

# Trafficking in mixed migration flows

Exploitation of refugees and other migrants in the Middle East and Europe

## Introduction

Since tightening internal and external borders and signing the March 2016 EU-Turkey Agreement, European governments have heralded their success in reducing the number of refugees and other migrants arriving in Greece from Turkey.<sup>1</sup> However, the same policies that have reduced migration flows have simultaneously driven protection concerns for those still on the move, who rely more heavily on people smugglers to reach their destinations undetected. While it is important to recognise that people smuggling and trafficking in persons are distinct concepts, they overlap significantly in practice, particularly in the context of mixed migration.<sup>2</sup> When refugees and other migrants are forced to use smugglers to take irregular, covert and more expensive routes to reach their destinations, they are simultaneously exposed to higher risks of exploitation, which can result in situations of trafficking.<sup>3</sup> Moreover, pushing refugees and other migrants further underground exacerbates the challenge of distinguishing traffickers from victims, and smugglers from people on the move.<sup>4</sup> In turn, humanitarian and protection actors struggle to access those in need of assistance, while law enforcement agencies lean towards

blanket criminalisation of all involved, including those who may have been exploited themselves.<sup>5</sup> In the absence of adequate safe, regular and legal migration pathways from the Middle East to Europe, smuggling is likely to continue, making it essential to mitigate the risk of people forced to move irregularly becoming exposed to exploitation and trafficking.

This briefing paper analyses the relationship between smuggling, exploitation and trafficking in the context of mixed migration in the Middle East and Europe. Firstly, it outlines both the distinctions between and interrelatedness of these concepts, particularly in the context of crisis-driven displacement and migration. Secondly, it examines the impact of the conflict and displacement crises in Syria and Iraq on exploitation and trafficking in the Middle East region. Thirdly, the paper analyses how exploitation and trafficking along mixed migration routes to Europe have evolved, particularly since 2015. The paper concludes with recommendations for policy and further research. It is the fourth briefing paper in a series of studies produced by the Mixed Migration Platform (MMP) examining specific issues pertinent to mixed migration to, from and within the Middle East.

## Key messages

- Trafficking and smuggling are often mistakenly conflated concepts, which can be misleading. In practice, however, the distinction is not so rigid, as smugglers resort to more coercive and exploitative methods to facilitate irregular movement.
- Exploitation and trafficking in the Middle East pre-dates the Syria crisis, but conflict and displacement increase risks of exploitation for vulnerable groups.
- Restricted access to safety and economic opportunities has pushed vulnerable people on the move into the hands of smugglers, increasing their risk of exploitation.

<sup>1</sup> European Commission (2017) Fifth Report on the Progress made in the implementation of the EU-Turkey Statement, COM(2017) 204 final, 2 March 2017.

<sup>2</sup> Terminology varies: trafficking is commonly referred to as trafficking in persons, trafficking in human beings, and human trafficking. Similarly, smuggling is referred to as people smuggling, human smuggling, migrant smuggling and other derivations. For the purposes of this paper, we refer to trafficking in persons (trafficking) and people smuggling (smuggling).

<sup>3</sup> Regional Mixed Migration Secretariat (2015) Beyond Definitions: Global migration and the smuggling-trafficking nexus, November 2015; David A. Feingold (2005) "Human Trafficking" in *Foreign Policy*, (150), 26-32.

<sup>4</sup> Tinti, Peter and Tuesday Reitano (2016) *Migrant, Refugee, Smuggler, Saviour*. Hurst Publishers

<sup>5</sup> IOM (2015) *Addressing Human Trafficking and Exploitation in Times of Crisis: Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations*, December 2015; EU Agency for Fundamental Rights (FRA) (2014) *Criminalisation of migrants in an irregular situation and of persons engaging with them*, March 2014.

## Methodology

This paper reviews the limited, though growing, body of studies on trafficking in the context of the conflict and displacement crises in Syria and Iraq, and the spike in migration from the Middle East to Europe in 2015-16. It synthesises existing literature to highlight both distinctions and overlap in the terminology surrounding smuggling, exploitation and trafficking in mixed migration contexts. While quantification of the prevalence of exploitation and trafficking is limited given the challenges of identifying a deliberately hidden phenomenon, survey reports of people on the move, data on cases in trafficking, and studies embedded within migration flows and smuggling networks indicate some key trends and concerns. By analysing these sources, this paper serves as a basis for policy reflection and deeper investigation into the information gaps identified.

## Trafficking, smuggling and exploitation: Distinctions and overlap

Trafficking in Persons as defined under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol),<sup>6</sup> requires:

- The recruitment, transportation, transfer, harbouring or receipt of persons;
- By means of the threat or use of force (or other forms of coercion, abduction, fraud, deception, abuse of power, position of vulnerability, inducement of consent of a person to have control);
- For the purpose of exploitation.

