

FACTSHEET: HUMAN TRAFFICKING

According to the UN, human trafficking is the third largest criminal enterprise worldwide. It is also one of the most lucrative criminal enterprises, and is closely connected with money laundering, drug trafficking, document forgery, and human smuggling. There have also been documented ties to terrorism.

Human trafficking is a form of modern day slavery. It is estimated that 800,000 to 1 million people are reported trafficked across international borders each year. Hundreds of thousands more are trafficked inside their own borders, making this estimate only a fraction of the actual number of victims. Additionally, the numbers of cases never reported are large, making the total number of trafficking victims a possible staggering 4 millions annually, according to the UN. Approximately 80% of those trafficked are female, up to 50% are minors, 70% are trafficked for sexual purposes.

Trafficking in Persons Is a Human Rights Violation. Fundamentally, trafficking in persons violates the universal human right to life, liberty, and freedom from slavery in all its forms. Trafficking of children undermines the basic need of a child to grow up in a protective environment and the right to be free from sexual abuse and exploitation.

Trafficking Deprives Countries of Human Capital. Trafficking has a negative impact on labor markets, contributing to an irretrievable loss of human resources. Some effects of trafficking include depressed wages, fewer individuals left to care for an increasing number of elderly persons, and an undereducated generation. These effects further lead to the loss of future productivity and earning power. Forcing children to work 10 to 18 hours per day at an early age denies them access to education and reinforces the cycle of poverty and illiteracy that stunts national development.

Trafficking Subverts Government Authority. Many governments struggle to exercise full control over their national territory, particularly where corruption is prevalent. Armed conflicts, natural disasters, and political or ethnic struggles often create large populations of internally displaced persons. Human trafficking operations further undermine government efforts to exert its authority, threatening the security of vulnerable populations. Many governments are unable to protect women and children who are kidnapped from their homes and schools or from refugee camps. Moreover, the bribes paid by traffickers impede a government's ability to battle corruption among law enforcement, immigration, and judicial officials.

Trafficking Undermines Public Health. Victims of trafficking often endure brutal conditions that result in physical, sexual and psychological trauma. Sexually transmitted infections, pelvic inflammatory disease, and HIV/AIDS are often the result of forced prostitution. Anxiety, insomnia, depression, and post-traumatic stress disorder are common psychological manifestations among trafficked victims.

Trafficking Promotes Social Breakdown. The loss of family and community support networks renders the trafficking victim vulnerable to the traffickers' demands and threats, and contributes in several ways to the breakdown of social structures. The profits from trafficking often allow the practice to take root in a particular community, which is then repeatedly

exploited as a ready source of victims. The fear of becoming a trafficking victim can lead vulnerable groups such as children and young women to go into hiding, with adverse effects on their schooling or family structure. The loss of education reduces victims' future economic opportunities and increases their vulnerability to being trafficked in the future. Victims who are able to return to their communities often find themselves stigmatized and ostracized, and require continuing social services. They are more likely to become involved in substance abuse and criminal activity.

Human Trafficking definitions.

UN definition:

a) "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;

b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) has been used,

c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

d) "Child" shall mean any person under eighteen years of age.

US definition:

1) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such an act is under 18, or

2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, or slavery.

Council of Europe definition:

a "Trafficking in human beings" 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;

b The consent of a victim of “trafficking in human beings” to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

c The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in human beings” even if this does not involve any of the means set forth in subparagraph (a) of this article;

d “Child” shall mean any person under eighteen years of age;

e “Victim” shall mean any natural person who is subject to trafficking in human beings as defined in this article.

Who are the Victims of Trafficking?

Victims of trafficking often come from vulnerable populations, including undocumented migrants, runaways and at-risk youth, oppressed or marginalized groups, and the poor. Traffickers specifically target individuals in these populations because they are often easiest to recruit and control and are least likely to be protected by law enforcement.

Undocumented Immigrants: Undocumented immigrants are highly vulnerable to being trafficked due to a combination of factors, including lack of legal status and protections, limited language skills and employment options, poverty and immigration-related debts, and social isolation. They are often victimized by traffickers from a similar ethnic or national background, on whom they may be dependent for employment or support in the foreign country.

