some political leaders will explicitly talk about the trafficking of ‘illegal’ migrants (e.g., Afghans to Australia in 2001), when it is clear that the process involved is ‘smuggling’ under the new definitions. The ability of the word ‘trafficking’ to arouse a more emotive response from the media and the public has not escaped the notice of politicians seeking re-election.

It is not helpful if the ‘trafficked’ migrant is always seen as the ‘victim’ and the smuggled migrant as more ‘complicit’. Migrants often face few choices when fleeing persecution or leaving socio-economic insecurity. The assumption behind a lot of policy and research is that the phenomena of human trafficking and smuggling are intrinsically ‘bad’ and must be rooted out at all stages of the migration process. Little consideration is given to the fact that many migrants enter into these processes to defend their own human rights and in the absence of any legal alternatives.

### **Bibliography:**

Anderson, B. and O’Connell Davidson, J., *Trafficking – a Demand Led Problem?*. Sweden: Save The Children, 2002.

<http://www.rb.se>

Gallagher, A., ‘Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis’. *Human Rights Quarterly*, vol. 23, 2001.

- , ‘Trafficking, Smuggling and Human Rights: Tricks and Treaties’. *Forced Migration Review*, vol. 12, 2002.
- Ghosh, B., *Huddled Masses and Uncertain Shores: Insights into Irregular Migration*. The Hague: Martinus Nijhoff Publishers, 1998.
- Harding, J., ‘The Uninvited’. *London Review of Books*, vol. 22, no. 3, 2000.
- Morrison, J., ‘The Policy Implications Arising from the Trafficking and Smuggling of Refugees into Europe’. Seminar, Save The Children, Sweden, 2001.  
<http://www.rb.se>
- Morrison, J. and Crosland, B., *The Trafficking and Smuggling of Refugees: The End Game in European Asylum Policy?*. Geneva: UNHCR Evaluation and Policy Unit, 2000.  
<http://www.unhcr.ch/refworld/pub/wpapers/wpno39.pdf>
- Salt, J. and Stein ‘Migration as a Business: The Case of Trafficking’. *International Migration*, vol. 34, no. 4, 1997.
- Sassen, S., *Guests and Aliens*. New York: New Press, 1999.
- Schloenhardt, A., ‘Organised Crime and the Business of Migrant Trafficking: An Economic Analysis’. *Australian Institute of Criminology*, AIC Occasional Seminar, Canberra, 10 November 1999.

#### **1.4 Quantitative research**

In terms of understanding the international scale of the trafficking and smuggling phenomena, the International Organization for Migration (IOM) in Geneva has played a central role. The initial assertion by Jonas Widgren that trafficking was worth between \$5–7 billion annually, has since been modified by more regional and national research commissioned by IOM and others. One yardstick is the Organization for Economic Cooperation and Development’s (OECD) annual report, *Trends in International Migration (Système d’observation permanente des migrations or SOPEMI, Paris)*. It is not always easy to factor out the number of people who are ‘smuggled’ or ‘trafficked’ within these global totals, not least because of the lack of consistency when defining either category, as well as the fact that these groups, by their very nature, are often undocumented. There are some gross figures for the undocumented populations of the USA (estimated at six million) and Western Europe (estimated at three million) and it can be inferred that the majority of these ‘irregular migrants’ will have attempted ‘assisted irregular entry’.

However, the only accurate quantitative data on smuggling and trafficking are those compiled at the local, national, and (sometimes) regional levels. IOM has conducted many studies in Central and Eastern Europe, as has the Organization for Security and Cooperation in Europe (OSCE) through its Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw. Quantitative data are also submitted by governments through Inter-governmental Consultations on Asylum, Refugee and Migration policies (IGC) as well as the EU’s own CIREFI and CIREA working groups.

Quantitative data has also been compiled in Asia, Africa, and South and Central America by IOM. Regional data on the trafficking of workers is available through the programmes of the International Labour Organization (ILO) and those involving work on the exploitation of children through both ILO and UNICEF. There are also a range of NGO and academic reports from different parts of the world that capture some quantitative data on trafficking and smuggling.

