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Trafficking in Human Beings – CEE and SE Europe

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What do we know?

Trafficking in persons is increasingly drawing attention as a forced labour issue involving special “supply-demand” factors in imperfect labour markets at origin and destination. It is taking on new forms as globalization redistributes labour and fuels growth in sectors with demand for cheap labour. It particularly impacts women and children, notably in the non-tradable service sectors, including the sex industry. Both males and females are trafficked, but the type and severity of abuse and exploitation is highly gender-specific, and shaped by social, cultural and market biases. Migration laws also play a role, for example increasingly restrictive exit and entry policies have driven much labour migration underground. This presentation calls for new approaches to data collection and analysis to inform more comprehensive policies¹

Given its clandestine and criminal nature, there is insufficient empirical data on trafficking. Extrapolating on country information, the US Department of State estimates some 600,000 to 800,000 men, women and children trafficked across international borders every year – the majority trafficked into commercial sexual exploitation. By comparison, the largest victim-based databases established by IOM globally and by the OSCE’s Regional Clearing Point in Southeastern Europe cover fewer than 8,000 cases. These reports include little data on the many more likely to be trafficked within their own countries in many regions of the world.

International studies by NGOs, international organizations like IOM, ILO, UNICEF and OSCE have increased, but mostly aim at awareness raising, law enforcement and assistance to victims. There is still inadequate systematic analysis of its root causes and impacts, and a lack of international and national legislation to combat it - largely because of poor data, neglect, lack of resources, and economically motivated trade-offs between public enforcement and private sector laissez faire. It is thus a high profit-low risk venture for the traffickers. It has only been criminalized in international law as a human rights and migration violation since 2000; and few governments address its labour implications.

The unique data collected from assisted victims of trafficking by IOM and OSCE’s Regional Clearing Point in Belgrade shed light on some key risk factors such as gender, age, economic, employment and family backgrounds. As such, they only indirectly point to some links between trafficking and development or policies needed to address root causes. They tell us little about the market forces favouring trafficking, both in developed and developing countries.

This presentation looks at trafficking from a gender and forced labour perspective, using the baseline data collected by IOM and the Belgrade Clearing Point between 2000 and 2005. The focus is on Central/Eastern/Southeastern Europe, which comprises 30% of IOM’s global cases,² and as an origin, transit and destination region reveals some important new trends in trafficking in persons. The presentation makes a plea for combining these first-hand data

¹ See ILO’s new research on the labour dimensions of trafficking, the Special Action Program to Combat Forced Labour (ILO/SAP-FL), focused on four origin countries, Albania, Romania, Moldova and Ukraine (IOM, 2005).

² IOM’s Counter Trafficking Module (CTM) first set up in the Balkans in 2001, covers data on 7,711 victims from more than 71 countries of origin. The Belgrade Regional Clearing Point (RCP) established in 2000 by the Stability Pact Task Force (EU/OSCE) and operated by IOM has data on 5,778 cases between 2000 and 2004 assisted in the 10 Balkan states. The UN Office of Drug Control (UNODC) maintains a global database under its Global Program against Trafficking in Human Beings drawn from research reports and statistics from governments, international organizations, academia and the media.

with deeper economic analysis, as a basis for future policies to account for the development impacts.

Is trafficking a development issue?

Trafficking in persons cuts across a number of MDGs, most notably the first on poverty reduction and the third on promotion of gender equality and empowerment of women, as ways of enhancing economic growth and reducing poverty. While available data show that it is not always the poorest who are trafficked, the majority of the victims are still people in vulnerable, low income, socially deprived circumstances, such as women, children and minority groups in developing countries and countries in transition (e.g. Moldova, Romania, Bulgaria, and Albania). More and more are trafficked within their own countries and communities (e.g. the Roma), as this is quicker and more immediately profitable for the traffickers (ibid). Internal trafficking is however not well documented.

In Southeastern Europe, the transition from centrally planned to market economies has tended not to be accompanied by comprehensive social policies, causing unemployed youth, women and Roma minorities to become the “new poor”, dependent on charity and highly vulnerable to trafficking (UNICEF et al, 2005). They take risks out of necessity and a lack of information and resources; but what begins as a typical economic survival strategy can often end in slavery, abuse and foregone benefits.

There are many other reasons beyond poverty why trafficking proliferates in some regions, among them the presence of military or peace-keeping forces, e.g. in Bosnia and Herzegovina or Kosovo in the late 1990s. Increasingly, these countries too have become transits and destinations for trafficked persons from other developing regions such East Asia (e.g. China).

Like smuggling, trafficking in persons re-directs the benefits of migration from the migrant, his/her family, community, government or legitimate employer to the traffickers and their associates. UNICEF calculates the global profits to traffickers at around \$7-10 billion a year (IOM, 2003). The US government in 2004 estimated that approximately \$9.5 billion go into the pockets of traffickers. ILO estimates the total illicit profits to be just under \$32 billion. The links between people trafficking and money laundering, drug trafficking, document fraud and human smuggling are well established (US Department of State, 2005), which can be highly damaging to development and poverty reduction efforts.

(Note that though corruption and criminality are key negative factors for development, the link is not made in the context of trafficking in persons. For example, the EC’s Stabilisation and Association Agreements with SE European countries do not make the link between the political and economic situation, the vulnerable groups and trafficking in persons (UNICEF et al, 2005)).

Trafficking can help irretrievably deplete a developing country of its human capital and reduce the returns to the home country through remittances. On the assumption that the gains for the traffickers include foregone remittances, there will be a negative impact on the health, education and mortality of children. In many cases, the forced absence of women leads to the breakdown of families through neglect of children (around 30% of trafficked women in SEE have children) and the aged (Clert et al, 2005; US Department of State, 2005). Trafficking reduces the availability of family members to care for the elderly, and force children to work, denying them education and reinforcing the illiteracy and poverty cycle that hinder

development efforts. It can pose a threat and cost to public health, also when victims of trafficking return home. None of these impacts have been measured; nor are there solid indicators to measure them.

The human and economic costs of unattended health problems of trafficked persons, particularly in the sex industry, and given the often unsanitary conditions under which trafficked persons work and live, are immeasurable (US Department of State, 2005). The abuse and subordination of vulnerable and marginal groups can also perpetuate social and gender inequalities within developing societies (e.g. between men and women) and between rich and poor countries.

What are the Risk Factors?

Household surveys show that gender, age and minority ethnicity are major factors in determining poverty, and the evidence from IOM's database³ and other studies shows that these also continue to be the biggest risk factors for trafficking. Most affected are still females, rural residents, children in large families and ethnic minority groups. Minorities and young people especially tend to experience acute labor market exclusion in post-conflict countries and to suffer isolation and powerlessness, especially in rural areas and small towns (Clert et al, 2005), and it has been shown that these aspects of youth vulnerability are gender-specific (Paci, 2002)).

Household poverty levels are a high risk factor. IOM data suggest that almost 60% (1,660) of victims from Southeastern Europe come from a "poor" family background, which is high compared with IOM's global statistics of just over 50%. Unfortunately, subjective measures of "poor" were used in the IOM survey, rather than World Bank indicators of \$2 income a day. This would require further rigorous measurement in future such surveys.

The majority of victims are still **females** - more than 98% of surveyed victims in SE Europe, as compared with 83% in the global dataset. Of these, more than 72% are 25 years of age or younger, the majority between 18 and 24 (56%); 54% are single, 17% divorced; separated or widowed, and some 9% married. In the Balkans, the increase in female trafficking has also been linked to increased levels of domestic violence and discriminatory hiring practices associated with the transition. Migration offers women alternative socio-economic prospects.⁴

A new development are the increasing numbers of male victims referred for assistance, most of them trafficked for non-sexual labour (construction), or begging and delinquency if they are minors. The Regional Clearing Point records that in 2000 100% of Albanian victims were female, but by 2004 this had reduced to 79.8%. This is no doubt largely due to changing awareness and practices among the referral agencies, particularly law enforcement agencies.

³ The cases, drawn from some 72 source countries and more than 90 countries of destination between 2001 and 2005, have mostly been referred to IOM by law enforcement agencies, NGOs, international organizations and embassies. This method has its own problems regarding the veracity of the responses to interview questions, and the potential for the data to reflect the biases of the assisting agency.

⁴ In the SEE region, one World Bank expert observes that human trafficking is a form of gender-based violence that has increased with the upheavals of transition; and that young children from poor families have also been increasingly at risk (Clert et al, 2005).

Some 30% of women assisted by IOM admitted to having children at home, consistent with the global average. The family status of victims deserves some attention, because of the impact on children and aged relatives left behind (Clert et al, 2005). Many victims from Moldova and Romania were mothers at the time of recruitment, and the children were left in the care of other family members, usually grandmothers, with few means, or in childcare institutions (ibid).