Runaways and At-Risk Youth: Runaways and at-risk youth are targeted by pimps and traffickers for exploitation in the commercial sex industry as well as for begging. Pimps and sex traffickers are skilled at manipulating child victims, maintaining control and often their loyalty through a combination of affection and violence.

Oppressed and marginalized groups: Persons who belong to minority groups, groups who are living on the edge of society, who are considered less worth than others are often targeted by traffickers, offering them a way to be a part of the general society. Additionally, persons who are internally displaced, victims of natural disasters, conflict and war, are vulnerable to being trafficked, as their status is already unclear to them, they are often easier to get hold of due to lack of registration, and any offer of something better may seem as a gift. The highest numbers of unreported victims are from these groups.

The poor: Vulnerable due to lack of other possibilities, easier to target with both promises and threats, often living or at least functioning outside of society, thereby not having an existing safety-net. (Otherwise self-explanatory.)

Who are the Traffickers?

Traffickers profit from consumer demand for cheap labor and goods and for sex by exploiting vulnerable populations for slave-like labor or sexual exploitation. Traffickers are both male and female.

Members of highly sophisticated networks of organized crime (mostly decentralized): Despite the widespread impression that traffickers usually operate through large organized crime groups, the influence of these groups is often restricted to limited geographic areas and to certain roles within the trafficking networks. Much human trafficking occurs through *decentralized criminal networks*, or small groups of criminals that specialize in certain areas of a network, such as recruitment, transportation, or operating the 'retail' end. The groups may have formal or informal partnerships, but no overarching hierarchy that coordinates their activities. Large organized crime groups do control large sectors of trafficking in certain geographic areas, including Russia, Eastern Europe and the FSU, Japan, Hong Kong and Colombia. These crime groups often wield significant political power through corruption and extortion, and are known for their use of extreme violence.

Family members and friends of the trafficking victim: Parents selling their children either to pimps/brothel keepers, or into indentured labor. Other family members kidnapping children or youth and selling them – either to pay off their own debts, to avoid threats or just to make a profit for themselves. Family members selling children to religious orders or as war conscripts. Family members (often uncles, grandfathers, cousins) selling other family members into prostitution or labor. Friends/boyfriends/girlfriends tempting the victim with a promise of a better life, or to avoid being trafficked themselves.

Former victims of trafficking: Former victims being used by the original traffickers to lure new victims into being trafficked, mostly by being threatened themselves. Former victims who are taking an active part in the enterprise for a profit. Former victims who are thinking they are “helping out” other families or friends to get a better life.

Employees of international organizations, international companies and diplomatic missions: High officers within the UN system have been both arrested and sentenced for participating in prostitution trafficking when serving in conflict areas. Employees within international companies and diplomatic missions bringing over domestic servants from their own country. Employees high up in international companies (or diplomatic missions) becoming members of trafficking networks, either for a profit or due to threats.

Means used by traffickers. Human traffickers use force, fraud, and coercion to traffic women and children into prostitution and other forms of sexual exploitation.

Force: Kidnapping or recapture of an escaping victim; Buying and selling of a victim from a recruiter to trafficker to pimp; Battering, including hitting, kicking, pushing; Torture, such as burning with cigarettes; Threats with weapons; Rape, sexual abuse, and harassment (Unless the woman is fully consenting to the commercial sex acts, each act of prostitution should be considered to be a sexual assault.); Imprisonment, confinement, or kept under guard or electronic surveillance; Use of restraints, such as being tied up; Denial of food or water; Denial of medical care or medications; Denial of contraceptives or condoms; Forced pregnancy or abortion; Forced to give up custody of children; Forced into humiliating or compromising situations so that photographs or videos can be made (These images may be used to coerce the victim into cooperating with pimps or risk exposure to friends, family, or police if the act is illegal.); Forced use of drugs or denial of drugs once a victim is addicted; Forced participation in acts of violence against other victims; Forced to lie to friends and family about their safety, well being, and whereabouts; Forced to lie to men in the brothel that they are consenting, enjoy their “work,” and earn large sums of money.

