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Trafficking in Persons

Centre for Women
UN- ESCWA
A quarterly ECW issuance aiming at raising the gender awareness and responsiveness through highlighting the gender dimensions in various fields.

What is trafficking in persons?

Trafficking in persons is a crime that could be best described as the modern form of slavery whereby people are transferred from one location to another for the purpose of sexual, economic, or other forms of exploitation and abuse. In fact, the United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children (adopted 2000/entered into force 2003), which is the first legally binding instrument with an agreed definition on trafficking in person; defines this crime as "...transportation, transfer, harbouring or receipt of trafficking 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."



Kay Chernush for the US State Department

Trafficking in persons is a complex, multi-faceted inter-regional crime that necessitates addressing its root causes from both the supply and demand sides. Trafficking in persons that involves coercion, abduction deception or fraud to transport people from one location to another for the purpose of sexual exploitation is driven by a constant illicit demand for sexual services. Although, it is important to analyze data related to the demand side and market context of these crimes such as price and identities of soliciting illegal institutions and individuals; yet research in the area of trafficking has mostly focused on the root causes of trafficking from the supply side which includes poverty, lack of employment opportunities, legal illiteracy...etc.

Recent reports have also focused on analyzing global trends in trafficking. In fact the United Nations Office on Drugs and Crime, which is one of the leading United Nations agencies dealing with trafficking in persons, recently published its global report on trafficking (February 2009). The report provides information mainly in three areas: 1) the different national legal and institutional frameworks that were developed to combat trafficking in member states after the entry into force of the United Nations Protocol to prevent suppress and punish trafficking in persons, especially women and children; 2) the application of laws, i.e. the number of convictions in member states; 3) the services offered by member states to the victims of trafficking revealing in certain cases the number and nationality of the victims detected in member states.

Special events in the ESCWA Centre for Women

- ▶ EGM for the Review of the Implementation of the Beijing Declaration and Platform for Action in the Arab Region-Beijing+15
- 4th Session of the Committee on Women "Promoting Arab Women's Economic Participation"

Highlights:

- 1- Trafficking in Persons in the ESCWA Region
- 2- Recommendations
 - A-Preventing Trafficking
 - B- Investigating and Prosecuting Traffickers
 - C- Assisting and Protecting Victims

¹ PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONALORGANIZED CRIME. Article 3.

Trafficking in Persons in the ESCWA Region

In the ESCWA region, most member states do not have in their legislation the specific offence of trafficking in person as defined by the UN Protocol; instead these states use other offences in their criminal codes such as child protection, anti-prostitution, and labor laws to criminalize forms of trafficking. Following the entry into force of the UN Protocol, some ESCWA member states such as Egypt, Oman, Qatar and the UAE have either established the special offence of trafficking or created special national action plans to combat this crime.

It is important to establish specifically the special offence of trafficking in line with the UN protocol because while applying other legislation might provide some recourse to justice for the victims; it does not however provide them with protection as stipulated by the UN instrument. One of the cornerstones of the UN protocol is to assist and protect trafficked persons and to ensure that their human rights are at the centre of all efforts. Protection of victims is mostly relevant in situations of sexual exploitation where sometimes the trafficked victim who has been coerced to render sexual services is detained and imprisoned in the same context as his/her traffickers.

The United Nations Office on Drugs and Crime (UNODC) estimates that 79 % of trafficking cases worldwide are related to sexual exploitation and 18% correspond to forced labor.² According to the UN agency other forms of exploitation are often under-reported and include forced or bonded labor, domestic servitude, forced marriage, organ removal, and the exploitation of children in begging. Globally, UN reports estimate that two thirds of identified victims are women and 13% are girls. Similar to other regions in the world, the ESCWA region also experience intra and inter-regional trafficking in person for sexual and economic exploitation. Although data about the scope and magnitude of that crime in the region are still scarce; we do know however that unlike other regions in the world where foreign offenders play an important role in trafficking; in the ESCWA region it is mostly nationals or locals who have been convicted or prosecuted in crimes related to trafficking. Furthermore, a shocking gender pattern emerges globally as well as in the region: while males represent the great majority of offenders for many crimes; females appear to play a prominent criminal role in trafficking in persons cases³.

2 Global report on Trafficking in Persons, UNODC, 2009, P6. 31bid

Women in sum constitute the majority of victims of trafficking and paradoxically also play an important role in the criminal activity itself. While their role as traffickers still needs to be analyzed; their victimization is clearly linked to their vulnerability and inferior status in society. The ESCWA region which is mainly a destination region for trafficking has detected victims of trafficking who were smuggled from different parts of the world such as Eastern Europe, Central Asia, South Asia, East Asia and Africa.

