



Human Trafficking



Trafficking and Smuggling

Human trafficking is often confused with the smuggling of persons. While there are some common elements, the critical factor that distinguishes trafficking from smuggling is the use of force, coercion and/or deception in order to exploit the victims. People are trafficked for sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, forced begging, or the removal of organs. Unlike smuggled persons, victims of trafficking may be trafficked within a country or across borders including legally.

UN Puts Victims at the Centre

The United Nations advocates for a comprehensive approach to preventing and combating trafficking, and recommends a victim-centered, and human-rights based approach. Trafficking is a criminal offence and it is the traffickers and not their victims who should be punished. Victims of trafficking should not be prosecuted for their illegal entry or stay in the European Union, or for their forced involvement in illegal activities. As victims of crime they are entitled to protection, assistance and compensation.

Anti-trafficking measures should not adversely affect the human rights and dignity of the victims. Two thirds of identified victims are women and girls, and human traffickers often abuse a position of power or vulnerability. Responses to trafficking must be gender-sensitive, and take into account the similarities and differences in the trafficking experience of men and women.

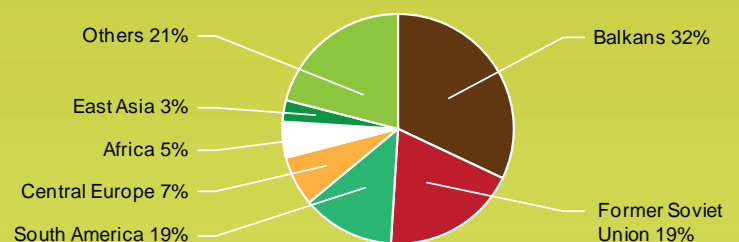
Like adults, children, including very young ones and teenagers, can also be victims of trafficking, even if no force, coercion and/or deception are used. The best interests of the child, at the core of the UN Convention on the Rights of the Child, must always guide any response to trafficking.

Trafficking in Europe

A June 2010 report issued by the United Nations Office on Drugs and Crime (UNODC) shows that trafficking in persons is one of the most lucrative illicit businesses in Europe, generating €2.5 billion per year.

At any one time, over 140,000 persons are victims of this modern-day slavery. 84% of the victims in Europe are trafficked for sexual exploitation, and up to 1 of every 7 sex workers in Europe may have been forced into prostitution through trafficking. Victims from Eastern Europe are found throughout Europe. Almost all of the trafficking from South America is for the purpose of sexual exploitation; it includes transgender victims and is concentrated in certain countries. East Asian victims have also been increasingly detected in many European countries, and in some countries represent the top group.

Nationalities of trafficking victims detected in West and Central Europe: 2005-2006



Europe's Anti Trafficking Efforts

Since the late 1980s, trafficking has been on the radar screens of the Council of Europe, the Organization for Security and Co-operation in Europe, and the European Union. The Council of Europe has adopted a Convention on Action against Trafficking; the OSCE is putting more emphasis on trafficking of men for labour exploitation, a prevalent form of trafficking including in the construction sector and through domestic servitude; and the EU is working on a new Directive on Preventing and Combating Trafficking in Human Beings, and Protecting Victims.

Six UN Agencies Advocate for Change

As this is a matter of great concern to the UN, six UN agencies -- the UN Office on Drug and Crime (UNODC), the UN High Commissioner for Human Rights (OHCHR), the UN High Commissioner for Refugees (UNHCR), the UN Children's Fund (UNICEF), the International Labor Organization (ILO) and the UN Development Fund for Women (UNIFEM - part of UN Women) -- have jointly submitted their views and suggestions on the proposal for a Directive to ensure that the rights of victims of trafficking are effectively addressed in European Union rules.

Their joint letter is available at:

<http://www.europarl.europa.eu/document/activities/cont/201006/20100610ATT75834/20100610ATT75834EN.pdf>

Beyond this Directive, the six UN agencies also call on the EU to address victims' rights in a comprehensive manner, including their residence status in line with the new prevention and protection focused approach. The UN agencies also encourage the EU to adopt a human rights-based and gender sensitive approach in its future strategy against trafficking.



