Migrations are the forgotten link of the nexus between Freedom from Fear and Freedom from Want

by Sandro Calvani[1]
UNICRI Director

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"*Modern-day slavery in the Americas:
a Regional Approach to a Global Epidemic*"
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Distinguished colleagues,

I would like to thank the University of New Mexico's Latin American and Iberian Institute, the UNM School of Law and the Mexican Consulate of Albuquerque for sponsoring this event. I would also like to thank you all for being here today. It is a true honour to be here among you to discuss the phenomenon of migration, legal and illegal, as a forgotten link in the nexus between freedom from want and freedom from fear.

Migration: an urgent issue for policy-making

I would like to start with the words of Papademetriou, co-founder of the Migration Policy Institute of Washington DC. "There are few more urgent 21st century challenges for policy-makers than to communicate the benefits of immigration while containing its more negative consequences. Success requires three foundations: law and regulations grounded in a realistic policy vision, an acute sensitivity to domestic requirements, and clarity about international obligations and objectives."[2]

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[1] Co-authored by Olivia Jung, with the collaboration of Vittoria Luda di Cortemiglia
[2] Demetrius G. Papademetriou, *Managing Migration for Everyone: the 21st Century* Challenge (2003)
http://www.opendemocracy.net/people-migrationeurope/article_1601.jsp

When people move, they are not really free: push and pull factors are the forces behind migrations.

Humans have always migrated; and they have the right to do so. Unfortunately, they often do it through illegal channels and in situations that fuel criminal associations. The popular perception of modern migratory flows seems to be preponderantly shaped by two of its components: smuggling of migrants and human trafficking. In this regard, the phenomenon of migration is seen as **an engine for new global fear** and it is often even perceived as a source of "uncontrolled fear" and terror.

Freedom from Want is a driving force seeking improved socio-economic conditions (poverty alleviation, food security, clean water, shelter, basic health care and education), **while Freedom from Fear targets human security concerns** (ranging from conflicts, terrorism, organized crime, civil violence to the life-threatening consequences of poverty and diseases).

Security, development, economics and human rights are indivisible

Security, development, economics and human rights are indivisible both in principle and in practice. In 2000, the UN Secretary-General Kofi Annan emphasized the inextricable connection between the concepts of development, security, integrated and human rights.
"Not only are development, security and human rights all imperative; they also reinforce each other. This relationship has only been strengthened in our era of rapid technological advances, increasing economic interdependence, globalisation and dramatic geopolitical change. […] **We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.**"[3]

Therefore, it's not surprising that Freedom from Want and Freedom from Fear are two significant factors driving migration, understood as a means to seek to ameliorate one's human security. But, depending on the migratory channels chosen, these two factors may actually be aggravated rather than alleviated. This is particularly so when we look at freedom from fear when resorting to illicit migrations through channels like people smuggling and human trafficking. These are two distinct phenomena; there needs to be more awareness and clarity or we risk losing sight of the victims' abused rights.

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[3] In Larger Freedom, par. 16, Kofi Annan

## International migrations are a protagonist of globalization

Migrations however are not just about human exploitation. Migrations are a **fundamental engine of positive trends of globalization, open markets and dialogue among civilizations.**

The history of mankind has been characterized by population movements ever since the dawn of time. And even more so in a time branded by globalization such as ours, featuring extensive international flows of goods, services, information and people.

World population trends: world population 1750-2000)

1750 - 2000

790	980	1260	1650	2555	6080

Legend: ■ 1750 ■ 1800 ■ 1850 ■ 1900 ■ 1950 ■ 2000
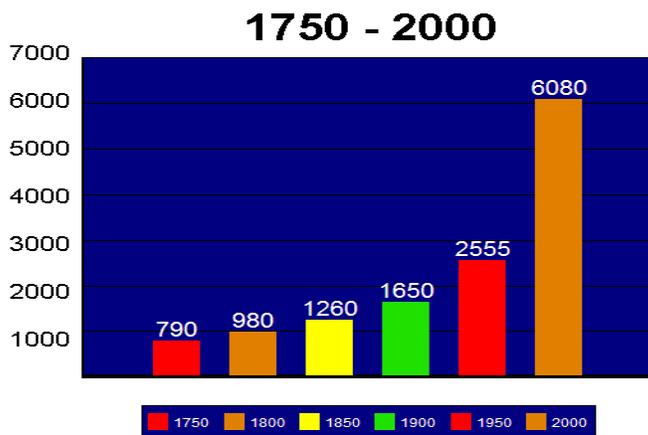
As centuries followed one another, there has been an exponential increase in world population. Just 200 years ago, there were less than a billion people worldwide. The industrial, medical and technological revolution made their appearance on the global stage, spurring growth at unprecedented levels.
The largest increase was seen in the Twentieth century, when we went from having just over a billion and a half people at the beginning of the century, to over 6 billion.

