



## CHAPTER II

# HUMAN TRAFFICKING, MIGRATION AND CONFLICT

This chapter explores the connection between migration flows and trafficking flows. In particular, it analyses how certain trafficking in persons flows resemble migration flows, and the factors that may increase the vulnerability of migrants to human trafficking. The chapter also looks at the role of criminal groups; how they leverage the aspirations of people willing to migrate in order to deceive or coerce them for exploitative purposes.

Persons who escape persecution and conflict in search of protection are particularly vulnerable to being trafficked. This vulnerability, and the elements that link trafficking victims and refugees, are also examined. Finally, the chapter explores trafficking in conflict areas, especially trafficking carried out by armed groups.

### The link between human trafficking and migration flows

Most detected victims of trafficking in persons (approximately 60 per cent) are foreigners in the country of detection. Most are international migrants<sup>52</sup> who have moved from one country to another. A move to another country is, for most, a life-changing decision that can be motivated by a range of factors. People may decide to migrate for the dream of a better life with better jobs, better schools, political stability or simply for a new life in a new environment. People may be 'pushed' away from their community of origin by conflict, natural disasters, lack of decent employment, high crime levels, destructive relationships or poor educational options, to mention some. For some, however, their experience may become one of trafficking in persons. Criminals exploit the human desire to improve one's lot in life, and generate vast profits from the exploitation of victims in myriad ways.

As presented in the global analysis and the regional sections of this *Global Report*, as a general pattern, trafficking victims are trafficked from areas of lower economic activ-

ity to wealthier regions, from rural to urban areas, from poorer suburbs to economically more attractive parts. This broad pattern holds for both domestic and cross-border trafficking. Moreover, the share of foreigners among victims of trafficking is higher in more affluent countries,<sup>53</sup> lower in developing countries, and very limited in least developed countries where domestic trafficking is more prevalent.

The patterns of detected cross-border trafficking elaborated in this report in many cases broadly resemble discernible regular migration flows. For instance, the most intense regular migration flows from Central and South-Eastern Europe are directed towards the wealthier Western European countries, and at the same time, citizens of Central and South-Eastern European countries are widely detected as victims of trafficking in persons in Western and Southern Europe. Similarly, in the Americas, there are sizable migration flows from Paraguay and the Plurinational State of Bolivia into Argentina, and from Central America to the United States of America. These flows are largely reflected in trafficking flows from these origins into Argentina and the United States of America. Regardless of the political or socio-economic factors that help define these areas as mainly origins of trafficking in persons, they are linked to those specific trafficking destinations also by migration flows. The data collected for this edition of the *Global Report* shows that there are few or no victims from South-Eastern Europe detected in the Southern Cone, or from Central America in Europe.

The qualitative analysis of information from court cases submitted by countries from all over the world shows that most cases of trafficking involve persons recruited with a promise of a better life somewhere else; outside or within their country's borders. Traffickers leverage their aspiration for a brighter future, which is a significant pull factor for most migrants.

### How are migration and trafficking flows connected?

The limitations of the available data on trafficking in persons is discussed at length in the methodological section. Data on international migration flows is perhaps more

52 The United Nations (ST/ESA/STAS/SER.M/58/Rev.1, United Nations Department of Economic and Social Affairs, Population Division, *United Nations Recommendations on Statistics of International Migration, Revision 1*, 1998) has defined an international migrant as "any person who changes his or her country of usual residence" (para. 32, p. 9). An international migrant who changes his or her place of usual residence for at least one year is defined as a long-term migrant, while a person who changes his or her place of usual residence for more than three months but less than one year is considered to be a short-term migrant. In practice, national definitions and methods of data collection vary, which present challenges of comparability. Countries that collect and publish data on the flows of international migrants use different criteria to identify migrants and use different concepts to determine their origin and destination.

53 This is true at the global level, as the richest areas - Western Europe, North America and the Middle East - are key destinations for cross-border trafficking. But it is also true within some regions. For example, the Southern Cone countries are not among the most affluent in the world, but within the region - South America - they are wealthy, and a key destination area there.

readily available, but subject to vast differences in terms of both national definitions and data collection practices. The scarcity of information does not permit an in-depth analysis of broad, international scope. For this reason, it is not possible to explore all facets of the relationship between migration and human trafficking. The analysis in this section is an attempt to use available data on trafficking in persons cases from different parts of the world, combined with data on migration flows, to explore patterns of trafficking in relation to migration.<sup>54</sup>

The results show that the citizenships of trafficking victims detected in a country are often correlated with the citizenships of the flows of regular migrants into that country during the same period. In these countries, the citizenships of victims of trafficking would largely correspond to the citizenships of the migrants that arrived during the same period.

This can be illustrated by using the example of Germany. The majority (65 per cent) of the victims of trafficking detected in Germany - as in the rest of Western and Southern Europe - come from the neighbouring subregion of Central and South-Eastern Europe. At the same time, migrants from the different countries in Central and South-Eastern Europe represent the majority of the recent migrant flows into Germany,<sup>55</sup> as in most of Western and Southern Europe. Statistical analyses show that the citizenship profiles for recent regular migration flows and detected trafficking flows are similar. Similar results to those found for Germany are also found for other Western European countries, including Italy, the Netherlands and Norway.<sup>56</sup>

