

2012

Trafficking Risks for Refugees

Annie Wilson

Lutheran Immigration and Refugee Service

Follow this and additional works at: <https://scholarlycommons.law.case.edu/swb>



Part of the [Human Rights Law Commons](#), and the [Social and Behavioral Sciences Commons](#)

Recommended Citation

Wilson, Annie. 2012. "Trafficking Risks for Refugees." *Societies Without Borders* 7 (1): 100-118.

Available at: <https://scholarlycommons.law.case.edu/swb/vol7/iss1/5>

This Notes from the Field is brought to you for free and open access by the Cross Disciplinary Publications at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Societies Without Borders by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

Notes From the Field **Trafficking Risks for Refugees**

Annie Wilson

Lutheran Immigration and Refugee Service

Received November 2011; Accepted January 2012

Abstract.

This article examines a number of risk factors in the life situation of refugees that place them in danger of falling prey to human traffickers. Among the factors discussed are protracted refugee situations, conflict situations and security, precarious economic conditions, the circumstances of women and children, the prevalence of sexual and gender-based discrimination and violence, physical and psychological trauma, and the absence of legal protection. The article examines the unintended consequences of enforcement and border controls in increasing trafficking risks for refugees. Stronger refugee protection is the fundamental building block for reducing trafficking risk. Additionally, mapping, assessment and targeted programs for populations at greatest risk should be implemented, and third country resettlement should be made more widely available to people at high risk for trafficking.

Keywords

Human Trafficking, Refugees, Protracted Refugee Situations, Border Enforcement, Conflict Situations, Gender, Sexual and Gender-Based Violence, Separated Children, Refugee Resettlement

Refugees are at particular risk for human trafficking – a consequence of their vulnerable status, the devastating losses they have experienced, and their precarious life situations until durable solutions become available. According to the United Nations High Commissioner for Refugees¹, trafficking risks for refugees are at ever-increasing levels worldwide.

This article will provide an overview of both the constant and emerging facets of the refugee condition contributing to trafficking risk, and will offer policy and practice recommendations for risk reduction. The perspective offered is that of a national non-profit organization - Lutheran Immigration and Refugee Service - which resettles refugees from around the world in forty-five communities across the United States, serves asylum-seekers and other at-risk

~100~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

migrants in detention, and works with smuggled and trafficked migrant children. LIRS is a national faith-based nonprofit organization, founded in 1939, which works to engage communities in service to and advocacy for migrants and refugees. Our primary expertise in the area of refugees and trafficking comes from two decades of experience working with migrant children, the insights we have gained in serving ‘women at risk’, and our knowledge of the vulnerabilities within refugee populations in the post-resettlement period.

Among the factors that increase trafficking risks for refugees are their physical insecurity; social, economic and political marginalization; victimization by smugglers facilitating refugee movement; experience with sexual violence; social isolation or other negative consequences resulting from sexual violence; pressure to engage in survival sex; severe disruptions to family structure; and lack of legal protection. Refugees are treated as commodities in the political negotiations between nation-states, unwelcome wherever they land after desperate flight. They are robbed of individuality in discourse and practice. As a subset within the broader flow of human migration, refugees are subject to dehumanizing practices in border enforcement, refugee camp management, labor, and domestic enforcement practices intended to discourage migration and curtail migrant rights. The distinctive protection challenges and risks that people face as refugees are vulnerability factors for human trafficking.

After exploring some of these issues in more detail, this article will argue that some of the enforcement-oriented measures taken in recent years to combat human trafficking have evidently not only been ineffective in reducing that phenomenon, but have increased refugees’ vulnerabilities by aggravating their protection problems and – arguably – put them at even higher risk of falling into the hands of traffickers. Anti-trafficking measures that emphasize protection for victims, along with stronger measures to assist and protect refugees, will have a much greater impact.

WHO IS A REFUGEE?

According to the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol, a refugee is defined as ‘a person outside of his or her country of nationality who is unable or

~101~

© *Sociologists Without Borders/Sociólogos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

unwilling to return because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.²² This legal definition is important for determining who is eligible for international protection under the United Nations mandate. In common usage, however, other people who are forcibly displaced within their own countries, as well as those fleeing natural disasters, famine, conflict, and many other scourges, are also referred to as refugees. Although the more narrow legal definition of a refugee is generally intended, comments made in this article may be applicable to the more inclusive understanding.

