

## **WRITTEN INPUT FROM THE GLOBAL INITIATIVE AGAINST TRANSNATIONAL ORGANIZED CRIME FOR THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS**

### **Call for input: Trafficking in persons and protection of refugees, stateless persons and internally displaced persons (IDPs)**

The Global Initiative Against Transnational Organized Crime (GI-TOC) is an independent civil-society organization, headquartered in Geneva, Switzerland, with a globally dispersed Secretariat and a high-level advisory board. The Global Initiative seeks to provide a platform to promote greater debate and innovative approaches as the building blocks to an inclusive global strategy against organized crime, as well as to provide consistent, multidimensional, and high-quality reports and policy-oriented documentation.

The Global Initiative has undertaken a wide range of research and analyses on transnational organized crime and its different forms of manifestation in areas such as firearms trafficking, illicit financial flows, human trafficking, migrant smuggling, corruption and many others. This input focuses on our recent work in Afghanistan and Ukraine and offers comment on the challenges for protection. It addresses primarily the key questions posed by OHCHR:

- Prevention of trafficking among refugees, IDPs and stateless persons in conflict situations
- Prevention of trafficking in persons among IDP, refugees, asylum seekers and stateless persons including, in particular: Risk factors and vulnerabilities emerging when people flee to seek safety (including issues related to lack of protection services along the routes, challenges in provision of support to meet basic/essential needs)

Trafficking in persons (or human trafficking) and mixed migration are closely intertwined which leads to the emerging of two concepts: migration-led trafficking and trafficking-led migration. The interconnection mainly entails: geography where they often occur along the same routes; power disparities where refugees and migrants are vulnerable to exploitation; money where there are arrangements of transaction; and knowledge where the refugees and migrants generally know less about their surroundings and border formalities than the perpetrators. However, it is important to note that what distinguishes trafficking in persons from mixed migration is the overriding importance of intention to exploit by means of threats, violence, deception or other forms of coercion to facilitate the journey.<sup>1</sup>

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<sup>1</sup> Thi Hoang, Questions of intent: Where mixed migration and human trafficking overlap, 6 December 2022, <https://mixedmigration.org/articles/questions-of-intent-mixed-migration-human-trafficking/>.

In conflict and increasingly deteriorating security situations, the capacity of the state to address and prevent trafficking in persons, as well as provide protection to victims, refugees and IDPs, is rather limited. The judiciary system may be ineffective, as well as influenced and intimidated by corrupt officials and/or perpetrators. In some cases, women victims of sexual exploitation may be unable to access the formal justice system. In terms of protection, a lack of shelters for trafficked or abused victims obstructs the government's efforts to provide adequate protection from trafficking. It is often NGOs with international donor funding or international organizations and agencies that provide protection and care for victims in conflict situations. Prevention efforts might also be restrained due to the inability of the state to adopt and enforce anti-trafficking prevention legislation.<sup>2</sup>

Moreover, the problems of displacement, trafficking and smuggling can be felt far from the epicentres of conflicts and instability where they begin. In conflict situations, refugees are expedited across national borders, which creates opportunities for organized criminal activity to capitalize on human vulnerabilities. People attempting to flee their homes, or trying to send family members out of conflict zones, are at higher risk of trafficking and exploitation. This has already been illustrated by the increased flow of refugees that Europe experienced during the summer of 2015. Refugees, IDPs and migrants are not only vulnerable while en route, but also once they are placed in refugee camps, and even in host communities. Criminal gangs, for example, often operate as traffickers in refugee camps, leaving children and youth travelling alone particularly vulnerable to the risks of exploitation.<sup>3</sup> The risks exist along migration routes, not only at the initial resettlement locations, giving rise to criminal activity far from the region.

In the case of the displaced in Afghanistan, for example, relocation have caused a surge of demand for smugglers across the English Channel, which is in turn invigorating criminal groups in Europe and resulting in criminal turf wars on the French border.<sup>4</sup>

Continuing restrictions on access to protection, limited resettlement and family reunification, as well as restrictive migration policies, increase the risks of trafficking of refugees, IDPs and stateless persons in conflict situations. The lack of early identification of victims of trafficking and referral for assistance and protection exposes the victims to the additional risks of being subjected to enforced disappearance or becoming victims of continuing exploitation as they travel or once placed in refugee or IDP camps.<sup>5</sup>

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<sup>2</sup> Michael Cox (ed.), *Afghanistan: Long War, Forgotten Peace*. London: LSE Press, 2022, <https://library.oapen.org/bitstream/handle/20.500.12657/59828/9781909890985.pdf?sequence=1>.

<sup>3</sup> Global Initiative against Transnational Organized Crime, *Connecting human trafficking and conflict*, 08 June 2017, <https://globalinitiative.net/analysis/human-trafficking-conflict/>.

<sup>4</sup> BBC News, *Migrant crisis: The Channel beaches that host a lethal trade in human hope*, 27 November 2021, <https://www.bbc.com/news/world-europe-59419963>.

<sup>5</sup> Office of the United Nations High Commissioner for Human Rights, *Trafficking in persons in conflict situations: the world must strengthen prevention and accountability*, 29 July 2022, <https://www.ohchr.org/en/statements/2022/07/trafficking-persons-conflict-situations-world-must-strengthen-prevention-and>.

## THE WAR IN UKRAINE

The outbreak of the war in Ukraine in February 2022 has created the greatest refugee surge in Europe since the Second World War.<sup>6</sup> Millions of people have been forced to flee their homes. According to IOM's Internal Displacement Monitoring Centre, the internally displaced population on Ukrainian territory amounts to 5,352,000 as of January 2023.<sup>7</sup> Since the outbreak of the war, GI-TOC has conducted field research, site observation, focus groups, and interviews with stakeholders in order to document and report on the human trafficking risks and dire situations faced by vulnerable groups, especially women and children, displaced people, asylum seekers and refugees impacted by the war.

In the context of vulnerabilities to human trafficking, the war in Ukraine has exacerbated pre-existing and emerging multilayers of risks. For instance, the GI-TOC's Global Organized Crime Index has shown that between 2019 and 2021 Ukraine was a country of origin and source of human trafficking in Europe,<sup>8</sup> with 46 000 Ukrainians estimated to be trafficked.<sup>9</sup> Destination countries included Russia, China, Kazakhstan, the Middle East, and increasingly some EU Member States, such as Poland and Germany. Ukrainians were trafficked both for sexual and labour exploitation. Vulnerabilities to children being trafficked were also present in the country prior to the outbreak of the war, with some 100 000 children - accounting for 1.3 percent of all children - found to be at extremely high risks of trafficking in state-run orphanages. Such pre-established criminal channels could provide opportunities for traffickers to capitalize on the humanitarian crisis and the large movement of people both within and outside of Ukraine.<sup>10</sup>

Conflict situations in the past have fuelled human vulnerabilities and exploitation (cases include Afghanistan and Syria, among others). In Ukraine, GI-TOC has documented the following risks which may increase the vulnerabilities of victims to trafficking:

- The large-scale forced displacement could lead to a potential rise in the number of vulnerable groups susceptible to trafficking.
- Precarious economic situation of IDPs, socioeconomic stress, lack of access to education, and erosion of the rule of law in occupied territories could all contribute to increasing the threat of trafficking in persons.

As the war continues, poverty and hardship are set to increase proportionally to the risk of human trafficking.<sup>11</sup> Women and children are particularly vulnerable to the risks of trafficking in the context of the war in Ukraine. They account for

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<sup>6</sup> Thi Hoang and Livia Wagner, Empowering vulnerable communities amidst Russia's invasion of Ukraine: A nuanced and long-term focused approach towards addressing the humanitarian needs and human trafficking risks, 2022 (unpublished).

<sup>7</sup> Internal Displacement Monitoring Centre, Country profile: Ukraine, 02 February 2023, <https://www.internal-displacement.org/countries/ukraine>.

<sup>8</sup> Global Initiative against Transnational Organized Crime, Global Organized Crime Index 2021, 2021, <https://globalinitiative.net/wp-content/uploads/2021/09/GITOC-Global-Organized-Crime-Index-2021.pdf>.

<sup>9</sup> Thi Hoang, Situational assessment on the vulnerabilities, trafficking and exploitation risks among displaced populations and refugees from Ukraine, June 2022, <https://youtu.be/vesdd1mzIJ8?t=20>.

<sup>10</sup> Ibid.

<sup>11</sup> Global Initiative against Transnational Organized Crime, New Frontlines: Organized criminal economies in Ukraine in 2022, February 2023, <https://globalinitiative.net/wp-content/uploads/2023/02/New-frontlines-organized-criminal-economies-in-Ukraine-in-2022-GI-TOC-February-2023.pdf>.

90% of all IDPs, asylum seekers and refugees as of 2022.<sup>12</sup> According to GI-TOC research, several forms of human trafficking, especially trafficking for sexual exploitation, have experienced limited interruption by the war and may have even expanded. One area is when trafficking victims are forced to work in the market for sexual services in Ukraine. Since the outbreak of the war, listings of sexual service providers in Ukrainian cities have appeared online in English in addition to Russian and Ukrainian. This may lead to an increase in cases of trafficking in persons in the market for sexual services in Ukraine, given that huge numbers of soldiers are currently in the country, coupled with mass unemployment and distress, increased sexual violence as reported in the city of Bucha in Ukraine<sup>13</sup>, and a significant proportion of those services has been reportedly rendered by women who have become victims of trafficking for sexual exploitation.<sup>14</sup>

Other vulnerable groups include separate and/or unaccompanied children, as well as people not included in the EU Temporary Protection Directive, such as stateless persons and third country nationals with a valid Ukrainian residence permit who can safely return to their country of origin. The EU Directive also excluded Ukrainian trafficked victims who left Ukraine prior to the war and are currently exploited elsewhere. Furthermore, due to discrimination practices, displaced Roma groups have been forced to reside outside of reception centres or seek support by moving to other areas and cities. Some migrants smuggled from Russia into Ukraine were reportedly left stranded in a conflict zone by their smugglers.<sup>15</sup>

An alarming development resulting from the war has been the forced movement of Ukrainians from Russian-occupied territories into Russia especially from Kherson, Zaporizhzhia and Pryazovia (Mariupol) regions. In July 2022, the US State Department estimated that between 900 000 and 1.6 million Ukrainians, including 260 000 children, had been forcibly deported to Russia. Forcibly dislocated populations, especially women, people with disabilities and orphaned or unaccompanied children, will be extremely vulnerable to exploitation in Russia. For example, GI-TOC has found that children in Russian-occupied territories have been used as 'spotters' by the Russian military.<sup>16</sup>

Outside Ukraine, there have been reports of exploitation of Ukrainian refugees. For the most part, such incidents appear to be of an individualistic and opportunist nature, but there have been troubling signs of more organized exploitation. For example, in April 2022, an Italian investigation into counterfeit cigarette production discovered several Ukrainian refugees who had been forced to work long hours in unsanitary conditions. In October 2022, in Northern Ireland, police reported that cross-border gangs had been targeting Ukrainian refugees for sexual

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<sup>12</sup> Thi Hoang and Livia Wagner, Empowering vulnerable communities amidst Russia's invasion of Ukraine: A nuanced and long-term focused approach towards addressing the humanitarian needs and human trafficking risks, 2022 (unpublished).

<sup>13</sup> BBC News, Ukraine conflict: 'Russian soldiers raped me and killed my husband', 11 April 2022, <https://www.bbc.com/news/world-europe-61071243>.

<sup>14</sup> Global Initiative against Transnational Organized Crime, New Frontlines: Organized criminal economies in Ukraine in 2022, February 2023, <https://globalinitiative.net/wp-content/uploads/2023/02/New-frontlines-organized-criminal-economies-in-Ukraine-in-2022-GI-TOC-February-2023.pdf>.

<sup>15</sup> Thi Hoang, Situational assessment on the vulnerabilities, trafficking and exploitation risks among displaced populations and refugees from Ukraine, June 2022, <https://youtu.be/vesdd1mzlj8?t=20>.

<sup>16</sup> Global Initiative against Transnational Organized Crime, New Frontlines: Organized criminal economies in Ukraine in 2022, February 2023, <https://globalinitiative.net/wp-content/uploads/2023/02/New-frontlines-organized-criminal-economies-in-Ukraine-in-2022-GI-TOC-February-2023.pdf>.

exploitation. Information from EU law enforcement agencies revealed how traffickers were also going online to target Ukrainian refugees for sexual and labour exploitation.<sup>17</sup>

## Challenges to protection for victims of trafficking or persons at risk of trafficking in Ukraine

The war in Ukraine has led to reduced institutional support and breakdown of child protection systems, social safety nets and anti-trafficking responses and support systems. Ukraine's National Action Plan on trafficking in persons has not been renewed since 2021. Non-governmental organizations (NGOs) in Poland and Ukraine have reported that they had to switch from offering services and support to victims of trafficking to providing emergency support instead. Many of the NGO staff based in Ukraine had to relocate or become IDPs themselves.<sup>18</sup> Financial strain and human resources pressure were also put on international organizations, humanitarian responders and aid agencies. Some of the challenges to protection included a lack of available and specialized psychological support offered to victims and vulnerable groups, and a lack of training to volunteers to recognize the risks of trafficking in persons and exploitation. Despite the yet limited data on cases of trafficking in the context of the war, pre-existing vulnerabilities remain and are crucial to address.

## THE CONFLICT IN AFGHANISTAN

Afghanistan offers cases of both migration-led trafficking and trafficking-led migration, as well as overlaps between the two concepts. The country has long endured economic crisis, extreme drought and political violence. After the return to power of the Taliban-led government in 2021, 6 million people were displaced internally and across borders<sup>19</sup>, amounting to over 2.7 million Afghan refugees in that year<sup>20</sup>. They immediately became vulnerable and subsequently at risk of trafficking. The survival strategies may include unsafe journeys, selling organs, offering sex services, agreeing to exploitative labour conditions, or even forcing their children into marriage and/or being sexual partners of wealthy individuals to acquire financial means.<sup>21</sup>

Given the dire situations, many Afghans seek a new life and job opportunities overseas, mainly in Iran, Pakistan, Türkiye, the Gulf States, and Europe. Many traffickers then capitalise on this need by distinguishing as labour intermediaries and recruiting agents, offering them false employment in low-skilled sectors such as domestic work, construction, and agriculture. In turn, many of them are threatened and forced into labour and sexual exploitation<sup>22</sup>, which constitutes the migration-led trafficking situation. Afghan children have also been exploited in criminal activities such as smuggling of drugs, fuel, tobacco, and as street beggars and vendors in Iran.

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<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Worldometer, Afghanistan Population, 2020, <https://www.worldometers.info/world-population/afghanistan-population/>.

<sup>20</sup> United Nations High Commissioner for Refugees, Refugee Data Finder, 2021, <https://www.unhcr.org/refugee-statistics/download/?url=42hWke>.

<sup>21</sup> Amnesty International, Afghanistan's four million Internally Displaced People – a glance into their lives of poverty and displacement during the pandemic, 19 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/afghanistan-and-its-internally-displaced-people/>.

<sup>22</sup> U.S. Department of State, 2021 Trafficking in Persons Report: Afghanistan, 2021, <https://www.state.gov/reports/2021-trafficking-in-persons-report/afghanistan/>.

Afghan migrants and refugees in Iran have also been trafficked into Europe by criminal groups for bonded labour such as working in restaurants and forced sex work to pay off their smuggling debts<sup>23</sup>. There are also cases of Afghan boys being forced to become bacha bazi<sup>24</sup> in Germany, Austria, Sweden, Finland, Hungary, Macedonia, and Serbia.<sup>25</sup>

Another phenomenon could be termed as “return migration-led trafficking”. This is the situation where Afghan returnees or those deported from Iran, Pakistan, Türkiye, and European countries over the last five years<sup>26</sup> being trafficked for labour exploitation in agriculture, brickmaking, and carpet weaving.<sup>27</sup>

### The New Taliban Government and Contemporary Trafficking Challenges

Afghanistan had been grappling with a wide range of problems in several dimensions prior to the withdrawal of coalition forces in 2021 which was subsequently passed onto the new Taliban regime. The issues include severe climate conditions, rising rates of malnutrition, sharp rise of unemployment, and restricted access to food, eater, health services and education, particularly among women and girls.<sup>28</sup> Furthermore, the number of conflict-driven displacements has steadily increased and grown in scope, both internal and across borders.

An estimated 65 – 75% of Afghanistan budget had come from foreign aid but the government accounts have been frozen due to the exclusion from international markets while foreign investments, aid and external trade came to standstill. Without these funds, state capacities were left incapacitated and government workers left unpaid, which subsequently led to the widespread deterioration of basic services. The deterioration in civil society’s capacity to response to the humanitarian needs due to the lack of cash and banking has further disrupted the delivery of basic services. However, the Taliban government has reportedly attacked, threatened, and raided the offices and compounds of NGOs and civil society groups.

Under the Taliban’s rule, current human rights violation and human trafficking practices are likely to continue, according to reports of their practices to boost Taliban fighters’ morale and/or the status of leaders, or to attract followers, or to deploy child soldiers, and/or to finance their operations. There have also been reports of labour exploitation of the unskilled and semi-skilled workers in hazardous conditions for opium poppy production and mineral deposits which are well-known income sources for the Taliban.

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<sup>23</sup> ibid.

<sup>24</sup> ‘Bacha bazi’, literally translated as ‘boy play’, also known as ‘dancing boy’, is an Afghan custom or common practice pursued by wealthy and powerful warlords and businessmen who exploit young boys (as young as 11 or 12) as ‘tea boys’, entertainers, dancers and sexual partners. Source: Jesutofunmi Somade, Bacha bazi: Afghanistan’s darkest secret. Human Rights and Discrimination, 18 August 2017, <https://humanrights.brightblue.org.uk/blog-1/2017/8/18/bacha-bazi-afghanistans-darkest-secret>.

<sup>25</sup> Jesutofunmi Somade, Bacha bazi: Afghanistan’s darkest secret, 18 August 2017, <https://humanrights.brightblue.org.uk/blog-1/2017/8/18/bacha-bazi-afghanistans-darkest-secret>.

<sup>26</sup> Jared Ferrie, Human trafficking on the rise in Afghanistan despite new laws, 30 March 2018, <https://www.reuters.com/article/us-afghanistan-humantrafficking-laws-idUSKBN1H52U8>.

<sup>27</sup> U.S. Department of State, 2021 Trafficking in Persons Report: Afghanistan, 2021, <https://www.state.gov/reports/2021-trafficking-in-persons-report/afghanistan/>.

<sup>28</sup> Michael Cox (ed.), Afghanistan: Long War, Forgotten Peace. London: LSE Press, 2022, <https://library.oapen.org/bitstream/handle/20.500.12657/59828/9781909890985.pdf?sequence=1>.

The war in Ukraine has arguably pushed Afghanistan's humanitarian crises and challenging situations further down the international agenda. The stark contrast between how Western countries urgently responded to the needs of the Ukrainian refugees, compared to the Afghan counterparts, painted the picture of '*selective compassion*' toward different peoples, which points to the lack of political will, rather than the lack of infrastructure or logistical capacity. In tackling the heightened vulnerability to human trafficking and aggravated migrant smuggling in Afghanistan, the West has long been reluctant to follow a pragmatic, human rights-centred approach, which in turn, prioritised humanitarian aid over diplomatic and political tensions. The longer this attitude continues, the greater suffering and loss of lives will endure.<sup>29</sup>

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<sup>29</sup> Michael Cox (ed.), *Afghanistan: Long War, Forgotten Peace*. London: LSE Press, 2022, <https://library.oapen.org/bitstream/handle/20.500.12657/59828/9781909890985.pdf?sequence=1>.