Coercion: Debt bondage: Victim is required to engage in a certain number of commercial sex acts or earn a certain sum of money before she/he can leave; Threats of serious harm to

the victim or her/his friends and family at home; Control of the victim's children; Trafficker/pimp controls all contacts with family, friends, or people outside the brothel; Photographing or videotaping the victim in compromising or illegal situations, then threatening with exposure to friends, family, or police; threatening to post pornographic images of the victim on the Internet or send them to family members; Identity and travel documents, such as a passport and visa, taken away; Forced to watch pornography in order to learn prostitution or stripping; Manipulation of the victim's earning ability, so a woman who voluntarily engages in jobs such as hostess or dancer finds she has to engage in prostitution to earn enough money to repay a debt or buy food; Punishment of another victim (including beatings, rapes, mutilations, even murder) in front of other victims to demonstrate what happens to those who do not obey; Denial of clothing or no clothing other than "sex industry costumes" so that the woman is reluctant to leave the premises; Trafficker/pimp controls all money, including that which belongs to the victim; Fines for rule violations in the brothels; Involvement of the victim in criminal activity, such as a drug courier or manufacture of drugs; Quotas for amount of money that must be earned or number of commercial sex acts each day; Victim sees evidence of police or official corruption or collaboration with pimp/trafficker; Threats to turn the victim over to the authorities with expectation that she/he will be imprisoned or treated harshly; Threats to have the victim deported with expectation that upon arrival home she/he or her family will be harmed; Threats to harm the victim or her/his family if the victim reveals anything about the trafficking operation; Verbal or psychological abuse that intimidates, degrades, and frightens the victim.

Fraud: Promises of valid immigration or travel documents, such as a green card and work permit; Victims are instructed to use false or counterfeit identity and travel documents; Victim has signed a contract to do legitimate work; Victim is required to do work that is different than what was originally described; Promises of money, salary, or earnings that never materialize or only sporadically; Misrepresentation of work or conditions of work.

Different forms of trafficking. Trafficking usually comes in two basic formats: Labor Trafficking and Sex Trafficking. Additionally the business of trafficking asylum seekers and refugees has increased severely both in number and in capital the last few decades.

Labor Trafficking : Most instances of forced labor occur as unscrupulous employers take advantage of gaps in law enforcement to exploit vulnerable workers. These workers are made more vulnerable to forced labor practices because of unemployment, poverty, crime, discrimination, corruption, political conflict, and cultural acceptance of the practice. Immigrants are particularly vulnerable, but individuals are also forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually abused.

Forced labor is a form of human trafficking that can be harder to identify and estimate than sex trafficking. It may not involve the same criminal networks profiting from transnational trafficking for sexual exploitation. More often, individuals are guilty of subjecting one domestic servant or hundreds of unpaid workers at a factory to involuntary servitude.

Bonded Labor: One form of force or coercion is the use of a bond, or debt, to keep a person under subjugation. This is referred to in law and policy as "bonded labor" or "debt bondage." It is criminalized under U.S. law and included as a form of exploitation related to trafficking in the United Nations Protocol To Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol). Many workers around the world fall victim to debt bondage when traffickers or recruiters unlawfully exploit an initial debt

the worker assumed as part of the terms of employment or when workers inherit debt in more traditional systems of bonded labor. Traditional bonded labor in South Asia enslaves huge numbers of people from generation to generation.

Involuntary Servitude: People become trapped in involuntary servitude when they believe an attempted escape from their situation would result in serious physical harm to them or others, or when they are kept in a condition of servitude through the abuse or threatened abuse of the legal processes. Victims are often economic migrants and low-skilled laborers who are trafficked from less developed communities to more prosperous and developed places. Many victims are physically and verbally abused, experience breach of an employment contract, and/or are held captive (or perceive themselves as held captive).

Debt Bondage and Involuntary Servitude Among Guest Workers: The vulnerability of migrant laborers to trafficking schemes is especially disturbing because this population is so sizeable in some regions. Three potential contributors can be discerned: 1) Abuse of contracts; 2) Inadequate local laws governing the recruitment and employment of migrant laborers; and 3) The intentional imposition of exploitative and often illegal costs and debts on these laborers in the source country or state, often with the complicity and/or support of labor agencies and employers in the destination country or state.