The United Nations High Commissioner for Refugees (UNHCR) estimates that there are more than 15 million refugees worldwide. The UNHCR is mandated to provide relief, assistance and legal and physical protection, until a durable solution is found. A primary role for the UNHCR is to ensure that refugees are not subject to *refoulement*, or return to the country in which they fear persecution. The three durable solutions for refugees are voluntary repatriation, local integration and third country resettlement. Voluntary repatriation occurs when refugees choose to return to their country of origin and are able to do so in conditions of safety and dignity. This solution is generally the one most desired by refugees themselves and is the favored option when conditions permit. Local integration occurs when the country of asylum provides permanent residency to refugees, with rights and opportunities comparable to nationals of the country. And third country resettlement – which is offered to only a tiny percentage of the world's refugees – is when refugees are transferred from the country of asylum to a third country willing to admit them on a permanent basis.

WHAT IS HUMAN TRAFFICKING?

Human trafficking, like the flight of refugees, is a phenomenon as old as human history. People have enslaved others – and particularly those of other nations – for thousands of years. Yet as an international human rights issue, human trafficking has come into relatively recent prominence. It was in the year 2000 that the United Nations Trafficking Protocol established a generally-accepted international definition:

~102~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

“Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.³

The business of human trafficking proceeds through three stages⁴. The first stage is acquisition, when the victim is brought into human trafficking through one of a wide range of means including deceit, sale by family, force or abduction, seduction or romance, or recruitment by former victims. The second stage is the movement of the victim across international borders, typically through some form of smuggling. And the final stage is the exploitation of the victim and the use of his or her labor, services or body organs.

Victims of human trafficking may be men, women or children. There is a common assumption that most human trafficking is sex trafficking - an appalling and dismayingly widespread form of human trafficking - but trafficking for unpaid or highly exploitative labor is even more common. The vast majority of trafficking victims are people whose poverty, marginalization, and powerlessness put them at risk. In a world increasingly characterized by the complex developments of globalization, including increased migration flows, human traffickers prey on the most defenseless.

Not all trafficking victims are transported across international borders. However, just as the legal framework and institutional response mechanisms available to internally displaced people are quite different from those available to refugees, although they face many of the same risks to rights and security, so internationally trafficked

~103~

© *Sociologists Without Borders/Sociólogos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

victims face particular risks and challenges.

The refugee condition is one that places individuals in situations of extreme vulnerability. Beyond this heartbreaking generalization, there are a number of specific factors for refugees that create heightened risks for human trafficking and, looking worldwide, there are trends in the current patterns of forced displacement that appear to be increasing those risks. I discuss a few of these below.

MIXED MIGRATION FLOWS

Patterns of forced migration have shifted in ways that contribute to refugees' increased levels of risk. Increasingly, refugees form one stream of what are known as 'mixed migrant flows', fleeing within complex international systems of human migration. Refugees now follow the same migratory routes as labor migrants, turn to the same international smuggling operations to secure transport and cross borders, face the same enforcement measures, and live mixed together in the same communities in their countries of destination.

In other words, the movement of refugees increasingly occurs within the broader global flow of populations migrating for economic survival and opportunity – a phenomenon occurring for many reasons, including widespread economic restructuring, environmental degradation, the changing nature of employment opportunities, political unrest, etc. Transportation and communication networks increasingly link population centers to each other, making it more likely that migrants of all kinds – including refugees - will follow these established routes.

In this sense, refugees share in the considerable risks faced by all unauthorized migrants. However, while most migrants tend to be relatively young and risk tolerant, refugees may have many more vulnerabilities. The forced and involuntary nature of their migration creates additional and heightened dangers for them. The risk equation considered by all migrants and their families contemplating the act of migration is radically skewed by refugees' desperation, fear and ignorance⁵ – they have no alternative, and must often submit to dangers that other migrants would choose to avoid. *Refoulement* is a stark and frequently life-threatening possibility.