For all data, it is worth questioning at all times whether the data relate to those smuggled, trafficked, both of these, or irregular migration more generally.

**Websites:**

Eurostat, the Statistical Office of the European Union  
<http://europa.eu.int/comm/eurostat/>

Human Rights Watch  
<http://www.hrw.org>

ILO  
<http://www.ilo.ch>

IOM  
<http://www.iom.int>

IGC  
<http://www.igc.ch>

OSCE  
<http://www.osce.org/odihr/democratization/trafficking>

SOPEMI (2001) *Trends in International Migration*, Organization for Economic Cooperation and Development (OECD), Paris.  
<http://www.oecd.org>

**1.5 Qualitative research**

Qualitative research on trafficking and smuggling can be more interesting, as it defines the motives of the migrants and the agents who facilitate the migration. Most work has been conducted within the spectrum of trafficking, aiming to help try to understand how and why women, children, and men enter into process of exploitation as cheap or vulnerable labour. This can involve interviews in the country of origin, at stages during the migration process, or upon arrival within the context of illegal employment. There is now a growing international body of this work from all parts of the world, often conducted within localities and based on interviews, with those involved in the trafficking process.

Despite the fact that more migrants are smuggled than are trafficked, much less work has been conducted on those involved in smuggling. There are some studies of communities of refugees coming to Europe and migrant workers crossing the border between the USA and Mexico. Some governments have also conducted large-scale interviews of asylum seekers to try to understand why they have chosen their country as the destination.

There is sometimes no easy dividing line between qualitative research into those who are trafficked and those who are smuggled. Migrants might enter into a smuggling process only to end up being trafficked by the time they reach their destination. Whilst it is probably true that more refugees are smuggled than trafficked, and that most sex workers are trafficked rather than smuggled, there are many shades of grey

in between. For example, it is quite possible for a migrant prostitute to have a well-founded fear of persecution relating to their country of origin.

Criminologists have also started working on the profiles and motivations of those who offer the smuggling and trafficking services. This work is as yet largely unpublished, but early studies suggest that organized irregular migration is increasingly operating within the parameters of any other types of transnational organized crime – whether it be the illicit movement of drugs, firearms, or people.

**Websites:**

Anti-Slavery International  
<http://www.antislavery.org>

December 18 (a global NGO portal for protecting rights of migrants)  
<http://www.december18.net>

Human Rights Watch  
<http://www.hrw.org>

ILO  
<http://www.ilo.ch>

IOM  
<http://www.iom.int>

Stop Traffic Listserv  
<http://fpmail.friends-partners.org/pipermail/stop-traffic>

UNHCHR  
<http://www.unhchr.ch>

## **2. A ‘human rights’ perspective**

### **2.1 The human rights debates**

The first documented international conference on the issue of trafficking in women was held in Paris in 1895, and the anti-slavery movement goes back well into the century before. The League of Nations and the International Labour Organization worked on the issue in the 1920s and 1930s, but the first relevant United Nations Convention is usually cited as the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. However, despite the fact that the human rights paradigm has the longest history when analysing the phenomenon, it is not without its fundamental divisions.

The best documented division is that within the issue of the trafficking of women. Feminist ‘abolitionist’ NGOs place trafficking high on their political agenda because they view trafficking as part of an increasing global exploitation of women. Other NGOs representing migrant workers or sex workers will have more general concerns about working conditions but will defend their right to work – even as prostitutes. This is best summarized by Anderson and Connell Davidson (2002): ‘The debate between the “abolitionist” and the “sex workers rights” lobbies is often heated and

bitter, with each side accusing the other of using the issue of trafficking as a vehicle to pursue their own particular political ends with regard to prostitution.’

Another fundamental division within the human rights approach is balancing the right to leave your country of origin (to migrate or claim asylum elsewhere) and the obligation of governments to protect individuals from abuse or exploitation at the hands of smugglers or traffickers. This is a difficult problem for governments wishing to manage migration downwards and therefore very keen to eliminate irregular migration but not to uphold the right to asylum as a universal human right. This can lead to an over-emphasis on the rights of migrants within the trafficking debate, and ignoring or denying the rights of those who are smuggled.