UNODC
United Nations Office on Drugs and Crime



UNODC, as guardian of the United Nations Convention against Transnational Organized Crime, assists countries of origin, transit and destination in their struggle against trafficking. Data collection, assessment and technical cooperation are the key components of UNODC's work. The Blue Heart Campaign raises awareness of the problem, inspires those with decision-making power to effect change, and allows people to show solidarity with the victims of human trafficking by wearing the Blue Heart. On 29 June 2010, Spain became the first country in Europe to join the Blue Heart Campaign.

More on the Blue Heart Campaign is available at: <http://www.unodc.org/blueheart/>

United Nations Development Fund for Women



Provisions to combat trafficking are often of a generic nature, addressing the male and female experience of trafficking in the same way, even though experiences differ. Women and girls tend to suffer a disproportionately heavy impact, while trafficked men find it difficult to access victim assistance programmes. Gender equality and women's empowerment perspectives need to be better incorporated in responses to trafficking at all phases, including monitoring and evaluation of initiatives.

More information is available at:

http://www.unifem.org/gender_issues/women_war_peace/human_trafficking.php



United Nations
Human Rights

The OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking were developed to provide practical, rights-based policy guidance on the prevention of trafficking and the protection of trafficked persons. One of the aims of the Principles is to facilitate the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies and interventions and to stress the pivotal importance of identifying trafficked persons correctly and promptly so as to ensure maximum protection of their rights. Trafficked persons must not be detained or prosecuted. States shall ensure that trafficked persons have access to adequate physical and psychological care, as well as legal and other assistance for the duration of any criminal proceedings against suspected traffickers. States shall provide protection to trafficked persons during the legal proceedings. These Principles are often stressed by the Special Rapporteur on trafficking in persons, especially women and children, who advocates a human rights-based approach to combating trafficking in persons.

More information is at: <http://www2.ohchr.org/english/issues/trafficking/index.htm>



UNHCR
The UN Refugee Agency

Not all victims of trafficking are refugees, but in their flight, refugees frequently have to rely on smugglers or traffickers, with both preying on their vulnerabilities. Other victims of trafficking may also become refugees because they are unable to return to their countries of origin for fear of being stigmatized for their forced participation in sex work, or may risk being re-trafficked, and not be able to find protection. Return may not be the most appropriate solution for all victims of trafficking. Non-refoulement, i.e. ensuring that no one is sent back to persecution, as well as referral mechanisms to the asylum authorities with access to proper legal counseling, are key to victim protection. Protection must be extended regardless of victims' involvement in criminal proceedings; this victim-centered approach also supports measures to combat trafficking through the trust and confidence it fosters. Some victims of trafficking who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, may be particularly vulnerable, and need specific protection, assistance or support.

UNHCR Guidelines on Victims of Trafficking available at:

<http://www.unhcr.org/443b626b2.html>



International
Labour
Organization

Many countries have tended to overlook the role of labour justice in combating trafficking and forced labour. Effective enforcement of labour law through inspections and labour courts can go a long way towards preventing labour trafficking in the first place. Labour inspectors are well placed to provide early warnings as they have easier access to workplaces than police or prosecutors. They can act as conciliators, and also carry out "soft" measures including for prevention by offering advice to workers and employers, and conducting awareness raising campaigns. EU Member States should therefore strengthen labour inspection and labour enforcement institutions. Further, the role of employers' and workers' organizations in action against trafficking should be acknowledged and strengthened.

ILO Reference Guide: Handbook for Labour Inspectors: Forced Labour and Human Trafficking available at: <http://www.ilo.org/forcedlabour>



UNICEF addresses the issue of child trafficking within its overall mandate to protect children from all forms of violence, abuse and exploitation. Children deprived of their rights are vulnerable to numerous forms of exploitation including trafficking, and trafficking violates their rights to be protected, depriving them of their right to reach their full potential. Once identified, a trafficked child needs a guardian who ensures his/her best interests, and a legal representative trained in dealing with children in trafficking situations. Protection measures need to find a durable solution that is in the child's best interest -- i.e. integration in the host society, return and reintegration in the country of origin, with the child's family if this is in his/her best interest, or resettlement and reintegration in a third country.

UNICEF Guidelines on the Protection of Child Victims of Trafficking available at:

http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf