

CHAPTER I

INTRODUCTION

A. Background

Human trafficking is one of the global problems faced by the world at the moment, especially for the state that implements the democracy which mainly focuses on the human right problems. Meanwhile, human trafficking is one of the human right problems faced by the democratic states in the world including European countries. According to IOM, the highest human trafficking issue in European countries is Ukraine. This is due to economic problems such as corruption, unemployment, and illegal migration.

In the end of 1980 for the first time human trafficking got an attention of the international community. In the early 21st century, human trafficking was recognized as a serious problem that needed a global response, and in 2000 the United Nations responded to this problem by organizing a Conference, namely the Protocol to Prevent, Suppress, and Punish Trafficking in Persons (the Palermo Protocol). Here, the UN set out the first definition about human trafficking.¹

“Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other form of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of

¹ IOM (2011) “Counter Trafficking Training Module. Human trafficking is a modern day form of slavery”. (International Organization for Migration; Dublin) pg.6

payments of person having control over another person for the purpose of exploitation". (Article 3, Palermo Protocol, 2000)

Human trafficking is a problem faced by many countries around the world. One of them is Ukraine. Ukraine is a strategic and the second largest population in Europe that reaches 45.1 million people after Russia.² According to the State Statistic Department, Ukraine's population declined in 1991 to 2010 from 51.7 million to 45.1 million and according to World Bank shrank 0.8% per year because many of the cases of migration such as human trafficking and smuggling of people sold them outside the border of Ukraine.³ Victims are usually sold for forced labor, sexual exploitation or exploited their organ.

In the early 21st century, the number of international migrants increased about 40 millions and in 2010 it increased 214 millions.⁴ At that time, there was a well-known phenomenon in Ukraine in which the Ukrainian went abroad and new comers arrived to the country. When Russia was occupying the Ukraine, it changes from relatively immobile society with limited freedom of movement to country of origin, transit and destination for Victims. Problem was faced by Ukraine when the Ukrainian was going abroad and citizens from other countries transit through Ukraine. Attention

² BBC, "*Ukraine Country Profile*", retrieved on 25 May 2012 at 9:53 pm from [http://news.bbc.co.uk/2/hi/europe/country_profiles/1102303.stm], May 2012.

³ IOM, "*International Organization for Migration (IOM) Mission in Ukraine Invite you to participate in a Contest on: What is the Future of Migration in Ukraine?*" retrieved on May 22, 2012 at 9:59 am from [<http://www.un.org.ua/en/information-centre/news/1307>], 30 June 2011.

⁴ Ibid

that should be underlined is movements effects are demographics changes and the shrinking of the domestic work force owned by Ukraine. Of course, this creates negative impacts for Ukraine such as population decline that affects the number of Ukrainian work force. Because there were many victims outside Ukraine, no one will create wealth, pay tax, provide health support system and give Contributions in pension system to support the growing number of Pensioner and people in need of health care services.

The destination country of human trafficking also has the same problem that is shrinking population; therefore, in the future the country will continually attract migrants (especially victims of human trafficking) from Ukraine. One cause of the increasing number human trafficking is higher salary level in the European Union, which makes the Ukrainian to leave country. International Organization for Migration (IOM) assisted 814 human trafficking cases in Ukraine which is the biggest cases in Europe followed by Belarus and Moldova in 2011.⁵ In 1996 IOM set up a mission called the IOM Mission in Ukraine, which was made by the IOM for observer countries that have not become members of the IOM. In 2001, Ukraine proposed to be a member of the IOM. In 2002 Ukraine officially became a member of the IOM.

⁵ IOM, "IOM Case Data on Human Trafficking: Global Figures & Trends 2011", retrieved on May 11, 2012 at 8:51 am from: [<http://ec.europa.eu/anti-trafficking/download.action;jsessionid=rc1GPLSD3X2MQMTyFpT5YmplykC54Jzzy02L4CSQTLtzxFPZgRIF!-471497004?nodeId=0c594432-d910-421a-864f-45f546ae3abb&fileName=IOM+Global+Trafficking+Data+on+Assisted+Cases+2012.pdf>], pg.12.

