



THESSISMUN

2008

THESSALONIKI INTERNATIONAL STUDENT
MODEL UNITED NATIONS

United Nations General Assembly 3rd Committee Topic Area B

Human Trafficking



UNIVERSITY OF MACEDONIA
THESSALONIKI, GREECE

WWW.UOM.GR/MUN - WWW.THESSISMUN.ORG



Definition of term

The **trafficking of human beings** is the recruitment, transportation, transfer, harbouring or receipt of people for the purpose of exploitation. Trafficking involves a process of using illicit means such as threat, 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 includes forcing people into prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. For children exploitation may include also, illicit international adoption, trafficking for early marriage, recruitment as child soldiers, for begging, for sports, for recruitment for religious cults.

Human trafficking differs from people smuggling. In the latter, people voluntarily request smuggler's service for fees and there may be no deception involved in the (illegal) agreement. On arrival at their destination, the smuggled person is usually free. On the other hand, the trafficking victim is enslaved, or the terms of their debt bondage are fraudulent or highly exploitative. The trafficker takes away the basic human rights of the victim. Victims are sometimes tricked and lured by false promises or physically forced. Some traffickers use coercive and manipulative tactics including deception, intimidation, feigned love, isolation, threat and use of physical force, debt bondage, other abuse, or even force-feeding with drugs to control their victims.

In the case of children, such practices are considered child trafficking even if none of the illicit means previously described are used.

Trafficked people usually come from the poorer regions of the world, where opportunities are limited, and are often from the most vulnerable in society, such as runaways, refugees, or other displaced persons, (though they may come from any social background, class or race. People who are seeking entry to other countries may be picked up by traffickers, and — typically — misled into thinking that they will be free after being smuggled across the border. In some cases, they are captured through slave raiding, although this is increasingly rare.



Trafficking in children often involves exploitation of the parents' extreme poverty. The latter may sell children to traffickers in order to pay off debts or gain income or they may be deceived concerning the prospects of training and a better life for their children. In West Africa, trafficked children have often lost one or both parents to the African AIDS crisis.

The adoption process, legal and illegal, results in cases of trafficking of babies and pregnant women between the West and the developing world. In David m. Smolins papers on child trafficking and adoption scandals between India and the United States,¹ he cites there are systemic vulnerabilities in the inter-country adoption system that makes adoption scandals predictable.

Women, who form over 80% of trafficking victims, are particularly at risk to become involved in sex trafficking. Potential kidnappers exploit lack of opportunities, promise good jobs or opportunities for study, and then force the victims to become prostitutes, participate in pornography² or escort services. Through agents and brokers who arrange the travel and job placements, women are escorted to their destinations and delivered to the employers. Upon reaching their destinations, some women learn that they have been deceived about the nature of the work they will do; most have been lied to about the financial arrangements and conditions of their employment; and all find themselves in coercive and abusive situations from which escape is both difficult and dangerous .

The main motive of a woman (in some cases an underage girl) to accept an offer from a trafficker is better financial opportunities for herself or her family. In many cases traffickers initially offer 'legitimate' work or the promise of an opportunity to study. The main types of work offered are in the catering and hotel industry, in bars and clubs, modeling contracts, or au pair work. Traffickers sometimes use offers of marriage, threats, intimidation and kidnapping as means of obtaining victims. In the majority of cases, the women end up in prostitution. Also some (migrating) prostitutes become victims of human trafficking. Some women know they will

¹The two faces of Inter-country Adoption : The significance of the Indian Adoption Scandals by David M. Smolin, *Seton Hall Law Review*, 35:403–493, 2005

² The Exploitation of Trafficked Women [Guide No. 38 \(2006\)](#), Graeme R. Newman , 2001



be working as prostitutes, but they have an inaccurate view of the circumstances and the conditions of the work in their country of destination³

Men are also at risk of being trafficked for unskilled work predominantly involving hard labor. Other forms of trafficking include bonded and sweatshop labor, forced marriage, and domestic servitude. Children are also trafficked for both labor exploitation and sexual exploitation. On a related issue, children are forced to be child soldiers.

Many women are forced into the sex trade after answering false advertisements, and others are simply kidnapped. Thousands of children from Asia, Africa, and South America are sold into the global sex trade every year. Often they are kidnapped or orphaned, and sometimes they are actually sold by their own families.⁴

Current situation across the world

United State's Department data "estimated 600,000 to 820,000 men, women, and children [are] trafficked across international borders each year, approximately 80 percent are women and girls and up to 50 percent are minors. The data also illustrate that the majority of transnational victims are trafficked into commercial sexual exploitation . Due to the illegal nature of trafficking and differences in methodology, the exact extent is unknown.