1950 - 2000

2555	3039	3707	4457	5284	6080

Legend: ■ 1950 ■ 1960 ■ 1970 ■ 1980 ■ 1990 ■ 2000
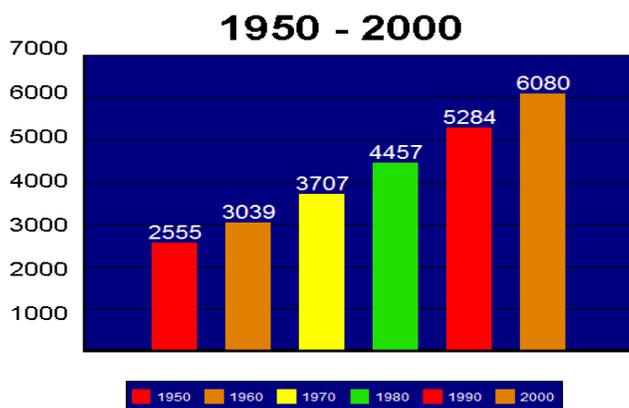
Here we can fully appreciate the progressive threefold increase in population from 1950 to 2000, broken down in ten-year intervals.

The clock is ticking

Currently there are over **6.771.858.000** people in the world. Five new babies are born every 2 seconds; every minute there are 150 more people, and, at the end of the day, there are 215.875 new people in the world.

World population growth rate	
Per year	78,794,218 people
Per month	6,566,185 people
Per week	1,515,273 people
Per day	215,875 people
Per hour	8,995 people
Per minute	150 people
Per second	2.5 people

The history of human kind is moving. We can't stop it; we can only deal with it.
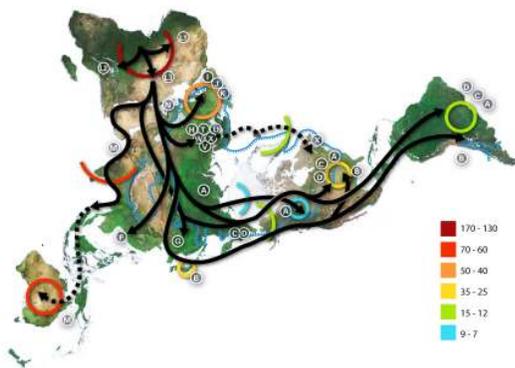
Human Migrations

The fact is that the very existence of human kind is based on migrations. Ever since the beginning of humanity, there have been waves of demographic growth and migratory flows. These are what led populations to move about, progressively inhabiting continents, starting from Africa, the cradle of civilization. In this map we can see a view of the world from above the North Pole, illustrating the various original migration routes that populated the entire planet between 170.000 - 7.000 years ago, based on studies of mitochondrial DNA.[4]

This is what modern-day migration flows look like.

For the time being, very few people move across borders: 3%

As for modern migrations, in **2005** the number of international **migrants** in the world reached almost **191 million**, representing **just 3% of the global workforce**. Between 1990 and 2005, the world gained 36 million international migrants. Developed countries absorbed most of the increase in the number of international migrants between 1990 and 2005 (33 out of 36 million). As a result, there was an increasing concentration of international migrants in the developed world.
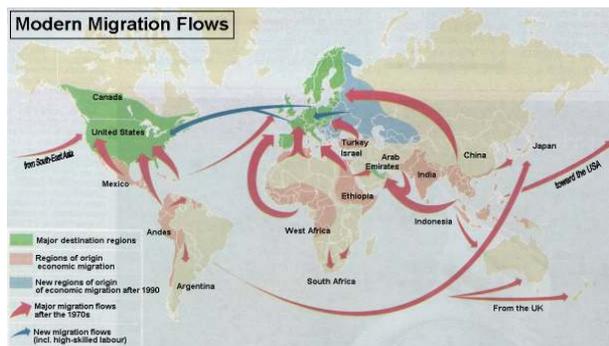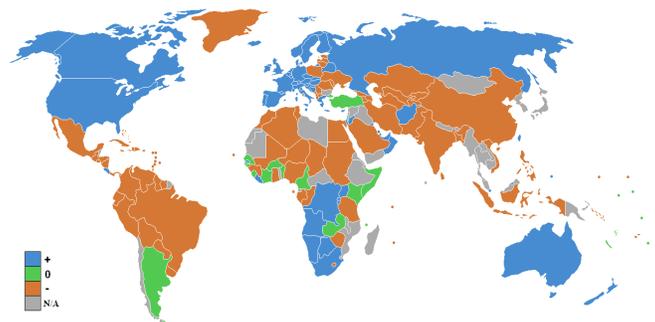

[4] source: mitomap.org/WorldMigrations.pdf

Migrants are everywhere

In this image we can appreciate the net balance of global migration rates.
According to the *World Migration Report of 2008* issued by the International Organization for Migration,

