

DATA ON TRAFFICKING OF HUMAN BEINGS REPORT

1. INTRODUCTION

Trafficking in human beings is a serious concern for policy makers everywhere. The U.S. State Department estimates that around 800,000-900,000 persons are being trafficked across international borders yearly, although the number is probably significantly higher.¹ In fact, there is probably no country in the world that has not been exposed to trafficking in human beings and its security and human rights implications. This section reports on the discussions that took place in the working group on data on Trafficking in Human Beings at the IOM workshop on Data Collection and Sharing in September 2003. Even though the availability of data concerning the trafficking of human beings is essential to assist local authorities and policy –makers, such information is spars and extremely difficult to obtain. Governments face numerous challenges as trafficked persons are most often transferred via organized networks which are also involved in other forms of illegal transactions, such as the smuggling of drugs and weapons. Victims of trafficking are often afraid to speak out, while the protocols to the United Nations Convention against Transnational Organized Crime that provide international guidance, are not always implemented.²

In addition, the terms ‘trafficking’ and ‘smuggling’ are often confused and used indiscriminately even though they refer to two distinct phenomena. The smuggling of human beings raises issues of irregular migration and calls for enforcement action. The transaction between smugglers and smuggled individuals concerns the illegal crossing of borders to enter a third country and ends once this is achieved. Trafficking in human beings, on the other hand, involves the loss of personal freedom and autonomy for the victims of trafficking, their subjugation and abuse for profit by the traffickers and their accomplices at the various points of destination (these can be several, as victims can be sold and bought and transferred repeatedly). The transaction is based on fraudulent promises of jobs and a better life and does not end at the point of destination; indeed, it may be said to begin there. Trafficking in human beings thus raises serious human rights issues. These distinctions have to be borne in mind in any discussion concerning data collection in this particular area of concern.³

Problems that arise in connection with irregular migration and smuggling of human beings are compounded by the security and human rights issues involved in the trafficking of human beings at every point in the trafficking process in countries of origin, of transit and destination, which challenge the institutional capacity for border management and the ability for police action and prosecution.

¹ *Trafficking in Persons Report 2003*, U.S. Department of State, June 2003.

² For more information see fnns. 3 and 4.

³ Cf. *Trafficking in Persons*, IOM Strategy and Activities, IOM November 2003.

Comprehensive and complementary migration legislation, regulations and operational procedures in regions affected by irregular migration and, more specifically, by trafficking, as well as the reinforced capacity and cooperation at the national and international level are essential to detect, apprehend and prosecute the trafficking gangs and those who pull the strings of organized crime. Clearly, up-to-date and reliable data and information play a major role in this regard.

2. DATA COLLECTION

To be able to effectively collect data on trafficking in human beings, the term itself and its implications must be clearly established. Indispensable in this regard is the United Nations Convention Against Transnational Organized Crime, signed in Palermo in December 2000, and its protocols. The Convention came into force on 29 September 2003. The three protocols supplementing the Convention are:

- The Protocol Against the Smuggling of Migrants by Land, Air and Sea (in force since January 2004).
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (in force since December 2003).
- The Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (not yet in force).

The first two protocols respectively define ‘smuggling’ and ‘trafficking’. The distinction between trafficking and smuggling is important and not always applied in policy and research papers. If appropriate policies are to be developed a clear understanding of the differences between trafficking and smuggling is essential. Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, defines “trafficking in persons” as follows:⁴

For the purpose of this Protocol:

(a) “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;

⁴ For the full text see General Assembly document A/55/383, or the official website http://www.unodc.org/pdf/crime/final_instruments/383e.pdf.

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

Proper and agreed definitions allow governments and institutions to work cooperatively towards the establishment of an appropriate legal framework to combat trafficking. Such cooperative efforts should also include agreement on the collection and the sharing of relevant data and information. This cooperation should also be firmly established at the national level between the relevant agencies, NGOs and civil entities in order to develop the necessary regulatory and policy parameters concerning the issues related to trafficking in persons and the timely detection of trafficking indicators from relevant data collected at the national, regional and international level.⁵

International Level

International agencies play an important role in data collection on trafficking. Data bases are compiled by the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC) and the United Nations Children's Fund (UNICEF).⁶

The International Organization for Migration (IOM), collects first-hand information through its worldwide counter-trafficking activities. The IOM database allows for a reconstruction of the trafficking process endured by trafficking victims. Interviews are conducted with all trafficked persons who receive IOM assistance, based on a questionnaire to gain information on their background, the manner and means used for their recruitment by traffickers, the route taken, their experience and any other relevant information. The information is fed into a database, which helps IOM to identify trafficking mechanisms and patterns and which it can draw on to reinforce pertinent research and policy strategies and to adjust the organization's counter-trafficking programmes in line with new data.⁷

⁵ See the Analysis of the Questionnaire on Approaches to Data Collection for information at the end of this report on which of the countries responding to the questionnaire during the Workshop on Approaches to Data Collection actually collect data on trafficking.