Since the fall of the Iron Curtain, the impoverished former Eastern bloc countries such as Albania, Moldova, Romania, Bulgaria, Russia, Belarus and Ukraine have been identified as major trafficking source countries for women and children . Young women and girls are often lured to wealthier countries by the promises of money and work and then reduced to sexual slavery. It is estimated that 2/3 of women trafficked for prostitution worldwide annually come from Eastern Europe, three-quarters have never worked as prostitutes before.⁵ The major

³ Research based on case studies of victims of trafficking in human beings in 3 EU Member States .i. e. Belgium, Italy and The Netherlands. , Commission of the European Communities DG Justice & Home Affairs Hippokrates JAI/2001/HIP/023

⁴ www.unicef.org/protection_index

⁵ www.news.bbc.co.uk/hi/2/europe



destinations are Western Europe (Germany, Italy, Netherlands, Spain, UK, Greece), the Middle East (Turkey, Israel, the United Arab Emirates), Asia, Russia and the United States.⁶ An estimated 500,000 women from Central and Eastern Europe are working in prostitution in the EU alone.

An estimated 14,000 people are trafficked into the United States each year, although again because trafficking is illegal, accurate statistics are difficult.⁷ According to the Massachusetts's based Trafficking Service Outreach and Service Report in Massachusetts alone, there were 55 documented cases of human trafficking in 2005 and the first half of 2006 in Massachusetts. In 2004, the Royal Canadian Mounted Police (RCMP) estimated that 600-800 persons are trafficked into Canada annually and that additional 1,500-2,200 persons are trafficked through Canada into the United States.

In the United Kingdom⁸, 71 women were known to have been trafficked into prostitution in 1998 and the Home Office recognized that the scale is likely greater as the problem is hidden and research estimates that the actual figure could be up to 1,420 women trafficked into the UK during the same period. Trafficking in people is increasing in Africa, South Asia and into North America.⁹

Russia is a major source of women trafficked globally for the purpose of sexual exploitation, Russian women are in prostitution in over 50 countries. Annually, thousands of Russian women end up as prostitutes in Israel, China, Japan or South Korea. Russia is also a significant destination and transit country for persons trafficked for sexual and labor exploitation from regional and neighboring countries into Russia, and on to the Gulf States, Europe, Asia, and North America.

In poverty-stricken Moldova¹⁰ where the unemployment rate for women ranges as high as 68% and one-third of the workforce live and work abroad, experts estimate that since the

⁶“ Attorney General’s Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons” , 2005 edition

⁷ For East Europe’s Women, A Rude Awakening , Elisabeth Kulakowsk , 2005 , UN publications

⁸ “Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK” , police research series , paper 125 , 2000

⁹ United Kingdom’s Action Plan To Tackle Trafficking in Human Beings , 2007

¹⁰ “Preventing Victimization in Moldova” , Jana Costachi , Global Issues , June 2003



collapse of the Soviet Union between 200,000 and 400,000 women have been sold into prostitution abroad — perhaps up to 10% of the female population. In Ukraine, a survey conducted by the NGO La Strada Ukraine in 2001-2003, based on a sample of 106 women being trafficked out of Ukraine found that 3% were under 18, and the US State Department reported in 2004 that incidents of minors being trafficked was increasing. It is estimated that half million Ukrainian women were trafficked abroad since 1991 (80% of all unemployed in Ukraine are women).

The ILO estimates that 20 percent of the five million illegal immigrants in Russia are victims of forced labor, which is a form of trafficking. However even citizens of Russian Federation have become victims of human trafficking. They are typically kidnapped and sold by police to be used for hard labor, being regularly drugged and chained like dogs to prevent them from escaping. There were reports of trafficking of children and of child sex tourism in Russia. The Government of Russia has made some effort to combat trafficking but has also been criticized for not complying with the minimum standards for the elimination of trafficking¹¹.

The majority of child trafficking cases are in Asia, although it is a global problem.

In Asia, Japan is the major destination country for trafficked women, especially from the Philippines and Thailand. The US State Department has rated Japan as either a 'Tier 2' or a 'Tier 2 Watch list country every year since 2001 in its annual *Trafficking in Persons* reports. Both these ratings implied that Japan was (to a greater or lesser extent) not fully compliant with minimum standards for the elimination of human trafficking trade.¹² There are currently an estimated 300,000 women and children involved in the sex trade throughout Southeast Asia. It is common that Thai women are lured to Japan and sold to Yakuza-controlled brothels where they are forced to work off their price.

Many of the Iraqi women fleeing the Iraq War are turning to prostitution, while others are trafficked abroad, to countries like Syria, Jordan, Qatar, the United Arab Emirates, Turkey, and Iran. In Syria alone, an estimated 50,000 Iraqi Refugee girls and women, many of them widows,

¹¹ www.gvnet.com/humantrafficking/Russia

¹² Woman's Dying Wish : To punish traffickers who ruined her life , The Nation , January 23 ., 2006



are forced into prostitution .¹³ Cheap Iraqi prostitutes have helped to make Syria a popular destination for sex tourists. The clients come from wealthier countries in the Middle East- many are Saudi men High prices are offered for virgins.

As many as 200,000 Nepali girls, many under 14, have been sold into the sex slavery in India. Nepalese women and girls, especially virgins, are favored in India because of their light skin.

In parts of Ghana , a family may be punished for an offense by having to turn over a virgin female to serve as a sex slave within the offended family.¹⁴ In this instance, the woman does not gain the title of "wife". In parts of Ghana ,Togo , and Benin , shrine slavery persists, despite being illegal in Ghana since 1998. In this system of slavery, sometimes called trokosi (in Ghana) or voodooosi in Togo and Benin, or ritual servitude, young virgin girls are given as slaves in traditional shrines and are used sexually by the priests in addition to providing free labor for the shrine.

In the United Kingdom, Vietnamese human trafficking have been discovered in the past few years. Many Vietnamese people are trafficked to work in illegal Vietnamese cannabis factories throughout the country, as the recent police Operation Keymer showed. Another recent police Operation Pentameter discovered illegal Vietnamese are also smuggled in to work in Vietnamese nail salons. Recently the UK authority planned to deport over 500 children back to Vietnam who had been smuggled into the country.

Reporters have witnessed a rapid increase in prostitution in Cambodia, Bosnia and Kosovo after UN and, in the case of the latter two, NATO Peacekeeping forces moved in. Peacekeeping forces have been linked to trafficking and forced prostitution. Proponents of peacekeeping argue that the actions of a few should not incriminate the many participants in the mission, yet NATO and the UN have come under criticism for not taking the issue of forced prostitution linked to peacekeeping missions seriously enough.¹⁵

¹³ "50000 Iraqi refugees forced into prostitution" , Nihal Hassan , the Independent , June 24 , 2007

¹⁴ "Slavery in Ghana" , in [www . sos _ sexism . org](http://www.sos-sexism.org)

¹⁵ [www . refuggesinternational . org](http://www.refuggesinternational.org)



In the western world, Canada in particular has a major problem with modern-day sexual slavery. In a 2006 report the Future Group, a Canadian humanitarian organization dedicated to ending human trafficking, ranked eight industrialized nations and gave Canada an F for its "abysmal" record treating victims. The report, titled "Falling Short of the Mark: An International Study on the Treatment of Human Trafficking Victims", concluded that Canada "is an international embarrassment" when it comes to combating this form of slavery.¹⁶

The report's principal author Benjamin Perrin wrote, "Canada has ignored calls for reform and continues to re-traumatize trafficking victims, with few exceptions, by subjecting them to routine deportation and fails to provide even basic support services."

In the report, the only other country to flunk was the United Kingdom, which received a D, while the United States received a B+ and Australia, Norway, Sweden, Germany and Italy all received grades of B or B-. The report criticizes former Liberal Party of Canada cabinet ministers Irwin Cotler, Joe Volpe and Pierre Pettigrew for "passing the buck" on the issue.

Commenting on the report, the then Minister of Citizenship and Migration told Sun Media Corporation: "It's very damning, and if there are obvious legislative or regulatory fixes that need to be done, those have to become priorities, given especially that we're talking about very vulnerable people."¹⁷

Some commonly accepted causes of the phenomenon

Human trafficking affects every country around the world, regardless of socio-economic status, history, or political structure. Human traffickers have exploited the many benefits of globalization, creating an international market for the trade of human beings, which has grown into the second largest criminal industry in the world. One of the most common images of human trafficking relates to victims who are trafficked across international borders, often foreign nationals of the countries they are trafficked into.¹⁸ However, significant trafficking also occurs

¹⁶ "Canada's sex slavery shame", Kathleen Harris, National and World News, March 2 2006

¹⁷ www.lifesite.com

¹⁸ Polaris Project "For a world without slavery", 2007



domestically, within a country's own borders, where victims may be residents or citizens. While the factors that lead to an individual's victimization are wide and diverse, an accurate understanding of the scope and prevalence of human trafficking in any country acknowledges victims of all forms of human trafficking - both within and across a country's borders. Some commonly accepted causes of human trafficking are the following :

- lack of employment opportunities
- organised crime and presence of organised criminal gangs
- regional imbalances
- economic disparities
- social discrimination
- corruption in government
- political instability
- armed conflict
- Lack of Education: People with limited education have fewer viable job skills and opportunities and are thus more prone to trafficking as they look to migrate for unskilled work¹⁹
- uprooting of communities because of mega projects without proper Resttlement and Rehabilitation packages.
- Profitability
- Growing deprivation and marginalization of the poor
- Insufficient penalties against traffickers
- Driven by demand; demand is high for prostitutes and other forms of labor in host countries; therefore there is a very profitable market available to those who wish to become handlers.
- Break-up of traditional joint family and the emerging nuclear families
- Pseudo-marriage
- Unequal power relations and discrimination in the family by gender and age

¹⁹ www.solidaritycenter.org



- Socialization which devalues female children²⁰
- Globalization and export-oriented growth model and consumerism
- Inadequate government policies in favour of women
- Lack of social security and safety
- Inefficiency of the law-enforcing agency
- Corruption amongst the members of law-enforcing agencies
- Complications of restoring to law are both expensive and time-consuming for women victims
- Lack of Birth Registry: People without proper identification fall prey to trafficking more easily, since their age and nationality cannot be documented. Children who are trafficked, for example, are more easily passed off as adults to anyone who asks.

