



TAHA

Prevention of Trafficking,
HIV and AIDS
in Women and Girls

Fast Fact about Trafficking

Question 1. What is trafficking?

Human trafficking is the criminal and illegal trading of human beings for the purpose of exploiting their labour. It is defined by a movement (or migration) into a non-consensual situation of exploitation (or harm) that results in the loss of control by an individual over his or her situation. Trafficking can occur within a country or across national borders.

The UN Trafficking Protocol of the Transnational Convention on Organized Crime (known colloquially as the "Palermo Protocol") defines trafficking as:

- "The recruitment, transportation, transfer, harbouring or receipt of persons" **(the movement)**.
- "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" **(the means)**.
- "For the purpose of exploitation" **(the purpose)**.

The Protocol notes that "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."

Question 2. What is the purpose of trafficking?

The purpose of trafficking is exploitation, and this can take many forms such as (but not limited to) the following:

- Forced begging and soliciting;
- Forced and exploited labour (work in mines, on construction sites, in markets, in small shops, in factories);
- Forced prostitution;
- Forced or exploitative domestic service;
- Forced work on plantations; and
- Forced work in fisheries.

Trade in human beings has developed into one of the most lucrative illegal growth markets, next only to trade in weapon and drugs. The UN reckons that the yearly profits from Trade in Human beings is approximately seven billion dollars

Question 3. Who are the victims of trafficking?

Trafficking affects men and women as well as boys and girls. However women and girls are known to be disproportionately more vulnerable to being trafficked.

Question 4. How does child trafficking differ from adult trafficking?

Trafficking in adults and trafficking in children (defined as human beings under the age of 18) differ in three major ways:

- Children are often more vulnerable to trafficking than adults;
- While adult trafficking (and trafficking of young people in the 15-17 age group) often starts with voluntary migration, younger children do not usually migrate on their own.

- While informed adults can give their consent to a situation considered "exploitative", this is impossible in the case of children. The recruitment and transportation of a child for the purpose of exploitation shall always be considered "trafficking in persons".

Question 5. What is the magnitude of the problem?

Several factors make it extremely difficult to provide reliable figures:

- The clandestine nature of trafficking;
- Ongoing disagreement regarding the legal classification (based on national laws, many of which are not in line with the Palermo Protocol) and subsequently, identification of trafficked victims; and
- Lack of coordinated reporting

No UN agency, government, or NGO has so far managed to provide any accurate or universally acceptable estimate. Rough estimates of the number of victims trafficked worldwide on an annual basis range from 700,000 to two million (and in one occasion even four million), but with little clear basis in any case.

Question 6. Is the problem getting bigger?

Many people believe that trafficking has grown significantly over the last few years, but this may reflect the increased attention given to trafficking, rather than an increase in the phenomenon itself. Others focus on improvements in global communication and transportation networks and come to the conclusion that these will naturally lead to greater levels of human trafficking.

Question 7. What are the root causes of trafficking?

While virtually no country is totally sheltered from trafficking (either as receiving or sending), trafficking seems to be thriving when four conditions are met: a flawed system unable to prevent it from happening, demand for trafficked persons, opportunities for traffickers, and a vulnerable pool of potential victims.

A flawed system is one in which adequate laws to prevent trafficking and protect victims are not in place or not enforced; where corrupt authorities (including law enforcement agencies) allow trafficking to happen and may even benefit from it. It is also a system where migration policies are not consistent with labour market realities, that is, where the opening of borders and the improvement of infrastructure and transportation have not led to a concomitant relaxation of restrictions on movement and migration for labour – thus exacerbating labour market imbalances and increasing the extent of irregular migration.

Demand for trafficking can be defined by:

- Demand for low status, low paid workers;
- Demand for commercial sexual exploitation, particularly of children;
- Demand for labour in sectors in which nationals of the country are not willing to work for a variety of reasons, such as dangerous conditions of work

Demand is often found in work which can be characterized as "the three Ds": dirty, dangerous, or degrading.

Opportunities for traffickers exist when the act of trafficking is rewarded, when traffickers can act with impunity, or when it results in a low risk of consequences for traffickers. Increased border controls, and crackdowns on the smallest, poorest links in the migration chain, push people into more and more

organised and dangerous forms of migration, thus adding to opportunities for traffickers. Lack of access to justice for victims and potential victims allows traffickers to operate with impunity.

Vulnerability factors play a role in pushing people into the hands of traffickers. Some of these factors are listed below:

- Poverty and economic disparities between countries, provinces and regions encourage migration in search of survival or better opportunities;
- Limited job prospects for adults force them to leave, and unemployment of primary caregivers forces children to earn money;
- Abusive family environments (sometimes influenced by alcohol and drug use) encourage children to leave home, thus putting them at risk of being trafficked;
- Lack of education and lack of access to information regarding the realities of migration do not allow people to make informed choices;
- Lack of birth registration, legal status, and citizenship, which affects many people in India and the region, particularly certain ethnic groups and castes, affects the rights to own land, access to education, health and legal services, and the ability to move legally and to obtain legal employment;
- Armed conflict or war situations push refugees on the roads in situations of extreme vulnerability;
- Consumerism and the hunger for consumer goods, fuelled by indiscriminate messages from the media, create a desire for more money;

Question 8. What happens to children who are trafficked?

