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DYNAMICS OF MIGRATION AND CRIME IN EUROPE : NEW PATTERNS OF AN OLD NEXUS

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october 1996

N.8

paper prepared for:
ISPAC, international conference on
"migration and crime: global and regional problems and responses"

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This paper consists of the central part of the research "Migrations and Crime - the international dimension of the problem" commissioned by the Italian Ministry of Justice and carried out under my direction by TRANSCRIME, University of Trento, on behalf of the Centro

Nazionale di Prevenzione e Difesa Sociale. The Italian version of the complete findings was finished in June 1996 and will be distributed during this Conference.

1. The nexus between migration and crime

The relationship between migrations and crime is one of the problems on which for a long time now social research has been concentrating, mainly in countries characterised by important migrational flows, such as the United States, the United Kingdom and Australia.

Among the many - still unsolved - questions which researchers come across, two can be singled out:

- Do migrants commit more crimes than the natives?
- Is the data, relating to the number of foreigners denounced, distorted by racial prejudice and consequently by the orientation of police agencies to concentrate on the immigrants because they are a more visible objective and represent higher social alarm?

These and other questions are still open today in a context where the nexus between migration and crime is spreading to new qualitative and quantitative dimensions. It is no longer a question of exclusively local and national dimensions but more and more an interweaving of international, national and local dimensions. On the one hand the question of illegal migration lies in the growth and feeds the trafficking of migrants, one of the most profitable criminal activities for the organised crime groups. On the other, the illegal immigrants without status and in precarious social and economic conditions, commit crimes in the country where they reside and that in turn provokes xenophobic reactions in the local population.

In this circuit we have at least four different forms of crime: illegal migration of immigrants, trafficking of foreigners on behalf of organised crime groups, crime committed by foreigners and crime against them. These are different crimes, that need to be kept separately according to authors, entity and victims. This difference can be understood only if we look at the nexus between migration and crime in its whole and analyse it in terms of the measures taken to combat it.

Three types of policies offer possible answers:

- a) development policies on behalf of developed countries towards countries with a high demand for emigration because of economic conditions and demographic development;
- b) regulation policies for immigration, that propose to accept immigrants according to the need of the receiving country and to reject them when competition with natives for occupation, lodgings and education provokes xenophobic reactions and loss of political consent;
- c) crime control policies addressed to organised crime and common crime in the receiving countries.

These three policies have been and continue to be conceived in order to achieve different aims. According to their successes and failures, we have different consequences in the relationship between migrations and crime. The failure in the supply of better economic and social conditions in third world countries is an incentive to the demand for emigration. The success in the regulation of the migratory flows by the host countries causes at the same time displacement of the demand for legal emigration towards less restrictive countries. Organised crime satisfies this demand by opening channels for the traffic of migrants towards affluent

countries. The failure in the struggle against organised crime shifts the application of crime control policies to the only level where crime control policies could be effective: the local one.

At the end of this cycle emigrants and natives pay a heavy price: the first because they leave their country of origin and often enter criminal circuits; the second because they have to face a higher level of crime in their country.

In the relationship between migration and crime, often the latter becomes the social cost paid by modern society for the emigration it has caused through its lack of internal equilibrium. A cost added to that of the emigration and paid by the countries of origin for the loss of part of their young population.

The objective of the research to which this paper refers is to understand the development of the problem and to indicate some lines of intervention for policies aiming to reduce these costs.

Western Europe is at this moment the best laboratory for an analysis of this type. New problems are emerging and harmonised policies between the fifteen countries of the European Union to face the phenomenon and its developments are still missing. The 15 countries of the European Union are still prevalently characterised by an approach of purely defensive "national" character.

For this reason this research is aimed at Europe, at its problems and the policies for combatting them. Within the European context, considered like a laboratory on a regional territory for bigger problems, the research report - having considered the most important tendencies - examines the quantitative dimension of the link between migrations and crime, looking at the migratory flows in Europe and the quantity of crime caused by foreigners. After this analysis the report tackles the relationship between the demand for illegal immigration and the supply of criminal organisations which operate in this sector. Finally, the report analyses the various international and national policies for combatting these phenomena. Special attention is being paid to the European context and the policies of three similar countries, such as England, France, and Germany. On a European basis and on the basis of the problems of these three countries the legislative processes in force in Italy are thoroughly analysed and some indications for possible interventions are offered.

Five questions characterise the development of the research and to a certain extent they reassume the topic of the Conference to which this paper is addressed:

- a) where does the demand for immigration come from and what are the factors that determine it?
- b) how does the demand for illegal immigration meet the supply of organised crime?
- c) what are the criminal problems caused by immigrants in the host countries?
- d) what are the European and national policies for facing the problem and how can they be modified?
- e) what is the Italian situation regarding the examined phenomena and what lines of action are desirable?

2. Migration and crime: a first attempt to quantify the problem

In the common view there exists a two way connection between the migratory phenomenon and the criminal one, in the sense that migrations somehow cause crime and that crime in turn somehow causes migration. Examples of the first case are the crimes committed by foreigners in as far as emigrants and of the second the high number of those people who become refugees because of the political discrimination to which they are subjected. In this process a series of phenomena characterise more precisely the connection between migration and crime: of which most importance is the role of the criminal organisations in meeting the growing demand for illegal emigration. This, in turn, is a problem caused by a range of often concomitant factors: the pushing forces behind emigration, on the one hand, and the limited concessions granted for legal immigration, on the other.

The fusion between the demand for illegal immigration and the supply of criminal organisations causes a series of illegitimate markets that rotate around the traffic of immigrants. These are mainly activities of small scale drug pushing and prostitution. It is these two markets which have been mostly influenced by the increasing presence of illegal immigrants into Europe.

In this part, the research report carries out a first quantification of the connection between migration and crime, analysing first the migratory flows of foreigners into the countries of the European Union and then examining their criminal behaviours in the receiving countries. Both of these two analyses present major problems in confronting the data explained in the report.

The analysis of the ratio concerning the flow of immigrants and the crimes committed by foreigners and the local population examined in this chapter constitute the departure point for further reflection on the connection between migration and crime. The methodological problems of the research are further complicated by the elements it contains and the contours of this nexus are as yet scarcely defined. Clarity is obscured by numerous obstacles and thorough research needs to be done in the production of statistics.

The first obstacle is the impossibility to obtain exact data concerning the two variables under observation: migration and crime. Clandestinity is the main obstacle. It is the uncertainty about quantity and quality (origin, motivation) of the clandestine migrant which makes it impossible to know the exact number of foreigners within the various countries. The number of irregular and clandestine migrants is ever increasing, helped along by a network of transnational criminal organisations specialised in the traffic of immigrants.

A second important factor is the different methodological approaches applied by various countries to collect data concerning migratory flows, which makes a comparison of the phenomenon within the E.U. impossible.

The third factor is the lack of adequate information concerning the relapse of criminals. Illegal foreigners living in miserable conditions are unlikely to be reformed through detention. The probability of them committing crime again is much higher than that of the natives. The vicious circle has started: crime - exclusion - crime which will increase the number of foreigners being reported and confined. If this were the case, and we are only making a hypothesis, we would have a lower number of criminal subjects with a higher frequency of crimes per subject. This hypothesis cannot as yet be verified but given more specific data it should become the topic of a subsequent research.

The fourth factor is given by the extremely high number of crimes committed by unknown people. For example, in Italy in 1993, 83,3 per cent of the total crimes had been committed by unknown people.¹ A fact that makes one reflect on the matter. Working exclusively with data concerning reported crimes only the tip of the iceberg is perceivable and not the globality of the phenomenon. It is very likely that immigrants - more in the eye of the authority - are over-represented as components of the iceberg, rather than the natives.

Having made these introductory points we can attempt to answer the initial question: do immigrants in Europe commit more crimes than the local population?

The analyses carried out in the various countries and the statistics from official sources agree in stating that the crime of foreigners - and among these mostly immigrants - tends to increase compared to both the crime committed by natives and the general population boom of foreigners in the host country. In some countries this phenomenon is less noticeable, in others, such as Germany and Spain, it is clearly visible. In the latter state the number of reported foreigners is double that of the natives, always in proportion to the given population. The crimes of which foreigners are most frequently accused of vary from country to country, but they are homogeneous for some groups. Interpol data indicates that counterfeiting is the most widely spread crime among foreigners.

Another group of crimes where foreigners are strongly represented is the crime against property, especially theft. Interpol data shows a high number of thefts. The analysis concerning the single countries, such as Italy, Germany and France, indicates that they are generally petty thefts such as shoplifting or snatching. Immigrants seem more capable of such offenses than of more daring criminal enterprises.

Examining homicides in Austria and Germany the conclusion is that one third of killings are committed by foreigners. Crimes concerning drug traffic and consumption are on the increase, reaching rather high numbers in countries like Germany and Italy, where more than one fourth of the crimes attributed to foreigners are in this field. Offenses against immigration laws dominate the range of crimes committed; an important issue in the E.U. countries, except for Italy, where it hardly exists.

The connection between nationality of origin and crimes committed is confirmed in the countries under observation. North Africans are predominant among criminal foreigners and, among them, Algerians come first, followed by Moroccans and Tunisians. The other big group comes from East Europe, specifically from former Yugoslavia, USSR and Rumania. The third and last group comes from Turkey.

The social perception of the North Africans as those foreigners committing more crimes seems to be confirmed. A mixture of facts is at the base of their presence in the upper band of crime. Theirs are the relatively poorest communities in the great market of immigration. Furthermore, they are the most exposed to racial discrimination and to social exclusioning.

