



Essentials of Migration Management

Trafficking in Persons



Content

- **What is TRAFFICKING?**
- **SMUGGLING versus TRAFFICKING**
- **POLICY RESPONSES to trafficking**



What is Trafficking?



Introduction

- Trafficking in persons is an **underreported** crime.
- Trafficking should be seen as **a process**, starting with the recruitment and ending with the exploitation of the victim's work
- Trafficking is **a form of irregular migration** that entails the violation of the rights of the migrant
- IOM estimates that **up to 2 million** men, women and children are trafficked yearly across borders.



Definition of Trafficking

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons:

“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.

(The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime,)



Definition of Trafficking

Trafficking of persons shall mean:

“the **recruitment**, transportation, transfer, harbouring or receipt of persons, **by means of** threat, use of force or other means of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the receiving or giving of payment... to a person having control over another person, **for the purpose of** exploitation.”



Definition of Trafficking

The UN Protocol Against Trafficking:

- **Definition and standardised terminology**
- **Requirement for States to criminalise trafficking**
- **Protection & assistance for trafficked person in countries of origin, transit and destination**
- **Control measures: borders, travel documents, etc**
- **Training, research, information measures**
- **Prevention activities**



Definition of Trafficking

Children:

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 the definition of trafficking in persons.



Definition of Trafficking

What is the process?

1.
Recruitment

2.
Transport

3.
Harbouring

4.
Receipt

What are the means?

Deceit and/or
fraud

Threat of Force
or Use of Force

Abduction or
abuse of power

What are the objectives?

Exploitation

Forced
Labour

Sexual
Exploitation

Removal
of Organs

Servitude



The Causes of trafficking

Countries of Origin:

- The most common causes are **poverty, unemployment, and lack of opportunities**.
- **Political and humanitarian crises** displace populations and expose the most vulnerable, usually women and children, to the designs of traffickers and criminal groups.
- In many less developed regions of the world, **children are entrusted to more affluent friends or acquaintances** with the intention to improve their lives and relieve their families of economic burden. This practice often sends these children into the trafficking market for slavery.



The Causes of trafficking

Countries of Destination:

- Organized crime
- Demand for cheap and low-skilled labour
- Demand for sex services
- Restrictive immigration policies and laws
- Porous borders and/or limited border control
- New technologies and networks such as internet



Incentives for Traffickers

- **Few risks for traffickers**
 - absence of legislation
 - lack of strong enforcement measures
 - corruption
- **Few traffickers are punished while many victims are.**
- **Huge financial profits** compared with the **low investment**
 - victims can be re-sold several times



Trafficking mechanisms

- The **first element** of the mechanism is **the recruitment of the victim** by traffickers or intermediaries.
- Recruitment can have **different forms**, the most violent being the kidnapping of the victim in a situation of extreme vulnerability.
- **Other forms of recruitment** occur through **false employment** offers.
- Often the trafficker is already known to the victim.

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Trafficking mechanisms

- **Physical and psychological coercion** are used to convince the victim to comply through out the trafficking process.
- **The players** in the trafficking process have **diverse, but important,** roles to play.
- **These players** may also be **active** in other **international organized criminal activities.**



Trafficking and Irregular Migration

Trafficking is a form of irregular migration that entails the violation of the rights of the migrant



Smuggling versus Trafficking



Definition of Smuggling

The UN Protocol Against the Smuggling of Migrants:

“Smuggling of Migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;

“Illegal entry” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State.



Definition of Smuggling

Essential Elements:

Activity: Transportation and transfer of persons

Means: No element of force, deception, or abuse of power. In most cases, the intending migrant contacts the smuggler to request help to cross the border into another country illegally.

Purpose: Financial profit from the illegal border crossing



Difference between Trafficking and Smuggling

Consent

The **smuggling** of migrants, while often undertaken in dangerous or degrading conditions, involves migrants who have consented to being smuggled

whereas

Trafficking victims 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



Difference between Trafficking and Smuggling

Exploitation

Smuggling ends with the arrival of the migrants at their destination,

whereas

Trafficking involves the ongoing exploitation of the victims in some manner to generate illicit profits for the traffickers.