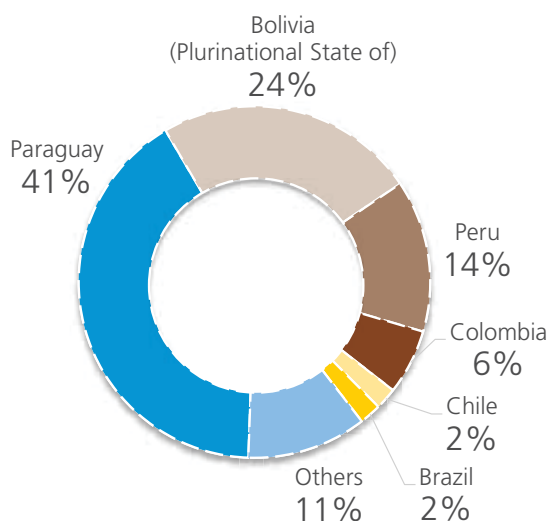
The statistical similarities between cross border human trafficking flows and recent international migration flows were found for other destinations as well. In the United States of America, the citizenship profiles of foreign victims of trafficking in persons broadly reflect the newly arrived migrant groups. There, the largest share of the victims of trafficking detected over the 2012-2014 period were citizens of countries close-by to the south (Central

54 The selected countries were in North America, the South Cone of South America, the Middle East, Western Europe and Central Asia. For further information, see Annex I (Methodology, available at [www.unodc.org/unodc/en/data-and-analysis/glotip.html](http://www.unodc.org/unodc/en/data-and-analysis/glotip.html)).

55 United Nations, Department of Economic and Social Affairs, Population Division (2015). *International Migration Flows to and from Selected Countries: The 2015 Revision* (POP/DB/MIG/Flow/Rev.2015). The international migration data in Germany are derived from the population register. The data on immigration refer to persons arriving from abroad who register their dwelling as their only or main place of residence in Germany during a specific year.

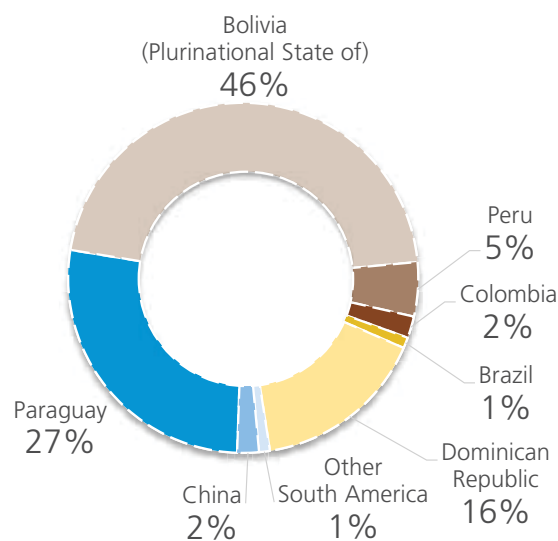
56 See Annex IV (available at [www.unodc.org/unodc/en/data-and-analysis/glotip.html](http://www.unodc.org/unodc/en/data-and-analysis/glotip.html)).

FIG. 42 Share of international migrants arriving in Argentina, by country of origin, 2011-2014



Source: UN DESA population data.

FIG. 43 Share of foreign victims of trafficking detected in Argentina, by country of origin, 2011-2014



Source: UNODC.

America, the Caribbean and Mexico) as well as from East Asia. These trafficking flows to a certain extent reflect the major migration flows during the same period. As in European countries, the data shows that the origins of recent international migration and cross-border human trafficking flows are statistically similar.<sup>57</sup>

The countries of the Gulf Cooperation Council in the Middle East are prominent destinations for victims of

57 See Annex IV (available at [www.unodc.org/unodc/en/data-and-analysis/glotip.html](http://www.unodc.org/unodc/en/data-and-analysis/glotip.html)).

cross-border trafficking in persons. Victims are trafficked from many parts of the world, in particular, from South Asia and East Asia. These are also common origin areas among migrants in this area. The data from the United Arab Emirates again confirms that cross-border trafficking flows follow the profile of the foreign workers officially registered as residing in the country.<sup>58</sup>

Similar results are also found in destinations for cross-border trafficking in other parts of the world. As the richest area in South America, the Southern Cone is a regional destination for migration flows. Trafficking flows into Argentina broadly resemble the regular migration flows into this country.<sup>59</sup>

Broadly similar citizenship profiles were recorded for international regular migrants and foreign victims of trafficking detected in Argentina between 2011 and 2014. However, Bolivian citizens, for example, had a significantly stronger representation among detected trafficking victims compared to migration flows.

Like Argentina, Kazakhstan is also a destination, mainly for regional trafficking in persons. Victims trafficked to Kazakhstan from other countries are, by and large, citizens of other Central Asian countries, and to a lesser extent from East Asia. The citizenship profiles of trafficking victims is correlated with the profiles of migration flows recorded during the same period also here.<sup>60</sup>

Keeping data limitations in mind, the results not only indicate that detected human trafficking flows tend to follow the broader migration flows, but also that factors other than regular migration have an impact on trafficking flows. For instance, in the Western and Southern European destination countries considered, citizens of countries in South-Eastern Europe and West Africa comprise a large share of the total number of detected trafficking victims, but a relatively small share of recently arrived regular migrants in Germany, the Netherlands, Norway and Italy. At the same time, Polish citizens comprise a large share of regular migrants moving to these destinations, while the number of Polish victims of trafficking detected in Germany or the Netherlands is relatively limited.

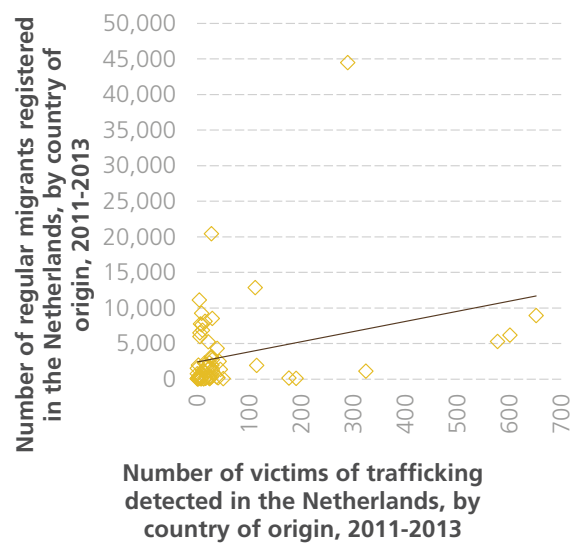
The situation is similar for Central American citizens detected as trafficking victims in the United States. Citizens from Honduras, Guatemala and El Salvador repre-

58 Ibid.

59 Ibid.

60 The details of the analyses and the results are available in Annex IV (available at [www.unodc.org/unodc/en/data-and-analysis/glotip.html](http://www.unodc.org/unodc/en/data-and-analysis/glotip.html)).

FIG. 44 Correlation between migration flows and trafficking flows in the Netherlands, 2011-2013



Source: UNODC elaboration of UNDESA and national data

sented about 20 per cent of the foreign detected victims of trafficking in the United States during the period considered, while the recent regular migration flows into the United States from these countries is limited to about 5 per cent of the total. Similarly, in Argentina, a relatively large share of victims of trafficking from countries in the Caribbean has been detected, compared to the level of regular migration flows from this area to Argentina.

### What factors can influence the vulnerability of certain migration flows to trafficking in persons?

Among the many factors that could increase the risks for some migrants falling prey to human traffickers, the presence of transnational organized crime in the territory of origin seems to be particularly relevant. The 2014 *Global Report* discussed the role of organized criminal groups in trafficking in persons, and the analysis found that the higher the prevalence of organized crime in origin countries, the more victims of these countries are detected in major destinations.<sup>61</sup> That edition looked at how trafficking in persons is conducted by a variety of criminal actors, and not necessarily by structured transnational criminal organizations. Many cases of trafficking are carried out by individuals who exploit a relative or partner. However, a trafficking organization is needed to sustain cross-border trafficking flows over time.<sup>62</sup>

61 See pp. 43-49, UNODC, *Global Report on Trafficking in Persons 2014* (United Nations publication, Sales No. E.14.V.10).

62 See pp. 48-49, UNODC, *Global Report on Trafficking in Persons 2014*

The relevance of transnational organized crime in origin countries as a risk factor that may expose migrants to trafficking is also highlighted in the court cases collected for this *Global Report*. Several cases point to a modus operandi in which the recruitment is conducted in origin countries by groups that traffic co-national victims and carry out the exploitation at destination, sometimes in cooperation with local traffickers there. In most cases, trafficking in persons starts with an act of recruitment, and thus, the stronger the presence of traffickers in the territory of recruitment, the more victims tend to be trafficked from these origins.

Another element to be considered is the socio-economic profile of the migrant, and in connection with this, his or her possibility of accessing legal ways to work and reside in the destination country. A lack of economic resources, a low level of education and other factors could mean that a large number of people wanting to migrate may experience greater difficulties in finding a legal means to do so.

Statistical analyses in three selected destination countries may suggest that people with citizenships that are less likely to satisfy the requirements to legally reside in a country are more frequently detected as victims of trafficking in that country.<sup>63</sup> However, the situation is different for the main trafficking flows into the European Union. The main origin countries for trafficking victims detected in the EU are other EU countries. In addition, major flows of trafficking also occur within the countries' borders in the form of domestic trafficking.

Traffickers target everyone who could be valuable for their trade; domestically or across borders. They may traffic victims who can move freely across borders, those who require visas or people who already live in the country of destination. In cases where people are willing to migrate but unable to obtain regular access to the desired destination, traffickers may leverage this limitation during recruitment. They lure victims by promising safe travel and entry into the desired destination country, and then deceive them into exploitative situations.

Qualitative analyses of court case briefs find a clear pattern linking a desire to migrate to criminal groups and trafficking in persons. Many cases start with people eager to migrate but with no other option than to rely on someone who they believe will facilitate their irregular migration into a better life. In this process, once at destination, traffickers can also use the threat, among others, of report-

ing to the migration authorities, knowing that most victims do not trust the authorities and fear deportation.

In some cases, the 'means' by which victims are trafficked can take the form of debt bondage schemes in which traffickers require the victim(s) to work under exploitative conditions in order to pay back expenses incurred in the smuggling process. Nigerian criminal groups typically 'offer' victims an irregular migration package to Europe for about 50-70,000 Nigerian naira (roughly 250 euros) during the recruitment in Nigeria. Such a package promises land, sea or air transportation, making use of counterfeit documents or other means. The person accepts the price with the idea of paying it back by working in Europe. Once at destination, the debt is converted into 50-70,000 euros to be paid by forced prostitution for a period that could last up to three years or longer.<sup>64</sup> A long list of similar cases were reported by different countries around the world, indicating that this might be a frequent means to traffic victims.<sup>65</sup>

Trafficking networks may also use schemes involving counterfeit documents to facilitate the migration of their victims. Such documents are used to cross borders illegally, but also to evade controls in the country of residence. In Belgium, an Algerian victim was lured to the country with the promise of a legal job. The victim crossed the border from Morocco to Spain with a fake Spanish passport bought for 3,500 euros. Once at destination, the victim was sexually exploited, and traffickers also leveraged the victim's fear of being reported to the authorities as an undocumented migrant.<sup>66</sup> In other cases, the trafficking networks may organize sham marriages. The scheme entails arranging a sham marriage in order to obtain a residence permit for the victim in the country of the false partner. Once at destination, those who organized the sham marriage exploit the victim, who at that point is dependent on the traffickers, and afraid of reporting to the authorities.

(United Nations publication, Sales No. E.14.V.10).

63 See Annex IV (available at [www.unodc.org/unodc/en/data-and-analysis/glotip.html](http://www.unodc.org/unodc/en/data-and-analysis/glotip.html)).