- **One-third of the world's migrant population** lives **in Europe**, and **one-quarter** lives **in North America** (Canada and the U.S.);
- **The largest share** of labour movements take place **within regions**;
- The majority of **migrants move** from one **developing country** to another (rather than from a developing to a developed country, due to latter's restrictive immigration policies);
- **Most of the labour migration** flows consist of **low-skilled workers**, though there are increasing numbers of high-skilled workers;
- Most of the **highly-skilled workers** move to or within the **developed world**
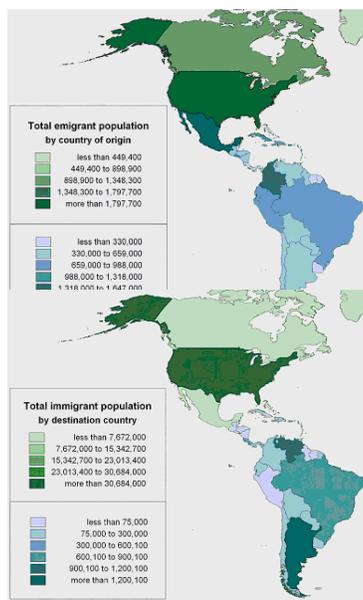
If we take a closer look to the **Americas**, we find that this region is predominantly characterized by **South-North** migratory patterns, which account for **87% of total migration in the region**. There are 51.1 million migrants in this continent, of which:[5]

- **44.5 million are in North America** (6.2 million in Canada and 38.3 million in the U.S, of which 55% come from the Americas)
- **6.6 million migrants are in Latin America** and the Caribbean
  - the main destinations within Latin America are Argentina, Venezuela, Brazil, Costa Rica, Puerto Rico and Chile;
  - the major countries of origin are Mexico, Colombia, Cuba, Brazil, El Salvador, Dominican Republic and Haiti

Freedom from Want and Freedom from Fear are driving factors behind these flows, since these intra-regional migration patterns have been influenced by economic crises and disparities, social conflict, violence, economic and political change and environmental disasters.

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[5] IOM's *World Migration Report 2008* and the World Bank's *Migration and Remittances Factbook*

The balance between brain drain and brain gain is a relevant variable of sustainable development.

Despite the fact that migrant workers represent only 3% of the total work force, **there is a dominantly negative perception of migration**. From the perspective of developed countries, public opinion focuses on the phenomenon of deteriorating job opportunities and labour conditions. From the side of developing countries there is a **growing anxiety about the "brain drain."** I will briefly try to illustrate how both of these are, yes, grounded fears, but significantly outweighed by the gains of migration.

Two trends are characterizing developed countries: the increasing age and the shrinking size of their workforce are contributing to a growing demand for labour. Also, as developed countries invest more in the formation of human capital (in terms of higher education and training), national workers tend to prefer higher-skill employment opportunities; this leaves behind a shortage of lower-skill workers, therefore raising the demand for low-skill labour in developed countries, a gap that is usually filled by migrant workers.

Even if we look at the inflows of higher-skilled migrants, these aren't exactly "stealing" national jobs as much as they are filling a specialized niche that often opens new opportunities and trade and investment within the global market, playing on the foreign workers' knowledge of different languages and transnational networks. Moreover, high-skilled immigrants also tend to open new businesses: so, rather than just "taking" existing employment opportunities, they are actually creating new jobs and generating wealth.

These trends can be commonly seen in the IT sector, for example in Silicon Valley, where Chinese or Korean engineers rely on ethnic strategies to enhance entrepreneurial opportunities, creating social and professional networks to mobilize information, know-how, skill and capital to start new technology firms, often expanding and conducting business with their countries of origin, therefore "strengthening the economic infrastructure in the U.S. while providing new opportunities to peripheral regions of the world economy."[6]

Moreover, there is an increasing number of "brains" who eventually return home. This is partly due to the dynamism of emerging Asian economies and elsewhere, which is now drawing back skilled workers, turning the "brain drain" into "brain circulation."[7]

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[6] AnnaLee Saxenian, *Brain Circulation: How High-Skill Immigration Makes Everyone Better Off*, The Brookings Review, Vol.20 No.1, p. 28-31
[7] *ibid.*

Furthermore, even lower-skill **migrants can significantly contribute to both countries of origin and of destination**. They do so **through transnational ties** with their home countries, which increase demand for goods and services in both sides, contributing to economic development.

These transnational ties are identified in 5 T's:[8]

- **Tourism** (countries generating emigration can seize the opportunity of migrants returning home to visit relatives to target these travellers and develop the tourist sector accordingly)
- **Transportation** (use of transportation, especially by air, to visit relatives back home or family members abroad)
- **Telecommunications** (the increasing volume of phone calls between migrants and their home countries should be an opportunity for businesses to set up infrastructures to facilitate communication, benefiting local enterprises)
- **Trade** (migrants represent a new market for exports from their home countries, and therefore a trade opportunity, as they represent a growing demand for these "nostalgic goods," typical local and regional products).
- and, last but not least, **Transfer** of Remittances.
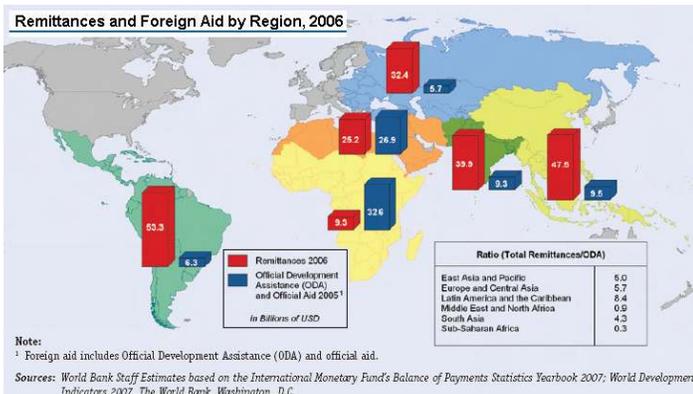
Migrants' remittances are an engine of development