Different theorists attribute different factors to the causes of trafficking depending on their theoretical approach to the issue of trafficking itself. A migration-based approach, for example, will focus on such issues as policies on migration and migrant labour, availability of work opportunities in various countries, globalisation of the economy and development strategies. A criminal justice based approach focuses on legislation and its implementation, policing strategies, impediments to prosecution, and the involvement of organised crime.

A human-rights based approach acknowledges the importance of criminal justice, but will situate the causes of trafficking in issues such as the abuse of power, corruption of authorities, discrimination, and state failure to protect civil, political, economic and social rights. Most feminist analyses encompass elements of all these approaches but situate inequalities of sex, race and class, and the power this gives some to abuse others, as central to any detailed analysis of the causes of trafficking. In this analysis trafficking is viewed in terms of exploitation of women and the harm it causes them. Feminist theorists in particular tend to situate male demand as the primary cause of trafficking²¹

²⁰ "Proceedings of the Consultation Meeting on Trafficking and Prostitution".CWCS,1997

²¹ Raymond, Hughes and Gomez 2001, Leidholdt 2003, Jeffreys 2003



Trafficking in people has been facilitated by porous borders and advanced communication technologies, it has become increasingly transnational in scope and highly lucrative. Unlike drugs or arms, people can be "sold" many times. The opening up of Asian markets, porous borders, the end of the Soviet Union and the collapse of the former Yugoslavia have contributed to this globalization.

International Law

The system of International law (laws that govern the interactions and relations between nations)²² is constituted of Conventional International Law (Treaties and Conventions) , Customary law (non – written legal regulations combining state practice and an opinio – juris , a common acceptance that following them is binding under formal law) and General Principles of International Law .

A major source of political, social, and economic insecurity for States and for individuals, the problem of human trafficking has attracted a great deal of policy and media attention in recent years. Despite universal condemnation of the practice, highly fractured debates over appropriate approaches to this problem continue to challenge the ability of the international legal system to foster a consistent and effective response.²³ . The development of international law on the issue of human trafficking could be overviewed as follows :

- 1904 International Agreement for the Suppression of White Slave Traffic
- 1910 International Convention for Suppression of White Slave Traffic
- 1921 International Convention for the Suppression of Traffic in Women and Children
- 1933 International Convention on the Suppression of Traffic in Women of Full Age
- 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- 1975 Convention on the Elimination of All Forms of Discrimination against Women
- 1989 Convention on the Rights of the Child

²² United States Civics Terms

²³ The Role of International Law in Countering Human Trafficking , Janie A. Chuang in the Webinar organised by ASIL Washington DC , July 26, 2006 ,



2000 Convention Against Transnational Organized Crime
Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children

The most important contemporary treaty, which focuses amongst others on regulating all aspects of human trafficking (which constitutes a type of transnational organized crime) is the UN Convention Against Transnational Organized Crime also called the Palermo Convention, supplemented by the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.²⁴ It is an international Cooperation Treaty which deals with crime control covering offences such as:

- participation in an organized criminal group
- corruption
- money laundering
- obstruction of justice
- serious crime (penalty of imprisonment for 4 or more years)

The Treaty is trying to address lack of uniformity in national legislation by requiring states to criminalize organized criminal activity, money laundering, and public sector corruption. Moreover, it enhances cross-border law enforcement cooperation by improving information flows, establishing legal framework for mutual legal assistance in investigations, prosecutions, judicial proceedings, encouraging joint investigative bodies, facilitates extradition procedures²⁵, strengthens law enforcement through education and training, contemplates a dedicated U.N. funding mechanism

The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children should be interpreted and supplemented together with the Crime Convention (art

²⁴ See full text of the Convention and the Protocol at [www.uncjin.org / Documents / Conventions / dcatoc / final_documents](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents)

²⁵ The Law of Extradition: A Review, Submissions of LIBERTY (British organisation dealing with the broad remit of civil liberties and Human Rights) in response to the Home Office Consultation Document of March, London, September 2001



.1) without altering member-states obligation under international humanitarian and human rights law (art.14). According to article 2 , the Protocol aims at preventing and combating trafficking in persons, esp. women and children , protecting and assisting victims of trafficking , promoting cooperation among States Parties to meet above objectives . An original definition of the term “human trafficking” is given in article 3 (“**Trafficking in persons**” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, **by means of** the threat or use of force or other forms of coercion, of abduction, of fraud, or 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.) .