⁶ These play a crucial role to raise global awareness of these issues.

IOM's 'Significant Statements on International Migration'

In 2003 IOM published its 'Significant International Statements on Migration', a compilation of statements from major migration conferences or regional processes. The statements are organized by theme, including 'Statements on Combating and Criminalizing Trafficking and Smuggling'. It also contains the full texts of the conferences and relevant policy documents. The thematic sections list all international declarations referring to the topic of 'trafficking'. This compilation is a useful reference tool for policy makers and practitioners concerning official statements at international and regional conferences on policies and action programmes, as well as conventions and declarations on migration and migration-related issues.

In 1999, the UN Office on Drugs and Crime (UNODC), together with the United Nations Interregional Crime and Justice Research Institute (UNICRI) launched the Global Programme Against Trafficking in Human Beings, GPAT. This programme assists member states in their combat against trafficking in human beings. Key components of the programme are data collection, assessment and technical cooperation.

UNODC has created a database that includes data from multiple sources on global trends, the routes and the magnitude of trafficking in persons, as well as data on trafficking victims and the criminals involved and law enforcement activities, where available. The systematic analysis of such data is compiled in regular reports which present the situation and action undertaken at the national, regional and global level. This type of database is the first of its kind and a much-needed mechanism to inform policy strategies to combat trafficking both nationally and globally.⁸ Trafficking affects mainly, but not exclusively, women and children. They are most frequently trafficked for sexual and/or labour exploitation, though they sometimes end up in situations of forced begging, delinquency, adoption, false marriages or as victims of the trade in human organs. Victims of trafficking may be exposed to physical and psychological abuses, denied legal and labour rights and medical care, considered as illegal or irregular aliens in the country where they have been trafficked to or otherwise come into conflict with local laws, and are often found in forced and unwanted relationships with their traffickers or other persons.⁹

According to the United Nations Children's Fund (UNICEF) an estimated 1.2 million children are being trafficked every year. Specific programmes for the assistance and protection of children victims of trafficking must be developed in all regions of the world, taking into account the cultural characteristics of each form of trafficking and the particular needs of children.

In accordance with UNICEF's aim, all children are entitled to protection, as laid out in the UN Convention on the Rights of the Child. The responsibilities of governments, of families, communities and individuals to respect those rights are emphasized through awareness raising

⁷ Frank Laczko and Marco A. Gramegna: "Developing Better Indicators of Human Trafficking", in *Brown Journal of World Affairs*, Summer/Fall 2003, Volume X, Issue 1.

⁸ For more information, see the UNODC website at www.unodc.org.

⁹ Trafficking in Persons, IOM Strategy and Activities, IOM November 2003.

campaigns and programmes aimed at enhancing the institutional capacities of governments and of civil society. Every year the organization publishes global economic and social statistics with particular reference to the well-being of children in its report 'The State of the World's Children' including on child protection.¹⁰

Regional Level

Considerable efforts in relation to data collection and coordination on trafficking are undertaken on a regional basis with the objective to share such data and information among the countries concerned. Coordinated and sustained regional cooperation to counteract trafficking of persons is an essential element in the global combat against trafficking as it helps to raise the awareness of the harmful spill-over implications for all countries in the region, and to direct and support individual countervailing activities towards the common objective of fighting trafficking of persons within the region.

The Asia-Pacific region is home to about one-fourth of the world's population and characterized by considerable transit and interregional migratory movements. It is also witnessing the rise in human trafficking in the region, and of its growing complexity and flexibility to respond to new opportunities as well as to countervailing measures. Governments face the challenge of developing strategies, individually and collectively, to deter and disrupt smuggling and trafficking at all stages of the operation. To be effective, countervailing action must be applied at all levels within the domestic and regional institutional context. In line with this, regional cooperation has been enhanced over the past several years and supported by a number of initiatives.

The second Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime was held on the Indonesian island of Bali in April 2003. This meeting continued to build on the framework established by the first conference, convened in 2002, to reinforce existing legislation and improve regional cooperation concerning law enforcement mechanisms and information and intelligence sharing. Section 5.3 under the plan of action adopted by the ad hoc Expert Group I of the Bali Conference identifies the need to establish an agreed and coordinated process to analyse the migration flows to, from and within the region based on acknowledged international migration data management approaches.¹¹

¹⁰ The data can also be consulted according to individual countries in the 'Information by country' section on the UNICEF website at www.unicef.org.

¹¹ For more information see the Bali Process website at <http://www.awiz.net/bmcw>

Stability Pact Task Force

The Stability Pact Task Force (SPTF) on Trafficking in Human Beings was established in 2000 under the auspices of the Organisation for Security and Co-operation in Europe (OSCE). Its primary objective is to encourage and strengthen cooperation between the countries of south-eastern Europe, as well as to coordinate existing efforts to combat human trafficking and help to enhance social and political developments in that region. The aim of the SPTF is to ensure that the regional dimension of all aspects of human trafficking is fully taken account of in all activities undertaken to combat trafficking in persons throughout south-eastern Europe.

The SPTF has established a counter-trafficking regional clearing point which has just published the first annual report on victims of trafficking in the region.¹²

National level

Several governments, including, in particular, a number of western European governments, recognized the importance of data collection to their understanding of trafficking in human beings and have made it a government priority. Government departments have been designated to collect and disseminate relevant data as, for example, the Bundeskriminalamt (the German Federal Criminal Authority) in Germany, or the National Rapporteur on Trafficking in Human Beings in the Netherlands.

In Italy the United Nations Interregional Crime and Justice Research Institute, UNICRI, receives support from the Italian government to implement an action programme against trafficking in minors for sexual exploitation, which coordinates efforts aimed at combating trafficking in minors at both the national and global level. A main activity of this programme is to set up a digital observatory that includes a website and a standardized digital database to enable the systematic collection of information on trafficking in minors.¹³

Data elements needed to combat trafficking

Until fairly recently trafficking was not treated as falling within the purview of migration policy. This is changing. However, if policy makers are to be in a position to develop appropriate policy strategies and take effective action, much more and better information is still needed¹⁴ and the collection of both quantitative and qualitative data improved. The IOM and UNODC databases are useful examples, but a considerable need for reliable data remains, as well as the requirement for governments and organizations to systematically collect and analyse the available data.

¹² For more information see <http://www.stabilitypact.org/trafficking/default.asp>.

¹³ http://www.unicri.it/on-going_projects.htm

¹⁴ Frank Laczko and Marco A. Gramegna: "Developing Better Indicators of Human Trafficking", in *Brown Journal of World Affairs*, Summer/Fall 2003, Volume X, Issue 1.

In general, statistics are available for offender and victim related data through police records, prosecution and court statistics. Victim related data might be available from NGOs and international organizations. There are **direct indicators**, such as criminal justice statistics, which show the offences committed. But there are also **indirect indicators**, such as the number of visas issued for individuals working in the entertainment business, which is often a destination of trafficked persons. Indirect indicators are an important tool for policy makers. Because of the covert nature of trafficking offences, the victims often cannot, or for various reasons do not feel able to, contact the relevant authorities fearing detention or deportation. Therefore, the amount of direct indicators is often quite limited. Indirect indicators, on the other hand, have to be carefully analysed and interpreted to avoid stigmatizing certain population or occupational groups. The examination of visas issued to the entertainment business might lead to the interception of trafficking offenders, but not every person arriving in a country with an entertainment visa is necessarily a victim of trafficking. Data collection efforts should include both direct and indirect indicators, and call for a thorough analysis of these indicators' derivation and intended use.

Data collection, research and analysis can lay the necessary groundwork to understand and address new forms, trends, mechanisms and patterns of trafficking. A number of agencies and organizations are concerned with the collection of data on trafficking in human beings, and the information available can be used most effectively if it is collected and exchanged among all partners concerned. The principal data collection agencies collecting data on trafficking include:

- Administrative sources, such as the criminal justice system, social and health authorities, immigration officials and embassies.
- Civil society, represented through NGOs, international organizations and the research community.

While some international organizations do not themselves collect trafficking data, they compile, collate and compare available data for research purposes or as guidance on policy advice. Much of the work towards data and information sharing on the trafficking of human beings is currently being carried out at the bilateral and regional level. Sources in western and eastern Europe include IOM, OSCE, Eurostat, and EUROPOL.

3. DATA SHARING

The systematic collection of data on trafficking in human beings is an essential prerequisite to enable such information to be made available to all concerned. However, before any cooperation on data sharing can be initiated, there must be a clear understanding of the data collected, how this is to be achieved and for what purpose. In any one country there may be several bodies collecting data based on different indicators. In order to achieve the best possible results, therefore, the disparate data should be combined to allow a thorough analysis of the situation of trafficked persons, the trends in trafficking and the routes and processes used by traffickers worldwide. This

requires the systematic coordination of participating agencies. The coordination of data collection at the national level is an important initial step towards sharing data internationally. At the international level, organizations such as the IOM, ILO, UNODC and others can facilitate the exchange of data and information on trafficking. Civil society and its representatives also play an important part in the efforts to pull together all the available information on trafficking, as they often have the most direct contact with victims and therefore may have access to much valuable data and information nationally and internationally.

The sharing of data on trafficking in human beings at the international level is too often done on an ad hoc basis, mainly because such data and information are often classified thereby limiting access and sharing with other interested parties.¹⁵ It is a paradox that international criminal gangs are often able to operate across national borders much more efficiently compared to those whose aim it is to combat trafficking in human beings. To be able to respond effectively to a situation currently controlled and managed by criminal organizations, international cooperation is indispensable. As policy makers are having to deal with a situation that is determined by transnational factors, any effective countervailing response has to take this into account.

A number of goals, which are also challenges to the effective collection of data on trafficking in human beings, have been identified:

- To raise awareness generally of the need for better data collection and analysis.
- To identify specific data indicators for trafficking.
- To enhance national and international legislation to enable the prosecution of traffickers in human beings.
- To train officials responsible for the collection of data relevant to trafficking in human beings.
- To strengthen the capacity of border facilities to record occurrences of trafficking.¹⁶
- To assist victims of trafficking to reveal their stories and provide information.
- To establish a common understanding of the terminology used for the collection of data on trafficking at the national, regional and global level. The definition of 'smuggling' and 'trafficking' is not always clear and this further complicates the problem and the search for effective responses.
- To construct mechanisms for the reporting of data from the police, NGOs, international organizations and other agencies. Traditional data collection methods can often not be used because of the covert nature of the crime.
- To identify criminal networks operating to facilitate trafficking.

¹⁵ Frank Laczko and Marco A. Gramegna: "Developing Better Indicators of Human Trafficking", in *Brown Journal of World Affairs*, Summer/Fall 2003, Volume X, Issue 1.

¹⁶ It has to be kept in mind that it is difficult to determine whether a particular case involves smuggling or trafficking when people arrive at the border. If profiles are used to identify possible trafficking victims, a potential negative outcome is that all young women might be seen as potential trafficking victims. This in turn could have implications on migration policies. A possible approach is to identify illegal border crossings in general.

- To uncover data on the trafficking of women, children and men, as well as on trafficking into different forms of exploitation.

4. CONCLUSION AND NEXT STEPS

There are many and diverse challenges to data collection on trafficking in human beings. Above all, the need for better data has to be generally recognized. Even when trafficking is acknowledged as a government priority, the challenges that arise in relation to the covert character of the crime itself, together with the often sensitive nature of particular data which, even when available, makes access and sharing difficult, still make effective national and international cooperation difficult.

The crucial importance of improved mechanisms and procedures for data collection on trafficking is recognized by all parties concerned. The criminal networks which operate to facilitate trafficking must be identified. This presupposes improved national and international legislation on prosecution as well as superior tools for the gathering of intelligence and the analysis of the available data. Both technical and human intelligence combined can provide the tools to successfully combat trafficking in human beings: to stop trafficking networks, block routes and react swiftly when routes change.

But for actions and policies aimed at combating trafficking in human beings to be effective, they must also include assistance to victims of trafficking, both at governmental level and in cooperation with civil society representatives and NGOs. It remains an overarching challenge to effectively raise and maintain the awareness of governments and civil society worldwide of the widespread occurrence of trafficking in human beings and of its serious and damaging ramifications for all concerned.