According to the World Bank, migrant **remittances** sent through official channels amounted to US$ 305 billion in 2008, of which $145 billion went to developing countries. Remittances sent back to the home country by migrants are a growing phenomenon (just consider that since 2000, the size of this phenomenon has basically than tripled) and they are a major source of foreign exchange

Remittance flow to developing countries, 2002-2008

(US$ billion)	2002	2003	2004	2005	2006	2007	2008
Developing countries	116	144	164	195	229	281	305
East Asia and Pacific	30	35	39	47	53	65	70
Europe and Central Asia	14	16	22	31	38	50	53
Latin America and Caribbean	28	37	43	50	59	63	63
Middle-East and North Africa	15	20	23	24	26	31	34
South Asia	24	30	29	33	40	52	66
Sub-Saharan Africa	5	6	8	9	13	19	20
Growth rate (%)							
Developing countries	21%	25%	14%	18%	17%	23%*	9%
East Asia and Pacific	47%	20%	10%	19%	13%	23%	7%
Europe and Central Asia	11%	13%	43%	41%	23%	31%	5%
Latin America and Caribbean	15%	31%	18%	16%	18%	7%	0%
Middle-East and North Africa	4%	34%	13%	5%	6%	22%	8%
South Asia	26%	26%	-6%	15%	20%	31%	27%
Sub-Saharan Africa	8%	19%	34%	17%	37%	44%*	6%
World ($ billion)	170	207	235	268	307	371	397

Source: Dilip Ratha, World Bank (http://peoplemove.worldbank.org/en/content/remittance-flows-to-developing-countries)

earnings and an important addition to the gross domestic product. Moreover, these estimates only include official money-transfer (disregarding informal channels), so the real volume of remittances is likely to be almost twice as large.

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[8] Orozco, Lowell, Bump and Fedewa, *Transnational Engagement, Remittances and their Relationship to Development in Latin America and in the Caribbean,* Institute for the Study of International Migration, Georgetown University, 2005

Remittances and Foreign Aid by Region, 2006

Note:
[1] Foreign aid includes Official Development Assistance (ODA) and official aid.

Sources: *World Bank Staff Estimates based on the International Monetary Fund's Balance of Payments Statistics Yearbook 2007; World Development Indicators 2007, The World Bank, Washington, D.C.*

East Asia and the Pacific are the largest recipients of remittances. Nevertheless, in many developing countries, inflows of remittances are a more stable source of funds and their volume if often larger than Foreign Direct Investment and of Official Development Assistance. Receivers of remittances are predominantly women; the money is mostly spent on basic needs, but portions of it can also be saved or invested, particularly with the assistance of micro-credit programmes, hence fostering human development in receiving countries.

source: Dilip Ratha, World Bank

Migrations are a global public good

Migration is conducive to the formation of human capital, becoming "a harbinger of net capital gain, rather than a culprit of human capital drain."[9] The bottom line seems to be that migration benefits both the countries of the destination and of origin, creating jobs, enhancing trade and investment flows, generating wealth and promoting human development; ultimately, migrations can improve the global economic welfare.
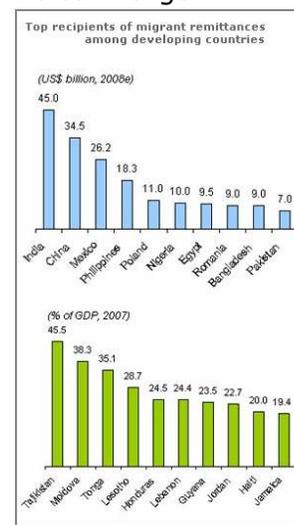
Increasingly, Governments of receiving countries have been recognizing these aggregate benefits of migration, encouraging in particular flows of skilled labour (as is the case for the E.U. or Canada for instance) using temporary worker programmes to address their labour shortages. To that end, to facilitate labour movements, a large number of bilateral agreements have been concluded,[10] but also regional ones (as happens in the European Union or with the Caribbean Community, CARICOM) and tentatively, global ones too (i.e. the General Agreement on Trade and Services).

Illicit Migrations come in two bad varieties:
Smuggling and Trafficking in persons

Human trafficking is probably the worst abuse of human dignity on Earth: it is about selling hopes at very high prices and then stealing dreams for very cheap.