Difference between Trafficking and Smuggling

Transnationality

Smuggling is always transnational

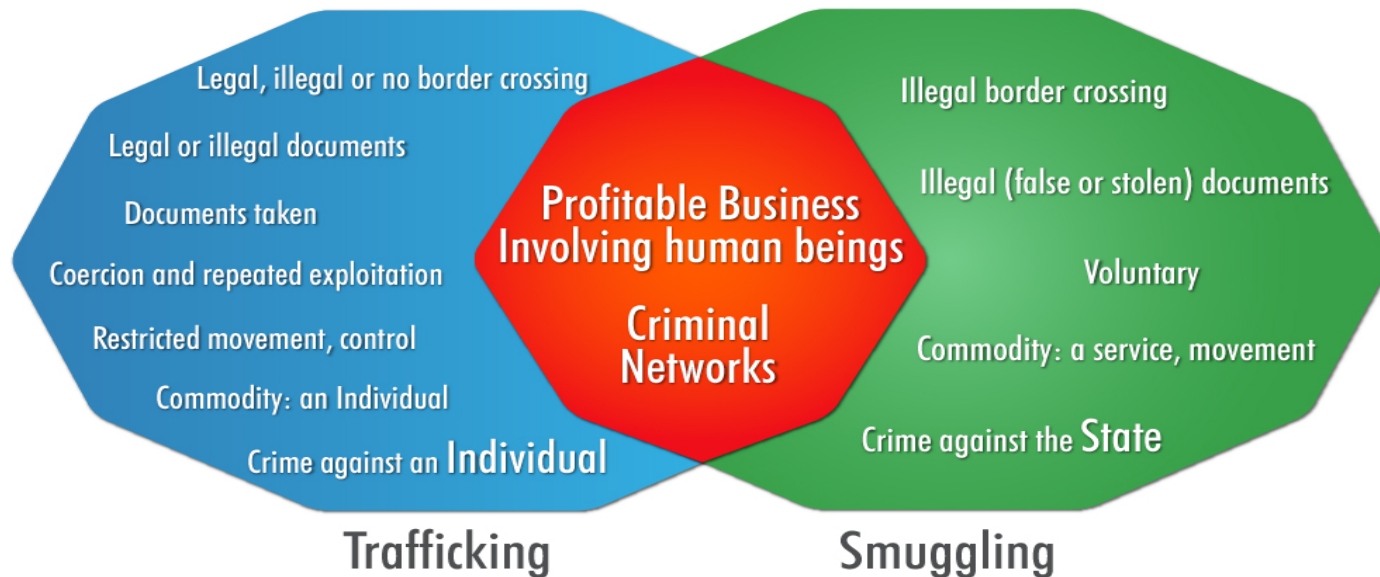
whereas

Trafficking can occur regardless of whether victims are taken to another country or only moved from one place to another within the same country.



Difference and Similarities between Trafficking and Smuggling

Trafficking and Smuggling: Similarities and Differences



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Difference between Trafficking and Smuggling

- ***Trafficking*** involves force, deception, abuse, exploitation...

A Crime against the Individual

- ***Smuggling*** is a “fee for services” illegal business transaction.

A Crime against the State



Policy Responses



Current Policy Problems

- **No systematic collection of data** on trafficking in national/global level.
- **Legislation to address trafficking is often lacking**, inadequate, or not implemented, making the prosecution of traffickers very difficult and often impossible.
- The **corruption of governmental officials** to facilitate trafficking is a serious threat to the functioning of the State in affected countries.
- Trafficking **convictions are often based on witness and/or victim testimony**. Such testimony is **hard to obtain**, as trafficking victims are either deported as illegal migrants or, if identified as trafficked persons, are often too frightened to testify.



The Response of the International Community

- Apart from the **UN *Convention Against Transnational Organized Crime***, including the Protocol against Trafficking, **each country has responded differently to the crime of trafficking.**
- Several **regional processes** dealing with migration, such as the **Puebla Process in the Americas** and the **Bali Process in Asia** have included trafficking as one of the main topic for discussion and regional coordinated actions.



Need for Policy Response

- **Protection and assistance to the victims** should take precedence in any policy planning and programme development.
- **Respect for the human dignity and well-being of migrants** should be reflected in all national legislation, activities, projects, and programmes.
- A **gender analysis** is necessary in order to understand the causes and the consequences of trafficking in persons.
- **Need for vigorous partnerships** to facilitate collaborative work on policy, legislation and operational measures.

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Need for Policy Response

- **Health challenges faced by the trafficked persons** - the periods **before, during and after** the trafficking experiences.
- **Concerted efforts** by relevant entities at the local, national, regional, and international levels.
- **Information campaigns** in countries of origin can be conducted to inform potential victims of the dangers of trafficking and irregular migration.



