

Trafficking in Human Beings



Human trafficking is a serious exploitation of human beings – it is one of the most pressing global issues today and requires a joint and comprehensive response

What is trafficking in human beings?

Human trafficking is a modern form of slavery. Innocent people are tricked, coerced or otherwise removed from their home or country and forced to work on terms which are highly exploitative. The exploitation comes in many forms, such as sexual and labour exploitation, forced begging, the removal of organs and the abuse of domestic and seasonal workers.

The lack of an international consensus on an encompassing definition of trafficking in human beings was a major challenge until 2000 when the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime came into force.

According to Article 3 a) of the UN Protocol Trafficking in Persons shall mean:

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

The Council of Europe Convention on Actions against Human Trafficking of May 2005 further builds on the UN Protocol and defines the term 'victim of trafficking'. This Convention includes comprehensive protection of the human rights of victims as an integral part of the fight against this criminal activity. It serves as a point of departure for the work of the Task Force against Trafficking in Human Beings (TF-THB). Moreover, other legal documents by the Council of

Europe, the European Union, the United Nations and the Organization for Security and Co-operation in Europe are taken into consideration at all times.

Why does trafficking in human beings exist?

The causes of, and contributing factors to, trafficking in human beings are manifold and complex. Although trafficking in human beings and internal and external migration are two separate subjects, they are highly interconnected: trafficking in human beings is very often linked to the individual experiences of the trafficked victims, who are seeking better living conditions in their own or a foreign country. This pressure for migration, and other contributing factors, explains why migrating persons are vulnerable to exploitation and abuse.

In this context, it is very important to look at both the reasons why people are migrating and the objectives of the traffickers, who take advantage of the vulnerable situations of migrating persons. In the central literature on trafficking in human beings all these different reasons are described as contributory but not exclusive pull and push factors:

PULL FACTORS

- demand for (cheap) labour and services
- better opportunities

PUSH FACTORS

- poverty
- unemployment
- lack of education
- lack of opportunities
- gender-based discrimination and violence
- economic imbalance between wealthy and impoverished countries
- war, political instability and corruption

CONTRIBUTING FACTORS

- "high profit-low risk" for the traffickers
- corruption, organised crime and lack of legal instruments
- restrictive migration and immigration policies



Who are the persons being trafficked?

Human trafficking can affect all people in all countries, regardless of gender, age, nationality, ethnicity or any other affiliation. Women and girls, men and boys, can all become victims of human trafficking.

Nonetheless, social, economic and political inequality persists and creates gendered vulnerabilities. Consequently, trafficking in human beings is not gender neutral. In most countries of the world, **women** are:

- over-represented in the informal employment sector and in self-employment where jobs are lower-paid and less secure
- prevented from entering traditional male occupations
- prevented from reaching higher positions
- faced with high gender wage gaps
- more affected by unemployment and thus poverty
- likely to be less covered by social security schemes
- more affected by gender-based violence
- increasingly becoming the sole bread winners in families due to lack of sufficient income, rising living costs and the absence of fathers.

For all these reasons women are more at risk and more vulnerable to trafficking in human beings.

Furthermore, women are differently affected by the sectors they are trafficked to, the forms of exploitation they are exposed to and the consequences they face after their exploitation. Women are mostly subject to trafficking in human beings for sexual exploitation and domestic servitude.

Nowadays, we also observe a higher identification rate of **men** who have been trafficked mainly for labour exploitation, such as construction, agricultural work, mining or dockyard labour. These sectors are principally connected to manual labour and associated with a high degree of informal labour relations and long sub-contracting chains.

Both men and women are affected by trafficking for the removal of human organs and forced begging.

Furthermore, there is an increase in the identifications of persons being trafficked for multiple forms of exploitation.

It is important to bear in mind that children and adolescents are especially vulnerable to human trafficking, but the forms of exploitation may differ.

What is the difference between trafficking in human beings and smuggling?

Although trafficking in human beings and human smuggling are two very distinct phenomena, actors are still interpreting them interchangeably. This can have serious implications for the treatment and support provided to victims of human trafficking if they are incorrectly identified.

Both trafficking in human beings and human smuggling are illegal businesses which are often perpetrated by criminal networks and which profit from the vulnerabilities of people who are seeking better life opportunities. The organisers of human smuggling benefit from the migrants' irregular crossing of borders, whereas, human traffickers aim to exploit the trafficked victims. In this context, the process of smuggling generally ends with the migrants' arrival in their destination and a payment to the smugglers, whereas trafficking involves the ongoing abuse of the victims to generate profit for the traffickers.

Another distinguishing criterion between smuggling and trafficking is the existence of a victim, that is, a person whose individual rights have been violated. Human smuggling does not violate individual rights as such, but the political interest of the state which considers that its borders and migration laws have been violated. Nevertheless, smuggled persons are also vulnerable to violations of their human rights and can subsequently become victims of trafficking.

Furthermore, smuggling is always transnational, whereas human trafficking also occurs within the same country.

One can also distinguish the phenomena in terms of consent. Although often taking life threatening risks and having to endure a lot of suffering during the transportation, smuggled migrants have consented to the smuggling. Trafficked victims either never consented, or if they did initially, the consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.

These distinctions affect how cases are handled as well as the rights and the status of the individuals involved. Proper identification is therefore crucial to ensure that victims of human trafficking receive the assistance they are in need of and entitled to.