A final example is that of child labourers and the reality that many families rely on the income from children to reach a basic level of subsistence. This can sometimes result in regional trafficking networks, such as those in West Africa which involve children being sent to towns or neighbouring countries as domestic or agricultural workers. However, the ILO Convention 182 on the Worst Forms of Child Labour has helped distinguish the types of labour (and trafficking) that must be stopped immediately at source from those that require a more medium-term developmental approach in the context of alternative sources of income and upholding the right to education.

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<http://www.rb.se>
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- Morrison, J., *The Cost of Survival*. London: The British Refugee Council, 1998.
- Nadig, A. and Morrison, J., ‘Human Smuggling and Refugee Protection in the European Union: Myths and Realities’. In J. van Selm *et al.* (eds), *The Refugee Convention at Fifty: A View from Forced Migration Studies*. Lexington, 2003.
- Taran, P. and Moreno-Fontes, G., *Stopping Exploitation of Migrant Workers by Organised Crime*, 2001.  
<http://www.december18.net/paper44LOUNICRI.pdf>
- Tworney, P., *Trafficking in Persons: Europe’s Other Market*. 2001.

## **2.2 International human rights approaches**

The Office of the High Commissioner for Human Rights (OHCHR) has played a leading role amongst intergovernmental agencies in raising human rights issues that arise from the 2000 UN Convention on Trans-national Organized Crime. Of particular note were a legal analysis of the draft text of the two protocols (UN document A/AC/254/16) submitted by the High Commissioner in June 1999 and an inter-agency statement concerning the protocols submitted by OHCHR, UNHCR, UNICEF, and IOM to the Committee in early 2000 (UN document A/AC.257/27 and Corr.1). The inter-agency statement contained specific recommendations for strengthening the draft text of the two instruments by enhancing protection provisions, and ensuring adequate and appropriate links to existing international human rights instruments and standards. Similar comments have now been more formalized in a report from the

High Commissioner for Human Rights to the Economic and Social Council in May 2002 (E/2002/68/Add.1).

Two of the special rapporteurs to the United Nations High Commissioner for Human Rights (UNHCHR) have written on the issue. Ms Radhika Coomaraswamy, the UN Special Rapporteur on Violence against Women, its Causes and Consequences, reported on trafficking in women, women's migration, and violence against women in 2000. A series of individual cases have also been presented to Ms Gabriela Pizarro, the UN Special Rapporteur on the Human Rights of Migrants. Other international work has looked at specific human rights within the trafficking arena, for example migrant workers (ILO), refugees (UNHCR), and children (UNICEF).

**Bibliography:**

Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention 182)

<http://www.ilolex.ilo.ch:1567/english/convdisp2.htm>

Convention Concerning Forced or Compulsory Labour (ILO Convention 29)

<http://www.ilolex.ilo.ch:1567/english/convdisp2.htm>

E/CN.4/2000/68. Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Ms Radhika Coomaraswamy, on trafficking in women, women's migration, and violence against women

Fact Sheet No.23, Harmful Traditional Practices Affecting the Health of Women and Children

IMADR and International Human Rights Law Group (1999) NGO Consultation with the UN/IGOs on Trafficking in Persons, Prostitution and Global Sex Industry

“Trafficking and the Global Sex Industry: Need for a Human Rights Framework”

June 21-22 1999, Palais de Nations, Switzerland.

<http://www.hrlawgroup.org/resources>

E/2002/68/Add.1. Recommended Principles and Guidelines on Human Rights and Human Trafficking

OHCHR and UNHCR paper on Combating Trafficking in Human Beings

Questionnaire for Allegations of Violations of Migrants, including Trafficked Persons to Ms Gabriela Rodriguez Pizarro

<http://www.unhchr.ch/html/menu2/7/b/mmig.htm>

Optional Protocol to Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

<http://www.unhchr.ch/html/menu2/dopchild.htm>

Slavery Convention

<http://www.unhchr.ch/html/menu3/b/f2sc.htm>

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

<http://www.unhchr.ch/html/menu3/b/30.htm>

## 2.3 Regional and national human rights approaches

Examples of regional work:

### *Europe*

Limanowska, B. *et al.*, Trafficking in Human Beings in Southeastern Europe.

