

## HUMAN TRAFFICKING – QUESTIONS & ANSWERS

### What is human trafficking?

Human trafficking is defined in the Trafficking Protocol as “the recruitment, transport, transfer, harbouring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, of fraud or deception for the purpose of exploitation”.

The key element of the Protocol is exploitation, which includes sexual exploitation and forced labour or slavery-like exploitation. Forced or compulsory labour, in turn, is defined by the International Labour Organisation (ILO) as “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 himself voluntarily”.

### What does human trafficking involve?

The definition on trafficking consists of three core elements:

- 1) The action of trafficking which means the recruitment, transportation, transfer, harboring or receipt of persons
- 2) The means of trafficking which includes threat of or use of force, deception, coercion, abuse of power or position of vulnerability
- 3) The purpose of trafficking which is always exploitation. In the words of the Trafficking Protocol, article 3, “exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs”

It is important to note that the consent of a trafficked person becomes irrelevant whenever any of the ‘means’ of trafficking are used. A child cannot consent even if the ‘means’ are not involved.

The abuse of a position of vulnerability refers to any situation in which the person involved has no real or acceptable alternative but to submit to the abuse involved.

### How is human trafficking different to smuggling?

There are four main differences:

- 1) Consent - the smuggling of migrants – while often undertaken in dangerous or degrading conditions – involves consent. Trafficking victims, on the other hand, have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers
- 2) Exploitation – smuggling ends with the migrants’ arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim
- 3) Transnationality – smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another state or moved within a state’s borders
- 4) Source of profits – in smuggling cases profits are derived from transportation while in trafficking cases profits are derived from exploitation

## How large and widespread has human trafficking become?

It is very difficult to assess the real size of human trafficking because of widespread under-reporting of the crime. A victim of sexual exploitation who reports the crime, for example, may be classified in official statistics as a victim of rape, but not of human trafficking.

However, a conservative estimate of the crime puts the number of victims at any one time at 2.5 million. We also know that it affects every region of the world, ranks as the third largest source of income for organized crime (exceeded only by arms and drugs trafficking), and is the fastest growing form of international crime. We also know that it generates tens of billions of dollars in profits each year.

## What types of industries are involved with human trafficking?

Most trafficked forced labour affects people working at the margins of the formal economy, with irregular employment or migration status. The sectors most frequently documented are agriculture or horticulture, construction, garments and textiles under sweatshop conditions, catering and restaurants, domestic work, entertainment and, of course, the sex industry.

It does also affect other quite mainstream economic sectors, including food processing, health care and contract cleaning, mainly in private but also in public sector employment, such as the provision of healthcare services.

## Is there a legal instrument to tackle human trafficking?

The Trafficking Protocol – formally termed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children - was adopted by the United Nations General Assembly in 2000 and opened for signatures in Palermo, Italy in 2000. The Trafficking Protocol entered into force on 25 December 2003 and by 11 February 2008 it had been signed by 117 states, and ratified by 116.

The Protocol is the only international legal instrument addressing human trafficking as a crime and falls under the jurisdiction of the United Nations Office on Drugs and Crime (UNODC).

The purposes of this Protocol are:

- 1) To prevent and combat trafficking in persons, paying particular attention to women and children
- 2) To protect and assist the victims of such trafficking, with full respect for their human rights
- 3) To promote cooperation among States Parties in order to meet those objectives

The Trafficking Protocol not only advances international law by providing, for the first time, a working definition of trafficking in persons and requiring ratifying States to criminalize such practices, but also, through its parent instrument, the United Nations Convention against Transnational Organized Crime, marks a significant milestone in international law concerning victims of crime. Building on earlier international policy initiatives, the Convention is the first international instrument requiring States to provide assistance and protection to victims of crime.