Under the Palermo Protocol, exploitation includes, but is not limited to, prostitution and other forms of sexual exploitation, forced labour or services, slavery, servitude, and removal of organs. Even in situations where a victim might consent to such exploitation, the threat or use of force or coercion nullifies that consent. In the case of a child, exploitation is considered trafficking irrespective of whether they are forced or coerced.<sup>7</sup>

Although the distinction between this definition of trafficking in persons and that of people smuggling – the act of moving

a person illegally across borders for profit – is relatively clear, the two concepts are often interchanged, especially in the media, public and political discourse.<sup>8</sup> In summer 2015, for example, the sharp increase in people moving from Turkey to Greece and onward through Europe, often with the assistance of smugglers, was frequently reported in terms of trafficking despite such reports lacking evidence of the specific forms of exploitation outlined in the Palermo Protocol.<sup>9</sup> Human rights and humanitarian organisations, as well as more astute media organisations, published advisories to emphasise the importance of precise language, but trafficking and smuggling continue to be falsely interchanged in public discourse.<sup>10</sup>

Conflation of this terminology reflects the assumption that all those involved in trafficking and smuggling operations are hardened criminals, and fails to recognise the complex set of roles and responsibilities involved in both smuggling and trafficking processes, and potential overlap between them.<sup>11</sup> While some transnational criminal organisations conduct people smuggling and/or trafficking in persons operations, neither trafficking nor smuggling is solely carried out by organised criminal groups: exploitation that can lead to cases in trafficking may also be carried out by members of the victim's community and even their family;<sup>12</sup> and much of the smuggling from Turkey to Greece has involved entrepreneurial start-ups, sometimes founded by refugees and other migrants themselves who have become stuck in transit.<sup>13</sup>

It is also important to recognise the range of individuals involved in both trafficking and smuggling processes, as well as their motivations for doing so. While trafficking and smuggling operations are often led by criminals at higher levels, they cannot function without mid- and low-level personnel as well.<sup>14</sup> Where the movement of people is involved, recruiters, guides, drivers, intermediaries, and other service providers play a particularly important role. Opportunistic locals often perform these tasks, but so too do people on the move stuck in transit, who may have become desperate for income or have been forced to work to pay off the debts of their journey.<sup>15</sup> Although such actions may in theory amount to aiding and abetting the crime of smuggling, and in some circumstances even trafficking, blanketly referring to all those involved as smugglers or traffickers

<sup>6</sup> United Nations (2000) Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, A/RES/55/25, 15 November 2000. Note that a case in trafficking in persons does *not* require the transportation or movement of a person across borders; some 42% of trafficking globally is domestic, UNODC (2016) Global Report on Trafficking in Persons.

<sup>7</sup> Ibid. Note that the term "victim of trafficking" refers to a person identified as being coerced and exploited in line with the Palermo Protocol definition of trafficking. Unless otherwise stated, a "victim" in this paper will refer to actual or potential cases of victims of trafficking.

<sup>8</sup> Smuggling of migrants is defined as, "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." United Nations (2000) Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime, A/RES/55/25, 15 November 2000; The Guardian (2015) Migrant crisis: smuggling or trafficking? Politicians don't seem to know the difference, 22 April 2015; Middle East Eye (2015) The danger of conflating migrant smuggling with human trafficking, 2 June 2015.

<sup>9</sup> See e.g. Financial Times (2016) Human trafficking in the Balkans surges back to life, 4 March 2016.

<sup>10</sup> See e.g. Human Rights Watch (HRW) (2015) Smuggling and Trafficking Human Beings: Questions and Answers, 7 July 2015.

<sup>11</sup> Shelley, Louise (2010) Human Trafficking: A Global Perspective. Cambridge University Press; Rachael Landry (2017) Decriminalising Humanitarian Smuggling. Refugee Studies Centre (RSC) Research in Brief 6, March 2017; E.M. Goździak and A. Walter (2014) "Misconceptions about human trafficking in a time of crisis" in Forced Migration Review, 45, February 2014; FRA (2014) Criminalisation of migrants in an irregular situation and of persons engaging with them.

<sup>12</sup> Tinti, Peter and Tuesday Reitano (2016) Migrant, Refugee, Smuggler, Saviour. Hurst Publishers; UNODC (2016) Global Report on Trafficking in Persons.

<sup>13</sup> Tinti and Reitano (2016) Migrant, Refugee, Smuggler, Saviour; The New York Times (2017) Syrians in Turkey: The Human Smuggler and the Young Refugee, 24 March 2017.

<sup>14</sup> Lobasz, Jennifer K. (2009) "Beyond Border Security: Feminist Approaches to Human Trafficking" in Security Studies, vol 18(2), 19 May 2009; Luigi Achilli and Gabriella Sanchez (2017) What Does It Mean to Disrupt the Business Models of People Smugglers? Migration Policy Centre, Policy Brief Issue 2017/09, April 2017.

<sup>15</sup> Achilli and Sanchez (2017) What Does It Mean to Disrupt the Business Models of People Smugglers? Migration Policy Centre, Policy Brief Issue 2017/09, April 2017; Deutsche Welle (DW) (2017) Closed Balkan route means lucrative times for human traffickers, 27 January 2017.

risks mistaking those who are being exploited with those responsible for the exploitation.

Coupled with policies to “combat” human trafficking and “break the business model” of smugglers, the tendency to assume blanket criminality can also lead to prosecution of those most visible at the lower levels of trafficking and smuggling operations, rather than those higher up with the power and influence to escape detection and prosecution.<sup>16</sup> Instead of protecting potential victims of trafficking who may have been coerced and exploited to perform low level smuggling work to repay their travel debts, this approach punishes them. In addition, it can even implicate non-profit rescue groups and benevolent individuals who facilitate irregular crossings in order to save lives at sea – so-called “humanitarian smugglers.”<sup>17</sup>

This is particularly concerning when for-profit smugglers turn to more exploitative practices to maintain their profit margins and avoid detection. Carling, Gallagher and Horwood’s facilitation-exploitation nexus explains the range of exploitation that can accompany irregular movement of people across borders: at one end, smugglers transport their clients for the agreed price without exploitation; at the other end, they completely exploit the victim and deny them transport, effectively amounting to a trafficking situation.<sup>18</sup> In between, however, is a grey area, in which smugglers transport refugees and other migrants to the agreed destination, but exploit their vulnerability. This can take the form of carrying out sexual abuse, forcing clients to work to repay debts, or extorting additional payment for onward movement.<sup>19</sup> Not only does this increase the likelihood of refugees and other migrants being coerced into crime, but it also enhances their overall vulnerability and susceptibility to further exploitation. The following sections demonstrate how exploitation of people on the move, which can potentially amount to cases in trafficking, has evolved in the context of conflict and displacement from Syria, and onward mixed migration to Europe.

