

Factsheet: Understanding human trafficking and slavery

Human trafficking is putting or keeping someone in an exploitative situation for profit. They are not free and they are exploited for profit over and over again.

It is a serious crime. And victims of trafficking can be men, women and children. This happens in many locations including on fishing boats, on construction sites, on farms, in factories, in brothels, and in private homes.

Trafficking is an issue for every country. Human trafficking cases have been found in **every country of the world**.

Why does trafficking happen?

Human trafficking is driven by supply and demand. Lack of protection, poverty, a lack of access to employment and education, discrimination of minorities and cultural practices are all factors that make children and adults vulnerable to being exploited. They are more easily manipulated, tricked or forced by traffickers into exploitative situations. People who are unaware of their rights particularly their labour rights, or have no access to protection, are also more vulnerable. Trafficking exists because the crime type is one that currently has opportunities for high profit with very little risk.

The real cost of trafficking

Trafficking reduces human beings to commodities, bought and sold to service the demands of global consumers for cheap goods and services, from agricultural products to commercial sex. Some consumers are aware of the exploitation involved in their transactions. However, many are ignorant of the human suffering that may be behind the products and services they buy.

How many trafficking victims are there around the world?

Trafficking happens underground or behind closed doors - so it is extremely difficult to accurately calculate the number of people trafficked worldwide. Fears of victims coming forward to report, difficulties in law enforcement correctly identifying victims, and differences in applying a consistent definition of trafficking, make it virtually impossible to provide reliable statistics.

Estimates vary and have been guesstimated to be as high as 27-32 million people. While the statistics sometimes appear to be worsening, no one can say for sure. We are also globally getting better at identifying and reporting trafficking cases which increases the number of reported and prosecuted cases. What we do know is that the scale of the problem is enormous - and no country in the world is immune to this crime.

Definition of human trafficking
(for adult victims - requires all three of the below; for child victims – only need the Act and Purpose for the crime to occur)

The Act: can be the recruitment, transportation, transfer, harbouring and/or receipt of persons.

The Means: involving threat or force or other forms of coercion, or abduction, or fraud, or deception, or the abuse of power.

The Purpose: the reason why any of the acts have taken place – for the purpose of exploitation. Exploitation can involve forced or debt bonded labour, child labour, sexual exploitation, armed conflict and many more situations.

Even if one person is trafficked, it is one person too many.

Are people smuggling and trafficking the same thing?

People smuggling and human trafficking are not the same thing. They are distinctly different crimes but may be difficult to distinguish as sometimes smuggling can lead to a trafficking situation.

People smuggling is a crime against a State. Human trafficking is a crime against an individual - and a fundamental abuse of their human rights. Smuggled migrants have consented to illegally crossing a border using the services of a smuggler. The relationship between the migrant and the smuggler is transactional and short-term – ending when the migrant crosses the border. Victims of trafficking have not consented to being exploited, whether legally in a country or not. The relationship between a victim of trafficking and their trafficker can be long-term – with the person being exploited for profit indefinitely.

People who are trafficked may be subjected to threats, force and violence as a means of recruitment, control and compliance. This is unlikely to occur in incidences of people smuggling, as these smuggled migrants have consented to being transported. Smuggling takes place across international borders, whereas trafficking can apply to internal or international movement. A smuggler will profit from fees paid by smuggled migrants. However transporters, recruiters, brokers and others will profit at various stages of the trafficking process. The "end-exploiter" acquires profits from the ongoing exploitation of a victim's labour.

What's the difference between human trafficking and slavery?

Technical definitions of "slavery" and "human trafficking", as well as related concepts like forced labour, child labour and bonded labour differ slightly legally, but there are enormous overlaps between them¹. Many of these terms are commonly used interchangeably, as ultimately they all involve practices that exploit or abuse someone physically or psychologically for profit.

Common forms of human trafficking

Bonded labour, also referred to as debt bondage, occurs when a person has to work to pay back an inherited debt, or when a debt is incurred as part of the terms of employment. Debts often occur when an individual or family have to borrow from moneylenders and employers. This may be to pay for culturally important events such as a funeral, wedding or dowry, or simply for basic living costs. The worker's labour becomes repayment for an initial loan. The circumstances of the bonded labour may become additionally exploitative when the value of the work is greater than the loan.

Forced Labour is when a person is forced or threatened into providing labour or services and is not free to stop. It often occurs when employers take advantage of vulnerable people, such as those affected by poverty, high rates of unemployment, discrimination, corruption, political conflict, or lack of education or knowledge of their rights. Irregular migrants are particularly vulnerable, but individuals also may be forced into labour in their own countries.

Hazardous or exploitative child labour is work that deprives children of their childhood, their potential and their dignity; work that exceeds a minimum number of hours; work that is mentally, physically, socially or morally dangerous and harmful to children; and work that interferes with their schooling.