Some abuses of contracts and difficult conditions of employment do not in themselves constitute involuntary servitude, though use or threat of physical force or restraint to compel a worker to enter into or continue labor or service may convert a situation into one of forced labor. Costs imposed on laborers for the "privilege" of working abroad can place laborers in a situation highly vulnerable to debt bondage. However, these costs alone do not constitute debt bondage or involuntary servitude. When combined with exploitation by unscrupulous labor agents or employers in the destination country, these costs or debts, when excessive, can become a form of debt bondage.

Involuntary Domestic Servitude: Domestic workers may be trapped in servitude through the use of force or coercion, such as physical (including sexual) or emotional abuse. Children are particularly vulnerable. Domestic servitude is particularly difficult to detect because it occurs in private homes, which are often unregulated by public authorities. For example, there is great demand in some wealthier countries of Asia and the Middle East for domestic servants who sometimes fall victim to conditions of involuntary servitude.

Forced Child Labor: Most international organizations and national laws indicate that children may legally engage in light work. In contrast, the worst forms of child labor are being targeted for eradication by nations across the globe. The sale and trafficking of children and their entrapment in bonded and forced labor are clearly the worst forms of child labor. Any child who is subject to involuntary servitude, debt bondage, peonage or slavery through the use of force, fraud or coercion is a victim of trafficking in persons regardless of the location of that exploitation.

Child Soldiers: Child soldiering is a unique and severe manifestation of trafficking in persons that involves the unlawful recruitment of children through force, fraud, or coercion to be exploited for their labor or to be abused as sex slaves in conflict areas. Such unlawful practices may be perpetrated by government forces, paramilitary organizations, and rebel groups. UNICEF estimates that more than 300,000 children under 18 are currently being exploited in more than 30 armed conflicts worldwide. While the majority of child soldiers are between the ages of 15 and 18, some are as young as 7 or 8 years of age.

Many children are abducted to be used as combatants. Others are made unlawfully to serve as porters, cooks, guards, servants, messengers, or spies. Many young girls are forced to marry or have sex with male combatants and are at high risk of pregnancy. Male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases. Some children have been forced to commit atrocities against their families and communities. Child soldiers are often killed or wounded, with survivors often suffering multiple traumas and psychological scarring. Their personal development is often irreparably damaged. Returning child soldiers are often rejected by their home communities.

Child soldiers are a global phenomenon. The problem is most critical in Africa and Asia, but armed groups in the Americas and the Middle East also unlawfully use children in conflict areas. All nations must work together with international organizations and NGOs to take urgent action to disarm, demobilize, and reintegrate child soldiers.

Trafficking of asylum seekers and refugees: Several groups have the last few decades made a business out of trafficking asylum seekers and refugees. The financial implications for the trafficked are usually huge, often putting the traffic victims in debt to the traffickers. Additionally many of the persons trafficked in this way are travelling on false papers, provided by the traffickers for a large fee, and making the victims illegal immigrants and thereby often considered criminals. Trafficking of humans in this form usually originates in conflict areas, with the goal areas being Western countries. This form of human trafficking has become a large problem for governments both in the countries the victims are from, and in the countries they eventually end up in, as it is often near impossible to find out who the person actually is, as well as finding out who are behind the trafficking.

Sex Trafficking: Women and children are trafficked into various forms of commercial sexual exploitation, including prostitution and pornography, bride trafficking, and sex tourism.

Prostitution and Pornography:

Women and children who are trafficked into prostitution and pornography are usually involved in the most exploitative forms of these commercial sex operations. Sex trafficking operations occur in highly visible venues such as street prostitution, as well as more underground locations like closed-brothel systems that operate out of residential homes. Sex trafficking operations also occur in a mixture of public and private locations such as massage parlors, spas, and other fronts for prostitution. Women and children who may start off by dancing and stripping in clubs are often coerced into more exploitative situations of prostitution and pornography.

Bride Trafficking: While traditional and modern bridal practices are not in themselves forms of sex trafficking, traffickers use these cultural systems to help facilitate the selling of women and girls. In some countries, women are considered the virtual property of families, or are treated equivalently, and may be unwillingly sold or bartered into marriages.