## Exploitation in conflict and displacement in the Middle East

### Trafficking prior to the conflicts in Syria and Iraq

Trafficking in the Middle East has traditionally been characterised by a high demand for low-skilled, low-waged migrant workers, and strong supply from South East Asia, South Asia, East Africa and some poorer or crisis-affected countries within the broader region itself, such as Egypt and Iraq.<sup>20</sup> Despite the risk of exploitation, migrant workers are

attracted to the relative wealth and income/remittance opportunities on offer in the Middle East compared to their home communities.<sup>21</sup> Demand is correspondingly high. For example, manufacturing and construction firms generate high demand for cheap labour, and foreign domestic help is popular, given the limited public provision for child and elderly care and the stigma against Arabs performing some low-skilled tasks.<sup>22</sup>

While not all migrant workers in the Middle East are trafficked, exploitation and cases of trafficking are reported in the domestic work, construction, agriculture, services and cleaning, and sex and entertainment industries.<sup>23</sup> Recruiters often use coercive means and exploitative practices to ensure adequate supply. Discrimination and power imbalances can lead to exploitation and servitude.<sup>24</sup> As of 2012, the Middle East was the region with the third highest prevalence of forced labour in the world, with 3.4 people estimated to have been exploited for work per 1,000 inhabitants.<sup>25</sup>

A particular feature of the Middle East region which heightens the risk of exploitation is the *kafala* system, which reinforces power dynamics between the worker and the employer. Confiscation of passports, withholding of wages, and confinement to the home or work site, are frequently reported practices, justified by employers as necessary to protect the investments made to acquire foreign workers. In the manual labour industries, such as construction and agriculture, exploitation also involves forcing workers to do dangerous jobs without adequate safeguards. In the sex industry, exploitation is exacerbated by threats of abuse and defamation, as well as physical and sexual violence and intimidation. Domestic workers report cases of physical and sexual abuse, deprivation of food and communication, confinement and lack of freedom.<sup>26</sup> In refugee-hosting countries of the Middle East, such as Lebanon, Jordan and Turkey, where the *kafala* system remains in place and their relative stability continues to attract vulnerable migrant workers, the above trends have largely continued since the onset of conflicts in neighbouring Syria and Iraq.<sup>27</sup>

Inside Syria and Iraq, however, conflict has exacerbated the situation faced by exploited migrant workers. In 2012, for example, up to 15,000 migrant workers were estimated to have been left stranded in Syria, after being abandoned by their employers but unable to leave due to the prior confiscation of their travel documentation.<sup>28</sup> Others were forcibly transferred to neighbouring countries with their employers, and some were abducted by armed groups for ransom payment and exploitation.<sup>29</sup> In addition to adding to

<sup>16</sup> FRA (2014) Criminalisation of migrants in an irregular situation and of persons engaging with them.

<sup>17</sup> Landry (2017) Decriminalising Humanitarian Smuggling; (2016) Human & humanitarian smugglers: Europe’s scapegoat in the ‘refugee crisis.’ EU Law Analysis, 30 October 2016.

<sup>18</sup> See e.g. Regional Mixed Migration Secretariat (2015) Beyond Definitions: Global migration and the smuggling-trafficking nexus, November 2015.

<sup>19</sup> Ibid.

<sup>20</sup> From 2010-2012, 33% of trafficked people in the Middle East were from Asia and the Pacific, 18% from South Asia, 10% from Sub-Saharan Africa, 6% from Eastern Europe and Central Asia, and 1% from the Americas. Intra-regional trafficking from other Middle Eastern countries was also common and accounted for 29%. UNODC (2014) Global Report on Trafficking in Persons.

<sup>21</sup> ILO (2013) Tricked and Trapped: Human Trafficking in the Middle East, 9 April 2013.

<sup>22</sup> Ibid.

<sup>23</sup> ICMPD (2015) Targeting Vulnerabilities: The Impact of the Syria War and Refugee Situation on Trafficking in Persons, A Study of Syria, Turkey, Lebanon, Jordan and Iraq, December 2015; ILO (2013) Tricked and Trapped; IOM (2015) The Other Migrant Crisis: Protecting Migrant Workers against Exploitation in the Middle East and North Africa.

<sup>24</sup> ILO (2013) Tricked and Trapped.

<sup>25</sup> ILO (2012) Global Estimate of Forced Labour.

<sup>26</sup> ILO (2013) Tricked and Trapped.

<sup>27</sup> IOM (2015) The Other Migrant Crisis.

<sup>28</sup> ICMPD (2015) Targeting Vulnerabilities.

<sup>29</sup> ICMPD (2015) Targeting Vulnerabilities; IOM (2015) The Other Migrant Crisis.

the vulnerability of those migrant workers already at risk of exploitation and trafficking, conflict as a driver of displacement and migration also increases the pool of vulnerable people at risk of exploitation and trafficking.

### Exploiting the vulnerable and displaced in conflict settings

According to IOM, there are multiple features of conflict and crisis situations that exacerbate the risk of vulnerable persons becoming exploited and falling victim to trafficking.<sup>30</sup> The erosion of the rule of law and breakdown of institutions creates an environment in which criminal activities can develop, and the corruption and impunity of officials can spread. A lack of economic opportunities is associated with reliance on negative coping mechanisms, such as early/forced marriage, begging, and child labour, which although often adopted by families as survival strategies, can also result from force and exploitation. Displaced persons, particularly those concentrated in camps and informal settlements, as well as vulnerable host communities, emerge as potential targets for existing and new exploiters, including armed groups. Factors that already put certain groups at risk of discrimination are likely to be aggravated, such as deepening social tensions. In addition, in times of conflict and crisis, even perceived solutions can inadvertently exacerbate the risk of exploitation and trafficking: traffickers may take advantage of those receiving aid, or create fraudulent and exploitative labour or onward migration opportunities; and relief workers may drive up demand for sexual services and cheap goods produced with forced labour.<sup>31</sup>

One of the few empirical studies on the impact of the Syria crisis on trafficking in persons confirms that exploitation has proliferated in the context of conflict and displacement induced vulnerability. According to the International Centre for Migration and Policy Development (ICMPD), the Syria crisis demonstrates the relationship between the general vulnerabilities arising from war, specific vulnerability to exploitation and trafficking, and actual cases of trafficking in persons.<sup>32</sup>

#### Vulnerability to trafficking spectrum<sup>33</sup>

| General vulnerabilities from war/ displacement | Vulnerability to trafficking in persons | Trafficking cases   |
|--|---|---------------------|
| Humanitarian situation                         | Impoverishment                          | Sexual exploitation |
| Legal status                                   | Lack of income                          | Labour exploitation |
| Lack of migration alternatives                 | Survival sex/in-kind transactions       | Forced marriage     |

<sup>30</sup> IOM (2015) Addressing Human Trafficking and Exploitation in Times of Crisis: Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations, December 2015.

<sup>31</sup> Ibid.

<sup>32</sup> ICMPD (2015) Targeting Vulnerabilities.

<sup>33</sup> Ibid.

<sup>34</sup> Sexual exploitation in prostitution; forced marriage; labour exploitation; child labour exploitation; domestic servitude; exploitation through begging; exploitation in armed conflict; sexual slavery and forced marriage; illegal adoption; organ removal; exploitation in criminal activities.

<sup>35</sup> IOM (2015) Addressing Human Trafficking and Exploitation in Times of Crisis.

|                                   |                            |  |
|-----------------------------------|----------------------------|--|
| Child protection risks            | Poor working conditions    | Domestic Servitude                       |
| Discrimination & SGBV             | Lack of access to services | Armed Conflict (e.g. forced recruitment) |
| Gaps in anti-trafficking response | Desperation of exploiters  |  |
| Impact on host communities        |                            |  |

According to ICMPD, at least 11 forms of exploitation have become prevalent in the Syria crisis.<sup>34</sup> Many of the most publicised cases of exploitation have been those carried out by armed groups in the context of conflict.<sup>35</sup> Such examples include the abduction and kidnapping of some 3,500-7,000 Yazidi women and girls for the purpose of sexual exploitation in 2014;<sup>36</sup> forced recruitment of children into armed groups in Syria and Iraq;<sup>37</sup> and the repeated use of civilians, including children, as human shields and suicide bombers.<sup>38</sup> Forced blood donations and organ removal are also reported to have been carried out by armed groups on civilians and opposition fighters to sell on the black market or replenish military medical stocks.<sup>39</sup> Less well documented have been the cases of exploitation along displacement and migration routes that lead away from conflict to areas of safety.

### Displacement, smuggling and exploitation

As countries and areas neighbouring conflict zones in the Middle East have grown increasingly burdened under the weight of hosting large displaced populations, and fearful of conflict spilling over into their territories, authorities have responded by tightening borders and limiting access. Closure of official border crossings, particularly in Syria but also Iraq, has made routes out of conflict zones more dangerous, often pushing displaced persons towards remote, unofficial border crossings, and into the hands of smugglers charging expensive rates for a passage to safety.<sup>40</sup>

ICMPD, whose study of the impact of the Syrian crisis on exploitation and trafficking interviewed some 168 informants across the region, identified cases of physical assault, refusal of entry, push-back operations, use of force, and sexual harassment in exchange for permission to cross at official crossings, and even higher risks of exploitation along the more remote, covert routes operated by smugglers.<sup>41</sup> Motivated by desperation, opportunism, or a need to capitalise on unpaid debts, smugglers and others involved in facilitating onward movement of displaced persons have been found to engage in exploitative practices, including

<sup>36</sup> OHCHR and UN Assistance Mission in Iraq (2016) Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015; LSE (2017) LSE survey shows the extent of ISIS violence against Yazidis in Iraq, 10 May 2017.

<sup>37</sup> See e.g. Vice News (2015) The Islamic State Has Reportedly Recruited 400 Children in 2015, 24 March 2015; Der Spiegel (2016) Islamic State's Child Soldiers, 29 July 2016.

<sup>38</sup> See e.g. Euronews (2017) Civilians used as human shields in Mosul, 3 April 2017; Independent (2017) Isis charging Syrian civilians \$1,000 'not to be used as human shields,' 29 March 2017.

<sup>39</sup> IOM (2015) Addressing Human Trafficking and Exploitation in Times of Crisis.

<sup>40</sup> ICMPD (2015) Targeting Vulnerabilities.

<sup>41</sup> Ibid.



sexual and labour exploitation.<sup>42</sup> Cases of abuse and violence at the hands of smugglers, including deception, theft, abandonment before the final destination, and rape have been reported.<sup>43</sup> The covert nature of these passages means many more cases are likely to have gone unreported.

Even upon reaching the relative safety of a displacement site, host community or neighbouring country, refugees and IDPs remain vulnerable and exposed to risks of exploitation. Forced and/or early marriages have become increasingly frequent among displaced Syrians, as families struggle to support their daughters and wealthier men seek to exploit their vulnerability. The practice of temporary marriages of women, and increasingly children, has been reported. Forced begging has become frequent, particularly among children. Labour exploitation in neighbouring countries has risen, as Syrian refugees are forced to accept lower wages and exploitative practices due to a lack of alternatives for decent work.<sup>44</sup> In turn, refugees and IDPs have been brought into competition with migrant workers for the lowest-paid, highest risk jobs in the informal sector, and in turn into closer contact with established trafficking networks.<sup>45</sup>

Although high levels of exploitation among vulnerable IDPs and refugees in Syria, Iraq and the surrounding region does not alone amount to cases in trafficking, it is likely that prevalence is much higher than that reported. There have been no officially recorded cases of trafficking among the three million Syrian refugees registered in Turkey.<sup>46</sup> Although in Iraq no official cases have been recorded among the refugee and IDP population, one NGO identified at least 29 cases in 2014.<sup>47</sup> Underdetection is a major concern: most countries in the region have passed anti-trafficking legislation, starting with Turkey in 2002, but more remains to be done in terms of prevention, improving systems for data collection and identification. Provision of assistance to trafficked persons also remains limited.<sup>48</sup> Although identification rates in the Middle East are low, evidence from refugees and other migrants who have arrived in Europe from the Middle East suggest a high prevalence of exploitation and potential trafficking along the Eastern Mediterranean Route, in countries of origin, transit and destination. The evolution of exploitation and trafficking in mixed migration flows to Europe since 2015 are the focus of the next section.

## Mixed migration, exploitation and trafficking in Europe

### State of trafficking in the EU prior to 2015

Between 2010 and 2012, a total of 30,146 victims of trafficking were registered in 28 European countries, including both identified and presumed victims.<sup>49</sup> Another

15,846 victims were reported between 2013 and 2014.<sup>50</sup> These figures suggest a decreasing trend in the annual average number of victims prior to 2015, although it is important to note that differences could also be due to varying definitions and data recording policies between states, as well as underdetection and underreporting of cases.

*Trafficking in Europe 2010-12; 2013-14: Selected indicators<sup>51</sup>*

| Indicator   | 2010-2012                                       | 2013-2014                                       |
|---|---|---|
| Total number of registered victims                | 30,146  | 15,846  |
| % female victims                                  | 80  | 76  |
| % trafficked for sexual exploitation              | 69  | 67  |
| % trafficked for labour exploitation              | 19  | 21  |
| % trafficked for other exploitation               | 12  | 12  |
| Top five EU countries of victims' citizenship     | Romania, Bulgaria, Netherlands, Hungary, Poland | Romania, Bulgaria, Netherlands, Hungary, Poland |
| Top five non-EU countries of victims' citizenship | Nigeria, Brazil, China, Vietnam, Russia         | Nigeria, China, Albania, Vietnam, Morocco       |
| % victims EU citizens                             | 65  | 65  |
| Number of prosecutions                            | 8,805   | 4,079   |
| Number of convictions                             | 3,855   | 3,129   |
| % traffickers male                                | 70  | n/a   |
| % traffickers EU citizens                         | 69  | n/a   |

There are also tentative indications that the nature of exploitation and trafficking was shifting in Europe prior to 2015. In 2013-14, member states on average reported a higher proportion of trafficking for labour exploitation than in 2010-12, and a correspondingly higher proportion of male victims of trafficking (20 to 24%), although the statistical significance of this difference is not reported. Overall, however, trafficking in Europe was characterised by high levels of sexual exploitation, as well as a wide range of other forms on a smaller scale across a range of industries.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> IOM (2015) Addressing Human Trafficking and Exploitation in Times of Crisis.

<sup>45</sup> IOM (2015) The Other Migrant Crisis; Fiona David (2016) Distress Migration and Modern Slavery.

<sup>46</sup> ICMPD (2015) Targeting Vulnerabilities.

<sup>47</sup> Ibid.

<sup>48</sup> ICMPD (2015) Targeting Vulnerabilities; see e.g. OHCHR (2016) Jordan: UN rights expert calls for prevention of human trafficking by improving working conditions for Jordanians, migrants and refugees, 4 February 2016.

<sup>49</sup> Eurostat (2015) Trafficking in human beings. Working paper series 2013-2015.

Note that presumed victims meet the criteria of a victim of trafficking but have not been formally identified by the relevant authorities, or have declined to be identified as such.

<sup>50</sup> EC (2016) Report on the progress made in the fight against trafficking in human beings, COM(2016) 267 final, Brussels 19 May 2016.

<sup>51</sup> Eurostat (2015) Trafficking in human beings; EC (2016) Report on the progress made in the fight against trafficking in human beings. Note that due to variations in methodology and analysis, the statistics reported should be considered as indicative and are not directly comparable across years.

*Types of exploitation in Europe*<sup>52</sup>

| Sexual exploitation (69%)          | Labour exploitation (19%) | Other exploitation (12%)       |
|------------------------------------|---------------------------|--------------------------------|
| Street prostitution                | Agriculture               | Domestic servitude             |
| Window prostitution/brothels       | Construction              | Forced begging/use for begging |
| Strip clubs/bars                   | Textile industry          | Criminal activities            |
| Pornography industry               | Hotel/restaurant/catering | Removal of organs              |
| Escort services/modelling agencies | Care                      | Benefit fraud                  |
| Massage parlours                   | Fisheries                 |                                |
| Other/unknown                      | Others/unknown            |                                |

Another important feature of trafficking in Europe prior to 2015 was the relatively limited prevalence of victims and traffickers from the Middle East, compared to those from within Europe, particularly eastern European EU member states such as Romania and Bulgaria. Of non-EU countries from which data was collected, no Middle Eastern countries<sup>53</sup> featured among the top five nationalities of victims of trafficking in Europe in 2010-2012, nor in 2013-2014, although Turkey was the second most frequently reported nationality of suspected traffickers in 2010-2012.<sup>54</sup>

**Growing exploitation on the route to Europe since 2015**

Since 2015, however, there are indications that exploitation, and potential cases of trafficking, is occurring along mixed migration routes from the Middle East to Europe, and that risks have increased as tighter border controls have pushed people on the move into situations of deeper vulnerability and heavier reliance on smugglers. IOM's Flow Monitoring Survey reports, which generate regular findings on exposure to trafficking and exploitation along the Eastern Mediterranean and Western Balkans routes, point towards a growing trend in the prevalence of exploitation over time.<sup>55</sup> Between December 2015 and May 2016, when migration remained relatively open from Turkey to Greece and further into Europe (at least until March 2016), 6.5% of respondents reported experiencing one or more forms of exploitation. That proportion has risen to 10% in the three surveys since the EU-Turkey Agreement. Moreover, the proportion of people reporting two or more direct experiences of exploitation has also risen from 2% between May and September 2016, to 4% between September and November 2016, and then to 7% in the latest round from February to April 2017. All surveys until February 2017 found less than 1% of respondents had witnessed or knew of another case of

exploitation en route, but the survey covering the period February 2017 to April 2017 found that 11% knew of someone who had experienced exploitation. While the sampling technique used for these surveys does not allow for clear confirmation of trends over time, the fact that a percentage of those reporting exploitation experiences remains substantial after the EU-Turkey deal, indicates it has failed to eradicate the risks associated with irregular migration.

*Percentage of respondents reporting experience(s) of exploitation (Compiled from IOM Flow Monitoring Reports, Eastern Mediterranean Route)*<sup>56</sup>

| Start Date | End Date | Sample Size | One Direct Experience | One Indirect Experience | Multiple Direct Experience |
|------------|----------|-------------|-----------------------|-------------------------|----------------------------|
| 02/17      | 04/17    | 1,221       | 10%                   | 11%                     | 7%                         |
| 09/16      | 11/16    | 4,450       | 16%                   | 1%                      | 4%                         |
| 05/16      | 09/16    | 2,056       | 13%                   | 1%                      | 2%                         |
| 12/15      | 05/16    | 4,025       | 7%                    | 1%                      | n/a                        |

The implication drawn from IOM's quantitative data – that heavier reliance on smuggling may be associated with higher rates of exploitation – is supported by more qualitative evidence, such as a recent media investigation that found “the entire route, from Greece through the Balkan countries, is riddled with risks of being trafficked.”<sup>57</sup>

In Greece, the US State Department's 2016 Trafficking in Persons Report found refugees and other migrants from Afghanistan, Pakistan and Bangladesh, including those who reached Greece through Turkey along irregular migration routes from the Middle East and South Asia, have become susceptible to debt bondage and agricultural labour exploitation.<sup>58</sup> A recent public health study points to emergency levels of physical abuse and sexual exploitation of migrant children in Greece's camps and sites in central Athens, where they lack specialised facilities and protection mechanisms, and face risky situations including unsupervised interactions with adult migrants.<sup>59</sup> After months in limbo and limited financial resources to pay extortionate smuggling fees, migrant children are found to have been increasingly gravitating towards dangerous and illegal activities, as well as falling victim to sexual exploitation and different forms of violence.<sup>60</sup>

In the Balkans, where thousands of refugees and other migrants have become stranded, NGOs report that vulnerable refugees and other migrants are becoming victims of exploitation and trafficking. Those in Serbia are particularly vulnerable, as it is the country where many run out of money

<sup>52</sup> Eurostat (2015) Trafficking in human beings.

<sup>53</sup> MMP defines the “Middle East” to include: Iraq, Jordan, Lebanon, oPt, Syria, and Turkey.

<sup>54</sup> Eurostat (2015) Trafficking in human beings; EC (2016) Report on the progress made in the fight against trafficking in human beings.

<sup>55</sup> IOM (2016-2017) Analysis Flow Monitoring Surveys, The Human Trafficking and Other Exploitative Practices Prevalence Indication Survey. Reporting periods drawn upon: February-April 2017; September-November 2016; May-September 2016; December 2015-May 2016.

<sup>56</sup> Percentages rounded to nearest whole integer.

<sup>57</sup> Nallu, Preethi (2017) Tightening of Borders Makes Women Invisible Along Balkan Refugee Route. Refugees Deeply, 10 April 2017.

<sup>58</sup> US Department of State (2016) Greece. Office to Monitor and Combat Trafficking in Persons, 2016 Trafficking in Persons Report.

<sup>59</sup> FXB Center for Health & Human Rights (2017) Emergency within an Emergency: The Growing Epidemic of Sexual Exploitation and Abuse of Migrant Children in Greece, 17 April 2017.

<sup>60</sup> Ibid

to fund their onward journeys.<sup>61</sup> Aid workers have reported cases of smugglers taking organs, forcing women to pay for their journeys with sex, and boys being abused for pornography.<sup>62</sup> A recent empirical study analysing recent migration to and through Serbia found evidence of cases in trafficking for sexual and labour exploitation, removal of organs, forced criminal activity (including smuggling operations), and forced marriage.<sup>63</sup>

In destination countries too, a growing number of cases of exploitation among refugees and other migrants are reported, including sexual exploitation among adolescents who have grown too old for youth welfare programmes, but who remain vulnerable.<sup>64</sup> Thousands of minors who have gone missing since arriving in Europe are thought to be at risk of sexual and other forms of exploitation.<sup>65</sup> While all nationalities are vulnerable to exploitation and trafficking, Africans and North Africans, as well as certain minority groups such as Yazidis, are reported to face higher risks. Without targeted protection and assistance, and with an asylum system that positively discriminates in favour of certain nationalities, the risk of vulnerable minority groups being exploited is elevated.<sup>66</sup> Similarly, exploitation of people with physical or mental disabilities is also reported to be on the rise.<sup>67</sup>

### Externalising exploitation?

Rather than prioritising safe and legal pathways for migration that could eliminate the risk of refugees and other migrants who use smugglers becoming exploited and potential victims of trafficking, European policies have sought to curb migration flows and externalise protection and assistance to countries neighbouring crises in Iraq and Syria, such as Jordan, Lebanon and Turkey.<sup>68</sup> Yet, there are indications that refugees and other migrants face high risks of exploitation and trafficking in these countries too. IOM Flow Monitoring Survey reports since 2015 show that experiences of exploitation (particularly labour exploitation) among refugees and other migrants arriving in Europe mostly took place in Turkey. Between September and November 2016, 78% of those who report not being paid for work done the agreed amount had been exploited in Turkey, as had 90% between February and April 2017.<sup>69</sup> Afghans, Syrians and Pakistanis – who are known to face high levels of vulnerability in Turkey – are commonly among the top three nationalities reporting an experience of exploitation en route.<sup>70</sup>

*Percentage of respondents reporting selected types of exploitation and top three nationalities reporting exploitation (Compiled from IOM Flow Monitoring Reports, Eastern Mediterranean Route)<sup>71</sup>*

| Start | End   | Held against will | Not paid agreed amount | Forced to work | Top Three Nationalities  |
|-------|-------|-------------------|------------------------|----------------|--|
| 02/17 | 04/17 | 1%                | 9%                     | 7%             | Syrian (6%)<br>Iraqi (4%)<br>Afghan (2%)                       |
| 09/16 | 11/16 | 12%               | 5%                     | 3%             | Afghan (35%)<br>Somali (18%)<br>Pakistani/<br>Algerian (5-10%) |
| 05/16 | 09/16 | 4%                | 1%                     | n/a            | Afghan (17%)<br>Algerian (15%)<br>Moroccan (15%)               |
| 12/15 | 05/16 | 5%                | 2%                     | 1%             | Pakistani (15%)<br>Afghan (9%)<br>Syrian (8%)                  |

According to the April 2017 round of the survey, the number of refugees and other migrants reporting being held against their will is on the rise, particularly in Turkey and Bulgaria.<sup>72</sup> The fact that such findings align with prior experience of Turkey serving as a regional hub for trafficking in persons, raises further questions about the designation of Turkey as a safe third country for refugees and other migrants – the foundation of the EU-Turkey Agreement.<sup>73</sup>

### Conclusions and recommendations

Trafficking in persons and smuggling are distinct concepts, but in the Middle East and Europe, there are indications that the exploitation of vulnerable people on the move has increased in the context of conflict, displacement and limited opportunities for safe and legal onward migration. The conflicts in Syria and Iraq have given rise not only to general vulnerabilities of local and displaced populations, but also increased their vulnerability to exploitation and trafficking, even if limited monitoring and support systems have failed to detect a marked increase in the incidence of trafficking cases. As escape routes to safety have been pushed further underground since 2015, smugglers have increasingly turned to exploitative practices to capitalise on debts and generate profit. Given established prior knowledge about the risks of trafficking and exploitation in the Middle East, it is concerning that European policy makers have responded to increased mixed migration flows by externalising protection and

<sup>61</sup> Nallu, Preethi (2017) Tightening of Borders Makes Women Invisible Along Balkan Refugee Route.

<sup>62</sup> DW (2017) Closed Balkan route means lucrative times for human traffickers.

<sup>63</sup> Brunovskis, Anette and Rebecca Surtees (2017) Vulnerability and exploitation along the Balkan route: Identifying victims of human trafficking in Serbia. Fafo-Report 2017:12.

<sup>64</sup> European Evangelical Alliance (2016) Human Trafficking and Europe's Refugee Crisis, 4 July 2016; DW (2017) Report: Young migrants in Germany turning to prostitution, 10 April 2017.