UNICEF/UNHCHR/OSCE/ODIHR, 2002

[http://www.unicef.org/sexual-exploitation/report\\_trafficking.html](http://www.unicef.org/sexual-exploitation/report_trafficking.html)

Morrison, J. and Crosland, B., *The Trafficking and Smuggling of Refugees: The End Game in European Asylum Policy?*. Geneva: UNHCR Evaluation and Policy Unit, Geneva, 2000.

<http://www.unhcr.ch/refworld/pub/wpapers/wpno39.pdf>

Sorensen, P., Report on Combating Organized Crime: Further Actions in the Fight against Trafficking in Women. (A5-0127/2000), 2000.

<http://www2.europarl.eu.int/omk>

### *Asia*

Asian Women's Human Rights Council

<http://awhrc.com>

Global Alliance Against Traffic in Women (GAATW), Trafficking in Women in Asia-Pacific Region: A Regional Report

<http://wagner.inet.co.th/org/gaatw/index.html>

—, *Human Rights and Trafficking in Persons: A Handbook*. Bangkok: GAATW, 2001.

Teng, Z., Research Report on the Mainland Chinese Sex Workers, 2000

<http://ziteng.org.hk>

### *Africa*

ECOWAS, Declaration on the Fight Against Trafficking in Persons, Economic Community of West African States, 2001

[http://www.undcp.or.at/adhoc/crime/trafficking/Declarationr\\_CEDEAO.pdf](http://www.undcp.or.at/adhoc/crime/trafficking/Declarationr_CEDEAO.pdf)

### *Americas*

Casa Alianza, Costa Rica

<http://www.casa-alianza.org>

Fundacion Esperanza, Columbia.

<http://www.fundacionesperanza.org.co>

Human Rights Watch, Hidden in the Home: Abuse of Domestic Workers with Special Visas in the US, 2001

<http://www.hrw.org/reports/2001/usadom/>

O' Neill Richard, A., *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*, 1999.

<http://www.cia.gov/csi/monograph/women/trafficking.pdf>

## 3. A 'migration management' perspective

### 3.1 The philosophy of migration management

The paradigm of migration management sees trafficking and smuggling as processes that should be addressed in the wider portfolio of measures to induce or restrict immigration or emigration. Within this framework, smuggling and trafficking are seen as illegal forms of what could be legal migration, if the migrants were desirable to the host communities and their representatives. The premises are that tough national or

regional immigration controls are essential, that opportunities for legal migration must always be finite, and that trafficking and smuggling are attempts to undermine the integrity of national borders and the laws of a sovereign state.

The management of migration has become a high-profile political issue in many parts of Europe, North America, and Australia during the late 1990s and early 2000s. The focus is on issues of asylum and economic migration, but there are also deeper issues of cultural diversity and hegemony within the host communities. As a result police forces tend to be pragmatic, short-term in outlook, and highly responsive to public opinion.

When trafficking and smuggling enter the debate, they often do so as interchangeable concepts that demonstrate the inadequacy of existing policies of border control. Only recently have discussions about increasing the quotas for 'legal' migration to some European countries emerged, but these measures are not commonly seen as solutions to the perceived growth in trafficking and smuggling. Rather, the analysis of smuggling and trafficking as issues of migration management points to a series of policy solutions:

- strengthening border controls and increasing obligations on carriers, port authorities, neighbouring countries, etc.;
- intercepting smuggling and trafficking routes, and returning migrants to their countries of origin or processing asylum claims in transit countries;
- tackling smuggling and trafficking at source by informing the would-be migrants of the dangers of leaving;
- offering voluntary return programmes to migrants and refugees wherever and whenever possible.

### **3.2 International approaches to migration management**

Approaches to managing migration usually take the form of domestic legislation or regional cooperation between nation states. What are shared at an international level tend to be models of best practice. The best known forum for these exchanges is the International Organization for Migration (IOM), although some governments will also meet under the auspices of the Standing Committee of the United Nations High Commissioner for Refugees (UNHCR). A self-selecting group of European, North American, and Asia-Pacific governments meet under the auspices of the Intergovernmental Consultations on Asylum, Refugee and Migration Policies (IGC).