All States Parties are required to establish trafficking as a criminal offense as well as attempt, participation as accomplice, and organizing or directing other persons to commit the offense . However the Protocol is limited to transnational trafficking as well as to trafficking involving an organized criminal group .²⁶ . Formal criteria are being established by the Protocol in order to specify when an offence should be regarded as transnational : a) offence committed in more than one State b) offence committed in one State but substantial part of planning, preparation or control takes place in another State c) offence committed in one State but involve organized criminal group engaged in criminal activity in multiple States d) offence committed in one State but has substantial effects in another State

In addition , an organized criminal group is defined as a group structured of 3 or more persons , acting in concert with the aim of committing one or more serious crimes or offenses established by the Convention or its Protocols in order to obtain financial or other material benefit . It is therefore obvious that the extent of the definition would not cover trafficking by one or two persons or trafficking conducted entirely within a country by nationals of that country.

²⁶ Transnational Organized Crime: An Imminent Threat to the Nation-State , L Shelley - Journal of International Affairs, 1995



As far as protections of the victims of trafficking is concerned all States Parties are required to a) protect privacy and identity of victims²⁷ b) provide victims with information on court/administrative proceedings c) provide assistance to enable victims' views and concerns to be presented/considered in criminal proceedings d) ensure domestic legal systems contain measures that offer victim compensation for damages suffered²⁸e) provide/facilitate safe repatriation of victims²⁹ .

In addition they are to make efforts for the physical, psychological and social recovery of victims (including appropriate housing , legal counseling and information, medical, psychological, and material assistance, educational and training opportunities) , take measures to protect witnesses (both victim and non-victim, and their relatives and others close to them) from retaliation and intimidation and to permit victims to remain in the destination country, temporarily or permanently

All State – Parties shall furthermore (according to the provisions of the Protocol) endeavor to undertake research, information and mass media campaigns and social and economic initiatives, take measures to alleviate factors that make persons vulnerable to trafficking, e.g., poverty, underdevelopment and lack of equal opportunity, adopt measures to discourage demand that fosters exploitation that leads to trafficking , strengthen border controls³⁰ and ensure integrity and security of travel/identity documents .

The UN Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children begun to enter into force in the signatories at the end of 2001 . The Convention establishes in article 32 an annual Conference of the Parties to the Convention to promote and review the implementation of it .During it ,all governments should report on the steps taken to implement both the Convention and the Protocol . A big step forward was the permission given to Non-

²⁷ - Forced Migration Review, A Gallagher , 2002 - reliefweb.int

²⁸ Submission on the General Scheme of: 'Criminal Law (Trafficking in Persons and Sexual Offences) Bill 2006 , The Women's Health Council ,London , January 2007

²⁹ - Forced Migration Review, S Rauber , 2006 - fmreview.org

³⁰ From Border Control to Migration Management: The Case for a Paradigm Change in the Western Response to Transborder Population Movement ,S Taylor - Social Policy & Administration, 2005 - Blackwell Synergy



Governmental Organizations (NGO's) to observe the procedures during the summit . The first Conference was held in Vienna , Austria in 2004³¹ .The U.N. Office on Drugs and Crime provides technical assistance as much as programs to strengthen rule of law and international policy research. U.N. Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002) should be carefully taken into account in order to promote integration of a human rights perspective into international, regional, and national counter-trafficking laws and policies³²

Council of Europe

Trafficking in human beings is a major problem in Europe today. Annually, thousands of people, largely women and children, fall victim to trafficking for sexual exploitation or other purposes, whether in their own countries or abroad. All indicators point to an increase in victim numbers. Action to combat trafficking in human beings is receiving world-wide attention because the trafficking threatens the human rights and the fundamental values of democratic societies.³³

The Council of Europe Convention on Action against Trafficking in Human Beings, while taking the Palermo Protocol as a starting point and taking into account other international legal instruments, whether universal or regional, relevant to combating trafficking in human beings, seeks to strengthen the protection afforded by those instruments and to raise the standards which they lay down . Given that one of the primary concerns of the Council of Europe is the safeguarding and protection of human rights and human dignity, and that trafficking in human beings directly undermines the values on which the Council of Europe is based, it is logical that finding solutions to this problem is a top priority for the Organisation. It is all the more relevant

³¹ [www . wunrn . com / reference / pdf /crime_cicp_convention.pdf](http://www.wunrn.com/reference/pdf/crime_cicp_convention.pdf)

³² Recommended Principles and Guidelines on Human Rights and Human Trafficking , Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council , U.N. Doc. E/2002/68/Add.1 July 2002 (see full text at [www . unhchr . org](http://www.unhchr.org))

³³ Explanatory Report on the Council of Europe Convention on Action against Trafficking in Human Beings , CETS No.197



as the Council of Europe has, among its 46 member States, countries of origin, transit and destination of trafficking victims.