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[9] Oded Stark indicates in his study *Rethinking the Brain Drain*

[10] Data from UNDESA, International Migration Report 2006,

http://www.un.org/esa/population/publications/2006_MigrationRep/exec_sum.pdf

Smuggling in human beings refers to "**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."[11]

Trafficking in persons refers to "**the recruitment, transportation, transfer, harbouring or receipt of persons**, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve consent of a person having control over another person for the purpose of exploitation."[12]

As highlighted in the newly released UNODC Global Report on Human Trafficking, the term "trafficking in persons" can be misleading since it emphasizes "the transaction aspects of a crime that is more accurately described as enslavement": it is a *de facto* "**exploitation of people, day after day, for years on end**".

A failure of global governance

The **figures well define one of the gravest failures of modern global governance**. The International Labour Organization (ILO) has estimated that there are **at least 2.45 million people** worldwide who are **victims of forced labour** (including sexual exploitation) as a result of human trafficking at any given time.[13] This figure includes both transnational and internal trafficking.

The **destination** region ranking first in this ILO study is **Asia-Pacific**, with an estimated **1,36 million victims** of

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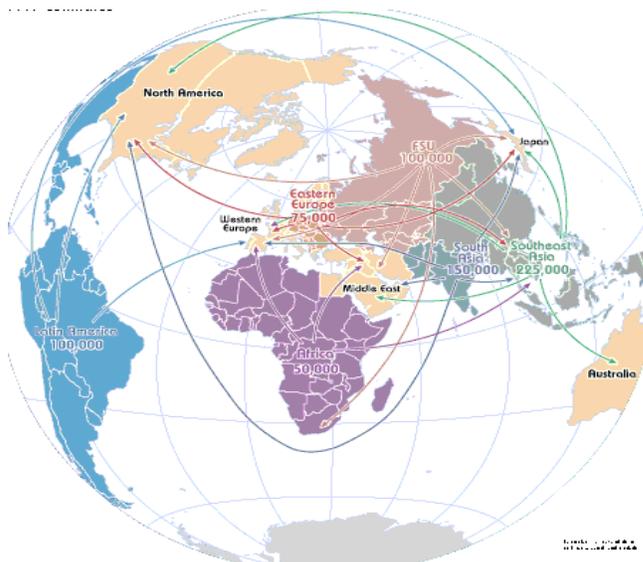
[11] Annex III Art. 3 (a) of the "Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the UN Convention against Transnational Organized Crime" (A/RES/55/25 of 15 November 2000)

[12] Annex II Art.3 (a) of the UN General Assembly "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime" (A/RES/55/25 of 15 November 2000)
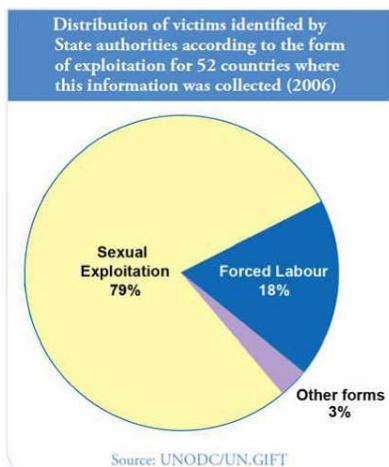
[13] Belser P., de Cock M., *ILO Minimum Estimate of Forced Labour in the World* (Geneva: International Labour Organization, 2005), 4-5. Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/--- declaration/documents/publication/wcms_081913.pdf [accessed on 25.08.2008].

trafficking for forced labour. About **270,000** people are trafficked **to industrial countries**, **250,000 to Latin America** and the Caribbean, and around **230,000 people** end up being trafficked for forced labour **to the Middle East and North Africa**. The authors of the study explain the lower estimates for Africa (130,000) and for transition economies (200,000) in light of the fact that many people from these regions are trafficked towards other regions, including industrial countries.

While smuggling of human beings is always across borders, human trafficking flows take place along three geographical dimensions: trans-regional, intra-regional and domestic. Surprisingly, most forms of exploitation actually take place close to home: the data shows that intra-regional and domestic trafficking are the predominant forms of trafficking in persons.

Domestic trafficking affects victims who are citizens of the country in which they are exploited. Intra-regional trafficking occurs between different countries within the same region. This includes cross-border trafficking and trafficking between countries geographically close to one another. In trans-regional trafficking, victims are trafficked from one region to another. This could be trans-continental trafficking, but it could also involve trafficking flows to neighbouring regions of the same continent (i.e. from Eastern Europe to Western and Central Europe, or from Central to North America).

The purpose of trafficking is illicit enrichment

Distribution of victims identified by State authorities according to the form of exploitation for 52 countries where this information was collected (2006)

Sexual Exploitation 79%
Forced Labour 18%
Other forms 3%

Source: UNODC/UN.GIFT

Human trafficking occurs for **several exploitative purposes: labour, sexual, begging, employment in criminal activities or armed conflict, to forced marriage, illicit adoption and even removal of organs.**

According to the newly released UNODC Global Report,[14] "the most common form of human trafficking (79%) is sexual exploitation.[15] The victims of sexual exploitation are predominantly women and girls. While it remains likely that labour exploitation and male victims are relatively under-detected, the over-representation of sexually exploited women is true across regions, even in countries where other forms of trafficking are routinely detected.

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[14] UNODC Global Report on Human trafficking is based on the information concerning **155 countries** and territories, collected over a few months in 2007 and 2008. With a few notable exceptions, nearly all of the larger states participated.

[15] In the 52 countries' reports where the form of exploitation was specified, 79% of the victims were subjected to sexual exploitation.

The second most common form of human trafficking is forced labour (18%), although this may be a misrepresentation because forced labour is less frequently detected and reported than trafficking for sexual exploitation.

Traffickers do not care about laws and human rights

There is far less information available on offenders than there is on their victims. Traffickers can be involved in various functions (for example, as **recruiters, transporters, exploiters or "managers"**) and **various activities** during the different stages of the process (**including corruption, forging documents, and withholding their victims' documents**).

Human trafficking can be conducted by informal low-level contacts, small networks connected through family or through shared ethnicity, up to highly organised transnational criminal networks operating internationally and overseeing the entire operation from recruitment to the exploitation.

It might be assumed that human trafficking, which is characterized by violence and threats, would be mostly carried out by men. However, the data gathered by UNODC in 46 countries on the gender of offenders, suggests that women are increasingly playing key roles in trafficking worldwide, and particularly so in Eastern Europe and in Central Asia. Female traffickers are actively engaged both in the recruitment phase (as this is shifting away from advertisements to recruitment through personal networks) and in the phase managing the exploitation (acting as managers, receptionists and money launderers). Many traffickers are former victims themselves. For instance, in some countries, a 'Madam' in a destination country supervises, controls and organises girls and women trafficked for sexual exploitation, coordinating their activities and collecting their earnings. Many of these 'Madams' started out as victims themselves and, once their 'debt' was paid off to their own 'Madam', they started using this same method to make money.[16]

Since almost every country is a country of origin, transit and/or destination, traffickers can be of any nationality. Knowledge of both the countries in which they operate and of their home country may offer insight on their roles and ways of operating. For instance, recruiting victims may be easier if the recruiter shares the same language and cultural background,[17] so it's not surprising that

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[16] UNODC, *Trafficking in Persons: Global Patterns*, op. cit., 74. For further reading, please see: Kane J., *Child (or Human) Trafficking in South Eastern Europe,* (Geneva, ILO/IPEC, 2005). Available at: http://www.childtrafficking.com/Docs/ipec_balkana_05_trafficking1097_10.pdf [accessed on 03.03.2009].
[17] EUROPOL, *The Threat from Organised Crime*, p.2-3. Available at: www.europol.europa.eu, [accessed on 30.09.2008].

in several countries, the majority of offenders are nationals of the country in which the trafficking case is investigated.
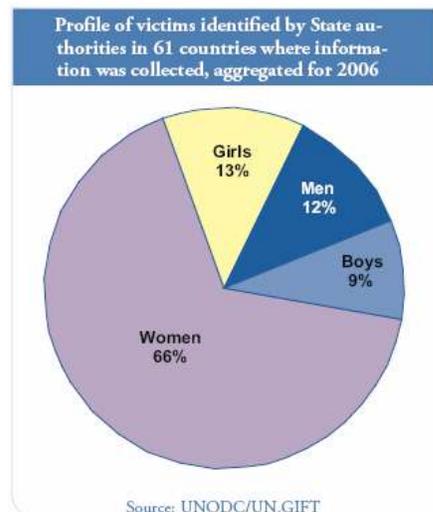
Victims are the weakest part of affected communities

Identifying global trends in the number of victims detected is a hard task. Countries have different legislations and different definitions of trafficking in persons, and few have the sort of statistics that would allow for the identification of clear trends, given also that a substantial portion of trafficking victims are unreported out of their fear of retortion, or of being arrested and deported. Nonetheless data collected by UNODC can give some tentative insights into the profile of the victims.

Victims of human trafficking were identified through the criminal justice process and through victims' assistance organizations. Over 21,400 victims were identified in 2006 among the 111 countries reporting victim data for that year. The profile of the victims is highly influenced by local laws and priorities, which often focus on child victims and victims of sexual exploitation (usually women).

Bearing this caveat in mind, **in the 61 countries where the gender and age of the victim were specified, two thirds of the identified victims were women and 13% were girls. Less than a quarter were men or boys**.

As you can see from the chart, 22% of all trafficking victims are **children**. However, in some parts of Africa and the Mekong region, children are the majority (nearly up to 100% in parts of West Africa).

According to the IOM database, the biggest age group receiving assistance is that from 18 to 24. Many victims have at least middle-level education.[18]

Profile of victims identified by State authorities in 61 countries where information was collected, aggregated for 2006

Girls 13%
Men 12%
Boys 9%
Women 66%

Source: UNODC/UN.GIFT

Human trafficking is a truly global phenomenon

According to research, there is a clear distinction of roles between regions in the human trafficking process.
- The **main destination** regions of trafficked victims are **Western Europe, North America, Western Asia, Turkey and Oceania**.
- Regions of **origin** are typically **Africa, Asia, Latin America and the Caribbean, and Central and South Eastern Europe** (after the break

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[18] IOM Counter-Trafficking Database.

up of the Soviet Union, the Commonwealth of Independent States became a source region for human trafficking).

- **Transit areas** have been identified in **Central and South Eastern Europe, Asia, Africa and Western Europe**.

This may indicate either intra-regional trafficking (in the case of Central and South Eastern Europe, Asia and Africa), or the use of certain countries and sub-regions predominantly as a transit area to the final destination (most often Western Europe). There are also significant differences between sub-regions. Also, trafficking routes not always seem to follow the logic "from poor to rich", as is the case of migratory flows from Benin to Nigeria and from Nigeria to Togo.

The sexual exploitation industry is ubiquitous in Latin America

Latin America and the Caribbean are reported to be mainly a region of origin and, to a lesser extent, a region of destination. Political instability and social unrest in some areas have created an environment conducive to traffickers. Since Asia began taking measures to reduce sex tourism, traffickers have broadened their horizons and started targeting Latin America, resulting in increased human trafficking activities in that region. Two thirds of trafficking in this region is for sexual exploitation, and the remaining third ends up in labour exploitation.

- **More than 50,000 women from Brazil, Colombia, Guatemala, Mexico and the Dominican Republic are trafficked abroad** to work in the sex industry in North America, Western Europe and Eastern Asia (Japan).
- According to UNODC recent study, **increasing numbers of men and boys** are being recorded **as victims of human trafficking for forced labour in Argentina, Brazil, Colombia, Venezuela** and, episodically, in **Bolivia**.[19]
- According to UNODC's research, Latin America is witness of **major intra-regional human trafficking problem**. The intra-regional pattern of human trafficking is characterised by trafficking from countries of the region **to Costa Rica, Mexico, Guatemala** (about 2,000 children are sexually exploited in 600 brothels in Guatemala City) and **El Salvador**.[20]

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[19] UNODC, *Global Report on Trafficking in Persons*, op. cit., 54-55.
[20] "Trafficking of Women and Children for Sexual Exploitation in the Americas," Fact Sheet, July 2001, Inter-American Commission of Women - Organization of American States and Women, Health and Development Program – (Pan American Health Organization).

Transnational Organised Crime is a protagonist of human trafficking

Transnational organized crime (TOC) is a protagonist of human trafficking. It is responsible for turning people's migration hopes into modern slavery realities, crushing their hopes for Freedom from Fear and severely impinging on their pursuit of Freedom from Want.

In the last decade, **organized crime has evolved rapidly**, propelled by the opening of new markets, facilitated by new communication technologies and pressured by law enforcement strikes. In a number of countries **a nexus has emerged between organized crime, corruption and terrorism**. Since the end of the cold war, **countries with economies in transition have also become particularly vulnerable to the growth of organized crime**. Conflicts and instability in many regions have been intimately associated with the growth of powerful criminal organizations. War not only generates instability, in which organized crime thrives, but provides opportunity for illicit enrichment, through the creation of profitable markets for smuggled goods.

A second and significant trend in the last decade is the way in which criminal organizations have **expanded into a wide variety of illicit activities**. Many organized criminal groups have diversified their activities and new groups have emerged in several new and specialized sectors. Trafficking in persons has developed into a multibillion-dollar enterprise. Criminal groups now also engage in **trafficking in firearms, cultural objects and natural resources**.

Organized crime is known for its diversity, flexibility and capability to quickly take advantage of new opportunities. As well stated in a U.N document: "Transnational criminal organizations are diverse in structure, outlook and membership, but all of them operate across national borders with great ease and provide formidable challenges to law enforcement at both the national and international levels …Because such organizations are highly fluid and have a loose structure, they are able to respond rapidly to law enforcement challenges."[21]

The current nature of organized crime requires a global response, through increased international cooperation. The collective response to organized crime first and foremost depends on the consolidation and strengthening of the international treaty framework.

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[21] World Ministerial Conference on Organized Transnational Crime, *Problems and Dangers Posed by Organized*
Transnational Crime in the Various Regions of the World (United Nations, August 18, 1994).

The United Nations Convention against Transnational Organized Crime

The primary international instrument to fight against TOC is the **United Nations Convention against Transnational Organized Crime** and its protocols, which **entered into force on 29 September 2003, and requires Member States to take action to increase their capacities through effective coordination and cooperation**.

This Convention is further supplemented by two Protocols targeting specific areas and manifestations of organized crime, strongly emphasizing the protection of victims:
- The **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children** entered in to force on 25 December 2003, and
- the **Protocol against the Smuggling of Migrants by Land, Sea and Air**, entered into force on 28 January 2004.

These instruments are extremely important because they provide a solid ground to fight against transnational organized crime, they give clear definition of the concepts involved, and they provide a broad comprehensive approach which includes identification of crimes, prevention, protection of human rights of the victims, research, training, and enhance international cooperation through extradition, crime control mechanisms, and law-enforcement legal assistance.