The US State Department report on trafficking in 2003 found a disproportionate representation of women and girls from the **Roma community** among Bulgarian victims. The World Bank's work on Roma and Egyptian minorities in Albania highlights the social exclusion/poverty factors that render these groups high risk (De Soto and Beddies, 2005). The Regional Clearing Point data show a sizeable increase in assistance to ethnic minorities from Bulgaria (77% in 2003 to 82% in 2004). There is also emerging evidence that trafficking occurs within and by the Roma communities. Databases such as the IOM one tend not to differentiate victims by ethnic, religious or other social affiliation, and hence provide insufficient data for further analysis along these lines (only few known cases of Roma in the IOM database).

Among those most at risk, however, are **children**, whose trafficked experiences are seriously under-documented (Dottridge, 2004). The IOM database shows a high percentage of children referred for assistance over the years globally (1,310 or 17% (16% for SE Europe)). The Regional Clearing Point records that almost 59% of victims from Bosnia and Herzegovina, 65% from Serbia and 80% from Montenegro were minors in 2004 (Surtees, 2005). The phenomenon affects both females and males, and almost mirrors the overall gender breakdown among trafficked victims (more than 72% female; some 27% male). Since the chief purpose is labour of some kind, or sexual services, older children predominate (14-17 years of age). In Moldova, NGOs are seeing more second generation children (of victims) growing up alone or in children's homes at risk of being trafficked (IOM, 2004).

An EU report in 2001 already found evidence of increased trafficking of minors to Belgium, Finland, Italy, Netherlands, Norway and the UK, where girls aged 15-18 had been repeatedly raped and exploited prior to arrival (IOM, 2002a). UNICEF has developed some useful guidelines to protect the rights of trafficked children and to serve as a guide on migration policies; and all SE European governments have agreed to adopt these guidelines.

There is no clear evidence that a **low level of education** is necessarily a high risk factor. More than 65% of cases surveyed globally had had considerable education, even some university (5.6%) study prior to migrating. The Regional Clearing Point reported in 2003 that low education was a risk factor for Albanian and Kosovar victims (with ca. 85% possessing only some elementary schooling) (ibid). The Clearing Point also found that the average education levels of Romanian victims declined in the reporting period, suggesting that the information campaigns being conducted in the schools at that time were having an effect. At the same time, the education levels of Moldovan victims rose, which seemed to suggest that higher education may only be a mitigating factor where employment opportunities exist (RCP, 2003).

Low labour force participation continues to be a key risk factor, particularly for females. Of the cases surveyed globally by IOM, around 40% had had some work experience prior to migrating, mostly as self-employed or employed in some family business. But more than 40% of these claimed to have earned less than \$50 a month, and some 54% less than \$100 a

month. An earlier IOM report on Kosovo showed that 70% of assisted victims from the region who had worked in their countries of origin had earned less than \$30 a month (IOM, 2002b). In many countries of origin, women have a higher rate of unemployment than men. For these, migration is an obvious economic survival strategy.

There is insufficient empirical and theoretical information about the causes and impacts of poverty on trafficking, and vice versa; a serious omission in any national and international efforts to prevent and prosecute the crime and link it to development efforts. Trafficking in persons is generally not addressed in national development strategies, and agencies like UNICEF and IOM are calling on governments to insert it in their Poverty Reduction Strategy Papers (PRSPs).⁵

Labour market aspects

With the primary shift in labour demand in most developed countries from industrial to service sectors, highly gendered niches have appeared in sectors such as domestic work, health, child and aged care, that are likely to be more female dominated. Trans-nationalization of the global economy provides the dual opportunity of cheap and vulnerable labour both at home and abroad (Sassen, 2003); but in many countries, the sectors women work in (domestic/entertainment) are not covered by labour laws, and the migrants are subject to long working hours, low pay, and a high degree of control. They are often isolated, with less contact to other workers, lack local language skills, and frequently subjected to abuse, including sexual abuse (ibid). Trafficking is an extreme, criminal version of this labour market dysfunctionality. Some countries of origin in Southeastern Europe are increasingly considering ways of negotiating legal labour agreements with destination countries, as the Philippines has done for many years, in order to undercut the profitability of traffickers.⁶

In Southeastern Europe, the IOM global database shows some 64% of victims had been lured by the promise of a job, mostly domestic work, dancing/entertainment, waitressing, selling, sex and au pair/childcare work. 2.3% were attracted by marriage offers and 6.5% by tourism. For the few males in the database, the lures appeared to include agricultural and selling work.