A series of actions have taken place within the Council of Europe since the early 90'S in order to diminish the phenomenon of human trafficking . Amongst others the below mentioned are to considered of great importance :

- In 1991 the Council of Europe Committee of Ministers adopted *Recommendation No. R(91)11 on sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults*, which was the first international instrument dealing comprehensively with these matters. (In 1999 a committee of experts on protecting children against sexual exploitation was set up, in particular to revise Recommendation No. R(91)11.)
- Through the Group of Experts on traffic in women (1992-93), which reported to the Steering Committee for Equality between Women and Men (CDEG), the Council identified the most urgent areas for action from which a consultant drew up a general action plan on trafficking in women .³⁴ The plan suggested areas for reflection and investigation in order to draw up recommendations to the member States on legislative, judicial and punishment aspects of trafficking, on aiding, supporting and rehabilitating its victims and on programmes of prevention and training.
- Trafficking aroused the collective concern of Council of Europe Heads of State and Government at the October 1997 Strasbourg Summit: the final declaration explicitly treats all forms of exploitation of women as a threat to citizens' security and democracy in Europe.
- Studies and research have also been carried out to apprehend the problem of trafficking from its many different angles. In particular the Steering Committee for equality between women and men (CDEG) prepared a study on *the impact of the use of new information technologies on trafficking in human beings for the purpose of sexual exploitation*.³⁵

³⁴ Plan of action against traffic in women (doc. EG (96) 2) by Ms Michèle HIRSCH (Belgium).

³⁵ EG-S-NT (2002) 9 Fin.



- One more recent initiative was the LARA Project supporting the reform of criminal legislation in South-East Europe as a means of preventing and combating trafficking in human beings, launched in July 2002 and completed in November 2003. This Council of Europe Project, implemented within the framework of the Stability Pact Task Force on Trafficking in Human Beings, enabled the countries concerned to adapt and review their domestic legislation in this field. As a result of this Project, nearly all those countries adopted national global action plans against trafficking in human beings, covering prevention, prosecution of traffickers and protection of the victims.
- The awareness-raising activities led to setting up a legal framework for combating the trafficking in human beings. Two Council of Europe legal instruments were produced which specifically dealt with trafficking in human beings for sexual exploitation, most of whose victims are women and children:
Recommendation No. R(2000)11 of the Committee of Ministers to member States on action against trafficking in human beings for the purpose of sexual exploitation;
Recommendation No. R(2001)16 of the Committee of Ministers to member States on the protection of children against sexual exploitation.
- Finally it should be underlined that during the 5th European Ministerial Conference on Equality between Women and Men (Skopje, 22-23 January 2003) ³⁶devoted to the theme: “Democratisation, conflict prevention and peace building: the perspectives and the roles of women”, the European Equality Ministers agreed that the activities undertaken by the Council of Europe to protect and promote the human rights of women should be focused, among other things, on the objective to prevent and combat violence against women and trafficking in human beings

All these contributed to the wide-scale effort of creating a Convention against trafficking of human beings within the European borders . Recommendation 1610 of the Parliamentary Assembly insisted that the Committee of Ministers a) begin as soon as possible the drafting of

³⁶ 5th European Ministerial Conference on Equality between Women and Men (Skopje, 22-23 January 2003) Report by the Secretary General , CM(2003)58



the Council of Europe convention on trafficking in human beings, which will bring added value to other international instruments with its clear human rights and victim protection focus and the inclusion of a gender perspective b) ensure that the Council of Europe convention on trafficking in human beings includes provisions aiming at introducing the offence of trafficking in the criminal law of Council of Europe member States, harmonising the penalties applicable to trafficking and ensuring the effective establishment of jurisdiction over traffickers or alleged traffickers, particularly by facilitating extradition and the application of the principle *aut dedere aut judicare*³⁷ in all cases concerning trafficking.”

In September 2003, the Council of Europe started negotiations on the Convention on action against trafficking in human beings. The CAHTEH³⁸ held eight meetings, in September and December 2003; February, May, June/July, September/October and December 2004 and February 2005 to finalise the text. The text of the draft Convention was approved by the CAHTEH during its meeting in December 2004 and transmitted to the Committee of Ministers for submission to the Parliamentary Assembly for opinion. In January 2005 the Parliamentary Assembly gave its opinion on the draft convention (Opinion n° 253 (2005), 26 January 2005) and the CAHTEH considered that opinion at its 8th and final meeting in February 2005.

The added value provided by the Council of Europe Convention lies firstly in the affirmation that trafficking in human beings is a violation of human rights and violates human dignity and integrity, and that greater protection is therefore needed for all of its victims. Secondly, the Convention’s scope takes in all forms of trafficking (national, transnational, linked or not to organised crime, and for purposes of exploitation) in particular with a view to victim protection measures and international cooperation. Thirdly the Convention sets up monitoring machinery to ensure that Parties implement its provisions effectively. Lastly, the Convention mainstreams gender equality in its provisions.

