

Glossary

human trafficking

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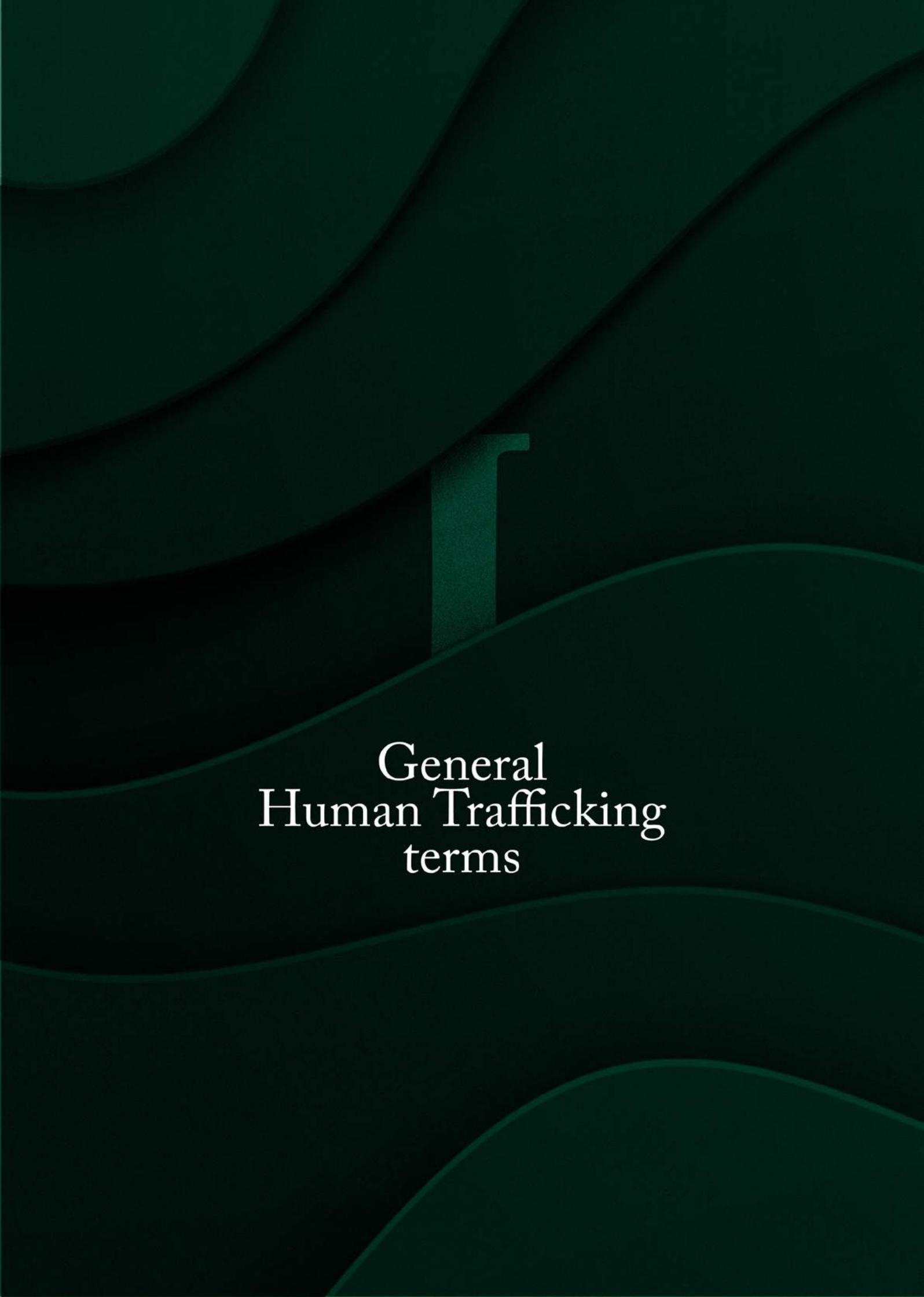
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General Human Trafficking terms

General Human Trafficking terms

Trafficking in human beings or trafficking in persons

is the process through which individuals are placed or maintained in an exploitative situation for economic gain. It is a serious crime and a violation of human rights defined in international law. Human trafficking is a crime against the person; it is non-consensual or without the validated consent of the person involved; it is part of a long-term, exploitative relationship and it may be internal or international. Trafficking affects women, men, children, and transgender persons, and takes various forms (sexual exploitation, labour exploitation, forced begging, forced criminal activities, removal of organs and other forms) and occurs in different areas.¹