The dowry system in many countries also facilitates bride trafficking. Traffickers take advantage of poor families by promising to marry their daughters to grooms in other countries who require little or no dowry. After receiving the family's permission to take their daughter to a foreign country, the trafficker can then force the women or child into prostitution. Sometimes, the family knowingly sells their daughter into prostitution because they are unable or unwilling to pay a dowry.

Mail-order bride systems in the United States and other Western countries also facilitate the trafficking in women and children. While many unions are legitimate, traffickers work through mail-order bride companies to bring women across international borders where

they end up in sham marriages leading to prostitution or in violent and abusive relationships.

Sex Tourism: Sex tourism, which involves travel to foreign countries for the purposes of engaging in commercial sex acts, is one of the most profitable aspects of the tourism industry. In some countries, sex tourism contributes to a significant percentage of the Gross Domestic Product (GDP).

Sex tourism is prevalent in Asia, Latin America, and Eastern Europe. It often utilizes trafficked women and children to meet the demand created by an international market of sex tourists. Sex tourism agencies and businesses market their travel packages, primarily through the internet, targeting both male and female customers. While sex tourists are mostly male customers, female customers participate in sex tourism in locations like Bali to form sexual relationships with young men and sometimes boys.

The growth and popularity of sex tourism stem from the opening of country borders, affordable transportation, and increased advertising through the internet. Sex tourists also rely on weak law enforcement, anonymity, and the freedom from social constraints found in their home countries. Sex tourism is an increasing concern among human rights activists, particularly because of its facilitation of the commercial sexual exploitation of children. Because of its profitability, few governments have sufficiently addressed the abuses found within the sex tourism industry. Some efforts have been made to strengthen laws, particularly on child sex tourism. Other efforts have included public education campaigns where videos have been shown on select airlines, warning tourists of international laws regarding illicit sex tourism.

Children Exploited for Commercial Sex: Each year, more than two million children are exploited in the global commercial sex trade. Children are also trapped in prostitution despite the fact that a number of international covenants and protocols impose upon parties an obligation to criminalize the commercial sexual exploitation of children. There can be no exceptions, no cultural or socio-economic rationalizations that prevent the rescue of children from sexual servitude. Terms such as "child sex worker" are unacceptable because they sanitize the brutality of this exploitation.

Child Sex Tourism: Child sex tourism (CST) involves people who travel from their own country to another and engage in commercial sex acts with children. CST is a shameful assault on the dignity of children and a form of violent child abuse. The commercial sexual exploitation of children has devastating consequences for minors, which may include long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possibly death.

Tourists engaging in CST often travel to developing countries looking for anonymity and the availability of children in prostitution. The crime is typically fueled by weak law enforcement, corruption, the Internet, ease of travel, and poverty. Sexual offenders come from all socioeconomic backgrounds and may hold positions of trust. Child pornography is frequently involved in these cases, and drugs may also be used to solicit or control the minors.

International Law

UN:

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)(1951)
- The United Nations Convention against Transnational Organized Crime (2000) (2003)
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) (2003).
- Protocol signed by 117 countries and ratified by 110 by the end of 2006

Council of Europe:

- The Council of Europe Convention on Action against Trafficking in Human Beings (2005) (01.02.2008)
- The Council of Europe Convention is the first European Treaty on Trafficking, by mid April 2008, ratified by Albania, Armenia, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Latvia, Malta, Moldova, Norway, Portugal, Romania and Slovakia, and signed by Andorra, Belgium, Finland, Germany, Greece, Hungary, Iceland, Italy, Ireland, Lithuania, Luxembourg, Montenegro, Netherlands, Poland, San Marino, Serbia, Slovenia, Sweden, "the former Yugoslav Republic of Macedonia", Ukraine and the United Kingdom.

USA:

- Trafficking Victims Protection Act (TVPA) (2000)
- Trafficking Victims Protection Reauthorization Act (TVPRA) (2003)
- The TVPA also contains a list of countries complying or not complying with the standards of the Act, divided in to three Tiers:
- TIER 1
Countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards
- TIER 2
Countries whose governments do not fully comply with the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards
- TIER 2 WATCH LIST
Countries whose governments do not fully comply with the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards
AND:
a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or
b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.
- TIER 3
Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so



TSJ