~104~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012

A. Wilson / Societies Without Borders 7:1 (2012) 100-118

URBAN REFUGEES

Since the great displacements of the Second World War and until the very recent past, most of the world's recognized refugees have lived in refugee camps located far from major population centers. Housed in tents or crowded huts, camp-based refugees rely on international relief assistance as a mainstay of survival. It is a life close to imprisonment, with little autonomy, and even less dignity.

Many of the world's refugees continue to flee to and live in refugee camps, sometimes living there for years and decades at a time, in a condition that the US Committee for Refugees and Immigrants has called 'warehousing', and discussed below under 'protracted refugee situations'. However, in the current era, refugees increasingly migrate to cities or other populated areas, where they live mixed among native-born populations, and frequently alongside other types of migrants. Many of today's refugees are themselves from urban areas and, within their limited options for flight, attempt to reach communities about which they may have some information and where they will have more options for supporting their own livelihoods. Whether they live in cities or other smaller communities, these refugees struggling to survive outside of camp situations are referred to as 'urban refugees'. This recent development has vastly complicated refugee protection. The perimeters of refugee camps, while often doing sadly little to protect refugees from armed incursions or other serious security risks, help to create defined populations that can be identified, registered and provided with aid.

With the increasing number of urban refugees, it has become more difficult to identify and register refugees in the first place, and to differentiate them from other migrant populations. Specific legal protections are often available to refugees that are not extended to other migrants, and without identification and registration refugees are left legally vulnerable. Even if refugees are identified, providing them with economic support, material aid or special services has unique logistical challenges and can create serious issues of equity and discontent in the broader communities within which they reside, since these are usually communities of the poor.

Thus, increasingly, refugees live for long periods of time outside of any protection regime and without any aid or support. Survival as an urban refugee who has not been identified and provided

~105~

© *Sociologists Without Borders / Sociólogos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

with some form of refugee assistance is dependent on the refugee's ability to make a living. Without documents or legal authorization, marginalized by language or dialect, desperate for work in order to survive, and unfamiliar with employers in the community of refuge, refugees are extremely vulnerable to labor exploitation of all kinds, including human trafficking.⁶ Vulnerable populations, such as single women and separated children, are at greatest risk.

PROTRACTED REFUGEE SITUATIONS

In reality, many refugees subsist for years without the relief of any of the three durable solutions - voluntary repatriation, local integration or third country resettlement. Instead, they are subject to a fourth de facto solution – the protracted refugee situation. Political negotiations fail; no nation is willing to assume permanent responsibility. Refugees become commodities in deal-making between nation-states, unwelcome wherever they land. The situation drags on and on. In some cases decades pass by while refugees wait, hopelessly, barred from opportunity, bearing and raising children who have no national home. The extended duration of the refugee experience is a grim characteristic of our modern age.

In many cases, refugees are not waiting out their time in situations of peace and safety. The forces of war and violence that drove them from their homes are present in their places of temporary refuge, along with the criminal predators who thrive on human misery. Levels of sexual violence in refugee camps are often high, and many refugees live in situations where arms smuggling, drug smuggling, trafficking in women and children, and the recruitment of child soldiers and mercenaries are a daily reality.

WOMEN AND CHILDREN

Women and children make up the majority of the world's refugees. They are left behind or flee when men become combatants or are killed in conflict situations. Children alone represent more than half of the 'people of concern' to the United Nations High Commissioner for Refugees, and children separated from parents or traditional caregivers are particularly vulnerable to a wide range of risks. Forcibly displaced women face barriers to securing economic livelihoods, discrimination in many forms, sexual violence, poor

~106~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012

A. Wilson / Societies Without Borders 7:1 (2012) 100-118

access to services including reproductive health care, and negative consequences of some cultural practices. Beyond this, in recent years, those responsible for the protection of refugees have identified increasing numbers of ‘women at risk’, whose life situations or experiences pose exceptional protection challenges.⁷

One such group of ‘women at risk’ - unaccompanied urban refugee women living in private accommodations, as opposed to congregate or group homes – were shown in a recent study carried out in the Czech Republic to face higher risks of falling into the hands of traffickers.⁸

CONFLICT SITUATIONS AND SECURITY

War creates trafficking victims.⁹ Zones of conflict are characterized by a lack of basic human security, where lawlessness rules. People are physically unprotected from the violence of combatants and noncombatants alike, and have no legal protections or remedies because of the absence of law enforcement and the dysfunction of legal systems. Livelihoods are disrupted, desperate poverty is endemic, social systems break down.