Modern Slavery or Contemporary Forms of Slavery

is used as a non-legal umbrella term comprising multiple forms of exploitation. Some relevant forms of exploitation (including slavery, the practices similar to slavery, forced labour, the worst forms of child labour and human trafficking) are defined in international treaties, but others (such as servitude) remain undefined. The common denominator of these crimes is that they are all forms of exploitation in which one person is under the control of another or others. According to the United Nations Office on Drugs and Crime (UNODC), the term has an important advocacy impact and has been adopted in some national legislation to cover provisions related to trafficking in persons, for example in the UK. The UK and Northern Ireland adopted the 2015 Modern Slavery Act that includes prohibitions of slavery, servitude, forced and compulsory labour as well as human trafficking. In the wake of the Act, efforts to combat trafficking have been renamed as measures fighting 'modern slavery'. However, nowhere in the Act,

is the term ‘modern slavery’ defined or explained. Using such a broad yet undefined phrase risks conflating diverse practices of exploitation with the far narrower concept of chattel slavery in the public imagination and poses risks to the correct identification of trafficked persons.²

The lack of an agreed definition or legal standard at the international level results in inconsistent usage of this term. For example, the International Labour Organization (ILO) has recently re-oriented its activities to fight against ‘forced labour, modern slavery and human trafficking’, with the concept of forced labour being used as the overarching framework, comprising traditional forms of slavery and slavery-like practices, debt bondage and human trafficking.

This ILO approach is not consistent with the European Commission (EC) approach. Trafficking can have many exploitative purposes, such as forced labour, servitude, slavery and practices similar to slavery. However, trafficking is not synonymous to slavery, forced labour or servitude. Not all victims of trafficking are held in slavery or forced labour, but also not all people found in slavery are trafficked.³

The UNODC has the same approach to the EC. It considers human trafficking as the overarching framework and relies on it in its work.

In this incoherent and uncoordinated global framework, the Member States have yet to clarify their position on the concept of contemporary forms of slavery.

Child trafficking

is the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, which includes sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. Child trafficking slightly differs from adult trafficking as elements included in the definition of the act for adults (use of force, coercion, etc.) are not required in the case of children.

Exploitation

international law generally does not define exploitation as such, although it provides description of what practices (at a minimum) are considered as exploitation (sexual exploitation, forced labour, removal of organs, forced begging, forced criminality and other forms of exploitation defined in national law). This approach hampers the prosecution process since it is not always clear which practices can be labelled and thus prosecuted as exploitation.

Presumed victim of human trafficking

is any person who shows signs that s/he might have been trafficked but who has not been formally identified by the relevant authorities (e.g. police) as a trafficking victim or has declined to be formally or legally identified as trafficked.

Victim of human trafficking

means any person who has been subjected to trafficking and exploitation and has been formally identified by the relevant authorities and granted a status of a victim of human trafficking, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted. It should be noted that “victim of human trafficking” is a legal concept, and not a quality, condition or attribute of a person.

Identification of victims of human trafficking

means a process where the objective is, primarily based on the victim’s account, to assess if the person is a victim of human trafficking and to take action to help and protect her/him. Identification starts from the moment when it occurs to the actor that their client or the person they encounter may be a victim of human trafficking. The actor or party then starts to assess the person’s circumstances and situation more thoroughly or refers to the competent institution. They may find

support for their suspicion, in which case the person may, subject to her or his consent, be referred to the assistance system.⁴

Recruitment

is the first stage of the trafficking process. A person is targeted by a trafficker as a potential victim. The recruitment may involve actual or threatened violence and kidnapping, but it is more common for it to involve deception or an abuse of power. Recruitment happens through informal and formal networks using personal relationships, social networks and on-line advertisements, as well as through private employment agencies (PrEAs). Often, PrEAs negotiate the terms of employment with employers on behalf of the migrant. The ILO Private Employment Agencies Convention, 1997 (No. 181), Article 8 establishes that “where workers are recruited in one country for work in another, the members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment.” Private employment agencies play a legitimate role in the labour market. However, there are concerns about the proliferation of informal labour brokers, which at times can exacerbate the risk of abuse, forced labour and human trafficking among migrant workers.⁵

Abuse of a position of vulnerability

is abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological or economic. The situation might, for example, involve economic dependence. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited”.⁶

Country of destination is the most neutral and accurate term to refer to the country in which a person intends to conclude their journey. This term is preferable to “host country” which connotes that migrants are merely guests and that their stay is dependent on the invitation and at the expense of hosts. In the context of human trafficking (cross-border), the term refers to the country where the person is transported to be exploited.