64 See p. 56, UNODC, *Global Report on Trafficking in Persons 2014* (United Nations publication, Sales No. E.14.V.10).

65 Case provided by Australia, which concluded with a conviction by the supreme court of the Australian Capital Territory, and a sentence of 8 years and 10 months of imprisonment. Case provided the United States of America, which concluded with a conviction by the District Court for the District of Minnesota and a prison sentence of 1 year. Case provided by Denmark, which concluded with convictions by the city court of Hjoerring, with sentences of 30 months of imprisonment. Case provided by Portugal, which concluded with convictions by the court of Vila Nova de Famalicão. The sentences ranged from 1 to 12 years of imprisonment.

66 Case provided Belgium, which concluded with a conviction by the court of Termonde (sentence not available).



In this context, traffickers may use corruption as an enabler for moving victims across international borders. Corruption can be used to facilitate irregular migration at different stages of the process, for example, to obtain official documents that victims do not have the right to access, such as passports, visas or residence permits. It can also be used to make border control officers look the other way at checkpoints or to buy the silence of police officers in various situations.

A court case from Argentina demonstrates some of the ways that corruption plays a role in trafficking crimes. It involved Dominican victims trafficked by a criminal network into Argentina. The local law enforcement authorities proved the corruption of certain officers at the department for migration in order to fraudulently obtain residence permits for victims who were not legally entitled to residency. The traffickers were also 'taxing' the victims in order to cover the costs connected with the bribes. This was an additional way of controlling the victims, on top of taking advantage of their fear of deportation because of their irregular migration status.<sup>67</sup>

In the context of migrants and refugees particularly vulnerable to trafficking, an additional concern is the increasing numbers of unaccompanied and separated children who have irregularly migrated to the European Union over the last two years. In 2014, over 23,000 asylum applicants in the EU were considered to belong to this category.<sup>68</sup> From January to October 2015, more unaccompanied and separated children had sought asylum in Sweden alone (23,300) than in the entire EU in 2014.<sup>69</sup> In Italy, between January and June 2016, the number of unaccompanied minors reaching the country by sea more than doubled compared to the same period in 2015, reaching about 10,000.<sup>70</sup>

A study conducted by the international non-governmental organization Save the Children in Italy looked at links between unaccompanied minors and trafficking in persons. It indicated that many of these children end up in sexual exploitation (West African girls), forced labour and begging (North African and South Asian boys), or exploited in city markets or in the streets to pay back the debt their families incurred for their travel to Europe. The

study documented how sometimes these children fall prey to traffickers en route to Europe, and are sold to other organized groups at destination.<sup>71</sup>

### Trafficking people who are escaping persecution and conflict

Persons who are fleeing armed conflicts and humanitarian emergencies are highly vulnerable to trafficking in persons in their search for safety and protection. Faced with insufficient channels for regular migration and family reunification, refugees, asylum seekers and internally displaced people fleeing armed conflicts often have no other option than to resort to the services of illegal actors in their search for a safer place. The urgent need and pressure to move may lead them to make dangerous migration decisions.

A report on the effects of the conflict on trafficking in persons in the Syrian Arab Republic and neighbouring countries published by the International Centre for Migration Policy Development (ICMPD) in 2015 highlighted the increasing numbers of Syrian victims of trafficking in the Middle East over the last few years, in line with UNODC's data. According to the study, the incidence of trafficking has substantially increased since the beginning of the crisis in 2011, although trafficking cases often remain unreported.<sup>72</sup>

The same study points out that for Syrian victims, the trafficking process often starts in the country of asylum where they moved for protection from the conflict zone. Traffickers take advantage of the vulnerabilities that stem from displacement. These victims, even when granted international protection, are trafficked within the host country or to other countries in the region.

Most of the time, the trafficking is not committed by highly organized criminal networks, but rather by family members, acquaintances and neighbours.<sup>73</sup>

Trafficking in persons also occurs along the route to a safer place. A survey conducted between December 2015 and March 2016 by the International Organization for Migration (IOM) on the recent mixed migration flows along the Western Balkan route from Turkey and Greece to Western Europe captures the severity of this phenomenon. More than 7 per cent of the 2,385 people surveyed by IOM reported at least one trafficking or other exploitative

67 Case provided by Argentina, which concluded with convictions by the Tribunal Oral en lo Criminal Federal de Mar del Plata (sentence not available).

68 IOM and UNICEF Data Brief: *Migration of Children to Europe*, 30 November 2015.

69 Ibid.

70 Italian Department of Public Security, Office for Central Immigration and Border Police, summary of people landed for the period June 2015-June 2016.

71 Save the Children (2016). *Piccoli Schiavi Invisibili* (Small Invisible Slaves), Save the Children Italia Onlus.

72 International Centre for Migration Policy Development (ICMPD) (December 2015). *Targeting vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons*.

73 Ibid.

## Trafficking of migrants for extortion and organ removal on some African routes

Migrants handing over their lives to someone who promised a safe passage into a desired destination and later finding themselves sexually exploited or in forced labour is a well-known modus operandi for traffickers. There are also reports of migrants who are eventually trafficked for the purpose of ransom or organ removal along the migration routes.

Growing public awareness of the issue, and an intensified security presence, has led to a significant reduction of the trafficking of African refugees to the Sinai. Notwithstanding, the number of those disappearing on the Eastern African route to North Africa is not falling as rapidly and kidnappings are reported in different parts along the route, which suggests that the trafficking flow has now been rerouted.<sup>a</sup>

The trafficking of African migrants and refugees who, on their journey along the East African routes to North Africa and eventually to Europe are kidnapped for ransom by those who they thought were facilitating their travel, came to light for the first time in 2010.<sup>b</sup>

Since then, this practice has been documented by a number of NGOs and international organizations and has gained growing public exposure.<sup>c</sup> The trafficking of African refugees along this route has also been documented by the UN Monitoring Group on Somalia and Eritrea, established by the UN Security Council under the Somalia and Eritrea Sanctions Committee.<sup>d</sup>

This trafficking, which dramatically intensified as of 2010, involved an estimated 25,000-30,000 people between 2009 and 2013. More than 4,000 people are believed to have died in the context of trafficking along the route from Eastern Sudan and the Horn of Africa since the beginning of 2008.<sup>e</sup>

The victims of trafficking in persons involved in this flow are mainly Eritrean - including men, women and children - fleeing widespread human rights violations and indefinite military service.<sup>f</sup> Once they have crossed the border into Eastern Sudan - usually with the help of smugglers - migrants and refugees are abducted by nomadic groups living in Eastern Sudan and North-Western Eritrea.<sup>g</sup> Sometimes victims are sold to traffickers by the smugglers who helped them leave Eritrea.