Furthermore, there are certain crimes that are particular to the region such as trafficking of young boys from India, Bangladesh, Pakistan and Sudan to be used as camel jockeys in some gulf states. Organ removal is also present in the ESCWA region, Egypt for example has convicted during 2005 and 2006 seven persons for removal of organs.⁴

Some ESCWA member states such as Bahrain, Egypt, Qatar and Sudan provide legal assistance, medical and psychological support, housing, shelter and temporary stay permits to victims of trafficking. Bahrain for example established in 2007 two residential facilities with a capacity of 120 beds to house female victims of trafficking. Furthermore, Sudanese boys who were identified as victims of trafficking in Qatar were sent back to their country and are being rehabilitated in Sudan by the Qatar charity association and the Sudanese Childhood Council⁵

UNODC estimates that 79 % of trafficking cases worldwide are related to sexual exploitation. Credit: UNICEF- UN News Centre



Child searching through rubbish in a river. Children are often forced to live lives of misery, having been lured away from their homes to work in urban centres Credit: ILO-UN News Centre

Since the adoption of the United Nations Protocol to prevent suppress and punish trafficking in persons, especially women and children, United Nations member states including ESCWA member states have doubled their efforts to combat trafficking in persons. In fact, according to UNODC, the protocol has prompted member states to enact special legislation on trafficking; and the number of countries having anti-trafficking legislation more than doubled from 2003 to 2008. Furthermore; many states have established since then special units police dedicated to combat trafficking in persons.

4 Global report on Trafficking in Persons, UNODC, 2009 $51 \mbox{bid}$

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Recommendations

Following an examination and analysis of the UN Protocol and based on the United Nations Office of the High Commissioner for Human Rights "Recommended Principles and Guidelines on Human Rights and Human Trafficking "member states are urged to undertake a three-fold approach in combating human trafficking that includes: 1) preventing trafficking; 2) investigating and prosecuting traffickers; 3) assisting and protecting trafficked persons. In this framework, they are urged to adopt the following recommendations:

A. Preventing trafficking

- Demand should be viewed as one of the root causes of trafficking;
- States and inter-governmental agencies must address factors that increase vulnerability to trafficking such as inequality, poverty, illiteracy, and all forms of discrimination;
- States should identify and eradicate public sector involvement or complicity in trafficking i.e. all public officials suspected of this crime should be investigated and punished if found guilty when trialed;
- States should develop national plans of actions with a holistic approach to end trafficking in persons;
- States should provide capacity building training to officials in order to sensitize them and raise awareness among them of this crime;
- States should ensure that cooperation among regional and international authorities is taking place due to the transnational and cross-border character of this crime:
- States should undertake studies and compile statistics in order to analyze the national manifestation of this crime and its magnitude in their territories.

B. Investigating and prosecuting traffickers

- Trafficking and its component acts and related conducts as defined by the UN protocol should be all established as criminal offences;
- Even government and non-state actors should be criminalized under national legislation in case they are found guilty of trafficking;
- States should ensure that trafficking is an extraditable offence; they should cooperate in the extradition of suspected criminals;
- States should ensure that traffickers are appropriately sanctioned; trafficking is a serious crime that necessitate the passing of heavy sentences sanctioning the criminals
- States are also urged to freeze and confiscate the assets of traffickers; such funds could be used to compensate the victims

C. Assisting and Protecting the Victims

- Trafficked persons should not be detained, charged or prosecuted because of immigration laws or due to the illegality of their entry into transit country or the country of destination; the illegal immigrant status should be viewed as a direct consequence of their situation as a trafficked person;
- States should protect the victims from further exploitation;
- States should provide victims of trafficking with legal assistance during legal proceeding against traffickers;
- States should provide victims with a safe shelter and free medical and psychological assistance;
- States should ensure the safe return of victims to their home countries, taking into consideration the right to non-refoulement;
- If the trafficked victim is a child, states should protect the victim taking into consideration his best interest as stipulated and defined by the Convention on the Rights of the Child (CRC). The best interest necessitate taking steps to locate family members and ensuring safe return to country of origin. If the return is not in the best interest of the child, then an adequate care arrangement should be provided to the child. In situations affecting the child, his views should be taken into account given due weight to age and maturity as stipulated by CRC.
- Trafficked victims have the right to access diplomatic/consular missions of their country of origin.

We're on the Web!

See us at:

www.escwa.un.org

About Our Organization...

The ESCWA Centre for Women was established on October 1, 2003, following the Commission's adoption of Resolution 240(XXII). This resolution, recognizing that a fundamental part of development is the empowerment of women, called for the creation of a Committee on Women comprising the member countries, and for the establishment of a women's Centre at ESCWA. The Centre continues and expands on the work carried out by the Women Empowerment and Gender Mainstreaming Team, formerly a part of the Social Development Division at ESCWA.

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