Transit country is a country through which a victim is transported on the way to her/his destination where exploitation takes place.

Country of origin is the country from where a migrant or a victim of trafficking originates. This term is preferable to “sending country” or “home country”. In the context of human trafficking, “sending country” carries the connotation that the state would take an active part in making people leave the country to be exploited abroad. “Home” carries certain connotations: it is a place where one lives and a place that creates a feeling of belonging. For many victims home is their place of residence in the destination country; they may no longer have a physical residence, family or social unit in their country of origin. It is also based on the misconception that all migrants, including victims of human trafficking, could eventually go “home” regardless of how long they have stayed, how well they have integrated or conditions and risks in the country of origin. Moreover, the term “home country” undermines efforts to integrate migrants and implies the highly damaging assertion that migrants could not, or should not, feel a sense of belonging in the country to which they have migrated.⁷

Push-pull factors of human trafficking

are various and often differ from one country to another. As stated in the UNODC Toolkit to Combat Trafficking in Persons, human trafficking is a complex phenomenon that is often driven or influenced by social, economic, cultural and other factors. Many of these factors are specific to individual human trafficking patterns and to the states in which they occur. There are, however, many factors that tend to be common to human trafficking in general or found in a wide range of different regions, patterns or cases. Some of the common factors are local conditions that make populations want to migrate in search of better conditions: poverty, oppression, gender inequality and violence against women and minorities, lack of human rights or lack of social or economic opportunities and dangers from conflict or instability. Political instability, militarism, civil unrest, internal armed conflict and natural disasters may result in an increase in human trafficking. These factors tend to exert pressures on victims that “push” them into migration and potentially into the control of human traffickers, but other factors that tend to “pull” potential victims can also be significant. Poverty and wealth are relative concepts which lead to both migration and human trafficking patterns in which victims move from conditions of extreme poverty to conditions of less-extreme poverty. Human trafficking is the result of interconnected ‘push’ and ‘pull’ factors and is mainly tied to the market of supply and demand.

III

Those involved
in different roles of
Human Trafficking

Those involved in different roles of Human Trafficking

Trafficker

is a person who commits the act of trafficking (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)⁸ for the purpose of exploitation.

Traffickers operate alone or in small, family type groups or are part of a larger criminal enterprise. They are predominantly male. In recent years female traffickers constitute approximately 30 per cent.⁹ There are different types of traffickers: players/loverboys; traffickers from poor and/or vulnerable backgrounds who become involved in human trafficking to have a better life; traffickers who are born in a criminal environment and to whom trafficking (crime) is normalised; mature age traffickers who fall in love with a woman in prostitution. Their involvement with human trafficking is almost accidental.¹⁰ Some victims of human trafficking accept their “promotion” from victim to trafficker because it improves their circumstances. Female traffickers play a variety of different roles. Some women act as the supporters, they may be used in activities such as guarding a place or retrieving money from victims. Others have the role of recruiter.¹¹

Facilitator

of human trafficking represent a support system or back-up structure to the criminal operations of traffickers. This system relies on the use of legal business and intermediators, acting as enablers. These can be as numerous and diverse as internet service providers, transport and logistic firms, hotels, financial services, travel or employment agencies and/or landlords.

**Procurer /
“middleman” / pimp**

is simply a person who administers, obtains, manages and controls a person and is responsible for the transaction and provision of a prostituted person for another person. It is usually legally defined as a person who causes someone to do something or something to happen. The person financially benefits from the commercial sexual exploitation of another person. The relationship takes place in a wide variety of ways, but will frequently be abusive and possessive, with the pimp using techniques such as psychological intimidation, manipulation, starvation, rape and/or gang rape, beating, confinement, threats of violence toward the victim's family, forced drug use, and potentially pornographic or sexually explicit filming of the person as well as general shaming from these acts to keep the sexually exploited person under control.

Lover boy

is a term used for a trafficker or pimp who uses affection and false love as a mean to exploit an individual, usually young girls or women into situations of dependency and ultimately prostitution and the sex industry.