The Monitoring Group on Somalia and Eritrea and UNHCR have provided evidence that officers of the Eritrean military collaborate with traffickers from nomadic tribes and are often direct beneficiaries of the payments extorted from the victims.<sup>h</sup>

After being kidnapped, the victims are transported by car to the desert and forced to pay around US\$3,000 per person for the journey. They are handed over or sold to nomadic tribes, who first gather them in warehouses, and then sell them to different gangs along the route. Chained together and locked in the so-called 'torture houses', victims are exposed to extreme heat during the day and freezing cold temperatures at night, deprived of food, water and sleep, subjected to sexual abuse and forced labour, and routinely tortured for extortion. While tortured, they are forced to call their relatives and to ask them to pay ransoms up to US\$50,000 for their release.<sup>i</sup>

Ransoms are collected with the help of middlemen, and transfers are usually made through large, international payment services. The hostages provide the traffickers with the code to withdraw the money transferred by their relatives.<sup>j</sup> If the traffickers realise that a hostage cannot pay, that person may be killed as an example for others.<sup>k</sup> There have also been reports of traffickers continuing to collect ransoms when hostages have already died, or demanding new ransoms after the required amount of money has been paid.<sup>l</sup>

The issue of forced removal of organs in the context of trafficking in persons and migrant smuggling in North-Eastern Africa gained renewed international attention in July 2016, when the Italian authorities arrested 38 people suspected of being members of an transnational organised criminal group involved in these crimes. The investigation revealed that Eritrean migrants, who had been kidnapped along the route to North Africa and who were unable to pay ransoms, were killed to remove their organs. The organs were then sold for around US\$15,000.<sup>m</sup>

- a Connell, D., 'The rerouted trafficking of Eritrean refugees', Middle East Report - MER, n.278, Life in Exile, Spring 2016; UNHCR (2013), op. cit., p.11
- b In December 2010, the United Nations High Commissioner for Refugees (UNHCR) expressed serious concern about the situation of 250 Eritrean refugees kidnapped for ransom and held hostage by traffickers in the desert of the Sinai peninsula. Far from being an isolated case, the incident brought to light a trafficking flow originating from Eastern Sudan and the Horn of Africa, and being held captive in this part of the world. See UN High Commissioner for Refugees, UNHCR urging Egypt to intervene to secure release of Eritreans held hostage, statement by UNHCR spokesperson Adrian Edwards, 7 December 2010. See UN High Commissioner for Refugees, UNHCR urging Egypt to intervene to secure release of Eritreans held hostage, statement by UNHCR spokesperson Adrian Edwards, 7 December 2010.
- c See, for instance, UNHCR (2014). Smuggling and Trafficking from the East of Africa: Progress Report, October 2014; Human Rights Watch (2014). "I Wanted to Lie Down and Die" - Trafficking and Torture of Eritreans in Sudan and Egypt; Van Reisen, M., Estefanos, M. and Rijken, C., (2013), The Human Trafficking Cycle: Sinai and Beyond, Wolf Legal Publishers, Oisterwijk, Netherlands; Van Reisen, M., Estefanos, M. and Rijken, C., (2012), Human trafficking in the Sinai: Refugees between Life and Death, Wolf Legal Publishers, Oisterwijk, Netherlands.
- d See the 2011-2013 Reports of the Monitoring Group on Somalia and Eritrea (United Nations Security Council) available at: <https://www.un.org/sc/suborg/en/sanctions/751/work-and-mandate/reports>.
- e UNHCR (2014), op. cit., p.2.
- f Ibid.
- g UNHCR (2013). Refugees and the Rashaida: human smuggling and trafficking from Eritrea to Sudan and Egypt, p.10.
- h S/2011/433, United Nations Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to SC resolution 1916 (2010), 18 July 2011, p. 118; S/2013/440, United Nations Security Council, Report on Eritrea of the Monitoring Group on Somalia and Eritrea pursuant to SC resolution 2060 (2012), 25 July 2013, p. 35-37. See also: UNHCR, 2013, op. cit., p.13.
- i Van Reisen, Estefanos and Rijken (2012), op. cit., p.4.
- j Ibid. p.43.
- k Ibid. p.62-63.
- l Van Reisen, Estefanos and Rijken (2013), op. cit., p.65.
- m Procura della Repubblica presso il Tribunale di Palermo Direzione Distrettuale Antimafia, Arrest warrant decree - art. 384 c.p.p. Proc. Pen. n.20523/2015 DDA R.G. notizie di reato - mod. 21.

experience during their journey. The rate recorded among Syrian nationals was about 9 per cent.<sup>74</sup>

The United Nations Special Rapporteur on trafficking in persons, especially women and children, has highlighted that persons fleeing conflict situations could also be vulnerable to, among other forms of trafficking in persons, trafficking for the purpose of organ removal,<sup>75</sup> as reported in the text box on p.62.