Sex trafficking occurs when an adult is forced into (or maintained in) a situation of sexual exploitation. Any person involved in their recruitment, transportation, harbouring or receipt has committed a trafficking crime. Sex trafficking also can occur within debt bondage, if women and girls are forced to continue in prostitution to pay off an unlawful 'debt'.

Child Sex Trafficking occurs when children are exploited in the commercial sex trade, regardless of how they were 'recruited' into the industry. International agreements and protocols require criminalization of the commercial sexual exploitation of children.

Forced Marriage is used to describe a marriage in which one or both of the parties is married without his or her consent or against his or her will. Within forced marriage there may also be incidences of sexual exploitation and servitude.

Involuntary domestic servitude occurs when a domestic worker becomes ensnared in an exploitative situation from which they are unable to escape. The exploitation can include inadequate wages and working conditions; however, it is also the real or perceived restriction of freedom, trapping the individual in servitude through violence, coercion, physical, sexual and emotional abuse and physical barriers. Domestic servitude is largely hidden and hard to uncover because it generally occurs in private homes. This kind of work is largely unregulated by public authorities. Victims of domestic servitude, in particular children and women, are also vulnerable to sexual exploitation.

Child Soldiers are children that are unlawfully recruited – through force, fraud, or coercion – as combatants or for labour or sexual exploitation by armed forces. Perpetrators may be government forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted. Others are unlawfully made to work as porters, cooks, guards, servants, messengers or spies.

Responding to human trafficking: The 4Ps

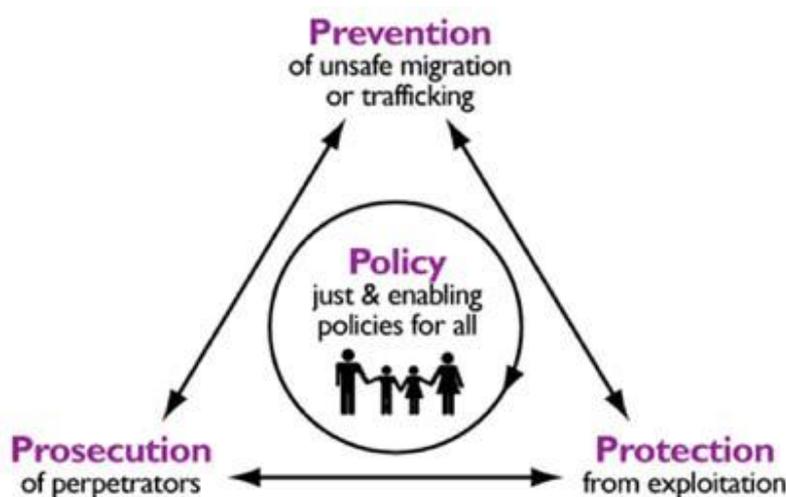
To be effective, anti-trafficking strategies must target the three dimensions of human trafficking: supply, demand, and the systems and structures that allow it to happen. This means taking action in countries of origin, transit and destination, through Prevention, Protection, Prosecution (Criminal Justice) and Policy (and Legislative) interventions.

Prevention reduces the likelihood of a person becoming a victim of human trafficking. To be effective, the factors that make a person or community vulnerable must be clearly identified. There are many factors that can contribute to a person's vulnerability to trafficking including lack of protection, poverty, discriminatory practices, a lack of income, education, life skills and limited access to employment opportunities. Preventing the crime to flourish involves training law enforcement to identify and respond to situations which could lead to trafficking, and making it difficult for criminals to operate. Tackling demand is another way to prevent trafficking - for example, educating consumers about how their lifestyle choices impact others.

Protection begins when a victim is identified and removed from an exploitative situation, is offered immediate and ongoing protective services (e.g. medical, legal, psychosocial, housing) and is assisted to rebuild their lives. It may include keeping victims safe from threat, violence and abuse, counselling, help with income generation, education and vocational training.

Prosecution strives to ensure the victim receives justice and compensation, including meaningful prosecution of the perpetrator. It requires the development of a strong national legal framework, widespread training of frontline law enforcement, specialist investigators, and prosecutors and the judiciary to identify victims of trafficking and effectively respond to the crime, fighting corruption, identifying and monitoring trafficking routes and cross-border law enforcement coordination.

Policy is the framework, including the development and implementation of all legislation, national plans and strategies, government, business and non-government organisation guiding principles, which support all of the anti-trafficking initiatives described above.



For more information visit donttradelives.com.au

ⁱ As defined in the 1927 Slavery Convention, "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". The UN Trafficking Protocol of 2000 defines trafficking: "(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 purposes 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."

References:

- International Labour Organization (ILO) (2012) *About Child Labour* Available from: <http://www.ilo.org/ipec/facts/lang--en/index.htm> Accessed on: 22 March 2012
- International Labour Organisation (ILO) (1930) "Forced Labour Convention" No. 29. Available from: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>
- US Department of State(2011) *Trafficking in Persons Report 2011* Available from: <http://www.state.gov/j/tip/rls/tiprpt/2011/>