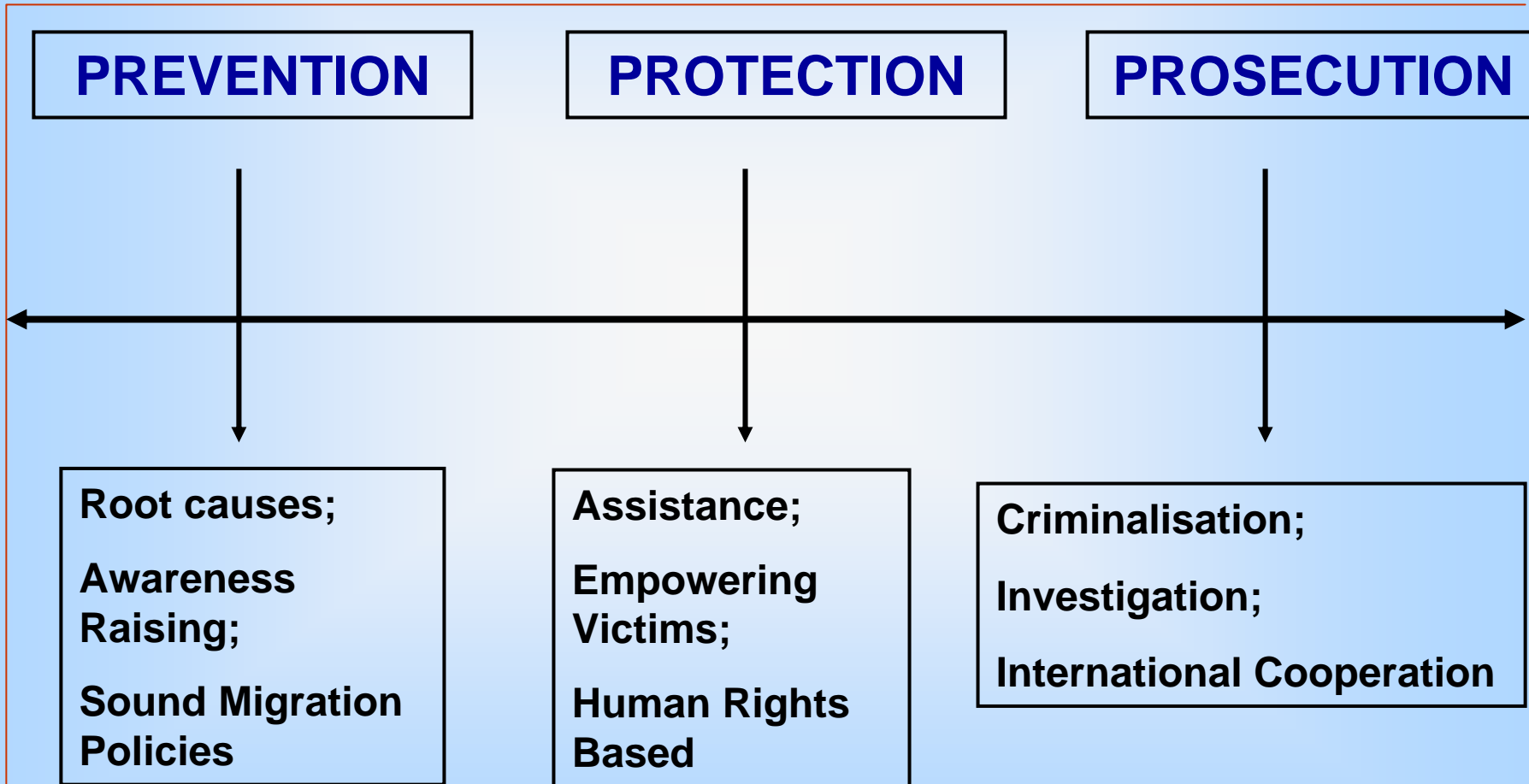
IOM's Approach to Combating Trafficking

Victim-centred and **Rights-based**

Concern for the victim lies at the centre of all IOM's activities.