Like those fleeing violence, people at risk of individual persecution based, for example, on their ethnicity, religion or political opinion, are also vulnerable to human trafficking. This is the case, for instance, of some ethnic minorities in South-East Asia at risk of being trafficked<sup>76</sup> within the region. About 4 per cent of the victims detected in East Asia and the Pacific are stateless; lacking the protection of a state which increases vulnerability. Similarly, there is a sizable trafficking flow of Eritreans to the Middle East, about 8 per cent of all victims detected in the Middle East between 2012 and 2014. In light of the challenging human rights situation in Eritrea, which is one of the top-ten origin countries for refugees,<sup>77</sup> the vulnerability to be trafficked of people escaping from persecution appears clear.<sup>78</sup>

Finding refuge in a safe country does not always shield an individual from the risk of becoming victimised by human trafficking. According to the relevant international and regional legal instruments, a person fleeing persecution for any of the reasons listed in the same legal instruments and unable to avail themselves of the protection of their country of citizenship or escaping from general violence should be granted international protection. However, in the country where protection is sought, an individual may not have access to asylum procedures or may face a long

wait before their application for international protection is assessed. Moreover, even if they are granted protection, refugees may still experience limited access to labour market or to education opportunities. Such circumstances, and the lack of an appropriate durable solution, put the person asking for asylum in a limbo, which makes them vulnerable to trafficking.

The link between people escaping persecution and human trafficking is sometimes determined by the fact that the persecution is carried out by the traffickers. Being a trafficking victim can sometimes be the basis why refugee status or complementary forms of protection are granted to the victim.

A relevant example is that of a Nigerian girl who was trafficked to France and granted refugee status in 2015 based on the probable retaliation she could face in her home country from the organization that brought her to Europe, or, similarly, the case of an Albanian woman who was domestically trafficked, managed to flee to the United Kingdom, and received asylum there in 2010.<sup>79</sup> In these two cases, as in many others, the scenario envisages victims of trafficking who escaped from their exploiters and fear reprisal or re-trafficking by members of the trafficking network in their home country. In some other scenarios where the victim of trafficking is granted refugee status, there is a well-founded fear of persecution related to the stigmatization the victim may suffer in the community of origin.

Not all victims of trafficking or persons at risk of being trafficked are eligible for refugee status or complementary forms of protection. As documented by the cases described above, in order to be eligible, such persons must be able to establish that there is a reasonable possibility that they would face persecution in case of return to their home country, and that their country of origin would be unable or unwilling to protect them. The United Nations High Commissioner for Refugees has issued specific guidelines on the matter,<sup>80</sup> and the link between human trafficking and the need for international protection is now acknowledged in the asylum jurisprudence of several countries, though not always recognized in practice.

74 International Organization for Migration (IOM) (March 2016). *Mixed Migration Flows in the Mediterranean and Beyond, About the Human Trafficking and other exploitative practices Prevalence Indication Survey*.

75 A/HRC/32/41, United Nations General Assembly, Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 3 May 2016, p. 7.

76 For more information, see A/HRC/32/18, *Situation of human rights of Rohingya Muslims and other minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights*, 28 June 2016 (Advance Edited Version).

77 See UNHCR (2015). *UNHCR Global Trends, Forced Displacement in 2014: World at War*; UNHCR Refugees/Migrants Emergency Response – Mediterranean (<http://data.unhcr.org/mediterranean/regional.php>).

78 The trafficking of Eritreans to the MENA region has been the subject of several reports in the last few years. Among the most recent ones: Human Rights Watch (2014). *“I Wanted to Lie Down and Die” – Trafficking and Torture of Eritreans in Sudan and Egypt*; Amnesty International (2013). *Egypt/Sudan: Refugees and asylum-seekers face brutal treatment, kidnapping for ransom, and human trafficking*.

79 See, for example, *Décision No. 10012810, 24 mars 2015*, France: Cour nationale du droit d’asile, 24 March 2015; United Kingdom, Upper Tribunal (Immigration and Asylum Chamber), *AM and BM (Trafficked women) Albania CG [2010] UKUT 80 (IAC)*, 2010.

80 UNHCR (2006), *Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked*.



## Trafficking in persons in conflict situations

The complex linkages between trafficking in persons and conflict have been acknowledged and investigated by the United Nations in various contexts.<sup>81</sup> During an armed conflict, many elements that appear to increase individual and group vulnerability to trafficking – such as lack of economic opportunities, discrimination and gender-based violence – are exacerbated. Moreover, as a result of forced displacements, community and family support networks are weakened or destroyed, which further increases individual vulnerability to trafficking.

At the same time, armed conflicts represent an opportunity for traffickers. The state of impunity originating from the erosion of the rule of law and the breakdown of order allows traffickers to operate more easily and their business to thrive. As discussed above, refugees fleeing armed conflicts may end up in trafficking situations in their search for a safer place.<sup>82</sup> Research has also shown that, during an armed conflict, trafficking in persons often stems from the use of negative coping mechanisms and risky survival strategies. Faced with physical and economic insecurity, families may see early forced marriage as a way of alleviating poverty and protecting girls from difficult living conditions. Similarly, they may fall prey to traffickers who claim to offer their children a safer place and job opportunities. According to research by the International Organization for Migration and the International Centre for Migration Policy Development, for instance, the incidence of trafficking for forced marriage and labour stemming from negative coping mechanisms has significantly increased in Iraq and the Syrian Arab Republic as a result of conflict there.<sup>83</sup>

The ICMPD study mentioned above also notes that many of the forms of trafficking which are prevalent in the context of the current war in the Syrian Arab Republic and the consequent refugee situation were also observed prior to 2011. But some forms of trafficking, namely sexual slavery, forced marriages and exploitation committed by the armed forces active in the conflict, have emerged since

the beginning of the crisis and can be directly related to the war.<sup>84</sup>

The situations described in the ICMPD study concerning the Syrian conflict also occur in the context of many other conflicts. While some forms of trafficking are the result of increased vulnerability among the persons affected, such as people escaping conflict areas, other forms are carried out directly by armed groups operating in the conflict zones.

Trafficking of children for exploitation as combatants in armed conflicts is widely documented in different regions of the world. There is also evidence of children – but also men and women – who have been forcibly recruited by armed groups to fight and provide labour and sexual services. For instance, in the Central African Republic – a country which has been wracked by civil war over the past four years – boys are domestically trafficked to serve as combatants in the armed forces. In 2014, as many as 6,000 children were estimated to be associated with different armed groups involved in this conflict.<sup>85</sup> Similarly, between 2010 and 2013, the United Nations documented 4,194 cases of children forcibly recruited to serve as combatants, escorts, cooks, porters, guards and sex slaves in the Democratic Republic of the Congo by many of the armed groups operating in that country and in neighbouring countries.<sup>86</sup> Between June and September 2013 alone, it was documented that 2,234 children (426 girls and 1,808 boys) had escaped or had been separated from armed forces and groups.<sup>87</sup> Children are recruited in villages, at school or even in refugee camps. The United Nations Mission in the Central African Republic and Chad (MINURCAT) documented how, between 2008 and 2010, the different armed groups operating in territories under MINURCAT competence were recruiting children in at least two large camps, giving shelter to refugees who had fled to eastern Chad from the conflict in Darfur.<sup>88</sup>

81 See, for example, A/HRC/32/41, op. cit.; S/PRST/2015/25, United Nations Security Council, *Statement by the President of the Security Council*, 31 December 2015; and S/2016/361, United Nations Security Council, *Report of the Secretary-General on conflict-related sexual violence*, 20 April 2016 (p. 7).

82 A/HRC/32/41, op. cit., p.4.

83 IOM (2015). *Addressing human trafficking and exploitation in times of crisis: evidence and recommendations for further action to protect vulnerable and mobile populations*; ICMPD (2015). *Targeting vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons*.

84 ICMPD *ibid*.

85 S/2014/142, United Nations Security Council, *Report of the Secretary-General on the Central African Republic submitted pursuant to paragraph 48 of Security Council resolution 2127 (2013)*, 3 March 2014; S/2014/562, United Nations Security Council, *Report of the Secretary-General on the situation in the Central African Republic*, 1 August 2014.

86 S/2014/453, United Nations Security Council, *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo*, 30 June 2014.

87 S/2013/581, United Nations Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 30 September 2013.

88 S/2010/217, United Nations Security Council, *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad*, 29 April 2010; S/2009/535, United Nations Security Council, *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad*, 14 October 2009;



West African countries have also experienced trafficking for child soldiering. In April 2012, former Liberian president Charles Taylor was convicted by the UN Special Court for Sierra Leone for crimes violating Article 3 Common to the Geneva Conventions and of Additional Protocol II, crimes against humanity and other serious violations of international humanitarian law during the civil war in Sierra Leone in the 1990s. The court convicted him of planning, aiding and abetting the commission of crimes, including the use of child soldiers, sexual slavery and sexual violence and enslavement, as well as for other charges under the competence of the Court. There was evidence that about 2,200 children under the age of 15 had been abducted between 1996 and 2002.<sup>89</sup>

More recently, reports have surfaced that children in northern Nigeria are being forced by the terrorist group Boko Haram to carry out suicide attacks,<sup>90</sup> the ultimate form of exploitation. In May 2015, for example, a 12-year-old girl was used to detonate a bomb at a bus station in Damaturu. Seven people were killed.<sup>91</sup> Earlier this year, UNICEF reported that suicide attacks by Boko Haram rose 11-fold from 2014 to 2015, and that 20 per cent of the attacks were committed by children as young as eight.<sup>92</sup>

Child soldiering is not limited to Africa. A 2015 report by the International Organization for Migration (IOM) found that in 2013–2014, armed opposition groups in Iraq were actively and forcibly recruiting children as young as 13 to serve as fighters.<sup>93</sup> A number of official documents and reports from human rights organisations also provide evidence of the recruitment of children for exploitation in armed conflict by the different armed factions involved in the Syrian conflict, including the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), the Kurdish People's Protection Units (YPG) and the Nusra Front.<sup>94</sup>

The United Nations Special Rapporteur on trafficking in persons, especially women and children, notes that, although child trafficking often involves abduction or coercion, recruiters also appeal to notions of martyrdom and indoctrination to enlist children.<sup>95</sup> In an armed conflict situation, trafficking in persons is also used as a strategy to target ethnic and religious minorities. According to IOM, for example, armed groups have deliberately recruited and exploited members of ethnic and religious minorities in Iraq since the beginning of the civil war in 2014.<sup>96</sup>

In conflict situations, women and girls are particularly vulnerable to sexual and gender-based violence, including trafficking in persons for sexual exploitation. Women and girls are reportedly kidnapped and forced to marry or serve as sexual slaves in many conflict-affected countries around the world.<sup>97</sup> One widely reported example of this practice is the trafficking in persons and enslavement of women and children of the Yazidi ethno-religious group by ISIL in Iraq and the Syrian Arab Republic. The United Nations Assistance Mission for Iraq (UNAMI) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) reported in October 2015 that Islamic State was holding approximately 3,500 civilians, mostly women and children, primarily Yazidi.<sup>98</sup> Nadia Murad, a young Yazidi woman who was appointed UNODC Goodwill Ambassador for the dignity of survivors of human trafficking in September 2016, has spoken publicly about how she was sexually enslaved by ISIL soldiers alongside her two sisters. Their mother was executed as she was 'too old' to be enslaved. She also witnessed young children being given to ISIL soldiers as 'sexual gifts'.<sup>99</sup> Moreover, in 2014, a media campaign raised awareness about the abduction of 276 schoolgirls in Chibok by the Boko Haram terrorist group active in northern Nigeria. The group itself reported that the intention was to sell the girls for forced marriages or as slaves.<sup>100</sup>

S/2008/760, United Nations Security Council, *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad*, 4 December 2008.

89 Special Court for Sierra Leone, Trial Chamber II, Prosecutor v. Charles Taylor, *Judgement* (SCSL-03-01-T), 18 May 2012 (p. 497).

90 S/PRST/2015/4, United Nations Security Council, *Statement by the President of the Security Council*, 19 January 2015.

91 A/HRC/30/67, United Nations General Assembly, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected*, Report of the United Nations High Commissioner for Human Rights (Advance Unedited Version), 29 September 2015.

92 UNICEF, *Beyond Chibok*, briefing, April 2016.

93 IOM (2015), op. cit.

94 See, for instance, A/HRC/26/CRP.2, United Nations General Assembly, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 16 June 2014; A/HRC/28/69, United Nations General Assembly, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015.

95 A/HRC/32/41, op. cit., p. 8.

96 IOM (2015), op. cit. In this regard, it is important to note that, although trafficking in persons is not expressly enumerated in the Statute of the International Criminal Court, a number of practices associated with trafficking can, subject to certain specific conditions, be identified as both war crimes and crimes against humanity. See International Criminal Court (2011). *Elements of Crimes*.

97 A/HRC/32/41, op. cit., p. 9; S/2016/361, op. cit., p.7.

98 OHCHR/UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015*, p. 17. (This report uses the alternative spelling "Yezidi".)

99 More information about Nadia Murad's story is available at: [www.nadiamurad.org](http://www.nadiamurad.org).

100 See, for example, *Guardian*, 'Boko Haram leader: 'We will sell the girls on the market' - video, 6 May 2014, available at: <https://www.theguardian.com/world/video/2014/may/06/boko-haram-sell-girls-market-video>; UNICEF, *Beyond Chibok*, briefing, April 2016.

In Sub-Saharan Africa, international organizations active in the Central African Republic reported that sexual and gender-based violence against women and girls is being committed by all groups in the context of sectarian violence. According to a government estimate, around 44.5 per cent of the population in the Central African Republic suffered sexual violence in 2014.<sup>101</sup> The crimes included forced marriage and sexual slavery. Peacekeeping personnel documented the abduction of women and sexual slavery by members of armed groups in many parts of the country.<sup>102</sup> Sexual slavery and forced marriages were documented by the UN Special Court for Sierra Leone during the civil war there. In this case, different armed groups involved in the conflicts systematically abducted women and girls for the purpose of holding them in captivity as sex slaves. An atmosphere of coercion prevailed, also involving the beating or killing of women. Among combatants, the practice of using women as sex slaves was accepted, open and endemic. Senior commanders enjoyed priority over lower ranking subordinates in their choice of the captured women assigned as wives. Some victims were as young as eight.<sup>103</sup>

Finally, armed forces in conflict zones also recruit civilians for the purpose of exploitation in forced labour, slavery and slavery-like practices. Beside what was mentioned above on forced wives and sexual slaves used for forced domestic work during the civil war in Sierra Leone, the same case reported that the armed forces operating there systematically abducted people from villages they looted to carry arms and ammunition, to provide food, to farm and to mine for diamonds.<sup>104</sup> To claim 'ownership' of a slave, the armed groups had the letters 'RUF' and/or 'AFRC' carved on to the skin of some victims.<sup>105</sup> The recruitment was organized by the groups, with officers in charge of finding and managing the victims. The coercive recruitment for diamond mining was particularly well-organized. Between 600 and 1,000 civilians per day were gathered and exploited in one mining site alone.<sup>106</sup> Similar

reports have emerged from the Democratic Republic of the Congo, in the provinces where mineral resources are extracted. The United Nations peacekeeping operation there, MONUSCO, has reported how armed forces - regular and irregular - forced civilians to work in the mines.<sup>107</sup>

In conflict areas, armed groups exploit civilian populations under any circumstances. The most frequently documented forms are trafficking for sexual exploitation, for using children as combatants and for forced labour. Persons within the affected areas are not the only ones targeted, as victims from outside are also trafficked into the conflict territories for sexual or forced labour purposes.<sup>108</sup> In this regard, the United Nations Special Rapporteur on trafficking in persons, especially women and children, has highlighted the trafficking of persons into conflict zones to provide services at military worksites, for example, in the case of Asian workers trafficked to conflict areas in the Middle East.<sup>109</sup>

Trafficking in persons also finds favourable conditions in post-conflict situations. Absent or dysfunctional law enforcement and justice institutions, destroyed communities, lack of basic resources and militarized societies tolerant of high levels of violence fuel trafficking in persons in post-conflict contexts. Moreover, the deployment of peacekeeping forces may have, in some cases, increased the demand for sexual services, with possible attendant increases in human trafficking.<sup>110</sup>

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101 S/2014/562, United Nations Security Council, *Report of the Secretary-General on the situation in the Central African Republic*, 1 August 2014, para. 17.

102 S/2014/142, United Nations Security Council, *Report of the Secretary-General on the Central African Republic submitted pursuant to paragraph 48 of Security Council resolution 2127 (2013)*, 3 March 2014; S/2014/562, United Nations Security Council, *Report of the Secretary-General on the situation in the Central African Republic*, 1 August 2014.

103 Special Court for Sierra Leone, Trial Chamber II, *Prosecutor v. Charles Taylor, Judgement* (SCSL-03-01-T), 18 May 2012 (pp. 393-394).

104 Special Court for Sierra Leone, op. cit. (pp. 383-393).

105 Special Court for Sierra Leone, op. cit. (p. 607).

106 Special Court for Sierra Leone, op. cit. (pp. 583-637).

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107 A/HRC/13/64, United Nations General Assembly, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights and the activities of her Office in the Democratic Republic of the Congo*, 28 January 2010.

108 IOM (2015) op. cit. and ICMDP (2015) op. cit.

109 A/HRC/32/41, op. cit., p. 10.

110 Ibid., p.11.