In many cases, the economies of war and crime intersect and reinforce each other. War lords may run criminal enterprises to fund their activities; criminals take advantage of the absolute powerlessness of civilian populations to extend and expand their exploitative actions. Many of the wars in the world today are being fought by irregular armies in which patterns of enslavement are prevalent. These combatants use forced labor, conscripted child soldiers, and sexual slaves. Thus, the patterns and economies of trafficking are established and nourished in zones of conflict.

These patterns persist in regions even when conflicts have come to an end, because of the lingering effects of social and legal disruption and the peculiar economies of these regions. Post-conflict regions can be areas of origin for trafficking victims, as well as destinations and zones of transit.

ECONOMIC SURVIVAL

Having left behind home and livelihoods, refugees struggle for their economic survival. Refugee camps are typically sustained by the UNHCR, which in turn relies on situation-specific donor

~107~

© *Sociologists Without Borders / Sociólogos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

response. Food, shelter, sanitation, medical care, and other basic necessities of life are provided where situations are stable. However, a thin donor response or donor fatigue can result in support that is barely consistent with human survival, much less a life with dignity. In some places, it is possible for refugees living in camps to supplement their food rations with a bit of land cultivation or food scavenging, but often opposition to local integration by resident populations already living in precarious economic circumstances creates barriers to additional economic activity.

Urban refugees have better access to work opportunities, and for those who are strong and capable of securing work the community setting is much more supportive of reasonable self-sufficiency. However, barriers to legitimate economic activity for camp-based or urban refugees can result in their turning to unauthorized or illegal means to secure resources. Not only are refugees easily exploitable as workers because of their desperate life circumstances, but their unauthorized status puts them in greater contact with criminal actors.

GENDER DISCRIMINATION, SEXUAL VIOLENCE AND COERCION

Everywhere and throughout the world, women face the terrible consequences of gender discrimination. For refugee women, gender discrimination exacerbates all other protection and survival challenges. Physical security is a greater problem, securing a livelihood is more difficult, and participation as actors in the political and social solutions to their refugee dilemma is hindered. Furthermore, when societies and communities are severely disrupted, as they are for refugees, there is often a hardening in the soft (or sometimes formal) enforcement of gender codes. Cultural practices and expectations may be extended or reinforced, in many cases further limiting women's capacity to participate meaningfully in broader community life or to support themselves and their families.

Refugees – men as well as women - face extremely elevated levels of sexual violence and coercion at all stages of the refugee experience. For many, sexual violence is an element of the persecution they fear or have lived through. Rape is of course highly prevalent in all conflict situations because of general lawlessness and impunity, but it has also been used as one of the central weapons of war in a

~108~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

number of recent and current circumstances. Where individuals are singled out for deliberate persecution, sexual violence is one of the most common tactics of torture, in conjunction with the infliction of other forms of physical and mental pain, because of the extreme distress it causes.

During flight, sexual violence and coercion is also common. The destruction of social systems and social ties increases levels of sexual violence, and criminal elements prey on defenseless refugees. Women and children are sometimes forced to exchange sexual services for survival – for food, protection, passage across borders, or other critical needs.

Survival sex is also a feature of refugee life in some countries of asylum, particularly before assistance and protection mechanisms are established. Further complicating matters for women, in massive refugee displacements or ongoing situations of conflict the presence of international actors, including foreign troops or nongovernmental staff and other outsiders, creates demand for sexual services. Where disparities of power and resources are great, this can result in forced or coerced sex. Prostitution is sometimes one of the only ways refugee women and their families can make money – and the voluntary nature of such labor is questionable when there is no alternative source of sustenance. And finally, although greater attention has been paid recently to the extraordinarily high incidence of rape for refugee women undertaking daily tasks such as gathering wood, they still face considerable risks just going about the business of life.

Sexual violence is a common and horrific feature of life for many refugee women. For some, the pain is compounded by cultural practices that condemn victims of sexual violence. In some cultures, women who have been raped, engaged in survival sex, prostituted themselves to support their families, or experienced sexual violence are socially isolated, shunned, or even subject to further acts of violence from family or community members intent on protecting a traditional sense of honor. Such women, excluded from their social worlds and the protection of their communities, may be even more vulnerable to further acts of sexual violence or coercion as a result. They are also individuals at serious risk of falling into the hands of sex traffickers.

~109~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

SEPARATED CHILDREN, CHILDREN AT RISK

Separated refugee children are those who are living without their parents or other customary caregivers. They may have lost parents in the context of a conflict situation, become separated during flight, or endured other traumatic situations that resulted in the loss of their caregivers. As refugees, the living situations of these children could include formal or informal fostering arrangements, or they might live in supervised group homes with other separated children. Some live in child-headed households consisting of siblings banded together for survival. Many separated refugee children are embraced within cultures and communities that have strong traditions of care for children without parents. However, because of the precipitous nature of refugee flight, and the economic and social strains of refugees' living situations, some care arrangements for separated children are extremely precarious. Separated children may be living with families that do not treat them as full members, facing risks of physical, sexual or emotional abuse, or neglect or abandonment. Such children are at greater risk for trafficking.

Even when children's care arrangements are stable during refugees' stay in countries of first asylum, the transition into the durable solution can pose new risks. Sometimes foster care arrangements are not recognized by the authorities responsible for providing the durable solution, and children can suddenly be left behind, alone and without support.

Even for children living with their own families, individual nationality laws may result in the children of refugees, born in camps or of urban refugees, being stateless, lacking citizenship or nationality in any country. As they grow older, these children may have reduced educational opportunities, and be unable support themselves legally. Risky migration strategies become one of the few avenues out of their otherwise stunted prospects.

LOSS OF FAMILY, COMMUNITY AND SOCIAL NETWORKS

Although some refugees remain in intact family groups, many others experience the loss of family members or family separation - one of the deepest sources of emotional pain for refugees. Family members are lost forever to the conflict and forms of persecution that caused the flight to refuge, or families become scattered in diaspora.

~110~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

Refugees frequently become separated from their families at the time when they are forced from their homes, or during their escape from danger.

In flight or in a place of temporary refuge, refugees are not supported by the same community structures or social networks that existed in their countries of origin. All of these social systems are disrupted. Being cut off from family and community support can create or exacerbate a wide range of other risks, including poor physical security, lack of economic support, and lack of psycho-social support, all of which are associated with greater vulnerability to becoming a victim of human trafficking.

TRAUMA

Trauma casts a long shadow over people's lives. One of the sad consequences is that people who have suffered trauma can become less self-protective for risk, or even actively engage in highly risky behavior, because of the psychological damage they have suffered. They may also be less able to build or rebuild supportive social networks, less able to secure and hold employment. In the case of children or youth subjected to sexual trauma, they may re-enact sexual behaviors that were part of the abuse they suffered. The experience of trauma heightens the risk that an otherwise vulnerable person will be acquired for the business of human trafficking, and refugees are disproportionately touched by traumatic events,

LEGAL PROTECTION

One of the most serious risks that refugees face if they have not been identified and registered – a situation which is more likely for urban refugees and those who are part of mixed flows - is their lack of legal status. Like migrant workers, refugees are subject to arrest, detention and return to their country of origin. Even if refugees are identified and brought under the protection of the international legal framework (which will depend among other factors on whether the country of refuge is signatory to the 1951 Refugee Convention, and how its own laws are formulated), they will be protected from *refoulement*, but still may not have authorization to work or have any durable solution on the horizon.

Because the risks of return are so much greater for refugees,

~111~

© Sociologists Without Borders/Sociólogos Sin Fronteras, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

including and up to a fear of torture or death, refugees will go to even greater lengths than other migrants to evade apprehension and discovery, and may be willing to put up with higher levels of labor exploitation or take greater risks with employers to avoid being returned to their country of origin.

ENFORCEMENT AND BORDER CONTROLS

Border controls and immigration enforcement are established and reinforced with the intent to secure national boundaries and regulate the movement of people across those boundaries. Generally speaking, nations attempt to facilitate the movement of people who are visiting, doing business, lawfully migrating, or in need of humanitarian protection. Conversely, they try to keep out unauthorized labor migrants as well as terrorists and other undesirables. Geopolitical issues also come into play with, for example, restrictions on the admission of individuals from nations engaged in hot or cold conflicts.

Over the past couple of decades, concerns about the scope and impact of unauthorized labor migration resulted in significant enhancements to border controls and migration enforcement, particularly in North America and Europe. Now, with the acute international focus on terrorism, enforcement and border controls are being strengthened even further. Many of these shifts have been problematic from a refugee protection standpoint because they prevent refugees from accessing territory where they might find safety. Enforcement measures intended to secure borders against unauthorized entry by migrants seeking labor opportunities put significant obstacles in the path of refugees crossing international borders. Safeguards intended to screen for refugee protection needs are helpful for individuals who manage to secure documentation and transportation up to a border checkpoint or who come before a trained official, and who are able to make their refugee situation clear at that moment, but the overall context is one of restricted access, with migration avenues blocked by formidable barriers.

Particularly in the European context, there has been a significant critique by human rights observers and activists of the way in which anti-trafficking efforts have been shaped by some policy-makers as a question of stronger migration controls.¹⁰ The goal

~112~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012

A. Wilson / Societies Without Borders 7:1 (2012) 100-118

of combatting trafficking has been deployed to enhance border and enforcement approaches that erode refugee protection by curbing access to asylum. This is one side of the problem. The other is that systems designed to block migratory movement actually drive refugees into the arms of human traffickers.

Why is this? Heavily secured borders cannot be approached and navigated without assistance. The more intimidating the barriers, the greater necessity migrants feel to secure the assistance of smugglers, and the more the international business enterprise of human smuggling increases in its financial magnitude and complexity. More challenging border crossings require more sophisticated operations to manage transportation, false documents, temporary housing, and so on. The money that changes hands to secure international passage increases, creating systems where significant debts are owed to smugglers, often under pay-later schemes that create optimal conditions for trafficking. With so much money at stake, human smuggling operations become of significant interest to criminal enterprises that also participate in the movement of drugs and prostitution, expanding the interpenetration of these areas of business.¹¹

Greater border security and migration enforcement can actually be the breeding ground for an expansion of human trafficking, by creating mechanisms and incentives for the acquisition and profitable movement of victims. This complex and unintended dynamic impacts all migrants, including refugees who are desperate to cross borders, impoverished by circumstance, and either uninformed of the risks or driven to take unreasonable risks.

REDUCING TRAFFICKING RISKS FOR REFUGEES: POLICY AND PRACTICE RECOMMENDATIONS

Improved protection for refugees from the risks of human trafficking can be achieved through improved approaches in five domains: the adoption of a refugee-centered philosophy, improved legal protections, shifts in relief and social assistance programs, an enhanced focus on durable solutions for refugees, and more information-sharing between those working on human trafficking and those working on refugee issues.

At the heart of any solution to the problem of trafficking

~113~

© *Sociologists Without Borders / Sociólogos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

risks for refugees is the need to recognize and support refugees' talents, strengths, and agency. Refugees are often treated as disposable people, pawns in larger political games or the unwanted refuse of intractable conflicts. When refugees are able to participate in peacemaking, to contribute to the societies they join, and to support their families, the risk of being trafficked is reduced. Partnering with refugees and refugee communities in a meaningful way to identify and implement solutions is the best way to provide protection that addresses actual need. This approach entails the adoption of a refugee-centered philosophy that permeates every aspect of work and research.

At each point in the migration passage, it is imperative that improved systems be put into place to identify and offer legal protections to refugees and victims of human trafficking. At border crossings and in migrant communities, refugees who go unidentified run the risk both of *refoulement* and of falling into the hands of criminal predators. True legal protection requires that nations provide a protective status under law, offering the means for human sustenance and a life of dignity, as well as the practical means for individuals to access such protections. Children as well as adults must be covered. Border enforcement policies and migration controls must be tempered and balanced by mechanisms for ensuring the protection of the most vulnerable. Laws intended to provide protections to either victims of trafficking or refugees should be sensitive to the areas of intersection so that risks are not unintentionally increased for either population.