Licit and illicit migrations should become a key priority for effective global governance

International migration is a topic that has moved to the forefront of the national and international agenda. The United Nations system is addressing the various dimensions of international migration. Among other suggestions for policy makers emerging from international research and practices, the following **seven recommendations by D. Papademetriou,**[22] co-founder of the Migration Policy Institute, might be taken in consideration:

- **Recapture control of migration** from the two groups threatening this valuable instrument of progress: the **demagogues** who are riding the issue for political advantage, and the **international criminal syndicates**, whose interests subjugate those of their helpless victims and of the societies in which their "cargo" ends up.

- **Be more truthful and transparent**. Wilful distortions and outright lies on immigration by politicians and spin-doctors play directly into the

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[22] Demetrius G. Papademetriou, *Managing Migration for Everyone: the 21st Century* Challenge (2003)
http://www.opendemocracy.net/people-migrationeurope/article_1601.jsp

hands of immigration's opponents.

- **Explain to the public what they are doing and why**; seek out a national debate making the case for immigration policies that maximise benefits while minimising costs. Consistently applied rules-based actions and predictable outcomes are essential **to building public confidence** in complex and divisive policy realms.

- **Build robust migration management systems**, fund them properly, review and adjust them frequently, and carefully monitor delivery (since most systems stumble during implementation). Building and maintaining capacity in migration management should become a policy priority for all immigrant destination countries.

- **Understand that single-purpose policies**, just like single-cause explanations, are **weak policy tools for such complex issues**.

- **Make immigration decisions part of the central policy area across domains and responsibilities**. Immigration (in terms of benefits and consequences) is multifaceted and cuts across many policy domains: public order, social welfare, education, training, and foreign and development policies... Therefore, migration policies are stronger when they are **considered holistically** and are accordingly **implemented across multiple policy domains**.

- **Turn two of the most determined 'critics' (the market and organised civil society) into partners in a common effort to create win-win situations in managing migration**. Working against, rather than with, the market is often an exercise in futility; working without the benefit of civil society – a system's main stakeholder – makes the task of governance on complex issues tougher than it needs to be. Working with critics on difficult issues makes it possible to share responsibility for what succeeds rather than always being blamed for what fails.

Human Rights-based approach to migrations and development

The UN Secretary–General's High Level Panel on Threats, Challenges and Change issued a report in 2004 entitles "*In A more secure world. Our shared responsibility*," which clearly highlighted that "we live in world of new and evolving threats, threats that could not have been anticipated when the UN was founded in 1945. New threats have risen, like environmental degradation, State collapse, terrorism and transnational organized crime, all of which can undermine States as the basic unit of the international system. **Collective security today depends on accepting that the threats, which each**

region of the world perceives as most urgent, are in fact equally so for all."

The threats we face are deeply interconnected. We must therefore establish a new security consensus, the first article of which must be that **all human beings are entitled to freedom from fear**.[23] The new consensus should be based also on interdependence among democracy, security, development and human rights. The right emphasis should be put on prevention, on respect for the rule of law and of human rights. Transnational partnerships and cooperation among the international community, the UN, regional organisations and Member States is paramount in addressing the issue of migration.

The UN-NGO Committee on Migration[24] has emphasized the need of a Human Rights-Based approach to migration, highlighting a few suggestions and good practices. Among these:

- International **migration, development and human rights** are intrinsically interrelated and **interdependent**. Human rights and root causes of migration must be dealt with as cross cutting issues.

- Receiving states should **recognize the contribution** to their economies **of migrant workers**, also by **respecting the human rights** of migrant workers (as recognized in the *Universal Declaration of Human Rights* and ILO Conventions), granting them the opportunity to remain with regular status and to integrate into Society.

- States should **ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families***, and all Governments should comply with existing UN instruments and agreements to **develop effective institutional and policy coherence** regarding migration and development.

- States should **reduce the root causes of** worldwide **migration** by **eliminating discriminatory trade and economic policies** in the industrialized North that prevent sustainable development in the sending countries, undermine economic stability, and exacerbate outward migration.

- Migrants and the organizations speaking for them should be given the **space to participate systematically in the process** of developing effective institutional and policy coherence regarding migration and development.

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[23] In Larger Freedom: Towards Democracy, Security and Human Rights for All- Secretary-General's Report for the Summit on MDG-2005

[24] UN-NGO Committee on Migration, *A Call for a Human Rights-Based Approach to Migration and Development* (14 November 2008). UN/POP/MIG-7CM/2008/02

UDHR Article 13: Everyone has the right to leave any country

I would like to conclude with the words of former U.N. Secretary-General Kofi Annan,[25] "**Migration is a courageous expression of an individual's will to overcome adversity and live a better life. Over the past decade, globalization has increased the number of people with the desire and capacity to move to other places. This new era of mobility has created opportunities for societies throughout the world, as well as new challenges, underscoring the strong linkages between international migration and development**."

Thank you.

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[25] in occasion of the High-Level Dialogue of the General Assembly on *International Migration And Development,* held in New York on 14 September 2006,