This thesis will focus on the role of IOM toward Ukraine problem particularly human trafficking.

B. Research Question

Based on the background that has been explained above, the research question is: “What does International Organization for Migration (IOM) play in fighting against human trafficking in Ukraine?”

C. Theoretical Framework

1. International Organization

There are many definition of international organization according to scientist. According to Daniel S. Cheever and H. Field Haviar Jr. in *Organizing for Peace, International Organization in World Affairs*, international organization is “*Any cooperative arrangement instituted among states usually by a basic agreement, to perform some mutually advantageous functions implemented through periodic meetings and staff activities*”.⁶

⁶ Portal Ilmu Hubungan Internasional, “Definisi Organisasi Internasional”, [<http://portal-hi.net/index.php/oki/14-definisi-organisasi-inter>]

From the definition above, it shows that international organization has four elements. First, there are involvements of states in partnership. Second, the establishment of an international organization is based on states agreement. Third, the purpose of international organization is for common interest. Fourth, there are regular that supported by some staff.

International Organization (IO) can be established by public and individuals. The IO established by public or governmental organization and created by treaty or agreement between states is called Inter-Governmental Organization (IGOs). While, IO was established by individuals or individual associations is called Non-Governmental Organization (NGOs).⁷ This thesis will focus only on IGOs because the object of this research is one of the types of IGOs, it is IOM.

According to Margaret P. Karns and Karen A. Mingst, “*IGOs are organizations that include at least three states among their membership, that have activities in several states, and that are created formal intergovernmental agreement such as a treaty, charter or statute*”.⁸ Members of IGO have common interest motives for working together on issues that affect them directly. The small membership of IGO is designed to show specific function. The functions of IGO include *collecting*

⁷Georgetown Law Library, “IGO’s & NGO’s”, [<http://www.law.georgetown.edu/library/research/guides/igosngos.cfm>]

⁸ Margaret P. Karns and Karen A. Mingst, 2010, “*International Organizations: The Politics and Process of Global Governance*”. USA: Lynne Rienner Publisher.

information and monitoring trends (United Nations Environment Programme [UNEP]), delivering services and aid (United Nations High Commissioner for Refugees [UNHCR]), providing forums for intergovernmental bargaining (European Union [EU]), and adjudicating disputes (International Court of Justice, World Trade Organization [WTO])⁹.

Table 1: Classifying Types of IGOs

Classifying Types of IGOs	
Geographic Scope	Examples
Global	UN WHO WTO
Regional	ASEAN AU EU
Subregional	ECOWAS GCC
Purpose	Examples
General	UN OAS
Specialized	ILO WHO WTO IOM

Source: Margaret P Karns and Karen A. Mingst

As the instrument, IGO helps states form stable states by cooperation through regular meeting. Beside creating opportunities among membership, IGO also give effect for member states on their policies and processes because IGO exercise

⁹ Ibid

influences and imposes constraints by setting international and national agendas, forcing government to take position issues, encouraging specialized decision making and implementation processes, and giving facilitate and coordinate IGO participation by creating principles, norms, and rules of behavior. Generally IGO has functions shown in the table below.

Table 2: IGO Functions

IGO Functions
<ul style="list-style-type: none"> • Informational—gathering, analyzing, and disseminating data • Forum—providing place for exchange of views and decision making • Normative—defining standards of behavior • Rule creation—drafting legally binding treaties • Rule supervision—monitoring compliance with rules, adjudicating disputes, taking enforcement measures • Operational—allocating resources, providing technical assistance and relief, deploying forces

Source: Margaret P Karns and Karen A. Mingst

IGO is the main focus in this research because International Organization for Migration (IOM) is the subject of the research. Based on classifying types of IOM, IOM is an organization with specialized purpose which focuses on migration problems. Migration is the movement of people from one place in the world to another.¹⁰