#### **Websites:**

IGC

<http://www.igc.ch>

IOM

<http://www.iom.int>

UNHCR

<http://www.unhcr.ch>

### **3.3 Regional and national approaches to migration management**

#### **3.3.1 Europe**

In Western and Central Europe, the EU has spent a considerable amount of time discussing issues of smuggling and trafficking within the context of controlling immigration from outside. Following the 1999 Tampere Europe Council, which guaranteed 'access to European territory' to asylum seekers, draft council directives were formulated on penal frameworks for those who facilitate 'unauthorized entry and residence'. Meanwhile, the work of the European Union's High Level Working Group on Asylum and Migration incorporates proposals for migration control measures around the world to combat the smuggling and trafficking of migrants that are destined for Europe. This runs alongside the work of the European Commission and its funding of anti-trafficking programmes, such as the STOP programme (since 1996), as well its issuing of communications on trafficking and the sexual exploitation of children.

An influential centre for policy and operational exchange on anti-trafficking and anti-smuggling measures, involving many East European countries, is the International Centre for Migration Policy Development (ICMPD) in Vienna. The Organization for Security and Cooperation in Europe (OSCE) has also been influential, particularly in the region of the former Yugoslavia. A constructive critique on the migration management tendencies of European governments can be derived from the European Council on Refugees and Exiles (ECRE), including an analysis of anti-trafficking policies.

**Websites:**

ECRE

<http://www.ecre.org>

European Union (2002) Council Framework Decision on combating trafficking in human beings (2002/629/JHA).

<http://europa.eu.int/eur-lex/en/dat/2002>

European Union (2001) Communication from the Commission to the Council and European Parliament on Combating Trafficking in Human Beings and Combating Sexual Exploitation of Children and Child Pornography (Com 2000 854 final/2)

[http://www.ecre.org/eu\\_developments/cmtraffick.pdf](http://www.ecre.org/eu_developments/cmtraffick.pdf)

ICMPD

<http://www.icmpd.org>

OSCE

<http://www.osce.org>

**Bibliography:**

Salt, J. and Hogarth, J., *Migrant Trafficking in Europe: A Literature Review and Bibliography*. IOM, 2000.

3.3.2 Americas

IOM – Assessment on Trafficking of Haitian Children to the Dominican Republic.

<http://www.iom.int>

US Government, Victims of Trafficking and Violence Protection Act (HR 3244), 2000

<http://www.thomas.loc.gov/cgi-bin/query/z?c106:H.R.3244.ENR>

US State Department, Trafficking in Persons Report of 2002

<http://www.state.gov/g/tip/rls/tiprpt/2002/>

### **3.3.3 Asia**

IOM – Capacity Building for Combating Trafficking of Women and Children in Bangladesh.

<http://www.iom.int>

IOM – Assisted Return and Reintegration of Trafficked Women and Children in Nepal.

<http://www.iom.int>

### **3.3.4 Africa**

IOM – Measures to Counter Trafficking in Nigerian Women and Minors and Prevention of HIV/AIDS and other STDs.

<http://www.iom.int>

## **4. An ‘organized crime’ perspective**

### **4.1 The link between criminology and human smuggling and trafficking**

In 1999 the Group of Eight Leading Industrialized Democracies (G8) committed their countries to ‘the fight against the dark side of globalisation: trans-national organised crime which threatens to damage our societies and our economies’. Trafficking in persons was cited as one of these international crimes alongside terrorism, illegal firearms, and the trafficking of drugs.

Modern criminological definitions of ‘organized crime’ suggest that governments themselves play a role in bringing such crime into existence. As Schloenhardt (1999) states: ‘The determination of which goods and services are available in the illegal market strictly depends on the relevant laws. Hence, it can be stated that it is the decisions of the legislative authorities that create illegal markets with economic opportunities for criminal organisations. The larger the markets in which transactions are proscribed by governments, the greater are the incentives for organised crime.’