Regardless of the job, almost 90% of Southeast European victims experienced sexual exploitation at the destination (compared with 5.45% for other forced labour). These statistics tally with UNICEF estimates in 2002 that 90% of migrant sex workers in the Balkans were victims of trafficking (UNICEF, 2002). In many cases, the exploitation is a dual one, labour and sexual services. The Regional Clearing Point estimates around 85% of its more than 6,000 cases in SE Europe were exploited for both sexual and other purposes in 2003 and 2004. But it varies from country to country (e.g. in Bulgaria, 30.8% of victims in 2003, and 20.5% in 2004 were trafficked for both sexual and other work purposes) (RCP,

⁵ Note the World Bank publication "Poverty in Albania, a Qualitative Assessment", 2002, prepared during the development of the PRSP, addresses poverty, family and female exclusion, but does not mention trafficking.

⁶ The Philippines attracts better working conditions for its workers in a number of countries. For example, Filipinos earn more than 4 times as much as Indonesians in Singapore (ibid). The government also ensures through compulsory pre-departure information and training that all migrants are aware of their rights, and in the case of women, the risks involved in migration. There is some suggestion that the Philippines' highly regulated labour emigration program has helped reduce the incidence of trafficking there.

2005). Globally, IOM statistics are somewhat lower for sexual exploitation (81.3%) and a little higher for forced labour (14%).⁷

In the Kosovo sex trade, traffickers and employers have increasingly adjusted their business practices and begun paying the victims up to EUR200-300 a month, and providing more adequate accommodation; in effect removing some of the victimization factors (IOM, 2004).

There is a lingering question in Europe about whether the legalization of prostitution plays a role in counter trafficking efforts, particularly given the scanty evidence that legalization can help reduce the magnitude of trafficking.⁸ Indeed, there appear to be more trafficked women detected in West European countries where aspects of prostitution are legal. Some experts find that legalization may only protect nationals and further marginalize the position of trafficked women (US Department of State, 2004). ILO points out that even where the industry is legal, it is insufficiently monitored and regulated (Kelly and Regan, 2000).

What is being done?

Central, Eastern and Southeastern Europe is an interesting case study for trafficking, because of the many actions taken by these countries. They have all signed the Trafficking Protocol,⁹ have national plans of action against trafficking, central contact points on the issue and have formally agreed to adopt UNICEF's guidelines on child victims. Capacity building efforts under EU and other programs are showing results in the number of new laws and training programs in some vulnerable regions.¹⁰ Information campaigns have been implemented in countries of origin and destination throughout Europe, particularly Southeastern Europe; and shelters and assistance programs at both ends of the migration spectrum are being operated by many NGOs in cooperation with governments, IOM and others. School campaigns, hotlines and capacity building of NGOs and others have been variously implemented and supported by IOM, OSCE, UNICEF and NGOs in Europe and Asia. IOM has an extensive training manual, including modules on interview techniques, assistance to victims, health care (including psycho-social therapy), law enforcement cooperation and return and reintegration.

Assisted return and reintegration programs also play an important part in preventing trafficking in persons. Conditions for sustainable return are critical for those victims who cannot or do not wish to remain in destination countries, as UNICEF and others estimate that up to 5% of trafficked women returned to SEE countries are re-trafficked, and the Belgrade Clearing Point estimates between 11 – 21% of assisted victims trafficked to Kosovo in 2003/2004 had been re-trafficked (Surtees, 2005). There is evidence that social support and job creation assistance can motivate returnees to stay home, and even serve as a form of secondary prevention.¹¹ Despite these efforts (dependent on government or international

⁷ Compare Asia, where foreign domestic workers account for 90% of migrant workers in Hong Kong; 30% of the migrant labour force in Singapore; and up to 80% of Sri Lanka's workforce in the Middle East (Maimbo et al, 2005).

⁸ Major differences of approach became apparent in the negotiations during the drafting of the UN Protocol. The Coalition against Trafficking in women (CATW) saw all prostitution as a violation of women's human rights (Doezema, 2002), but the Human Rights Caucus saw prostitution as legitimate labour. One expert points writes that where only forced prostitution is illegal under national laws it is difficult to establish this in court (Hughes, 2000).

⁹ *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the United Nations Convention against Transnational Organized Crime, 2000.

¹⁰ Italy has trained police forces in Albania. Austria has funded a women's shelter in Belgrade; and France has funded prevention programs in Central and Eastern Europe (United States Department of State, 2004).