Sugar Daddy

is a rich and usually older man who buys presents for or gives money to a younger person, especially a woman, usually so that the younger person will spend time with him and have a sexual relationship with him.

Madame

is a woman procuring other women and collecting the profits. Madame is in charge of coordinating all human trafficking activities, managing finances and recruiting new victims.¹²

III

Forms of Human Trafficking

Forms of Human Trafficking

Trafficking for sexual exploitation

means obtaining financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual services, including pornographic acts or the production of pornographic materials.

Trafficking for labour exploitation or trafficking for forced labour

is where trafficking in human beings and forced labour overlap. Forced labour does not necessarily entail trafficking. Overall, both crimes can be seen to take place in the context of exploitation of labour. Trafficking for labour exploitation can be regarded as the most severe form of exploitation, while more subtle forms of coercion represent less serious forms of exploitation. These less serious forms of exploitation can lead up to more serious acts and create conditions where trafficking for forced labour may take place. Forced labour may exist without trafficking, but many jurisdictions require that for the crime of labour trafficking to be fulfilled, there must be exploitation that amounts to forced labour (or equivalent exploitation).¹³

Trafficking for forced criminality

is a type of exploitation which occurs when a person is forced to commit crimes such as pickpocketing, shoplifting, card skimming and identity theft, drug trafficking and other similar activities which are subject to penalties and imply a financial gain. If discovered, it is often the victim of trafficking, rather than the trafficker, who is punished for the criminal

act. Because of the fear instilled in victims by their trafficker about the potential repercussions to them or their family, often coupled with a fear of the authorities, a victim is often reluctant to speak out about those who forced them to commit crime.¹⁴

Trafficking for forced begging

refers to situations in which a person's personal or economic predicament or helplessness is exploited to make them engage in begging. They are forced to hand over all or most of their earnings. Their freedom is limited to the point where they can no longer decide freely whether they want to engage in this activity or not. Some of the indicators of forced begging are:

- Persons being under constant surveillance by other people who get involved as soon as any contact is established
- Trafficked persons begging for hours at a time, whatever the weather
- Persons being taken to and picked up from the place where they beg.¹⁵

Trafficking for forced marriage

there is no official internationally agreed definition of forced marriage, but this can be described as a situation where a marriage is entered without the free and full consent of one or both parties, because of threats, deception and coercion.¹⁶ These are elements that are typically considered to be present in trafficking situations. Under the concept of forced marriage, there can be more specific forms including servile marriage, which involves a person being sold, transferred or inherited into marriage, and child marriage which is a form of a forced marriage, since children are by definition unable to consent or exercise the right of refusal. Forced marriages, are also primarily understood to have links with practices among certain ethnic communities or minorities. The perpetrators are usually the parents, family members, or members of the extended family.¹⁷

Trafficking for the Purpose of Organ Removal (THBOR)

is defined in the Palermo Protocol to the UN Convention Against Transnational Organized Crime. As in other forms of human trafficking, the extreme poverty of the victims is exploited for the procurement of organs. Persons trafficked for this form of trafficking encounter health risks both during and after the organ removal. Many countries in and outside the European Union have implemented legislation against THBOR. However, information regarding the incidence of THBOR and the non-legislative response to it is practically non-existent and unavailable to judicial and law enforcement authorities in the EU member states.

Trafficking for exploitative sham marriage

is not a legal category, or a concept defined in law. Exploitative sham marriages are sham marriages that include elements of exploitation. An exploitative sham marriage is formally valid, but does not constitute a “genuine” marriage concluded between an EU national and a third country national, for the third country national to obtain a residence permit in the EU.¹⁸

IVV

National mechanisms
against Human Trafficking
and assistance to victims

National mechanisms against Human Trafficking and assistance to victims

National Coordinator (NC)

is a formal structure or position with the task of developing and implementing national measures against trafficking.

Most of the countries of the Baltic Sea Region have appointed NC against trafficking in human beings. For example, in Denmark the Danish Centre against Human Trafficking (CMM) has the role of national coordinator. In Estonia, the Criminal Policy Department and its Analysis Division at the Ministry of Justice holds the post of the NC. In Latvia, the Sectoral Policy Department of the Ministry of Interior has the role of NC. In Norway, the Ministry of Justice and Public Security has the main responsibility for coordinating all government efforts against trafficking in human beings. In Sweden this role is assumed by the Swedish Gender Equality Agency. In Poland, the function of the national coordinator is held by the Ministry of Interior and Administration.

National Rapporteur or Equivalent Mechanisms (NREMs)

holds the function of data gathering to monitor and report on human trafficking, acting as an analytical function in regard to the effectiveness of national anti-trafficking actions. NREMs have different statuses and structures. The Non-Discrimination Ombudsman is the National Rapporteur on Trafficking in Human Beings in Finland. In Sweden, the Swedish Police Authority is assigned the role of the National Rapporteur. In Denmark, the Danish Centre against Human Trafficking together with the National Police share the role of equivalent mechanism. National Rapporteurs or Equivalent Mechanisms are part of the EU Network.

Regional Coordinators are regionally and locally operational and specialised, often in larger urban areas. They are specifically trained to deal with human trafficking cases and they provide an important county or municipal link to carry out national actions on the ground and in the community. In Sweden County Coordinators against human trafficking are appointed in all seven counties, following the national structure of the Police Authority. This means that all municipalities can receive support in THB cases by a county coordinator located in the region. The County Coordinators are social workers with competence in assisting victims of THB and regional coordination. In Poland regional coordinators and anti-trafficking task forces are established in each of 16 voivodships through the organisational structure of the Polish Police and in voivodeship offices. There are also regional coordinators in Polish Border Guard's structure.

Anti-trafficking activities are all procedures linked to the identification and referral of potential and presumed victims of trafficking, as well as the provision of protection and rehabilitation services to identified victims and prevention, for example training and awareness raising about the risks of human trafficking and other activities.

Transnational Referral Mechanism (TRM) is a co-operative agreement for the cross-border comprehensive assistance and/or transfer of identified or potential trafficked person. It links all stages of the referral process from initial screening, through formal identification and assistance, to voluntary assisted return, social inclusion, and civil and criminal proceedings. It is based on co-operation between governmental institutions, intergovernmental agencies and non-governmental organisations of countries of origin, transit and destination of the assisted trafficked persons in different countries to fulfil their obligations to promote and protect their human rights.¹⁹

National Referral Mechanism (NRM)

is a conceptual framework within which state institutions and civil society organisations cooperate to identify victims of human trafficking and ensure that they receive support. Such mechanisms exist in the form of national offices or sometimes also as de facto cooperation practices between mandated state institutions and civil society actors. At the core of every country’s referral mechanism, often also referred to as a chain of assistance, is the process of locating and identifying potential victims and providing an effective way to refer victims of trafficking to services.²⁰

National Action Plan (NAP)

is a dedicated anti-trafficking policy tool and link to the operational framework. It is the blueprint for how, when and by whom strategic and operational activities are to be accomplished.

Rights of the victim of human trafficking

are universal human rights. Different human rights will be relevant at different points in the trafficking cycle. Some will be especially relevant to the causes of trafficking (for example, the right to an adequate standard of living); others to the actual process of trafficking (for example, the right to be free from slavery); and still others to the response to trafficking (for example, the right of suspects to a fair trial).²¹

Non-punishment principle

entitles national authorities not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities that they have been compelled to commit as a direct consequence of being trafficked.²² Victims of trafficking may find themselves in breach of the law for example, due to immigration offenses, theft or drug trafficking.

Referral is any process through which an individual is sent, or rather “referred”, to all the services s/he may need.

Reflection period is a period of time allowing victims of human trafficking the right to a temporary stay in a country. This will grant them the possibility to recover from their experiences and of making a more informed decision about whether to assist and cooperate in criminal proceedings. The reflection period provides in varying degrees victims with appropriate assistance and support, such as secure housing, psychological counselling, medical and social services and legal consultation.²³ The lengths of reflection period differs from country to country, between 30 days and 9 months. In Iceland the reflection period is nine months whereas in Finland and Norway a reflection period can be up to six months. In Germany and Poland, the reflection period is three months, whereas in Estonia it is up to 60 days. In Denmark, Latvia, Lithuania, Sweden it is a 30 - days period.

Emergency assistance to victims of human trafficking means crisis intervention care, including immediate medical, psychological, legal and social support, as well as a prior needs assessment of all above mentioned areas of needs.²⁴

Short term assistance to victims of human trafficking can offer a half-way house until proper accommodation and psychological support can be provided (financial support, compensation, therapy, family mediation, help with moving to private accommodation etc.).

Long-term assistance to victims of human trafficking

is provided beyond the provision of an official status of a victim of human trafficking and emergency assistance and focuses on the long term needs of the person. Long term assistance includes trauma therapy, help with moving to private accommodation, educational and recitatorial activities, job placement assistance, social orientation and other assistance needed for the victim of human trafficking to re/integrate into society.

Safe shelters

are premises that provide temporary or longer-term accommodation and protection to victims of human trafficking and that are recognised within formal or informal referral mechanisms of the country.

Trauma

is a term for the physical and psychological abuse suffered by human trafficking victims, which can lead to the development of post-traumatic stress disorder or physical and emotional health consequences, including feelings of severe shame and guilt, depression, panic attacks, confusion, anxiety, substance abuse, nightmares, eating disorders and other consequences.

Grievance

refers to a perceived injustice evoking an individual's or a group's sense of entitlement, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness of aggrieved communities. The term grievance mechanism is used to indicate any routinised, State-based or non-State-based, judicial or non-judicial process through which grievances concerning business-related human rights abuse can be raised and remedy can be sought.²⁵

Compensation entails the reimbursement of material (i.e. objective damage to property and lost wages) and immaterial damages (i.e. subjective, physical, and psychological) a trafficked person has suffered.

Assisted Voluntary Return is administrative, logistical, financial and reintegration support to victims of trafficking in human beings and other migrants unable or unwilling to remain in the destination country who volunteer to return to their countries of origin.

(Re) integration is the process of recovery, and economic and social inclusion following a trafficking experience. It includes settlement in a safe and secure environment, access to a reasonable standard of living, and mental and physical well-being, opportunities for personal, social and economic development, as well as access to social and emotional support.²⁶

Re-trafficking is when a trafficked person exits one trafficking situation and then subsequently enters another one.

VV

Related
phenomena

Related phenomena

Prostitution

is the act of exchanging money or other forms of compensation for sexual services.

Law and policy relating to prostitution across countries is influenced by different approaches to prostitution. Globally, nearly all states have a policy on prostitution of some kind. The issue of prostitution itself is subject to great disagreement both internationally and in Europe. Prostitution laws vary from one country to another and countries tackle the question of prostitution in a number of ways. Debates about prostitution as a phenomenon range from considering it as a form of violence against women, to an individual's free choice to use her or his sexuality and body.

In national laws various approaches to prostitution can be found. Finland and the United Kingdom have criminalised the purchase of sexual services from a person subjected to force or who is a victim of trafficking.

The other models adopted by countries of the European Union (EU) can be broadly divided into four types of legislation. Either prostitution is legal and regulated (e.g., Austria, Estonia, Germany, Greece, Latvia and the Netherlands), legal and non-regulated (e.g., Belgium, Bulgaria, Denmark, Italy, Poland and Portugal), both parties or only the seller are penalised (e.g., Croatia, Lithuania and Romania) or only the buyer of sexual services is criminalized. This last model is referred to as the Nordic Model or the Sex Buyer Law. It does not legislate against those who sell sex. Instead it provides support services to help them exit, and makes buying people for sex a criminal offence, in order to reduce the demand that drives trafficking for sexual exploitation. Sweden was the first country in the world to introduce the Act prohibiting

the Purchase of Sexual Services in 1999. This approach has now been adopted in first Norway and subsequently in Iceland, Northern Ireland, Canada, France, Ireland, and most recently, Israel.

Person in prostitution is a neutral and non-judgmental umbrella term for a person who is selling sex. Depending on the national legislation on prostitution and general culture in the country various other terms are used in different countries to define a person involved in prostitution.

Prostituted person denotes that prostitution is not a free will action and implies that prostitution is something that happens to a person and not something that one does of one’s own choice. The term equates the person with a force or action that is not under their control. This term serves well for a trafficked person for sexual purposes but not for the discourse around prostitution in countries where it is legal.

Prostitute is a term agreed by almost all parties on either side of the debate as derogatory and historically stigmatizing and as a term that diminishes agency and scope of identity.

Survival sex is exchanging one’s body for basic subsistence needs, including clothing, food and shelter. It is not a financial transaction.

Sex worker is a term mainly used in countries where prostitution is legal and regulated, e.g. in Austria, Germany, Netherlands and Switzerland. This term is intended to make prostitution sound more palatable. It accepts prostitution as a form of work with all the safety, regulation, security and social acceptance this should entail. In other frameworks where the law and policy do not recognize prostitution as work but as an exploitative practice and trafficking for sexual purposes the use of this term is not accepted.