A survey of 45 countries by the United Nations showed that criminal sentences for human trafficking and smuggling were comparable to other serious trafficking and counterfeiting offences. The position of trafficking and smuggling as transnational organized crime was formalized by the United Nations in 2000 at the Palermo Convention. Although it is long-standing approaches to human rights (e.g., the ‘right to asylum’) and migration management (e.g., increased ‘border controls’) which have contributed to this international illegal market in people, criminological factors are increasingly examined in isolation. There seems to be an acceptance that human smuggling and trafficking are long-term and somewhat inevitable consequences of globalization, market economies, and nation states.

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<http://www.unhcr.ch/refworld/pub/wpapers/wpno1.pdf>

- Peltzman, F., *The Economics of Organised Crime*. Cambridge: Cambridge University Press, 1995.
- Ruggiero, V., 'Trafficking in Human Beings: Slaves in Contemporary Europe'. *International Journal of the Sociology of Law*, vol. 25, 1997.
- Ruggiero, V. *et al.* (eds), *The New European Criminology*. Routledge, 1998.
- Schloenhardt, A., 'Organised Crime and the Business of Migrant Trafficking: An Economic Analysis'. *Australian Institute of Criminology*, AIC Occasional Seminar, Canberra, 10 November 1999.

#### **4.2 International initiatives against organized crime**

The UN Centre for International Crime Prevention (CICP) and the UN Interregional Crime and Justice Research Institute (UNIRI) have together established the Global Programme against Trafficking in Human Beings (GPAT), with 2005 as the target year for achieving a significant decrease in the incidence of trafficking. Technical cooperation projects are currently being implemented in Brazil, Benin, the Czech Republic, Nigeria, the Philippines, Poland, the Slovak Republic, and Togo. From January 2001, the UN Office for Drug and Crime Control Prevention (ODCCP) has been running a public service announcement campaign on human trafficking around the world.

In 1996 the Organized Crime Branch of Interpol undertook a study of the routes, *modus operandi*, and organized crime groups involved in illegal immigration from any country to Western Europe. This research, known as Project Marco Polo, was published in 1997 and indicated that the largest number of 'illegal immigrants' coming to Western Europe between 1992 and 1997 were from Iraq, China, Pakistan, India, Nigeria, Rwanda, and Somalia. The report also highlighted several of the routes used in the smuggling of Chinese nationals. Interpol has emphasized the links between trafficking in human beings and other forms of organized crime, such as forced labour, organized begging, pick-pocketing, and prostitution.

#### **Websites:**

CICP

UNIRI

ODCCP

<http://www.odccp.org/multimedia.html>

GPAT

[http://www.odccp.org/trafficking\\_human\\_beings.html](http://www.odccp.org/trafficking_human_beings.html)

Interpol

<http://www.interpol.int>

#### **4.3 Regional and national approaches**

Europol was first set up as the European Drugs Unit (EDU) in 1993, and acquired a mandate from the Council of the European Union to increase police cooperation on trafficking in human beings from December 1996. Since October 1998 Europol has been able to obtain, collate, and analyse information; to notify the competent authorities of member states without delay of any information and connections detected among criminal offences; to aid investigation with member states; and to maintain a biographical computerized system for collecting information.

Many national police forces now have anti-trafficking units, and face common challenges such as intelligence sharing between agencies and the implementation of witness protection schemes. The Royal Canadian Mounted Police have extensive experience of working on international smuggling networks during the 1990s, in particular those emanating from Sri Lanka.

**Websites:**

ECOWAS, Declaration on the Fight Against Trafficking in Persons, Economic Community of West African States, 2001  
[http://www.unodc.org/pdf/crime/trafficking/Declarationr\\_CEDEAO.pdf](http://www.unodc.org/pdf/crime/trafficking/Declarationr_CEDEAO.pdf)

European Police Office (Europol)  
<http://www.europol.eu.int>

Federal Bureau of Investigation (FBI)  
<http://www.fbi.gov/>

Royal Canadian Mounted Police  
<http://www.rcmp-grc.gc.ca/>

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Kelly, L. and Regan, L., *Stopping Traffic: Exploring the Extent of and Responses to Trafficking in Women for Exploitation in the UK*. Police Research Series, Paper 125, London: Home Office, 2000.