Child trafficking violates a child's most fundamental rights as outlined in the Convention of the Rights of the Child. For all the complexities of trafficking, trafficked children are child slaves. Children who are exploited in this way are often:

- Forcibly removed from their home area;
- Raped, abused physically and emotionally;
- Treated cruelly;
- Exposed to severe health risks;
- Threatened and terrorized;
- Deprived of their right to education;
- Discriminated against;
- Exploited economically;
- Exposed to hazardous work and materials;
- Forced to work long hours with no rest or recreation;
- Receive low or no wages.

Question 9. What is the link between trafficking and the commercial sexual exploitation of children?

The commercial sexual exploitation of children is defined as follows:

Any person under eighteen, male or female, engaging in sexual activities for money, profit, or any other consideration due to coercion or influence by any adult, syndicate or group.

While some forms of trafficking do not involve commercial sexual exploitation, there are two major links between them:

- Commercial sexual exploitation is one of the possible purposes or possible outcomes of trafficking. In other words, trafficking will sometimes be the chain of criminal acts culminating in a child being brought into commercial sexual exploitation;
- Trafficking of children – moving them away from their normal context to other parts of a country or across borders – increases their vulnerability to commercial sexual exploitation – the so-called "incidental exposure". Isolated from family, community and normal protection mechanisms, often unable to speak the language and deprived of legal status, children trafficked for any purpose are at high risk of sexual exploitation.

Question 10. What is the link between trafficking, smuggling and migration?

The UN Smuggling Protocol of the Transnational Convention on Organised Crime defines smuggling as

the procurement of illegal entry of a person into a State Party of which the person is not a national or permanent resident, against a financial or other material benefit.

While the definition of trafficking contains the element of coercion, that of smuggling does not. Further, smugglers have a vested interest in not harming the person they are helping to migrate; in a cash-on-delivery manner, often payment for smugglers comes only after the successful border breach. A smuggler's crime is against the State of destination, and any States in-between, not against the migrant him/herself. The crime of a trafficker, on the other hand, is against the migrant, putting him or her into coercive or exploitative situations. The main profit in trafficking does not come from a one-off payment, but from the ongoing proceeds of keeping a person in slave-like conditions, and appropriating the money that is thus earned.

It is therefore important to distinguish between those who get trafficked (they are victims of a trafficker) and those who get smuggled (clients of a smuggler).

Question 11. Can there be trafficking if the movement is voluntary?

Many trafficking cases start with a decision to migrate or, in other words, a voluntary movement (even if this 'voluntary' choice is often made within an extremely limited range of options). When a voluntary migrant asks for a stranger's help to cross national or provincial borders, he or she is delivering him/herself into a position of vulnerability for exploitation and abuse. It should be noted that this vulnerability increases in accordance with the degree of border control. A person requiring assistance to sneak through a forest or across a river, for example, is less exposed than one who requires contractors or smugglers organized and powerful enough to produce false travel documents. Through a variety of means, a migration process that started voluntarily can turn into a trafficking situation.

In these cases it is the end outcome (the exploitation) rather than the victim's original intention (the migration) that defines whether the situation is or is not trafficking.

The definition in the Trafficking Protocol also requires intent on the part of the trafficker. If a person is smuggled, and the smuggler had some intention to exploit the person, then trafficking is indicated. If the smuggler has only the intention to help the person defeat a country's migration controls, trafficking is not indicated. Much depends therefore on the trafficker's intention – more than depends on the victim's intention as their intention can be influenced by 'the improper means' deployed by the trafficker.

Question 12. What is the link between child trafficking and HIV/AIDS?

There is a direct link. Women and children who are trafficked for commercial sexual exploitation are usually forced to have frequent, unprotected sex with multiple partners. Even if they are aware of how to protect themselves, and have access to condoms, they have virtually no negotiating power to

convince customers to use a condom. In some cases, it has been seen that customers seek out young children believing them less likely to have HIV. Popular myths about sex with virgins curing STDs aggravate the problem. Children, because of their fragile tissue, are physiologically more vulnerable to contracting HIV.

Children trafficked into other forms of exploitation (e.g. forced labour, domestic work) are also quite vulnerable to sexual abuse by employers and/or family members of employers, hence increasing their chances of contracting HIV.

Question 13. Who are the traffickers and the clients of trafficked persons?

Traffickers range from organised networks able to produce or buy fake documents, clear immigration requirements for their victims, and conduct trafficking operations spanning thousands of kilometres, to individuals seizing an opportunity to cheat, sweet-talk or coerce their victim into a situation of exploitation.

There are extensive linkages between the traffickers in all parts of this spectrum of sophistication; for example many less sophisticated traffickers engage in their work not knowing the ultimate recipient to be organised criminals.