³⁷ *Universal Crime, Jurisdiction and Duty: The Obligation of “Aut Dedere Aut Judicare” in International Law*, Colleen Enache-Brown and Ari Fried, McGill Law Journal, 1998

³⁸ Ad Hoc Committee on Action against Trafficking in Human Beings

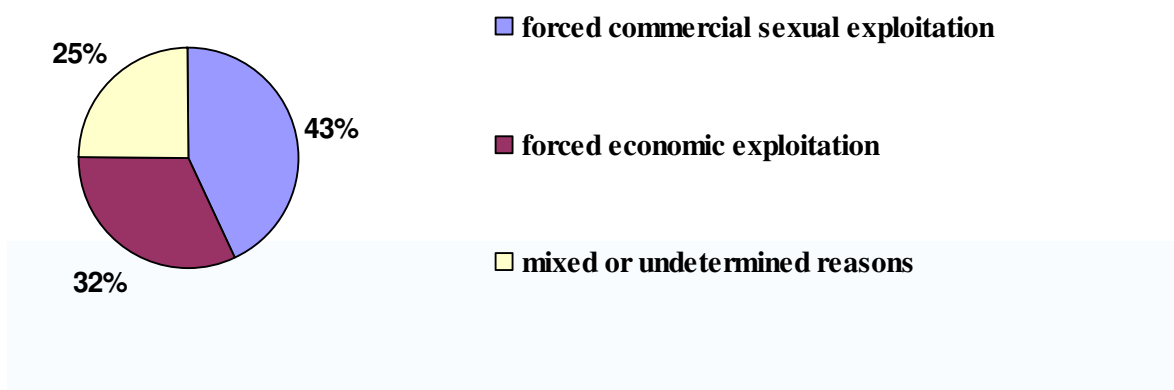


The Convention ³⁹contains a Preamble and ten chapters. Chapter I deals with its purposes and scope, the principle of non-discrimination and definitions; Chapter II deals with prevention, cooperation and other measures; Chapter III deals with measures to protect and promote the rights of victims, guaranteeing gender equality; Chapter IV deals with substantive criminal law; Chapter V deals with investigation, prosecution and procedural law; Chapter VI deals with international cooperation and cooperation with the civil society; Chapter VII sets out the monitoring mechanism; lastly Chapters VIII, IX and X deal with the relationship between the Convention and other international instruments, amendments to the Convention and final clauses.

DIAGRAMS – BACKGROUND STATISTICS

- 600,000-800,000 men, women and children trafficked across international borders each year
- 80% women and girls
- up to 50% are minors
- majority trafficked into commercial sexual exploitation

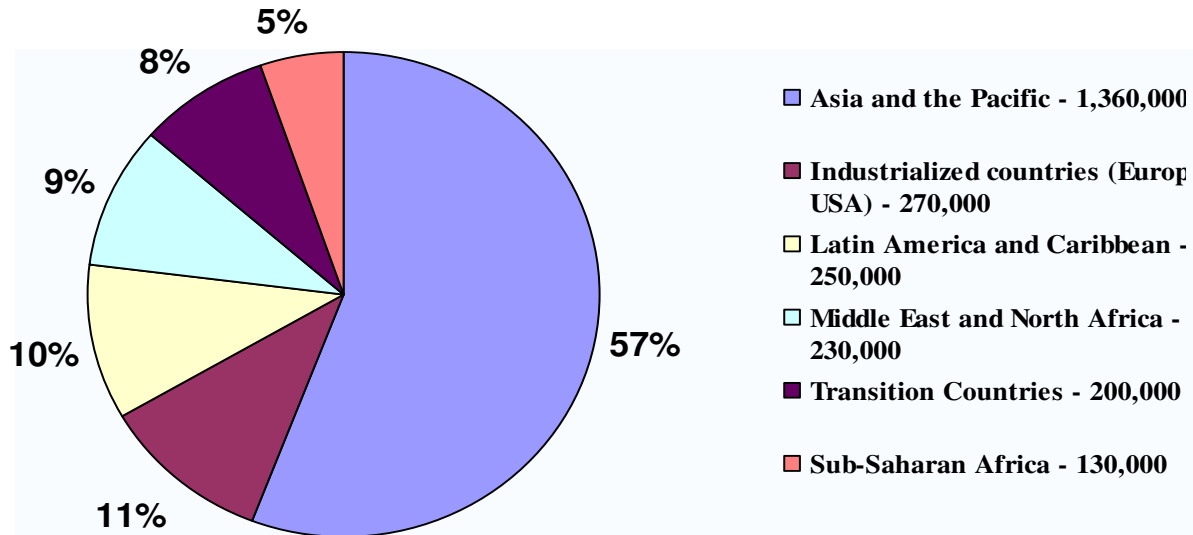
2.5 million men, women and children are victims of trafficking at any point in time



³⁹ See full text of the Convention at www.conventions.coe.int



Regional Distribution of Trafficked Forced Labourers⁴⁰



FORCED LABOUR BY SEX

Forced economic exploitation:

- Women and girls - 56%
- Men and boys - 44%

Forced commercial sexual exploitation :