The Three Ps





IOM Activities

Prevention

- Research/data collection
- Awareness-raising

Protection

- Shelter and accommodation
- Medical assistance
- Legal counseling
- Voluntary Return and Reintegration

Prosecution

- Law Enforcement Training
- Legislation and Operational Procedures



Principles of Assistance

- **Respect for human rights, dignity and well-being**
- **Informed consent of the trafficked individual**
- **Voluntary participation in any and all programmes**
- **Full respect of privacy and need for confidentiality**
- **Self-determination and participation**
- **Non-discrimination**
- **Individualized treatment and care (including minors)**
- **Safety, Security and Comfort**
- **Continuing and comprehensive care**
- **DO NO HARM**



Co-ordination Structures

Government

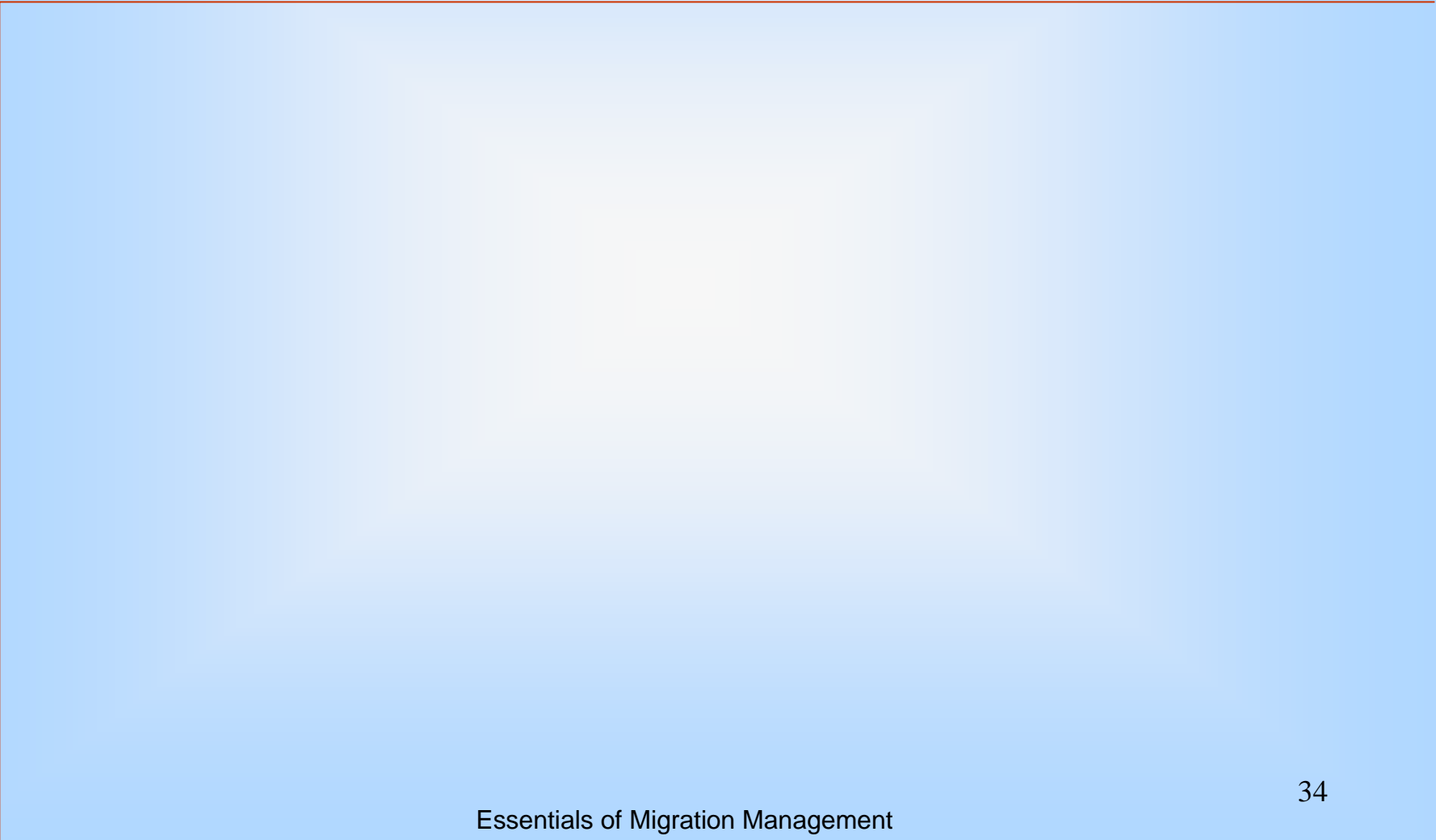


NGOs and Civil Society



International Organisations

Regionally and Internationally between States





..But Primarily

**.....THE ROOT CAUSES MUST BE
ADDRESSED**

- poverty**
- lack of employment and opportunities**
 - lack of education**
- lack of equality and discrimination**
 - violence**
 - demand**