Individual or non-organised traffickers often operate across land borders, while more sophisticated and organised traffickers tend to operate more complex schemes and will often go to more trouble to seek a higher return for the trafficking victim by selling him/her in more distant markets.

Traffickers are also those who exploit adults and children in brothels, in illegal factories, or by employing them as slaves in domestic work, on fishing boats or in plantations. In commercial sexual exploitation the clients of traffickers come closest to being direct users of trafficked persons: men who use the services of forced and under-age prostitutes are direct clients of traffickers, not always knowingly. Finally, people who buy or consume goods produced by trafficked victims in slavery also contribute, though indirectly, to the perpetuation of trafficking.

Question 14. Is it true that families are selling their children for profit?

Contrary to a die-hard stereotype, this is quite uncommon. This myth seems to take root in anecdotes that arise from the following situations on the ground:

- Poverty forces some families to send their children to work away from home. Children, thus made more vulnerable, may then fall into the hands of traffickers and exploiters.
- Lack of education and lack of knowledge of the realities of migration may make parents naïve and gullible to traffickers' tricks, truly believing their promises of a better future for the child and the family;
- Parents may know that the job prospect awaiting their child is not great, but still ignore its actual inhumane and slave-like conditions;
- Parents may in some cases 'rent' their children to someone who promises good returns and work elsewhere;

Question 15. Does trafficking happen because of lack of awareness?

Although awareness of trafficking and of the dangers linked to unprepared migration is fundamental, awareness is not the end of the story. Awareness raising efforts tend

to start with the assumption that if fully informed, children, adults and families will be able to act differently. This is not always the case. It is important, while focusing on awareness raising efforts, to also develop projects that give children, adults and families other choices and opportunities. It is also important to address those underlying causes of trafficking, which are rooted in poverty, social exclusion and gender discrimination.

Question 16. What can governments do or not do to reduce trafficking?

Governments may be contributing to trafficking in a number of ways, by their act and by omission:

- By denying the existence of the problem in their own country and concomitant lack of real political will to combat the traffic;
- By lack of effective legislation and criminal justice processes which contribute to traffickers operating with impunity;
- By lack of effective law enforcement mechanisms or targeting the wrong people such as trafficked victims, small-scale people movers and even parents;
- By corruption among police and other authorities. Authorities are known to warn brothel or factory owners of planned raids; to collaborate with exploiters and traffickers; and in some cases, to own the exploitative businesses themselves;
- By poor migration management policies, which fail to allow legal, regulated mechanisms to match labour demand and labour supply across borders;
- Through trade and economic policies which continue to extend the gap between the richest and the poorest within countries, and between countries in the sub-region.

Question 17. What should be done to combat human trafficking?

Law and law enforcement

- Ratify relevant international conventions and protocols;
- Define national strategy, and develop a national plan, for opposing human trafficking,
- Draft and implement relevant laws against trafficking that criminalize human trafficking against women, men, and children for all end purposes;
- Enhance international law enforcement cooperation and mutual legal assistance mechanisms;
- Reduce official corruption;
- Ensure effective investigation and prosecution of traffickers;
- Recognise that all human beings have inherent basic rights, regardless of legal status;
- Increase effective channels through which victims and witnesses can report trafficking crimes, and ensure protection for such witnesses and victims;
- Increasing the traffickers' perception of risk by simultaneously implementing penalties that accurately reflect the severity of the crime, and increasing the capacity of law enforcement agencies to advance trafficking cases.

Promoting safe migration

- Promote safe migration, and provide awareness raising and education that ensures intending migrants know the dangers of human trafficking;
- Create and support mechanisms for safe and efficient legal migration;
- Develop safeguards for the protection of migrants, particularly in destination countries

- Promote creation of empowered networks of migrants in destination provinces/ countries to provide information about how trafficking occurs, and assist victims;
- Bring migration laws in line with current labour market realities in the region.

Trafficking prevention

- Recognition of education as a key preventive measure against child trafficking;
- Improved awareness among vulnerable children;
- Improved protection networks at community level.

Protection of trafficking victims and survivors

- Adoption of measures for the protection of and assistance to victims of trafficking;
- Improved mechanisms for return and reintegration;
- Reduction of the discrimination and social stigma for returned trafficked children;
- Protection of returnees from retribution by trafficking gangs, corrupt authorities, or employers;
- Creation of assistance programmes and employment opportunities for returnees
- Availability of avenues for recourse for victims of trafficking

Question 18. Should trafficked victims be punished for their illegal status?

No. Children and adults who are trafficked should not be victimised twice. Unfortunately, they are often treated as criminals even when rescued and placed in detention.

Victims of trafficking should be given access to shelters where their human rights are protected. They should receive such treatments as temporary residence permit, assistance on food, rehabilitation, and employment. They should be granted the right to stay permanently or be assisted with repatriation.

Adopted from the UNIAP website (Source: http://www.no-trafficking.org/uniap_frontend/default.aspx)