- Women and girls - 98%
- Men and boys - 2%

FORCED LABOUR BY AGE

- Children - 40 to 50%

⁴⁰ International Labour Standards, Forced Labour, Cornell University, 2006



PROFITS FROM TRAFFICKED FORCED LABOUR⁴¹

Global – US\$ 31.6 billion

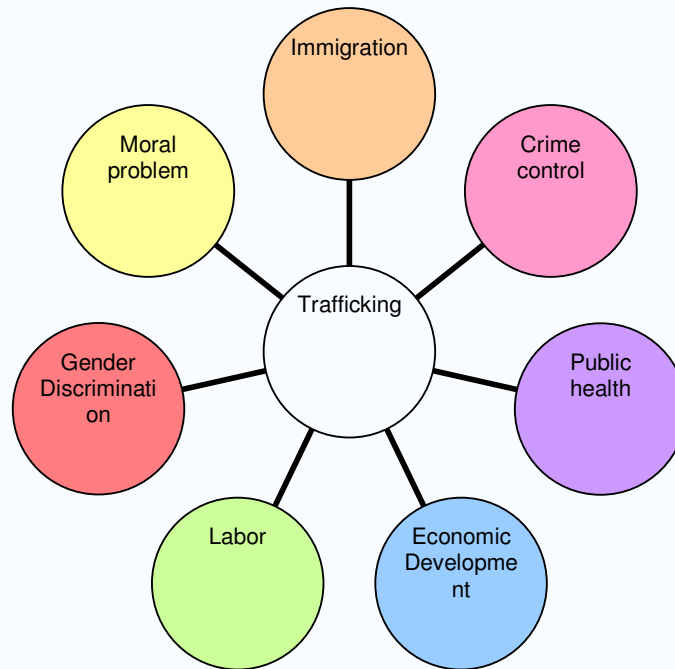
- Asia and the Pacific – US\$ 9.7 billion
- Industrialized countries (Europe, USA) – US\$ 15.5 billion
- Latin America and Caribbean – US\$ 1.3 billion
- Middle East and North Africa – US\$ 1.5 billion
- Transition Countries – US\$ 3.4 billion
- Sub Saharan Africa – US\$ 159 million

	Per forced labourer in commercial sexual exploitation (US\$)	Per forced labourer in other economic exploitation (US\$)	Total profits (million US\$)
Industrialized countries	67,200	30,154	15,513
Transition countries	23,500	2,353	3,422
Asia	10,000	412	9,704
Latin America	18,200	3,570	1,348
Sub-Saharan Africa	10,000	360	159
Middle East	45,000	2,340	1,508
World			31,654

⁴¹ International Labor Standards ,Forced Labor , Cornell University , 2006



Competing approaches to the problem of trafficking⁴²



As proven by the above analysis human trafficking is a multi-dimensional threat: it deprives people of their **human rights** and freedoms, it is a **global health risk**, and it fuels the growth of **organized crime**. Human trafficking has a devastating impact on individual victims, who often suffer physical and emotional abuse, rape, threats against self and family, passport theft, and even death. But the impact of human trafficking goes beyond individual victims; it undermines the safety and security of all nations it touches. As a result - in the context of providing actual help to the efforts of the international community - we should all be aware of the various aspects of the problem and take drastic action to diminish this largely – growing threat against human dignity .

⁴² The Role of International Law in Countering Human Trafficking ,Janie A. Chuang in the Webinar organised by ASIL , Washington DC , July 26, 2006 ,



RECOMMENDED RESOURCES

Supplementary to the above mentioned sources (which should be regarded as **primary**), are the following :

- Anti-Slavery International (Elaine Pearson), *Human Traffic, Human Rights: Redefining Victim Protection* (2002)
- Bridget Anderson & Julia O-Connell Davidson, *Is Trafficking in Human Beings Demand Drive?: A Multi-Country Pilot Study* (2003)
- Economic and Social Commission for Asia and the Pacific (Anne Gallagher), *Violence against and Trafficking in Women as Symptoms of Discrimination: The Potential of CEDAW as an Antidote* (2005)
- Anne Gallagher, *Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis*, 23 *Human Rights Quarterly* 975 (2001)
- International Law Association Committee on Feminism and International Law, *Women and Migration: Interim Report on Trafficking in Women* (2004)
- International Labour Office, *A Global Alliance Against Forced Labour: Global Report Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work* (2005)
- International Organization for Migration, *Data and Research on Human Trafficking: A Global Survey* (2005)

An overview of human trafficking cannot be achieved out of the auspices of the currently valid international legal system . Analytical study of the following legal texts should be regarded as **compulsory** :

- United Nations Convention Against Transnational Organized Crime, U.N. Doc. A/RES/55/25
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the U.N. Convention against Transnational Organized Crime, U.N. Doc. A/55/383
- Recommended Principles and Guidelines on Human Rights and Human Trafficking, U.N. Doc. E/2002/68/Add.1