¹⁰National Geographic, 2005, *Human Migration Guide: What is Human Migration.*, retrieved 18 December 2012 at 10:46 am from <http://www.nationalgeographic.com/xpeditions/lessons/09/g35/migrationguidestudent.pdf>

IOM is the leading or international organization in the field of migrant that has 146 member states and 13 observer states; working closely with governmental, intergovernmental and non-governmental partners. IOM concerns not only in migrant problem but also in transnational crime problem particularly human trafficking. It is dedicated to promote humane and orderly migration for benefit of all by providing services, policy advice and recommendation to governments and migrants.¹¹ IOM was born in 1951. This organization was created because there are chaos and displacement caused by Second World War. However, the organization's transition happened in 1989, in which logistics agency was reflected to migration agency, International Organization for Migration (IOM).¹²

2. *Transnational Crime*

According to Cyrille Fijnaut in the *Transnational Crime and the Role of United Nations in its Containment through International Cooperation: A Challenge for the 21th Century* it shows that the word "*transnational*" refers to all types of crimes that did not recognize state borders.¹³ Transnational crime is a social phenomenon that involves people, places and groups also influenced by various

¹¹ IOM, "*IOM MISSION*", retrieved on May 22, 2012 at 2:40 pm from [<http://www.iom.int/jahia/Jahia/about-iom/mission/lang/en>]

¹² IOM, "*HISTORY OF IOM*", on 20 July 2012, at 11:54 am from [<http://www.iom.int/jahia/Jahia/about-iom/history/lang/en>]

¹³ Cyrille Fijnaut, "*Transnational crime and the role of the United Nations in its Containment through international cooperation: A challenge for the 21st century*, *European journal of crime, criminal law and criminal justice*" 8(2)(2002): 119-127

factors such as social, cultural and economics.¹⁴ According to Martin and Romano, definition of transnational crime:¹⁵

“,, transnational crime may be define as the behavior of ongoing organizations that involves two or more nations, with such behavior being defined as criminal by at least of these nations”.

According to Gerhard O.W. Mueller in *Transnational Crime: Definitions and Concept* in the mid 1990s that many researchers define transnational crime to speak of:

"Whose offense inception, prevention, and direct or indirect effects involve more than one country". Muller used this term to identify "Certain criminal phenomena transcending international borders, transgressing the laws of several states or having an impact on another country".¹⁶

According to the United Nations Convention on Transnational Organized Crime of 2000, crime can be called as transnational.¹⁷ First it is performed by one state or more. Second it is about preparation, planning, direction and control exercised in the other country. Involving organized criminal group in which the crime was

¹⁴ Mark Findlay, *"The globalization of Crime: Understanding Transnational Relationship in Context"* (Cambridge University Press, 2003)

¹⁵ Martin, J. M. and Romano, A. T., *"Multinational Crime-Terrorism, Espionage, Drug & Arms Trafficking"* (SAGE Publications, 1992)

¹⁶ Gerhard O. W. Mueller, *"Transnational Crime: Definitions and Concepts, Transnational Organized Crime 4"*, no.1998

¹⁷ Muladi, *"Demokratisasi, Hak Asasi Manusia, dan Reformasi Hukum di Indonesia"*, 1st ed. (The HabibieCenter, Jakarta, 2002)

committed in more than one country is as the third. Finally it has serious impact in other countries.

Examples of transnational crimes are: trafficking in human beings, people smuggling, cyber crime, terrorism, sex slavery, illegal trade arms, etc. One of the threats in Eastern Europe especially Ukraine is human trafficking.