Migration is the movement of a person or a group of persons, either across an international border, or within a State. It is an individual or movement of population, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.²⁷

Migrant is any person who is moving or has moved across an international border or within a State away from her/his habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.²⁸

Third-country national is the term for an individual who is not a citizen of a Member State of the European Union.

Citizens of Norway, Iceland and Lichtenstein (the European Economic Area) as well as Switzerland are as a rule not considered as third country nationals.

Undocumented or irregular migrant

are often misleadingly referred to as “illegals”. This is clearly a prejudicial term and contributes to negative stereotyping and criminalises migrants. The use of the terms “irregular” and “undocumented” are preferable but they should not obscure the illegality of smuggling and trafficking. Not all irregular migrants are vulnerable to trafficking, but they are at risk of exploitation, particularly when they use the services of smugglers.²⁹

Migrant worker

is a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which she or he is not a national.³⁰

Labour migration

is movement of people from one State to another, or within their own country of residence, for the purpose of employment. Labour migration is addressed by most States in their migration laws.³¹

Seasonal worker

is a migrant worker whose work by its character is dependent on seasonal conditions and is performed during only part of the year.³² The term “seasonal worker” is preferred to terms like “guest worker”, which imply a guest/host relationship that is not based on equal labour rights. Migrants often face difficulties finding permanent employment and fill many temporary positions as seasonal workers, facing frequent transitions from one job to the next.³³

Posted worker

is a person who is sent by her/his employer to carry out a service in another EU Member State on a temporary basis, in the context of a contract of services, an intra-group posting or a hiring out through a temporary agency. Posted workers are not protected by labour laws of the destination country. Although posting of workers for the provision of services is supposed to offer a scheme for regular migration, in many cases of incorrect implementation it is found to create vulnerabilities to trafficking for labour exploitation.³⁴

Migrant smuggling

is the business of transporting people and avoiding official procedures that govern movement from one country to another. This is a crime against the state, rather than against the person. In many cases smugglers may also violate the human rights of migrants, but their role is principally to provide services that migrants look for when these are not provided by regular, organised migration. Smuggling involves payment for facilitating irregular migration and crossing a border.³⁵

Smugglers

are people who provide, usually for financial or material gain, with little or no regard for migrant's safety and wellbeing, the illegal entry of a migrant into a country of which she or he is neither a citizen nor a permanent resident.³⁶

Forced labour

according to the ILO Forced Labour Convention means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered her or himself voluntarily. The following six elements characterise a forced labour situation; usually two or more are imposed on a worker in a combined fashion: a) physical or sexual violence; b)

restriction of movement of the worker; c) debt bondage/ bonded labour; d) withholding wages or refusing to pay the worker at all; e) retention of passports and identity documents; f) threat of denunciation to the authorities.³⁷

Child labour

is any work performed by a child which deprives them of their childhood, their potential and their dignity, and that is harmful to their physical and mental development.³⁸ Not all work done by children is classified as child labour. Children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as being something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays. Child labour in a negative context refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.

Domestic servitude

is a form of trafficking in human beings which is extremely difficult to detect because the work is performed in private residences. Domestic work is by nature a hidden form of employment and often part of the informal economy. Domestic servitude covers a range of situations, all of which share certain features: subjugation, intimidation and an obligation to provide work for a private individual, excessively low or no salary, few or no days off, psychological and/or physical violence, limited or restricted freedom of movement, denial of a minimum level of privacy and health care. Living in the household of the employer, the domestic worker may constantly be required to be available to

work day and night, often in living conditions that are unacceptable and subject to abuse, humiliation, discriminatory behavior and punishment.³⁹

Debt bondage

is an illegal practice in which a person accepts an actual or imagined loan (often related to the payment of recruitment fees, victims' living expenses and transport) that they are expected to replay through their work, but which, in fact, is a debt that grows in time and can never be paid off.