Assistance to refugees should include specific measures to prevent individuals from falling into the hands of human traffickers. First of all, whether in a camp setting or in an urban situation, those responsible for providing protection and assistance should undertake a mapping of populations at risk within broader refugee populations, including women without family living in non-group settings.¹² Part of this exercise should include attention to the labor opportunities and conditions available to refugees. Where appropriate, the 'Heightened Risk Identification Tool' should be used to identify individuals in need of enhanced protection services. Secondly, education programs for refugees, to inform them of the risks of trafficking and how they can be reduced, should be particularly targeted to those at greatest risk.¹³

~114~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

Programs intended to expand economic opportunities – for refugee women as well as men – are a critical anti-trafficking measure. Third, special efforts to ensure the protection of women and children, and to maintain gender and age-based analytic frameworks in understanding specific refugee situations, are a critical element of risk reduction. Fourth, separated children should have ‘best interest determinations’ (BIDs) upon identification, and periodically thereafter, to ensure the safety and security of their placements and appropriate consideration of durable solutions.

Clearly, the best way to reduce trafficking risks for refugees is to provide them with a durable solution – one that offers permanence, legal status, safety and a means of economic support. For individuals at the greatest risk, and for whom return and local integration are not options, expanded third country resettlement options should be made more generously available. Trafficking risks should be explicitly considered when considering which durable solutions are best.

Finally, it is critical for there to be greater collaboration and information-sharing between those working on refugee protection and assistance and those working on human trafficking. Each sector needs to be educated about the risks each population faces, and where these risks intersect. And solutions need to be designed that address the multiplication of risks. Enhanced refugee protection is an anti-trafficking measure, and preventing trafficking is an essential element of refugee protection.

References

- Abbasi, Ahmad S. and John Davies. 2002. ‘Anti-Trafficking Activities: A Danger to the Mobility of the Bangladeshi Poor?’ Sussex Centre for Migration Research
- Amnesty International. 2004. ‘So Does it Mean We Have the Rights? Protecting the Human Rights of Women and Girls Trafficked for Forced Prostitution in Kosovo.’
- Crisp, Jeff. 2005. ‘Policy Challenges of the New Diasporas: Migrant Networks and their Impact on Asylum Flows and Regimes,’ Policy Research Unit UNHCR
- Damazo, Jet. 2007. ‘Raising People’s Awareness of Human Trafficking Risks in Projects Improving Connectivity,’ *Poverty Matters Newsletter* Issue 5
- Gallagher, Anne. 2004. ‘Trafficking, Smuggling and Human Rights: Tricks and Treaties,’ *Forced Migration Review* 12. Global IDP Project.
- Hathaway, James C. 2008. ‘The Human Rights Quagmire of ‘Human Trafficking,’” *Virginia Journal of International Law* 49(1)

~115~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

- Kara, Siddharth. 2009. *Sex Trafficking: Inside the Business of Modern Slavery*. New York: Columbia University Press.
- Koser, Khalid and Charles Pinkerton. 2002. 'The Social Networks of Asylum Seekers and the Dissemination of Information about Countries of Asylum,' Migration Research Unit, University College London 2002
- Morrison, John and Beth Crosland. 2000. 'The Trafficking and Smuggling of Refugees: The End Game in European Asylum Policy?' Policy Research Unit UNHCR
- Piotrowicz, Ryzard. 2008. 'The UNHCR's Guidelines on Human Trafficking,' *International Journal of Refugee Law* 20 (2)
- Riiskjaer, Maria and Anna Marie Gallagher. 2008. 'Review of UNHCR's Efforts to Prevent and Respond to Human Trafficking,' UNHCR Policy Development and Evaluation Service.
- Schloenhardt, Andreas. 2001. 'Trafficking in Migrants: Illegal Migration and Organized Crime in Australia and the Asia Pacific Region,' *International Journal of the Sociology of Law*
- Uherek, Zdeněk, Klára Skřivánková and Renata Weinerová. 2001. 'Women Asylum Seekers and Trafficking,' Research report for the United Nations High Commissioner for Refugees, Branch Office Prague, Czech Republic
- United Nations General Assembly. 2010 'Trafficking in Women and Girls: Report of the General Secretary.'
- Wölte, Sonja. 'Armed Conflict and Trafficking in Women.' Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH
- Women's Refugee Commission. 2006. 'Abuse Without End: Burmese Refugee Women and Children at Risk of Trafficking'
- Young, Mary A. 2003. 'The Smuggling and Trafficking of Refugees and Asylum-Seekers: Is the International Community Neglecting the Duty to Protect the persecuted in the Pursuit of Combating Transnational Organized Crime?' *Suffolk Transnational Law Review*