¹¹ A Romanian NGO claims a reintegration rate of 84% of returned trafficked women where they are assisted (UNICEF et al, 2002); IOM has found that the majority of Moldovans assisted to return and reintegrate were still there and employed 12 months after returning (IOM, 2005a). IOM monitors reintegration after 3, 6 and 12 months

donor funding), there is still a lack of effective reintegration programs that address housing, health, education, employment, substance abuse and trauma. This encourages re-trafficking.

Temporary residence options for victims of trafficking can be a preferable alternative to return, usually as an incentive to cooperate with law enforcement agencies in identifying the traffickers (e.g. the USA, Netherlands, Switzerland), or as part of witness protection programs (e.g. Germany), and with the opportunity to work (Netherlands) and even remain permanently (e.g. Italy, Austria). Such strategies can help both protect victims in highly vulnerable circumstances from further potential victimization upon return, and help authorities to address the demand side of the problem, pursue and prosecute the perpetrators, and undercut the profitability of the traffickers and related players.

There is clearly strong and growing commitment by governments to address the problem, but this is often not followed through with concrete action; nor is there sufficient effective enforcement and accountability or coordination among the many actors, particularly UN agencies.¹² Little is undertaken in destination countries to address the labour market or demand factors that permit trafficking of foreign persons for illicit services.

3. Data and Research

While the body of data on trafficking in persons is growing, it mostly relates to cross-border trafficking, and remains imprecise (Terre des Hommes, 2004). IOM data and research indicate that as traffickers adjust their practices – increasingly using legal documents, remunerating their victims, or conducting the sex trade from private dwellings – the referrals for assistance have declined. Thus the iceberg may be growing but the tip is getting smaller (IOM, 2004).

The case-related databases of IOM and the RCP provide useful information directly from victims on the determinants, methods and purposes of the trafficking, as well as the risk factors and profile of the traffickers. The cases, however, are mostly referred by the authorities or NGOs, and are unlikely to represent a critical mass, or reliably indicate the overall scale of the problem. They do offer useful pointers on cause, process and effect to aid future prevention, protection and prosecution. But they are likely to be biased by the mode of case referral.

The USA has recently started to develop a methodology to estimate future flows of human trafficking into the USA for purposes of labour and sexual exploitation.¹³ This involves assessing empirical data around two critical regions and using simulation techniques to develop trafficking models that would yield some initial estimates. The aim is to correct the huge gap in trafficking data, and aid future planning and assessment of prevention and interdiction strategies (IOM Washington, DC).

IOM has also begun to examine the “demand side of the phenomenon in the sex industry in the Czech Republic (IOM, 2005b), to establish who the clients are, their sensitivity to the circumstances of trafficked victims; and their potential to act against it. Information on this is

¹² The UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography may have the brief to advise governments on how to combat child trafficking, but does not coordinate initiatives taken by UN agencies (Terre des Hommes, 2004).

¹³ The US National Institute of Justice (in the US Department of Justice) commissioned the study of a consultancy firm, under the guidance of an Interagency Technical Advisory Committee (including IOM).

virtually non-existent. Without prejudicing the sensitive debate around prostitution and the sex industry, the study found a high incidence of abusive labour practice where the industry was stigmatized, even criminalized, but poorly regulated.

What more should be done?

Four key policy messages of this presentation are addressed to the major international players and all governments:

1. Agencies currently collecting baseline data on trafficking (e.g. IOM, ILO, OSCE, NGOs) should evaluate these efforts and together develop a comprehensive set of **indicators** for cross-country comparability (age, gender, education, prior employment etc);
2. Multilateral development institutions like the World Bank to design **theoretical models** to assess:
 - likely trafficking flows (early warning);
 - economic impacts on migrants, their families and communities back home (e.g. of foregone or reduced remittances, health and other costs);
 - the role of gender in shaping determinants and impacts of trafficking;
 - how to evaluate the efficacy of current counter trafficking programs.
3. Institutions working on labour and development issues, such as ILO and the World Bank should provide rigorous analysis of **labour market factors**, including the nature of employment and consumer demand for trafficked persons, the role of recruiters and other middle men, and the regulatory context that permits labour exploitation to occur or to be under-prosecuted.
4. Migration and labour-oriented agencies such as IOM examine **good migration practices** as mitigating forces against trafficking (e.g. correlation between better planned, regulated migration and low incidence of trafficking? (e.g. Philippines).

These actions should provide the tools for all governments to systematically and centrally collect baseline data on trafficking of persons into, within and out of their countries; and for development agencies to link international development projects on poverty reduction, gender equity and social inclusion of youth more closely to anti-trafficking efforts (Clert et al, 2005).

They will also provide the evidentiary rationale for including trafficking in country poverty reduction strategies.

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