The link between nationality and specific types of crime is still too weak to be of some indication. The data so far examined suggests two connections. The first concerns drug trafficking which appears to involve mostly Africans, especially Nigerians. They are the heroin couriers in Europe and, therefore, because of the number of traffic offenses, they are the ones to increase the rate of crime committed by foreigners. The second concerns offence against property, mainly petty theft and pick-pocketing, committed mostly by ex-Yugoslavs and immigrants from other East European countries.

As far as sentences and imprisonments are concerned, the number of incarcerated foreigners is growing. This constant is present in every country, against with proportions varying from country to country. The over-representation of foreigners among imprisoned subjects adds a new component to the vicious circle of crime -exclusion - new crime, which is the most concrete aspect of social exclusioning. The hypothesis we want to introduce here and which could be the starting point for further research, is that foreigners with a criminal background have less benefit than natives from alternative punishments existing in European countries. This new "exclusion" could produce immediate repercussions in the national composition of the incarcerated population: those who stay "inside" are the immigrants, that is the people who have little to hope for "outside".

Should this hypothesis be true, the growth of the number of immigrants in the European prisons would make the prisons the future sight for the second exclusioning that follows the refusal of legal immigration.

3. When the demand for illegal immigration meets the supply of organised crime

This part of the research analyses the problem of the traffic of immigrants. This market is just now in full expansion because of two factors: the restriction of legal immigration and the increasingly better organised supply on behalf of criminal organisations for emigration, transport and entry into the new country. There is still little analysis of this problem in Europe. Our research is also an invitation to start reflecting.

Fonts are partial and often journalistic but certainly useful as information on the state of the phenomenon.² Official organisations themselves complain about the lack of reliable information.³

In order to give a full picture of the situation in the course of the research, reference has been made not only to data from police reports but also to documentation produced by IOM (International Organization for Migration) and ICMPD (International Center for Migration Policy Development), two organisations which have paid much attention to the understanding of the traffic of migrants in Europe.

3.1. The traffic of migrants

It is generally accepted that the causes for migration stem from the difference on affluence in the country of origin and the country of destination. The roots of the migrational phenomenon are indeed to be found in the economic, political and social conditions of the country of origin: fast population growth, very high level of unemployment, ethnic conflict, oppressive political power, the violation of human rights. All this is in open contrast with the standards in developed countries.⁴

The consequence is a strong urge to emigrate. This in turn clashes with the growing political closure of the developed countries, ready to grant hospitality only to a limited number of foreigners wishing to enter their territory. The policies of hospitality for refuge seekers have been made more restrictive, entry visas or residence permits are more difficult to obtain. Also several bilateral agreements have been made with transit countries to assure that the latter re-accept clandestines who attempt to emigrate illegally from their borders.

These circumstances have created a high demand for routes alternative to the legitimate passage of migration with the consequence of an supply of service by criminals specialised in moving persons from one country to another, eluding the national rules concerning regular immigration.

The criminal structures dedicated to the traffic of immigrants vary from small groups always concentrating on the same routes, to organisations specialised on an international level. Specifically, the powerful gangster syndicates have taken up this activity, further to drugs. Apart from being highly remunerative, the risks are also minor compared to other kinds of crime.⁵ The services supplied for clandestine emigration are wide ranging and often comprise different types of crime (clandestine entry, counterfeiting of documents, corruption of officials).

We also need to take into account the new markets of drug pushing and prostitution where those clandestine immigrants are present who are unable to break the link with the crime organisations that have helped them to enter the new country.

The breaking up of the Soviet Union has given a strong impulse to the traffic of immigrants. This event has not only contributed to the substantial increase of the migration flows from East to West Europe, but it has also opened many new paths to the traffickers, mainly from East, South and Central Asia.

Therefore, while in the past the main traffic routes to West European countries took a South-North direction (for instance, from Maghreb through the Iberian peninsula and from the Middle East through the Balkans), nowadays it is the oriental route to carry the most number of illegal movements towards Western Europe.⁶

The traffic of immigrants is a problem that involves the great majority of States, being these either countries of origin, transit or final destination. Some countries are involved in the traffic on more than one level (Mexico, Rumania and Thailand, for instance, are countries of origin, transit and destination at the same time).⁷ The dimension of this phenomenon is and must be felt on a global level. This is how Jonathan Winer, US Deputy assistant Secretary of State for Law Enforcement and Crime, comments on CNN: "This is a global situation. It's not just Chinese aliens who come into the United States and into Europe. They come from the Indian subcontinent as well - India and Pakistan. They stop in Moscow. They stop in Germany. They stop in Switzerland. They stop in Austria. They stop in France. There is literally not a country, a major Western country, that doesn't have an alien smuggling problem and a substantial one. And these people, because they come in illegally, are often not able to join the licit economy, and so they become part of the black economy. And that's not good for anybody. And it is a problem which is getting increasing international attention because you cannot solve in by one country working with another country. These people travel literally around the world before they get to their final destination. You have to deal with every transit point in between".⁸

IOM too, confirms that the problems concerning the traffic can be reduced through understanding its characteristics by answering the following questions: What exactly is the traffic of migrants? What kind of emigrants turn to criminal organisations and what types are the traffickers themselves? Where do the movements take place? Why does the traffic exist and prosper?

Answering these questions can already be a step forward in understanding the phenomenon.⁹

3.2 Dimensions of the phenomenon

As it has been stressed during the IOM seminar in Geneva (October 26-28, 1994) concerning the traffic of immigrants and the safeguarding of their rights, in order to start understanding the alarming phenomenon of alien smuggling, it is indispensable to give it a definition, trying to discern when it is a case of trafficking.

There are, thus, some constant elements which enable us to distinguish a simple illegal immigration from one that takes place within the context of trafficking. Such elements are at least five and can easily be recognised in all the cases reported by the press.¹⁰

In the first place, it is essential to have an intermediary, a trafficker who supplies one or more of the following services in order to facilitate exportation and entry: information, stolen or counterfeited travel or identity documents, official transport (air ticket) or unofficial one (private boats, hiding places in international lorries), safe houses at the transit points, guided crossing across the frontiers, introduction into the - obviously black - labour market in the country of destination.

Secondly, it is necessary that such services be paid to the trafficker by the migrant or by somebody on his behalf.

Thirdly, the frontiers need to be crossed. The number of crossings obviously varies according to the destination and its distance from the country of origin.

The fourth element is the entry through the borders which takes place illegally, eluding the entry rules of the country by avoiding frontier controls or by presenting false, stolen or altered.

The fifth element is that the movement has to be voluntary, meaning that the emigrant - now part of the transaction - has to make a free choice. In this case the migrants are considered "smuggled goods" only if they have decided to pay the trafficker in order to enter an other country.¹¹

It is necessary to add that the phenomenon is taking on alarming proportions, especially because international networks of organised crime are involved.

For the year 1993 ICMPD had estimated that a number of migrants from between 100.000 to 220.000 had used the help of smuggling syndicates more or less intensely and in one or several phases of the transfer, in order to reach a Western European state. The estimate by ICMPD is based on the assumption that between 15 to 30 per cent of immigrants (between 250-300 thousand) entering Europe illegally, have used the traffickers and that between 20-40 per cent of those requesting asylum without real rights (estimated at 300.000) have done the same.¹²

Other data, concerning Germany, give an even more alarming picture concerning illegal immigration controlled by traffickers. According to one estimate, for instance, 80 per cent of the people requesting asylum in Germany, arrive in this country with the help of traffickers.¹³ According to the Government of the German Federal Republic, the number of illegal migrants that use the help of traffickers goes from 40 to 70 per cent.¹⁴

According also to the majority of European Governments, the quota of illegal migrants that use the help of traffickers, is extremely high. In the Slovak Republic it is believed that in 30 per

cent of illegal entry cases traffickers had been involved, whereas the Turkish Government is convinced that all illegal entries into the country had been organised by traffickers.¹⁵

According to the "1996 Report of the Presidential Initiative to Deter Alien Smuggling", recently submitted to the President of the USA, after a nine months' study by officials of the State and Justice Departments, the Immigration and Naturalization Service, the Coast Guards, the CIA and the FBI, these figures could be even higher. Indeed, according to this report about 500.000 immigrants enter illegally Western European countries every year. Naturally, many of them try subsequently to enter the US; it would be useful to know the percentage of people who continue their route without stopping in Europe.¹⁶

3.3 Causes for trafficking¹⁷

The factors contributing to the fast expansion of the criminal activity in trafficking human beings are manifold.

In the first place, migration is almost a physiological urge, if not even a vital need, for the population of many countries in the world. The population growth of developing countries is very high and is in contrast with the very low population growth in developed countries. The difference in welfare determines the migration flows.

All the studies on the subject agree that the push factors from the country of origin and the pull factors of the country of destination are the fundamental causes for migration in general and obviously for those illegal migrations which cannot be satisfied because of the restrictive entry and residence rules in developed countries. In Italy the DIA (Direzione Investigativa Antimafia) in its half yearly report of June 1995, examining the causes for clandestine immigration, has indicated as primary cause the fertility differentials between the Italian population (zero growth) and the fast growing populations of North Africa, Eastern Europe and such far away countries as the Philippines, Central Africa and South America. It also considered important the gap in the quality of life standard between Italy and the above mentioned countries.¹⁸

A second sector aiding this illegal market is the growing internationalisation of the world economy which - while creating a complex interdependence among countries - enables a large group of people from underdeveloped countries to come into contact with and to be attracted by the life quality in the well-to-do countries (through jobs in multinational companies, products imported from other countries, mass media).

Within the European framework it must be remembered that the free circulation of goods and workers within the European Union, and now also the free circulation of people within countries adhering to the Schengen Agreement, represent a third factor for new and lucrative operations for international criminals.

The fourth cause stems from the fall of the Soviet Union. As a consequence, routes are open to traffickers which in the past were hermetically closed: in the USSR exit controls were strict and efficient. Routes which cross the former Soviet Union are now open for the traffic of immigrants. Furthermore, a new demand for migration has sprung up from the states risen from the ashes of the disintegrated Soviet Empire. Since citizens from Central and Eastern Europe need entry visas for E.U. countries, and it is extremely difficult for them to obtain legal immigration permits, a great number of immigrations has to take place illegally.¹⁹

In the fifth place we have technological progress which in recent times has offered traffickers very efficient means: mobile phones, fax machines, computer networks.²⁰ Therefore, it has become easier to move about, to receive instant information and to dodge controls, thus avoiding police forces and constantly changing routes.

A sixth motivation can be identified in the growth and the still growing internationalization of organised crime: a bigger part - if not all - of illegal movements are piloted by international criminal networks that have fully included the traffic of human beings among their activities.

The traffic of migrants is also much practiced for a seventh reason: In many countries it is an offence punishable by light sanctions and in others it is not even considered a crime. Thus, smuggling migrants can be an extremely productive activity, without high risks. In many European countries the sanctions for human smuggling do not exceed a two year term of imprisonment, often only minimum sentences or in alternative, fines are applied. Maximum sanctions is very rarely applied.

To give a few examples: in the Netherlands until 1994 this trafficking was not even a crime and, today, it is an offence punishable with a one year prison term or a fine of 100.000 Dutch Florins. In Norway, Denmark, Finland, Sweden and Turkey the maximum sentence is a two year prison term. In Spain, until last year, this behaviour was not even considered a crime.²¹

3.4 Types of traffickers and their modus operandi.

There are different types of criminal subjects involved in the smuggling of migrants. The different types depend on the variety of needs of the potential migrant. The "services" required (transport, assistance in crossing the borders, stolen or counterfeited documents, lodgings, jobs and support) change according to the distance between country of departure and country of arrival, the educational and linguistic level of the immigrant, the restrictions in force concerning immigration and emigration.

As the needs change so do the trafficking patterns and, consequently, according to IOM, at least three types of traffickers can be distinguished.²²

Firstly we have those that the DIA, referring to the Italian situation, calls "amateur" smugglers. "Using their own boats, these traffickers take on board a dozen or so people on the Tunisian or Adriatic coasts, in former Yugoslavia or Albania, and unload them in the middle of the night in Lampedusa, Sicily or on the Apulian coast".²³ These are occasional traffickers who earn a few dollars supplying national and international transportation. They are usually the owners of taxis, small boats, lorries that can transport small groups of people, departing from secluded coastal areas, effecting short sea passages and crossing insufficiently guarded frontiers. This activity is not the main source of income of these traffickers: it can be termed as a kind of home job and comes under the category of spontaneous illegal non-organised and unsophisticated trafficking.

Then, there exist small groups of well organised criminals, specialised in leading citizens from one specific country to another using well known routes. These criminal groups have a higher level of specialisation than the occasional smugglers. A theoretical example of such type of trafficking can be that of a group continuously organising coach trips from Rumania to Poland with final destination Germany.

Finally there is well organised crime: the international networks of trafficking. Often this is simply called a phenomenon controlled exclusively by sophisticated organisations. These gangster syndicates succeed in satisfying the most complex needs of potential migrants. They can provide counterfeited or real documents (stolen or altered), housing and support in many countries of the world. But their main characteristic is flexibility in the face of unforeseen situations. This is made possible because members of the organisation are spread all over the world, because the routes are often well tested by other illegal goods, because the traffickers avail themselves of sophisticated means of communication enabling the members to keep in constant touch. The traffic of migrants for these organisations is often a secondary profitable line next to the other existing activities within a criminal context that has all the characteristics of a real enterprise.

The last modality of human smuggling is the most alarming one, not only because it is the most difficult to control but also because it keeps a hold on the immigrants after arrival at their destination.

The Government of the German Federal Republic, in a paper presented at the 1994 IOM Seminar on the traffic of migrants, has outlined the situation in Germany relative to the international criminal networks, divides their *modus operandi* into three phases.²⁴

The first phase consists of recruiting the people who want to leave their country. The potential migrants are tempted by false promises and attractive prospect.²⁵

The second phase is the transport towards the country of destination which takes place violating the regulations on immigration of the countries along the migratory route.

The final phase is the best organised one and consists in introducing the illegal immigrant into the parallel criminal circuits. In order to pay their debts, the illegal immigrants are often forced to take part in the black and criminal economy. Thus, the channels of drug peddling, prostitution and theft are fed by a "reserve army of criminals" made up mostly of immigrants under the control of the organised crime.

Still according to the German Government, these big criminal networks have the following characteristics:

- generally they have hideouts where to create or counterfeit documents;
- they have great flexibility and in case of increasing controls can easily switch routes;
- they have reliable bases, contacts and lodgings in a vast number of transit countries,
- they have immense funds and can, therefore, pay vast sums to corrupt officials;
- often they are pursuing other criminal activities too.²⁶

One example of highly specialized trafficking is represented by those Chinese criminal organisations that transport their nationals to Australia, Eastern and Western Europe and North America.

With a turnover estimated over 3.5 billion US \$, human smuggling from China has become one of the favourite activities of many Chinese criminal organisations. The syndicates of

Chinese trafficking often in collaboration with Russian, Middle Eastern and European gangs, have created a global network which involves more than thirty countries.²⁷

The Tryads, controlling the Chinese criminal market "bring in huge sums, exploiting the Chinese people's despair and desire to make a fortune abroad, thus creating a fertile ground for recruiting petty criminals and cheap labour force. It has been ascertained that Chinese criminal organisations use illegal traffic of migrants as a means for introducing into a certain territory people knowing from the start that in order to pay their transportation they will have to commit all kinds of crimes for the organisation."²⁸

In conclusion, it is appropriate to stress how alien smuggling goes parallel with counterfeiting or stealing of documents and an ever more sophisticated method for obscuring the real number of illegal migrants present on the territory.

Some examples might be useful:

- in Spain, the official mortality rate in the Chinese community is surprisingly low. The authorities are convinced that the documents of dead people are recycled and sold to new illegal immigrants;²⁹

- frequent is also the use of false work contracts. The police in Prague has identified a Chinese restaurant which with only 8 tables had more than eight hundred registered workers.³⁰ Many of the front companies have been created for the sole purpose of supplying work contracts to potential immigrants, so that they can buy the necessary visas;

- since the market of second hand cars coming from Western Europe is steadily growing in the Baltics, some traffickers have contacted second hand car salesmen in Germany and France, explaining their interest in buying cars for export. Naturally, these European salesmen sent official invitations to the would-be buyers. Letters than, conveniently duplicated and counterfeited, served to obtain "legal" visas to the "clients";³¹

- the criminals exploit the wish of many Russian citizens to increase their income by making them sell "personal invitations" to enter Russia, to foreigners who have to transit there, at an average cost of 75-100 US \$;³²

- In the USA traffickers have been arrested who bought into the country people from Poland, having first taken them to Germany and then put on Lufthansa planes. The unfortunate people who had paid at least 6'000 US \$ a head as members of a local sports club, had been issues false visas to watch the national weight lifting championship in Chicago.³³

3.5 The income from trafficking

On the assumption that immigrants pay traffickers sums between 500 US \$ (price for crossing of a West European or Middle East border) to 25'000 US \$ (for bringing Chinese people all the way from China into the USA), ICMPD believes that every foreigner who reaches Western Europe with the help of traffickers, pays an average amount of 2-5'000 US \$.

On the basis of this calculation, considering that in 1993 about 100'000 - 220'000 illegal migrants had used the help of traffickers, ICMPD finds it realistic to estimate the profit of the traffic syndicates for that year from a minimum of 100 million to a maximum of 1,2 billion US \$.

According to ICMPD still, the world profits in this criminal sector for the same year was around 5-7 billion US \$.³⁴

An already quoted report, recently presented to the President of the USA³⁵ states that "Viewed globally, trafficking in illegal migrants is an enormous problem" and that "this growing trade in human cargo earns smugglers billions of dollars in annual profits".³⁶ Relative to the trafficking networks from China this report estimates that in 1994 about 100'000 Chinese subjects had entered the US at a cost of about 25-30'000 \$ per head for a profit to the trafficking syndicates of around 3 billion US\$.³⁷

According to an other estimate, concerning exclusively the traffic of Chinese nationals, the syndicates carrying out this activity earn complexively 3,5 billion US \$ a year.³⁸

The opinions expressed in various studies on the sums paid by migrants to their traffickers, taking also into account newspaper article, are in reasonable agreement. The IOM mentions fees ranging from 100 to 30'000 US \$ according to the distance between the states of arrival and departure (further to the degree of specialisation of the trafficker) and is believes that the highest sums are those paid by Chinese citizens shipped to Western Europe or North Africa. Analysing the data IOM believes that the sums asked for are often impossible to pay by somebody wanting to emigrate illegally. It often happens that these people sell all their belongings or those of their families and sometimes entire villages contribute to the expense. The most sophisticated networks allow part payment at departure claiming the rest of the debt from the emigrant once he has reached his destination. The payment modalities vary, some migrants are held for ransom until relatives in the home country don't pay the debt, others are used for criminal activities to earn the necessary money, others again work illegally.³⁹

The 1996 Report of the Presidential Initiative to Deter Alien Smuggling states that prices for transporting migrants from Central America to the USA, vary from a minimum of 200-300 US \$ up to 35'000 \$ for transport from China.

As far as Italy is concerned, the DIA, confirming that "the prices vary according to the distance and difficulty and sometimes also according to the cultural gap between countries of origin and arrival", believes that the price for a trip from Albania is about 2 million LIT, 3 million for those coming from the former USSR and Eastern Europe, whereas from the more distant African and Asian countries it can be about 7-10 million. In case of advance payments to the criminals the latter, as guarantee, confiscate the passports or threaten the relatives with retorsions or reporting to the police with the consequence of expulsion.

The DIA too, keeping in mind that the amount is often advanced by the criminal enterprise, stresses that "frequently the migrants, in order to fulfill their obligations or to escape threats, get caught up in criminal activities, prostitution or in case of children and teenagers in more or less annoying forms of begging".⁴⁰

In the same report, while pointing out that alien smuggling has become a proper industry, the DIA also calculates that the travel fee from China to Italy costs a Chinese migrant between 20-30 million LIT and that they pay even higher fees for transport to the USA.⁴¹

Also the 1995 Caritas report⁴² on the Italian situation quotes some prices: 1,5 million LIT from Albania, 3 million from Russia, 8 million from the Philippines and about 15-20 million from China.

At this point, in order to make the vast range of prices applied by traffickers more comprehensive, it seems appropriate to bring a few examples from the news-cutting archives of TRANSCRIME, University of Trento;

- in December 1994 a boat from Latvia with more than 100 Iraqi, Afghan and Palestinian immigrants who had paid 5000 US \$ per head, had run aground just off the Estonian coast.⁴³
- in Bulgaria, criminal gangs ask up to 4000 \$ to transport clandestine migrants into West European states.⁴⁴
- a passage for Turks from Kurdistan to Germany via Macedonia, Albania and Italy, costs the unfortunate people 7000 DM.⁴⁵
- in the attempt to illegally cross the border between Mexico and the USA with the help of traffickers, three Mexicans were drowned. Some young survivors reported that the sum paid to the traffickers was 150 US \$.⁴⁶
- a ship with on board 200 immigrants from Pakistan and Sri Lanka has capsized off the Sicilian coast. The unfortunate passengers asked help from the Italian authorities who promptly arrested six members of an international traffic syndicate. The migrants had paid 4000 US \$ a head for transport from Asia via land and sea to Turkey where they were put on a Greek ship heading for Germany, their final destination.⁴⁷
- every year thousands of illegal immigrants arrive in Spain, paying sums as high as 2000 US \$ to traffickers to be transported from the African coast to Tarifa, the small town on the extreme Southern tip of Europe.⁴⁸

3.6 Traffic routes towards the European states

There are many passages of illegal migrant traffic towards Western European states but through careful analysis of literature and newspaper articles⁴⁹ it is possible to establish a concrete picture. There are at least three main routes towards Europe.

The first is the Baltic route, used mainly by people from Central Asia; it winds across the states of the former Soviet Union, reaching the Scandinavian countries through a final sea lap from Estonia, Latvia or Lithuania. This route has become very popular since the disintegration of the USSR and it is simple to use because border controls can easily be dodged and to obtain entry permits into the above mentioned countries is relatively easy.

For instance, according to the German Government, alien smuggling in Russia is made easy by rules relating to entry visas which do not correspond to the standard of West European countries and, furthermore by the fact that Russian officials can easily be corrupted. Through corruption, the criminal networks can also obtain authentic passports from the former Soviet Union states.⁵⁰

The second is the Balkan route, through Turkey and then the Balkan States with usually Germany as the final destination. Naturally there are several branch-lines along the route. From Bulgaria it is possible to cross to Rumania and Hungary aiming for Germany, or to cross Macedonia and Albania and from there head for Italy, from where to continue to Germany of other West European states, or even to remain.

The IOM Report of March 1995 concerning Bulgaria, confirms that this country has become a popular entry point mainly because of its good connections with Third World countries and the low air fares offered by Balkan Air Lines.

The Albanian Government has also become aware of the difficult situation of its country; "the evidence shows that Albania serves as a crossway for the migrants that come from the other countries like; Sri Lanka, Pakistan, Iraq, Syria, etc.", these people "are favoured by the liberal rules of entrance in Albania."⁵¹

The third cannot be considered a proper route: it consists of a number of countries on the borders of West Europe, with lenient legislations concerning entry permits and weak police border controls: Poland, the Czech Republic, Hungary and Rumania are thus being used as transit countries towards Europe. Towns such as Prague and Warsaw have become stopping stage for many clandestine migrants waiting to move on towards the West and at the same time centres for producing false papers.⁵²

According to the 1966 Report of the Presidential Initiative to Deter Alien Smuggling" Moscow "has become a main transit centre with an estimated constant 200'000 illegal foreigners residing there temporarily". The report continues by saying that among these approximately 60'000 are Chinese and up to 40'000 subjects from South Asia, mostly Indians. Moscow has indeed "become an important sorting station controlled by local mafia".⁵³

It must be remembered that it is mainly citizens from the above mentioned countries and from other Central East European countries who try to escape from poverty and by illegally emigrating attempt to make their fortune in the richer countries of Western Europe.

An indicator of the above tendencies could be the number of people stopped by German authorities while they were trying to cross the Polish-German and Czech- German borders in 1993. Of the 54.298 illegal entries discovered that year by the German police, 19.854 involved the Polish border and 29.834 the Czech one. The majority of the people stopped were Rumanians or Bulgarians or citizens of former Jugoslavia and a very high number came from Asia and Africa.⁵⁴

Concerning Italy it is doubtless that the favourite entry spots are the Apulian and Sicilian coastlines, the latter with its small islands very close to North Africa.

"During the first five months of 1995, the 4000 who had been driven back from Apulia had come from Albania and the Balkans (Montenegro, Kosovo, Macedonia and Bosnia) and another 4000 were Kurds, Chinese, Iranian, Iraqi, Pakistani, Egyptians, Afghans and Indians".⁵⁵

Also the boarder of Trieste because of its lack of natural barriers is often used. In 1944, 500 clandestine migrants had been stopped.⁵⁶

According to the DIA the routes chosen by Chinese people to reach Italy are the following:

- Shanghai / Beijing /Budapest / Jugoslavia / Pola / Trieste;
- Hong Kong / Bangkok / Frankfurt / Bucharest / Rome;
- Shanghai / Hong Kong / Rome;
- CIS / former Czechoslovakia / Germany / France / Spain / Milan;
- Rumania / Hungary / Austria;

- Albania / Brindisi;
- Malta / Sicily.⁵⁷

Further to the above observations, two more routes towards the gateways of Western Europe are being shaped.

The first to register an increase of illegal immigration is the Greek-Turkish border, especially the Aegean islands are spots that clandestines leaving the Turkish coast and aided by traffickers can easily reach.

The second is the Straights of Gibraltar from where Europe can be reached.

3.7 Migrants at risk

All those living in desperate conditions in their home-countries are easy prey to criminal organisations dealing with alien smuggling, however, there are some groups of people on which recently these criminals have concentrated their efforts and which are particularly exposed to the traffic of migrants.

As Patrick A. Taron, Migrations Secretary at the World Council of the Churches. has rightly observed, the most vulnerable are women, children, asylum seekers and those migrants who during their transit come into contact with completely alien cultures and languages. This is how A. Taron defines the categories:⁵⁸

"Women are easily deceived by false promises of work in the country of destination but they often find themselves forced into prostitution, black labour in slave-like conditions and often also in illegal activities. For example, many women from Vietnam have been taken by smugglers to Cambodia and China and sold for "marriage".⁵⁹

Traffickers deceive, terrorise, wound and sometimes kill these women, not to mention the various kinds of sexual abuse they have to undergo.

Children too are easy prey to traffickers. The smuggling of children is a criminal offence on the increase due to the huge profits to be made both by big international crime networks and by small criminal groups, since these children can be used in many illegal activities.

A hugely profitable field is the sale of children, usually from Latin American or Eastern European countries, for the purpose of adoption in industrialised countries. It is often the parents themselves who, under desperate conditions, are convinced by smugglers to let their children go in the hope of offering them a better future. In other cases the children are simply kidnapped and sold or they are war orphans without protection. These practices are favoured by the lack of uniform and co-ordinated adoption procedures.⁶⁰

IOM further believes that there exists proof of a commerce of children for the use of their organs, tissues and other parts of the body. The primary source for transplants could be orphans or abandoned children from developing countries, sold to agents in developed countries.⁶¹

But probably the most common and widely spread form of child trafficking has for aim sexual or commercial exploitation. Younger children are being more and more frequently used for

prostitution, because the growing fear of catching AIDS or other sexually transmittable diseases makes infant prostitution more and more desirable, it being promoted as not entailing risk. The children are carried off from their home countries in order to reduce the probability of being discovered and to avoid that if they manage to escape, they return home.⁶²

In Italy too there is an increase of illegal children, mainly Serbs and Albanians. Their parents sell or hire them out to criminals who exploit them by introducing them into the prostitution racket or by forcing them to steal or beg.⁶³

Another category exposed to criminal organisations is that of asylum seekers and the problem grows in proportion to the ever stricter immigration regulations enforced by developed countries.

Finally we must remember the state of complete subjection to the criminals of those immigrants who successfully reach a country with totally different culture and language. These migrants face great difficulties and are in need of the services supplied by the specialised organisations, unlike those who emigrate within the same region where language and culture are similar to their own.

4. The traffic of migrants and prostitution

The traffic of women with the aim of exploiting them on the prostitution market is taking on alarming proportions. This is more and more a market induced by that more general one of alien smuggling. The transformation of the induced market follow those of the main market and therefore it is likely that any direct intervention to change the main market will have repercussions on prostitution. This is why a more thorough analysis is important.

According to NGO estimates, every year 1-2 million women are transferred into various countries by traffickers.⁶⁴ Many women leave their country, attracted by the promises of traffickers, using their help to illegally reach the country of their destination. Once there, they find themselves in the prostitution circuit. These women come from different countries but mainly from South America, the Caribbean Islands, Asia and, more recently - from East Europe.

"In recent years, cases of international trafficking of Filipinos for purposes of prostitution have increased, as more and more women are either duped or have opted to leave the country illegally in search of work. In almost all of the cases, the women left to work as entertainers, singers or domestic workers, only to be deceived once they reach their destination".⁶⁵

There are various motivations for the alarming growth of this criminal activity. Firstly, because the criminals involved in this activity manage to make huge profits without running high risks, since criminalisation of such an action is very low: indeed, in many countries the traffic of women is a lightly punished offence. That is why the big networks of criminal organisations turn more frequently to this activity.⁶⁶

Secondly, poor conditions, high unemployment and often intolerable family situations are a fertile ground for the promises made by traffickers. And sometimes even if the unfortunate women realise what future awaits them, they still decide to leave because of these social and economical reasons.⁶⁷ The women who prostitute themselves because they are at the mercy of the traffickers are considered criminals rather than victims of circumstances.⁶⁸

Finally, tradition too is important. The concept of the woman as an object is still deeply rooted in many parts of the world. Therefore in those areas it may seem admissible to sell one's daughter to help the financial situation of the family. Thus, sex tourism is the latest fashion and has become the real attraction of many Asian towns.

According to Anita Gradin, European Commissar, this criminal process is a phenomenon that can only be controlled through international cooperation, because it is in the hands of highly specialised criminal organisations. Furthermore, she maintains that the traffic of women not only threatens national security and feeds corruption but it is also a danger to the health of the victims and the whole society.⁶⁹

4. 1 The prostitution market of clandestine women from Central-East Europe⁷⁰

In May 1995 IOM, based on MIP (Migration Information Programme), published a study on the growing exploitation of migrant women coming from Central and East Europe.

This study gives the following definition: "Trafficking in women occurs when a woman in a country other than her own is exploited by another person against her will and for financial gain. The trafficking element may - cumulatively or separately - consist of: arranging legal or illegal migration from the country of origin to the country of destination; deceiving victims into prostitution once in the country of destination; or enforcing victims' exploitation through violence or other forms of coercion."⁷¹

The study takes into account the traffic of women in the Netherlands, Belgium, Switzerland and Hungary. Concerning the Netherlands the research is based on a sample selection of 155 women who had been smuggled into this country in 1994.

This phenomenon is fairly recent since before 1992 no cases were known in the Netherlands and Belgium of women from Eastern Europe smuggled in for the purpose of prostitution. During the years 1992-94 the victims of this traffic have more than doubled in numbers in Belgium and increased threefold in the Netherlands. Concerning the latter, it has been established that out of the sample selection of 155 women who had entered the Netherlands during 1994 with the help of traffickers, about two third came from Central and Eastern Europe.

Also data relative to Switzerland show the same trend, with an increasing number of women from Central-East Europe and Russia.

Specifically in Switzerland there are special permits for artists and dancers and there is no doubt that these make for an easy way to legally introduce into the country migrant women to be subsequently exploited on the prostitution market. Out of a total of 1790 entry permits issued in 1994 for artists or dancers, more than a third were received by foreign women from Central or East Europe (Russia, Ukraine, Rumania, Bulgaria, Poland, Czech Republic, Hungary and the Balkan States). The remaining permits had been issued to women from developing countries such as the Dominican Republic, Morocco, Brazil and Thailand.

Even if it is not possible to confirm that all the women entering Switzerland with these permits are necessarily prostitutes, however, the modality in which the authorisations have been distributed can give an indication of the tendencies of the trafficking phenomenon.

As far as Hungary is concerned, the report mentions unofficial estimates, stating the presence since 1990 of an increasing number of prostitutes of Russian, Ukrainian and Rumanian origin.

The reasons for the surfacing of the phenomenon are multiple and they partly coincide with those already discussed and relating to the problem of trafficking in general. Thus, the disintegration of the Soviet Union and the poverty of Central-East European countries are the motivations, together with the fact that it has become much simpler and - above all - more economic to transfer into West Europe women from nearby Central and East Europe, rather than from developing countries: these women have to undertake a much shorter journey and - most important - entering as tourists is fairly simple since West Europe no longer requires tourist visas from most Central or East European countries. Furthermore, given the tight sanctions for the smuggling of women, the risk to the traffickers is no longer high. To this is added the fact that clandestine prostitutes, once stopped, are expatriated and, therefore, can no longer testify against their exploiters.

The analysis carried out on the sample of 155 women who entered the Netherlands illegally and were then exploited in the prostitution racket indicates that the majority of the victims coming from Central East Europe are very young: on average younger than 25 and many of them between 15 and 18.

Analysing the situation of the prostitutes, the study in question maintains that the stereotype is no longer quite true of the woman who, having been transferred into another country by a trafficker with the promise of legal work or marriage, finds herself forced into prostitution. On the contrary, although this had been the case of the 155 women interviewed, some of them knew from the start that they would have been used as prostitutes (36 out of 155). What, however, is common to the sample group is that, once in the prostitution racket, these women found it impossible to get out of it again.

The means for recruiting the women vary from country to country. Quite common in Hungary are newspaper inserts for well paid jobs abroad with work permits. In the Netherlands the women admit to having been recruited by friends or acquaintances of friends. In Belgium some studies mention "impresarios" on the look-out for new elements.

The methods for entering the country of destination are different and not necessarily legal. To enter legally use can be made of the already mentioned permits granted to artists and dancers, and then there is the possibility to enter as tourists and stay on as irregulars, once the 3 months have expired. Illegal entry is usually effected with false documents.

The means of transport for entering the Netherlands used by the 155 women have been private cars or coaches for those coming from nearby Central-East Europe (which gives an indication of the kind of organisation) or planes for women from developing countries.

Again according to IOM, once they arrive in the country of destination, many women find themselves heavily indebted to the trafficker or a club owner.

Prostitutes can keep only a small part of what they earn, and the younger ones are often not allowed to keep anything. They are in a condition of absolute dependency, their freedom of movement is limited, often out of precaution their passports or documents are taken away and they are frequently being threatened or treated with violence. They are obliged to work shifts

beyond bearing and are not permitted to refuse a client. Many of them have health problems and often they catch venereal diseases.

5. Possible measures against the phenomenon of the traffic of migrants.⁷²

The previous analysis enables us to indicate some areas of intervention.

The first concerns intervention in the country of origin and includes also the need for educational programmes for potential migrants.

The second refers to the measures for preventing the illegal activity of alien smuggling, with special reference to legal co-operation aimed against the criminal organisations.

The third area concerns the countries of destination where incentives to employ illegal foreign labour force should be reduced together with the opportunities for clandestine immigrants to be involved in criminal activities.

Since the causes for migration - especially illegal one - are poverty and conflict, co-operation between countries of origin and destination is necessary in order to at least reduce these causes. The efforts on behalf of rich and industrialised countries need, therefore, be aimed at two objectives.

The first is to create stable economies in the countries of origin by producing employment and better living conditions in order to offer prospective immigrants an incentive to remain in their country. This aim can only be reached by adopting serious policies of development help, through allocation of funds, boosting incentives for enterprises in industrialised countries to invest in the poorer countries, and by introducing commercial policies and free exchange markets between the poor and rich countries in the world.⁷³

Recently, Jonas Widgren, director of the International Centre for Migration Policy Development, stated that "the countries on either side of the migrant trafficking line must work together to face the causes at the base of the traffic. Important are the projects which create "made to measure" employment in order to localise the needs in the county of origin, if necessary, even on a town by town basis".⁷⁴

It is indispensable, however, that the population still intending to emigrate, be made aware through bilateral information programmes of the legal opportunities for emigration, granted by the various industrialised countries and of the dangers and disadvantages deriving from illegal immigration with the help of trafficking networks.

The second objective concerns the attempt and the efforts to be made by the industrialised community to prevent and solve war conflicts, where they are in course, which afflict several countries in the world and constitute pushing factors for emigration. These wars often feed on the arms sold by those same countries which in the end pay high costs for refugees. A more severe control of the arms' commerce would create the advantage - among others - of reducing conflicts in the hot areas of the world and the number of refugees.

The countries involved in the traffic of immigrants must attempt to reduce this phenomenon through coordinated efforts finalised at harmonising the different laws. The various countries should agree on the following:

1) to harmonise the policies concerning visas and entry permits. The objective on a European level should serve to control immigration on its external borders;

2) to activate the cooperation of policies to increase reciprocal information and to strengthen border controls. As far as the trafficking directed at Western European states through Central-East Europe is concerned, Jonas Widgren asks if it were not the case for part of the resources used by richer countries on combatting illegal migration, to be allocated to the poorer countries so that they can employ it for control measures at their own borders. This would make it possible to level the technical standards and the control measures in both Central-East and West European countries.⁷⁵

3) to harmonise and sharpen sanctions against the crime of alien smuggling. Within the European context punishment for the traffic of migrants is rather discordant (the terms go from a minimum of 6 months to a maximum of 5-7 years, but often with alternative pecuniary penalties) and in some states (e.g. Poland) it is not considered a crime. The same goes for crimes connected to trafficking, such as counterfeiting of documents or (in countries where its is punished) illegal entry into the country;

4) to broaden the geographic extension of the existing laws against trafficking. "In most countries of the European Union it is a criminal offence to smuggle a person into the country, but not to smuggle a person out of the country and into and a third country. For instance, when a person is smuggled from Poland via Germany to the Netherlands, the smuggler can be prosecuted if he is caught on Dutch territory (or under German law if he is caught on German territory). If, however, the smuggler stays in Poland, there is no possibility under the the current legislation to prosecute him: smuggling people out of Poland to a third country is not a criminal offence."⁷⁶

One example for solving the problem, as ambitious as useful, is the one proposed by the states of the Schengen area to penalise all trafficking operations carried out within the whole territory, independently from where they took their origin.

5) to settle agreements of re-admission between states involved in the trafficking, so that repatriation of migrants should be simplified;

6) to activate reciprocal assistance for proceedings against traffickers with possible agreements for extradition.

Furthermore, each state should try to avoid that immigrants already present on their territory should be exploited for illegal activities. First of all severe measures against employment on the black labour market of illegal migrants should be taken.

Secondly, it is necessary that every state make an effort through internal cooperation of its police forces, customs authorities and employment agencies to try and reduce those criminal activities of immigrants which are symptoms of exploitation of the latter by criminal groups responsible for their entry into the receiving country.

6. Policies in force

In chapters 5, 6 and 7 the report to which this paper refers to examines the different responses given to the problems examined in the first part. The analysis is carried out on three levels: international (limited to the policies of the EU), national (in this case Italy) and comparative (confronting French, German and British policies).

Chapter 5 discusses the EU policies, stressing the changes that have come about through the Schengen agreements and the recent activity of EUROPOL in the field of development co-operation (Barcelona Conference of Dec. 1995)⁷⁷ both in the regulations attempting to harmonise the laws concerning entry and the control of crime.

The Italian situation is seen within the European framework. This is analysed in chapter 6 with reference to the following aspects: the regulative evolution, the rules for matters of immigration from outside the EU, before and after the law n.489 of Nov. 11th, 1995 concerning entry, residence, expulsion and finally - since they are new - the penal provisions against the trafficking and exploitation of immigrants.

Chapter 7 deals with the recent tendencies of migratory policies of other EU countries: France, German Federal Republic, United Kingdom.

Any attempt to solve the problems of immigration, of alien smuggling and criminal activities of immigrants in the country of destination must take into account some essential points.

First of all, the situation in the country of origin and the contrast with conditions in the industrial countries must be remembered. They are often pointed out in the course of the research because they are the primary cause for migration and especially of illegal migration.

Secondly, in recent years within the European sphere a strong tendency has emerged in the countries of destination to close the doors to immigration. This can lead to regulations that merely result in the reduction of entries, thus passing the problem onto neighbouring states. Let us remember that in many European states the problems concerning immigration are often used for demagogic aims by some political sectors.

Thirdly, the intervention on behalf of big organised crime groups is more and more evident in the area of alien smuggling: a phenomenon to be closely observed mainly for its tight connection with the exploitation of migrants for criminal activities in the receiving countries. It is indeed essential to fully understand the intensity of the connection between alien trafficking and the crime migrants get involved in, once they have reached their destination. Special attention needs to be paid to the exploitation of women and children and illegal employment of foreign workers.

Fourthly, within the European sphere, the effects of the disintegration of the Soviet Union need to be closely monitored. The weakness of the states emerging from the disintegration of the USSR causes the need to emigrate regularly or at intervals and this opens a new breach for the traffickers. Countries of Central Europe (Romania, Hungary, Poland, Albania, Czech and Slovak Republics) are in a similar situation. This state of affairs creates problems for West European countries who do not have in their Central-Eastern partners solid barriers against the illegal flow.

In conclusion, the need for safe directives in the international spheres must be stressed. Directives, through processes which make it possible to exchange experiences and cooperation. Within the European circle this step has been taken but the road ahead is still long.

7. Proposals for solutions at an international level

In recent years European states have reviewed the regulations concerning immigration (expulsion, asylum, family re-unification, etc.) with a particular eye to the penal provisions concerning the question in hand. These new regulations agree in pursuing a policy of closure. One method used by many countries (see Italy, Germany, Switzerland, Sweden, Austria) is to establish a maximum number of foreigners to be accepted every year. Since at the present moment the reasons behind the demand for emigration do not seem to be changing, the restrictive norms could have two undesired outcomes: on the one hand the increase of illegal immigration and, on the other, the displacement of the flow of migrants towards a country with more lenient rules and/or less efficient border controls.

One example of displacement became evident after the German Federal Republic had modified its liberal attitude towards granting asylum. The restrictions applied by Germany resulted in deviating hundreds and hundreds of asylum seekers towards other North European countries which then were forced to take measures.

The matter can be simplified by saying that closure without adequate countermeasures create an illegal demand for migration and this in turn creates the supply for trafficking services. Often because they are in these trafficking nets that immigrants end up by overcrowding the drug and prostitution markets in the receiving country.

To combat this ding of illegality means first of all to combat organised crime. And this attempt can only be made through common agreements between all states. The accent here is on the need to harmonise the policies by following the criterion of equalising the risks.

The big networks of organised crime, active in the trafficking of migrants, do business not unlike big enterprises. Consequently they try to maximise profits reducing the risks of being perhaps identified, arrested, convicted and having their properties confiscated. That is why criminal groups move on to new activities and new sights, whenever possible, in order to reduce risks and increase the profits. Therefore, if the risks (arrest, confiscation, etc.) illegal enterprises run could be divided equally among all states, the enterprises would no longer change their seats.

It follows that states weaker in controlling emigration, with more lenient laws and less specialised police forces, are fertile ground for the expansion of criminal activities and strategic bases for operations carried out in other countries.⁷⁸ In order to stop this, co-operational policies are needed, aimed reducing organised crime activities through harmonisation in all states of prevention and control policies. In this field all states must reach a common denominator for combatting illegal activities.

These policies need, therefore, to be harmonised towards certain common goals:

- 1) to create a policy of visa granting among all European states (Western and Central-East) in order to form a single and uniform barrier against illegal immigration.

Steps in this direction have been taken by the EU and also the Convention on applying the Schengen agreement mentions two measures to be taken within the "Schengen area". These are the harmonisation of rules concerning visas and the introduction of a common stamp for all visas (arts. 9 & 10).

It should be said that the policy on visas - as it is stressed in a recent ICMPD study⁷⁹ - seems sufficiently uniform within the EU states, even if the process leading to this result was rather informal.

The next step in the European sphere should be the unification of rules concerning the issuing of visas in Central-East and Western Europe;

2) to increase the penalty for traffickers, for people employing illegal foreign work-force and for those counterfeiting documents. These penalties should ideally have common standards in all countries. This goal, too, is part of the process of equalising the risks of criminal enterprises.

3) to bring to similar standards the law enforcement systems of European countries, with special attention to the situation in the neighbouring states in Centre and East Europe. This means that co-operation on a regional level should aim - probably also through financial help from richer countries - at providing the less equipped European states with technical know-how and adequate means.

The target to be reached on a European level is to erect a strong barrier against illegal immigration; a uniform barrier among states, made of laws, penal sanctions, control and repression systems.

To sum up, we can synthesise the results of uniformity attainable through re-enforced international cooperation by adding the following points from the recent report of the Group of Experts, made at the third meeting of the Budapest Group,⁸⁰

I. Pre-entry control

- Action against organised crime and trafficking in source or transit countries;
- Entry and transit visa obligations;
- Carrier sanctions;
- Other pre-entry control measures;

II. Entry and border controls

- Efficient border surveillance and trans-border co-operation;
- Proper identity control, including computerised fingerprinting systems and modern techniques to detect forged documents;
- Rapid screening of manifestly unfounded asylum cases and return to safe countries of origin or safe third countries;
- Integral re-admission and return arrangements;

III. Combat of trafficking

- Systems for rapid information exchange systems on routes and criminal syndicates;
- Upgrading of fines and of law penalties with respect to people smuggling;
- Broadening of the geographical scope of anti-trafficking laws;
- Mutual assistance for the prosecution and extradition of traffickers;
- Reinforcement of law sanctions against employers hiring aliens illegally;

- Policy measures inside the receiving country to detect smuggling operations.

As the ministers for immigration of the EU states have commented during the Copenhagen summit of 1993, further to prevention policies against illegal immigration, it is also necessary to bring about *ex post* policies.

All states, therefore, need to make more efficient their own expulsion policies against those who cross the borders illegally, against foreigners who carry out activities contrary to public order, who have irregular jobs or who help co-nationals to enter the country illegally.

Once this stage has been reached, it must not be forgotten that an efficient immigration policy is not only made up of the control of migration flows (negative immigration policy). It also needs an efficient elimination of the reasons causing migration in the first place (positive immigration policy).

There should be a happy balance between these two aspects of immigration policy. In recent years this balance has been broken in West European countries in disfavour of interventions aimed at eliminating the causes of migration flows. The result presented in the ICMPD study shows clearly that balance was broken by the immigration block of the Seventies.

An attempt to re-establish this balance came from the 1995 Barcelona Conference which initiated a close link between states on the two shores of the Mediterranean, with the aim of reducing migratory flows especially through on-sight interventions in the poorer countries.

8. Comparison of the Italian policies

It seems useful at this point to compare the Italian situation, the European framework and the policies of other European countries close to the Italian experience.

In Italy, three important laws have followed one upon the other during the last ten years, each one containing a new legalisation of the irregular position. One of the positive aspects is certainly the regularisation of the illegal immigrants, thus eliminating one of the main causes of their crime.⁸¹

However, there are negative aspects too. First of all regulation creates new forms of exclusion. The causes for these exclusions are many: usually, even though entitled to benefit from the new legalisation, the immigrant is not in the position to present the required documentation, either because the same law that rules the legalisations prescribes the exclusion of certain categories of foreigners or because the immigrant entered the country after the closure date fixed by the law. This is often the case for immigrants who move within the country where an legalisation is foreseen in the hope of acquiring a residence permit at all cost, thus increasing the number of crimes connected with regulation.⁸²

Furthermore, during the legalisation period certain offenses are on the increase, those committed in order to obtain a regularised condition. In consequence, there is an increase in forgery, counterfeiting, receiving of stolen goods, corruption and extortion.

Therefore, the lawmakers, while keeping in mind the positive aspects of legalisation, should not neglect the negative aspects and consider the opportunity for allowing a higher number of legal immigration rather than having to constantly amend too many irregular cases.

Let us now examine the institution of expulsion, starting from the new "Dini decree" which provides that the foreigner found irregular be ordered by the authorities to leave the country within 10 days, according to the established rules and to appear at police headquarters in order to be accompanied to the border. This gives the irregular immigrant the time to disappear and to remain in an illegal position. It should be remembered that in many European countries the crime of illegal immigration is provided for and that this crime could also be used in Italy, especially if followed up by expulsion after a prison term. In this way it would be impossible for the illegal migrant to disappear during the expulsion procedures.

In addition, the process of criminalisation could have a deterring effect on whoever wanted to enter Italy illegally. The Italian penal law in matters of concessions for illegal immigration, trafficking, legalisations for contractors and against people employing irregular foreigners, although having a strongly repressive valence, adopts fairly closely the internationally established criteria.

Italian law, with the Dini decree, is one of the strictest in Europe. The sentence for traffickers can vary from 4 to 12 years and, if the crime has been committed with the aim of prostitution or exploitation of minors, from 5 to 15 years.

However strict the Italian laws, the State has a limited capacity for efficiently controlling its borders and this is a weak point which European partners rightly criticise. To improve border controls and to make them more efficient is an absolute must if Italy wants to be a full member of the Schengen system of which our country, so far, does not respect the minimum law enforcement standards.

As a last point, the utility should be remembered of the dispositions - in conformity with the European recommendation - providing for the employment of foreign labour on a seasonal basis, which partly reconciles the needs of potential migrants with the requirements of the country of destination. Italy is following this policy which seems positive and should be pursued with determination.

In conclusion, the Dini decree offers advantages compared to the previous dispositions in terms of illegal migration control and penal control of the traffic of migrants, but it lacks a more general support from the regulation of migration flows. Italy also lacks effective policies to help migrants in their situation of exclusion. It is indeed the lack of balance between the Dini decree and the absence on other fronts which could contribute to an ongoing situation where illegal immigration, with all its repercussions, is a rule rather than an exception.

9. Conclusions

This research has attempted to explain some of the problems inherent to the relationship between migration and crime in Europe. Even if the examined data is not necessarily a proof that foreigners/migrants commit more crimes than residents, it is clear that migration and crime are connected when criminal organisations make profits from alien smuggling and when these foreigners/migrants fill the local markets of drug peddling and prostitution in the host country. There is also micro-crime and a criminality which makes immigrants victims of xenophobic reactions. Crime is becoming a direct cost of migration, especially in the case of illegal migration, where the roles of actor-victim are often interchanged.

The problems change fast and the relationship between migration and crime certainly opens up new fields for research during the coming years; research aimed at effective economic, social and crime policies.

Before discussing what policies could be more appropriate to reduce the above mentioned negative effects, some distinction needs to be made. The first distinction is between legal and illegal migration and, with legal migration, the various types of foreigners/migrants requiring different policies. Refugees seeking asylum are different from those escaping from famine or ecological disasters. Both categories ask for protection. Migrants seeking employment or generally better economical and social conditions, belong to a still further and more numerous category. The legality or illegality of their migration depends on the labour market of the country of destination and on its regulation policies.

In these times of high unemployment in many European countries on the one hand, and economic crises in developing countries on the other, the chances for legal employment are diminishing in the first while the number of illegal migrants from the second is increasing. The migrants' presence in the host country is bound to remain illegal because it is indeed this illegal status that makes them competitive (low salary, no welfare) with the residents. This mixture of bad conditions causes crime on all levels.

Since crime is a direct cost of emigration/immigration (especially illegal one) it can be reduced by re-directing the three groups of policies mentioned in the introduction (development, regulation of entry permits, penal control).

These policies have different goals. For instance, the policies concerning economic development aim at generally reducing the demand for immigration. The policies of regulation tend to legalise emigration as much as possible and/or to stop illegal immigration and/or favour integration policies. Crime control policies could be orientated against crime committed by foreigners/migrants in the host country. These are the policies under discussion by the EU and which during the last 10 years had been carried out with many failures by European countries.

As a final point of this analysis we wish to introduce two matters for thought.

The first one consists of the relationship that exists between the perception the immigrant has of the regulation policies and the choice of the country for illegal emigration. Countries are directly responsible for the international migrant market. The individualistic approach of control policies diverts the migration flows towards countries with weak entry control policies. Today countries are in competition with each other to reduce migration flows and in this way they tighten the nets of their entry policies with the result of re-directing the migrants knocking on their door. The European experience shows that the country of destination is often chosen according to the vulnerability of its borders.

In order to minimise the effect created by shifting the problem, it is necessary and urgent to harmonise entry policies at least among countries of the same geographical area. Only by adopting the same measures and standards against illegal immigration through similar conditions of entry and refusal, can the approach to the problem be rationalised. It may be more difficult to adopt this approach than to understand it. European states still believe that maintaining individual control of entry policies is more effective than sharing with countries of the same region difficulties and problems.

The second matter for though directly linked to the relationship between migration and crime, is the interdependence of the various policies against the phenomenon. If we want to invert the tendencies according to which an increase in immigration can result in an increase of crime, we need to devise a long-term strategy which covers the whole spectrum of the three policy groups. All obstacles need to be removed, starting with the policies of economical development, moving to new integrational policies and looking at more effective policies against criminal organisation. Some small hint on the matter comes from the EU Conference held in Barcelona in December 1995. These are still weak signals, unable to convince the countries on how to reformulate their policies. Prevalent still is a mixture of solidarity and opportunism which in the past has characterised many of the policies for combatting the phenomena in question. Countries in both hemispheres are still paying very high costs and they do not seem to be aware of it. Only when these costs will have become too high for developed countries, including high level of crime, will perhaps the need for a more rational approach be understood. This paper, and the research it is based, on want to be a modest contribution to a thorough reflection on this danger, with a few hints on how to avoid it.

NOTES

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- ¹. ISTAT, "La criminalità attraverso le statistiche. Anni 1988 - 91", in *Note e relazioni*, n. 1, 1994.
 - ². See Caritas Roma, *Immigrazione - Dossier statistico '95*, Anterem, Rome, 1995, p. 49.
 - ³. M. Hood, "Trafficking in Human: Big Business in Europe; Light Penalties and Huge Profit Spell a Boon for Organized Crime" in *International Herald Tribune*, January 3, 1995
 - ⁴. On the subject see Caritas Roma, *op. cit.*, pp. 15-16; A.P. Schmid in cooperation with E.U. Savona, "Migration and Crime: a Framework for Discussion", paper presented at the *United Nations' Ninth World Congress on the Prevention of Crime and the Treatment of the Offenders*, Cairo, May 3, 1995, pp. 10-16
 - ⁵. For example, in the Netherlands trafficking in humans was not considered a crime until 1994 and it is still punished with a maximum of one year of imprisonment.
 - ⁶. Belgium, Austria and ICMPD, "Harmonization of the Legislation to Combat Trafficking in Aliens", paper presented at the *Third Meeting of the Expert Group of the Budapest Group*, Budapest, June 15-16, 1995, p. 1.
 - ⁷. IOM, "Trafficking in Migrants: Characteristics and Trends in Different Regions of the World", paper presented at the *Eleventh IOM Seminar on International Response to Trafficking in Migrants and the Safeguarding of Migrants Rights*, Geneva, October 26-28, 1994, p. 1.
 - ⁸. CNN, *NEWS 6:40 pm ET*, December 26, 1995.
 - ⁹. IOM, *op. cit.*, p. 1.
 - ¹⁰. Here are some news items regarding trafficking in migrants. They contain the typical elements described:
 - in the middle of November 1995, Italian police caught 121 Pakistanis near the beaches of Naples; they had each paid to a trafficking ring in Instambul \$ 3.000 to be transported to Germany (*Le Nouveau Quotidien*, Switzerland, November 14, 1995);
 - in the middle of December 1995, French authorities defeated a trafficking network that from the beginning of the year had helped about five hundred Indians and Pakistanis to transit through France. The migrants, coming from Belgium with the United Kingdom as destination, paid from \$ 2.000 to 6.000 for their journey (*Le Monde*, France, December 16, 1995).
 - ¹¹. IOM, *op. cit.*, p. 2-3.
 - ¹². J. Widgren, "Multilateral Co-operation to Combat Trafficking in Migrants and the Role of International Organizations", paper presented at the *Eleventh IOM Seminar on International Response to Trafficking in Migrants and the Safeguarding of Migrant Rights*, Geneve, October 26-28, 1994, pp. 5-6.
 - ¹³. E. Werthebach, "Internationale Verflechtungen und Möglichkeiten der Bekämpfung der organisierten Kriminalität" in *Politische Studien*, n. 3/93, April 1993, pp. 59-76.
 - ¹⁴. The Government of the Federal Republic of Germany, "International Cooperation in Fighting Illegal Immigration Networks", paper presented at the *Eleventh IOM Seminar on International Response to Trafficking in Migrants and the Safeguarding of Migrant Rights*, Geneve, October 26-28, 1994, p. 4.
 - ¹⁵. Belgium, Austria and ICMPD, *op. cit.*, pp. 9-10.
 - ¹⁶. The study in question is quoted in IOM, *Trafficking in Migrants. Quarterly Bulletin*, n. 10, March 1996; W. Branigin, "U.S. Targets World Traffic in Migrants" in *International Herald Tribune*, December 29, 1995.
 - ¹⁷. On this subject see J. Widgren, *op. cit.*, pp. 3-5; The Government of the Federal Republic of Germany, *op. cit.*, pp. 1-2.

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- ¹⁸. Ministero dell'Interno - DIA, *Relazione Semestrale. Giugno 1995*, Rome, 1995, p. 32.
- ¹⁹. Commission for Public Liberties and Internal Affairs of the European Parliament, *Relation on immigration coming from countries of Central and Eastern Europe and on harmonization of policies on family reunification*, Bruxelles, March 30, 1994, p. 12.
- ²⁰. Ministero dell'Interno - DIA, *op. cit.*, p. 1.
- ²¹. Belgium, Austria and ICMPD, *op. cit.*, p. 10 and synoptical annex.
- ²². IOM, "Trafficking in Migrants: Characteristics and Trends in Different Regions of the World", *op. cit.*, pp. 3-4
- ²³. Ministero dell'Interno - DIA, *op. cit.*, p. 33.
- ²⁴. The Government of the Federal Republic of Germany, *op. cit.*, pp. 2-5.
- ²⁵. See also A.P. Schmid in cooperation with E.U. Savona, *op. cit.*, p. 28.
- ²⁶. The Government of the Federal Republic of Germany, *op. cit.*, pp. 4-5.
- ²⁷. P.J. Smith, "Illegal Chinese Immigrants Everywhere, and No Let up in Sight" in *International Herald Tribune*, May 26, 1994.
- ²⁸. Ministero degli Interni - DIA , *op. cit.*, p. 113.
- ²⁹. IOM, "Trafficking in Migrants: Characteristics and Trends in Different Regions of the World", *op. cit.*, p 5
- ³⁰. "The New Trade in Humans", in *The Economist*, August 5, 1995.
- ³¹. IOM, "Trafficking in Migrants: Characteristics and Trends in Different Regions of the World", *op. cit.*, p.5
- ³². A.P. Schmid with the cooperation of E.U. Savona, *op. cit.*, p. 23.
- ³³. R. Bonner, "Inventive Swindlers Prey on Desperate Aliens; Smuggling People/Big-Time Crime in Eastern Europe", in *International Herald Tribune*, June 15, 1995.
- ³⁴. J. Widgren, *op. cit.*, pp. 5-6.
- ³⁵. The *1996 Report of the Presidential Initiative to deter Alien Smuggling*.
- ³⁶. As quoted in W. Branigin, *op. cit.*
- ³⁷. The study in question is cited in W. Branigin, *op. cit.*; IOM, *Trafficking in Migrants. op.cit.*
- ³⁸. P.J. Smith, *op. cit.*
- ³⁹. IOM, "Trafficking in Migrants: Characteristics and Trends in Different Regions of the World", *op. cit.*, p.4
- ⁴⁰. Ministero dell'Interno - DIA, *op. cit.*, p. 34.
- ⁴¹. Ministero dell'Interno - DIA, *op. cit.*, p. 114.
- ⁴². Caritas Roma, *op. cit.*, p. 113.
- ⁴³. *The New York Times*, June 14, 1995.
- ⁴⁴. Ibidem.
- ⁴⁵. *La Repubblica*, April 9, 1995.

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- ⁴⁶. *The New York Times*, November 5, 1995.
- ⁴⁷. *Il Corriere della Sera*, December 20, 1995.
- ⁴⁸. *Sunday Telegraph*, January 21, 1996.
- ⁴⁹. Regarding the news see, among others: W. Branigin, *op. cit.*; "The New Trade in Humans", in *The Economist*, August 5, 1995; R. Bonner, "Illegal Migrants' Road West Crosses Old East Block", in *The New York Times*, June 14, 1995; R. Bonner, "Inventive Swindlers Prey on Desperate Aliens; Smuggling People/Big Time Crime in Eastern Europe", in *op. cit.*
- ⁵⁰. The Government of the Federal Republic of Germany, *op. cit.*, p. 3.
- ⁵¹. The Government of Albania, "Trafficking in Migrants", paper presented at the *Eleventh IOM Seminar on International Response to Trafficking in Migrants and the Safeguarding of Migrants Rights*, Geneva, October 26-28, 1994, p. 1.
- ⁵². IOM, "Trafficking in Migrants: Characteristics and Trends in Different Regions of The World", *op. cit.*, p.11
- ⁵³. Caritas Roma, *op. cit.*, p. 113.
- ⁵⁴. The Government of the Federal Republic of Germany, *op. cit.*, p. 3.
- ⁵⁵. Caritas Roma, *op. cit.*, p. 114.
- ⁵⁶. Ibidem.
- ⁵⁷. Ministero dell'Interno - DIA, *op. cit.*, p. 117.
- ⁵⁸. This analysis refers to P.A. Taron, "Safeguarding Migrants' Rights and Dignity, in and beyond the smuggling dilemma", paper presented at the *Eleventh IOM Seminar on Migration*, *op. cit.*, pp. 7-8.
- ⁵⁹. IOM, "Trafficking in Women: a 'Business' that Needs to Be Closed down", in *Trafficking in Migrants. Quarterly Bulletin*, n. 8, September 1995, pp. 1-2.
- ⁶⁰. IOM, "Trafficking in Children: Exploitation Across Borders", in *Trafficking in migrants. Quarterly Bulletin*, *op. cit.*
- ⁶¹. Ibidem.
- ⁶². Ibidem.
- ⁶³. Ministero dell'Interno - DIA, *op. cit.*, p. 36.
- ⁶⁴. IOM, "Trafficking in Women: a 'Business' that Needs to Be Closed down", in *Trafficking in Migrants. Quarterly Bulletin*, *op. cit.*, p. 1.
- ⁶⁵. The Government of the Republic of Philippines, "Trafficking of Women from the Philippines", paper presented at the *Eleventh IOM Seminar on International Response to Trafficking in Migrants and the Safeguarding of Migrant Rights*, Geneva, October 26-28, 1994, p 4.
- ⁶⁶. IOM, "Trafficking in Women: a 'Business' that Needs to Be Closed down", in *op. cit.*, p. 1.
- ⁶⁷. Ibidem.
- ⁶⁸. Ibidem.
- ⁶⁹. Cited in IOM, "EU is Taking Action to Close down the Business of Trafficking in Women", in *Trafficking in Migrants. Quarterly Bulletin*, n. 9, December 1995, pp. 1-2.

⁷⁰. The present section synthetically reports the ideas expressed in a recent study carried out by IOM on the grounds of the Migration Information Programme. This programme is aimed at studying the problems relating to migration transit from countries of Central and Eastern Europe. The publication is the following: IOM - Migration Information Programme, *Trafficking and Prostitution: the Growing Exploitation of Migrant Women from Central and Eastern Europe*, Budapest, May 1995.

⁷¹. IOM - Migration Information Programme, *Trafficking and Prostitution: the Growing Exploitation of Migrant Women from Central and Eastern Europe*, *op. cit.*, p. 7.

⁷². The present chapter is based, further to the conclusions of the IOM Seminar held in Geneva, October 26-28, 1994, particularly on the following publications: The Government of the Federal Republic of Germany, *op. cit.*; P.A. Taron, *op. cit.*; Belgium, Austria and ICMPD, *op. cit.*; Hungary, Croatia and ICMPD, "Technical Cooperation and Assistance to Combat Illegal Migration", paper presented at *The Third Meeting of the Expert Group of the Budapest Group*, Budapest, June 15-16, 1995; J. Widgren, "Towards Collective European Co-operation with Respect to Movement of People", paper presented at the *Vienna-process* in 1993 and re-printed on the occasion of *The Salzburg Seminar Session on Involuntary Migration*, July 1995; IOM - Migration Information Programme, *Trafficking and Prostitution: the Growing Exploitation of Migrant Women from Central and Eastern Europe*, *op. cit.*

⁷³. The recent Conference in Barcelona can be a useful example of these kinds of policies, aiming at helping undeveloped countries.

⁷⁴. Quoted in IOM, *Trafficking in Migrants. Quarterly Bulletin*, n. 2, March 1994.

⁷⁵. J. Widgren, "Towards Collective European Co-operation with Respect to Movement of People", *op. cit.*, p.12

⁷⁶. The Government of the Netherlands, "The Combat against Human Trafficking: Experiences and Legal Instruments in the Netherlands", paper presented at the *Eleventh IOM Seminar on International Response to Trafficking in Migrants and the Safeguarding of Migrants Rights*, Geneva, October 26-28, 1994, p. 5.

⁷⁷. "Trade in people new challenge for Europol", Reuter, October 2, 1996

⁷⁸. Suffice to say that in Poland trafficking in migrants is not a crime: so a person who smuggles people from Poland to other countries, without leaving the Polish territory, cannot be penalised for any crime.

⁷⁹. ICMPD, *op. cit.*

⁸⁰. Belgium, Austria and ICMPD, *op. cit.*, pp. 4-5.

⁸¹. M. Pastore, *Produzione normativa e costruzione sociale della devianza e criminalità tra gli immigrati*, Quaderni ISMU 9/1995, Fondazione Cariplo ISMU, Milano, 1995.

⁸². *Ibidem*.