Globally, human trafficking is identified as the third most profitable organized crime after drug and smuggling. Trafficking is controlled and exploited by organized criminal groups. In the several last years, organized crime gets high profit and low risk detection. In another shape, criminal offence activities involve money laundering, corruption of public official, and intimidation. There are so many organized crime groups involved. Human trafficking is a transnational crime group because this criminal activity is operated across the border of states. Human trafficking is:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.¹⁸

Based on the characteristics of identification of transnational organized crime, human trafficking can be called as one of them. It is because human trafficking is across border as what happened in Ukraine. Over 110,000 Ukrainians became victims to human trafficking sold to another country since 1991, which makes Ukraine one of

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” and “Protocol against the Smuggling of Migrants by Land, Sea and Air”, supplementing the “Convention against Transnational Organized Crime,” December 2000.

the largest “suppliers” of slave labors in Europe.¹⁹ Because of human trafficking problem that increased in Europe, it creates serious problem both in host and destination country. The obstacles that faced by host country are related to unemployment, housing and social cohesion. Human trafficking can also be blamed for the loss of human capital and for economic dependency in countries of origin.²⁰ Besides, the agents of offense are more than one person. The victims must be pay debt from one trafficker to another. The victims must pay for travel, accommodation, and job placement. They work to pay for the debt. If victims are sold to another trafficker, it means that they will have the same problem; they must pay to this new trafficker. Another important thing of human trafficking is that it breaks the law in many countries. Not only in Ukraine, but also in other countries, human trafficking becomes a big problem that must be faced. According to UNHCR almost all of the countries in Europe have the Anti-Trafficking law including Ukraine, but only several countries have asylum to trafficking victims.²¹

¹⁹ IOM, “IOM Activities Combating Human Trafficking in Ukraine”, retrieved on 21 May, 2012 at 2:35 pm from [<http://iom.org.ua/en/iom-activities/comb-human-traff.html>]

²⁰ IOM, “IOM Ukraine Newsletter Issue3 2011”, retrieved on May 21, 2012 at 2:51 pm from [<http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/Ukraine/IOM-Ukraine-Newsletter-Issue3-2011.pdf>]

²¹ Bureau for Europe Policy Unit (2005), “COMBATTING HUMAN TRAFFICKING: Overview of UNHCR Anti-Trafficking Activities in Europe”, retrieved on 25 April 2012 at 11: 04 am from [<http://www.unhcr.org/refworld/pdfid/43fd782d4.pdf>], Pg.141.

D. Hypothesis

From the background and theoretical framework mentioned above, the role of the International Organization for Migration (IOM) to tackle problem of human trafficking in Ukraine, covers in four interrelated areas:

- Prevention and advocacy
- Prosecution and criminalization
- Protection and reintegration
- Partnership

E. Range of research

To make the research focused, the range of research is from 2002 until 2011. However, the research is opened for other relevant data outside that range as long as it supports the research.

F. Research Purposes

(a) Objective Purpose

The study was conducted to determine the role, performance and activities carried out in Ukraine in relation to IOM to address human trafficking.

(b) Subjective Purpose

In addition to the objective purpose of the study in which to increase the depth of knowledge, this study is also performed as one of the final requirements to be met by the author, and all of the students, to complete the study of S.1 and later earn a degree, S.IP (Bachelor of Political Science).

G. Method of Research

This research uses descriptive method. This method is to describe and analyze the role of IOM in fighting against human trafficking in Ukraine.

This research uses library research to collect secondary sources from books, journal, internet, and other related references.

H. System of Writing

In writing this research into an essay, the author divides the thesis into several chapters in which the chapters are interrelated.

- Chapter I Contains the introduction consisting of: Background Issues, Key Issues, Research Objectives, Theoretical Framework, Hypotheses, Research Methods, Range of research and Writing system
- Chapter II Contains the emergence and causes of human trafficking in general and specific, especially in Ukraine.
- Chapter III Contains the mission and activities of IOM in combating human trafficking generally.
- Chapter IV Contains a discussion of IOM activities in combating human trafficking in Ukraine
- Chapter V Closing / Conclusion, contains a brief summary of the research written by the author.