Endnotes

1. Maria Riiskjaer and Anna Marie Gallagher, 'Review of UNHCR's Efforts to Prevent and Respond to Human Trafficking,' UNHCR Policy Development and Evaluation Service September 2008
2. The 1951 Convention Relating to the Status of Refugees. See also the 1967 Protocol, removing geographic and temporal restrictions from the Convention. 147 states are party to one or both instruments.
3. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Crime, 2000. 117 countries are signatories.

~116~

© *Sociologists Without Borders/Sociólogos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

4. Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery*. New York: Columbia University Press, 2009.
5. Khalid Koser and Charles Pinkerton, 'The Social Networks of Asylum Seekers and the Dissemination of Information about Countries of Asylum,' Migration Research Unit, University College London 2002
6. Refugees and Asylum Seekers in Urban Areas: A Livelihoods Perspective, *Journal of Refugee Studies* (September 2006) 19(3):273-286
7. See, among others, the excellent report of the Women's Refugee Commission, 'Abuse Without End: Burmese Refugee Women and Children at Risk of Trafficking' 2006
8. Zdeněk Uherek, Klára Skřivánková and Renata Weinerová, 'Women Asylum Seekers and Trafficking,' Research report for the United Nations High Commissioner for Refugees, Branch Office Prague, Czech Republic 2001
9. Sonja Wölte, 'Armed Conflict and Trafficking in Women,' Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH
10. See for example, James C. Hathaway, 'The Human Rights Quagmire of 'Human Trafficking,'" *Virginia Journal of International Law* Vol 49:1 2008 5, Mary A. Young, 'The Smuggling and Trafficking of Refugees and Asylum-Seekers: Is the International Community Neglecting the Duty to Protect the persecuted in the Pursuit of Combating Transnational Organized Crime?' *Suffolk Transnational Law Review* Winter 2003 and John Morrison and Beth Crosland, 'The Trafficking and Smuggling of Refugees: The End Game in European Asylum Policy?,' Policy Research Unit UNHCR 2000
11. For the interpenetration of human smuggling and organized crime, see for example Andreas Schloenhardt, 'Trafficking in Migrants: Illegal Migration and Organized Crime in Australia and the Asia Pacific Region,' *International Journal of the Sociology of Law* 2001

~117~

© *Sociologists Without Borders/Sociólogos Sin Fronteras*, 2012

A. Wilson/Societies Without Borders 7:1 (2012) 100-118

12. For a more specific approach to mapping, see the excellent recommendations contained in a 2008 report produced by UNHCR. Maria Riiskjaer and Anna Marie Gallagher, 'Review of UNHCR's Efforts to Prevent and Respond to Human Trafficking,' UNHCR Policy Development and Evaluation Service September 2008

13. For example, Jet Damazo, 'Raising People's Awareness of Human Trafficking Risks in Projects Improving Connectivity,' Poverty Matters Newsletter Issue 5 October 2007

Annie Wilson is the Executive Vice President of Lutheran Immigration and Refugee Service. In that role, Annie provides internal leadership to the organization, ensuring alignment, integration and impact of core strategies. LIRS's mission is to stand with and advocate for migrants and refugees, transforming communities through ministries of service and justice. Annie has twenty-five years of experience in the refugee and immigration field, including five years overseeing the domestic refugee resettlement network of the Church World Service Immigration and Refugee Program, and eight years directing the Asylum Concerns Program of LIRS. She currently serves on the steering committee of the Detention Watch Network and on the Advisory Board of the Immigration Advocates Network, and is chair of the board of the Westchester Square Partnership, and immediate past chair of the Maryland Association of Nonprofit Organizations. She is also a past chair of the Resettlement Committee of the Refugee Council USA.

~118~

© *Sociologists Without Borders/Sociologos Sin Fronteras*, 2012