Grooming

is when someone builds an emotional connection with a child or vulnerable adult to gain their trust for the purposes of sexual abuse, sexual exploitation or trafficking. Grooming happens both online and in person. Groomers will hide their true intentions and may spend a long time gaining a child's trust. Groomers may try to gain the trust of a whole family to allow them to be left alone with a child and if they work with children they may use similar tactics with their colleagues. Groomers do this by pretending to be someone they are not, for example saying they are the same age online, offering advice or understanding, buying gifts, giving the child attention, using their professional position or reputation, taking them on trips, outings or holidays etc.⁴⁰

Seasoning

is a compliance tool which breaks down resistance to the conditions of trafficking. It pacifies by a combination of psychological manipulation, intimidation, gang rape, sodomy, beatings, deprivation of food or sleep, isolation from friends or family and other sources of support and threatening or holding hostage of a victim's children.

Sham marriage

is concluded for obtaining the right of free movement and residence under EU law. Depending on the context, several different terms can be used as synonyms for sham marriage, such as marriage of convenience, fictitious marriage, fake marriage, false marriage and bogus marriage. In general, these terms (and their equivalents in the different languages in the European Union) are not necessarily recognised in law, but are used in policy documents, sociology and criminology to refer to the phenomenon.⁴¹

Discrimination

is differences in treatment based on various grounds if the criteria for different treatment are not applied in pursuit of a legitimate aim or are not proportional to its achievement.

Discrimination is a reality in the destination countries and have a direct or indirect effect on the person and the services they receive. Migrants, especially female, gay/transgender migrants, often encounter discrimination on multiple fronts due to their status as migrants, coupled with other grounds, such as race, sex, religion, ethnicity, and real or perceived health conditions. Men suffer discrimination just based on the fact of a shortage of service provision. Men also suffer from a basic societal discrimination towards men that demonstrate weakness – self-identification and reporting efforts are hampered because of a reluctance to admit a crime has been committed against them.

Racism and stereotyping also play a part in discriminatory practice across the migration spectrum – how willing is the society to accept migrants with different experiences and values. Relating to those who look different, sound different, act different can trigger numerous tacit or implied discriminations.



WIT

Considerations for
children concerning trafficking
and exploitation

Considerations for children concerning trafficking and exploitation

Child protection is preventing and responding to all forms of abuse, exploitation, trafficking, violence and torture of children.

Child is understood as any person below 18 years of age, according to the 1989 UN Convention on the Rights of the Child.

Young person or young adult is defined as people between the ages of 18 and 24 years. The UN, for statistical consistency across regions, defines 'youth', as those persons between the ages of 15 and 24 years, without prejudice to other definitions by Member States. All UN statistics on youth are based on this definition, as illustrated by the annual yearbooks of statistics published by the United Nations system on demography, education, employment and health.

Children on the move covers the broad range of children who migrate from their country of origin to and within the territory of the EU in search of survival, security, improved standards of living, education, economic opportunities, protection of exploitation and abuse or a combination of these factors. They may travel with family or independently or with non-family members. They may be seeking asylum, be victims of trafficking, or undocumented migrants.

Unaccompanied children are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. This term is preferable to “unaccompanied minors” which has potentially dismissive undertone and risks their exclusion from the child rights/child protection frameworks.

Separated children are those children who are separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.⁴²

Sexual violence against children encompasses both sexual exploitation and sexual abuse of children and can be used as an umbrella term to refer jointly to these phenomena, both with regard to acts of commission and omission and associated to physical and psychological violence.⁴³

Best interests’ determination is a procedure which offers a comprehensive and structured approach to assess the risks and resiliency of the child and to identify incidents of abuse, exploitation, trafficking and violence. The objective of a best interests’ determination is to reach a decision on a child’s best interests in relation to a specific question and, in the cases of children on the move, a durable solution.

Child participation ensures that parents, teachers, policymakers and professionals hear the concerns, perspectives and recommendations of children and can take them into

Child participation account on all matters concerning them. Children have the right to express their views and to have those views respected and properly taken into consideration.

Guardian is an independent person who safeguards a child's best interests and general well-being, and to this end complements the limited legal capacity. The guardian acts as a statutory representative of the child in all proceedings in the same way that a parent represents her or his child.

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Abbreviations

CMM	Danish Centre against Human Trafficking
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EC	European Commission
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EU	European Union
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ILO	International Labour Organization
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NC	National Coordinator
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NREMs	National Rapporteur or Equivalent Mechanisms
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PrEA	Private Employment Agency
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THB	Trafficking in Human Beings
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THBOR	Trafficking for the Purpose of Organ Removal
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UN	United Nations
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UNODC	United Nations Office on Drugs and Crime
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