<sup>65</sup> Council on Foreign Relations (2017) Sex Trafficking and the Refugee Crisis: Exploiting the Vulnerable, 8 May 2017.

<sup>66</sup> Brunovskis and Surtees (2017) Vulnerability and exploitation along the Balkan route: Identifying victims of human trafficking in Serbia.

<sup>67</sup> EC (2016) Report on the progress made in the fight against trafficking in human beings.

<sup>68</sup> See e.g. Frelick, Bill, Ian M. Kysel, and Jennifer Podkul (2016) "The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants in Journal of Human," in Journal on Migration and Human Security 4(4) 190-220.

<sup>69</sup> IOM (2016) Analysis: Flow Monitoring Surveys, September-November 2016; February-April 2017.

<sup>70</sup> IOM (2016-2017) Analysis: Flow Monitoring Surveys; February-April 2017; September-November 2016; May-September 2016; December 2015-May 2016.

<sup>71</sup> Percentages rounded to nearest whole integer.

<sup>72</sup> IOM (2017) Analysis Flow Monitoring Surveys, February-April 2017.

<sup>73</sup> For information on Turkey's role as a regional trafficking hub, see e.g. Tinti and Reitano (2016) Migrant, Refugee, Smuggler, Saviour; Shelley (2010) Human Trafficking.

assistance, without eliminating the risks of trafficking and exploitation in countries of origin and transit, as well as arrival. The following recommendations seek to guide policy makers and humanitarian actors towards better protecting people on the move from exploitation and trafficking.

## Recommendations

- The New York Declaration for Refugees and Migrants recognises the risks to trafficking faced by people on the move, and outlines commitments relevant to victims of trafficking, including better data collection, enhanced international cooperation, gender sensitive migration policies and laws on trafficking, and improved reception of victims of trafficking in need of international protection.<sup>74</sup> States and organisations should take further urgent action on these measures to reduce the risk of refugees and other migrants falling victim to trafficking in persons.
- Governments should ensure fair and legal access to employment is available to all, to mitigate the need for refugees and other migrants to rely on unsafe and exploitative work that can lead to trafficking.
- Governments and law enforcement agencies must recognise the complex range of actors involved in both smuggling and trafficking operations, and ensure potential victims of trafficking are protected from rather than associated with perpetrators of crimes.
- Trafficking and exploitation thrive in conflict and crisis contexts, but are rarely prioritised as areas for urgent humanitarian intervention.<sup>75</sup> Efforts should be made to ensure programmes that identify and support victims of trafficking in humanitarian contexts, including displacement and migration settings, are adequately financed and integrated into the response framework, not only at the outset but also as crises protract and vulnerabilities deepen.
- Existing protection structures and referral mechanisms should ensure they are able to identify and support victims of trafficking. Humanitarian organisations should engage in staff training and awareness building on trafficking-specific risks in crisis and migration contexts, drawing on existing regional guidance.<sup>76</sup>
- Transition towards post-conflict settings brings a risk of international interest waning while national protection mechanisms remain underdeveloped. Improving stability in Iraq, for example, may also boost demand for trafficking from a continually fragile Syria.<sup>77</sup> Preventative measures should be made to counteract a potential increase in exploitation and trafficking in the post-conflict environment.

- Statistical and research agencies should continue to refine and harmonise data collection processes on exploitation and trafficking.

## Further research

- As established in previous MMP research,<sup>78</sup> there is a growing trend in return migration to and through the Middle East, particularly to Iraq and Afghanistan. More research is needed to understand the risks of exploitation and trafficking faced by returnees, including re-trafficking.
- More empirical evidence is needed to deepen the understanding of the prevalence of exploitation and trafficking among recent arrivals to Europe in specific destination countries and high-risk locations.
- The relationship between economic security and exposure to exploitation and potential trafficking requires deeper investigation. Research should focus on the evolution of indebtedness faced by people on the move and those in stranded situations.
- Further thinking and testing is needed to adapt and refine the methodologies used to detect exploitation and identify victims and perpetrators of trafficking. This could include research on how new technologies, social media and big data can be harnessed to mitigate, prevent and respond to exploitation and trafficking.

The Mixed Migration Platform (MMP) is a joint-NGO initiative providing quality mixed migration-related information for policy, programming and advocacy work, as well as critical information for people on the move. The platform was established by seven partners—ACAPS, Danish Refugee Council (DRC), Ground Truth Solutions, Internews, INTERSOS, REACH & Translators without Borders—and acts as a hub for the Middle East Region. For more information visit: [mixedmigrationplatform.org](https://mixedmigrationplatform.org)

<sup>74</sup> United Nations (2016) New York Declaration for Refugees and Migrants. A/71/L.1, 13 September 2016.

<sup>75</sup> IOM (2015) *The Other Migrant Crisis*; Fiona David (2016) *Distress Migration and Modern Slavery*.

<sup>76</sup> See e.g. IOM MENA, *Regional Guidance Note on Addressing Trafficking in Persons and Protecting Vulnerable Migrants in Crisis & Post-Crisis Contexts: Ensuring a Regional Mainstreaming Approach*.

<sup>77</sup> Caritas (2015) *Trafficking in Human Beings in Conflict and Post-Conflict Situation*. June 2015 Progress Report.

<sup>78</sup> See Mixed Migration Platform (2017) *Turning Back: Policy and data analysis of Iraqis moving back from Europe*, January 2017.