

**You Forum:** Commission on Crime Prevention and Criminal Justice

**Issue #01-02 :** Measures to address increasing crisis of human trafficking

**Student Officer:** Luca Miolli

**Position:** Chair of CCPCJ

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## Introduction

Anually, 600,000 people are victims of human trafficking and smuggled through international borders. The United Nations Convention against Transnational Organized Crime (UNTOC) officially defined human trafficking in the Protocol to Prevent, Suppress and Punish Trafficking in Persons. Article 3, paragraph (a) defines human trafficking as “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.

Based on the definition given in the Trafficking in Persons Protocol, there are three constituent elements: The Act, The Means, and The Purpose. The Act is what is being done, it can be considered the recruitment, harbouring or transportation of a human. The Means is how the act is done, which includes threat or use of force, coercion, abduction, fraud, deception, abuse of power

or vulnerability, giving payments of benefits to a person in control of the victim. The Purpose is the reason of why it is done. Purposes of human trafficking include exploitation, which includes sexual exploitation, forced labour, slavery and the removal of organs.

The United Nations Office on Drugs and Crime 2014 Global Report on Trafficking in Persons explains that human trafficking affects every country in all regions of the world. Between 2010 and 2012, 152 different citizenships were identified in victims that were trafficked from 124 different countries. UNODC has identified at least 510 trafficking flows, routes in which abductors take victims across national borders. Although those are only the reported amount of trafficking flows, there are expected to be a lot more due to the possibility of there being other flows that the report could not discover. Convicted traffickers prove that 64% of them are of the same nationality as the country they operate in. Foreigners from countries in the same region were estimated at 22%, and 14% were foreigners from other regions. Human trafficking is most frequent during times of armed conflicts, due to the high demand of emigration. This is when a population is most vulnerable due to poverty, oppression, and a low standard of living, all of which cause a need to move, often through illegal means. A current example is Venezuela; in its state of poverty, oppression and low standards of living are increasing and spreading throughout the country, thus causing a significant increase in human trafficking in Venezuela.

Human trafficking is often mistaken with migrant smuggling. They are both distinct crimes with three main differences: consent, exploitation, and transnationality. The smuggling of migrants involves migrants who consent to be smuggled. On the contrary, trafficked victims have not consented, or if initially consented they are often taken and used in ways which they were not initially aware of. When smuggled migrants reach their destination they are free, meanwhile trafficking victims arrive at their destination and are exploited. The

final difference is that smuggling is always translational, while trafficking can also be national.

This issue remains an increasing problem internationally as it is challenging to cease and prevent. Different measures must be undertaken to be able to cease human trafficking, as every case in every country is different. There are also different forms of human trafficking and many purposes, therefore each form must be addressed with different measures. Transnational human trafficking is often harder to address compared to national, this being due many nations being involved, and consequently several agencies being involved. Thus, The UNODC was adopted by the General Assembly resolution dated 15th of November 2000. It is the main international instrument to combat transnational organized crime. The protocol established three lines of action: to prevent and combat trafficking persons, protect and assist victims of human trafficking respecting their human rights at all times, and promote international cooperation among States Parties and other stakeholders to achieve their objectives. Although many countries have signed this protocol and have passed legislation to be able to combat trafficking in persons, the issue remains the same.

## **Definition of Key Terms**

### **Exploitation**

The act of treating someone unfairly in order to benefit from their work. People who are victims of human trafficking are often exploited, whether for sexual purposes or labour. Victims, including children, are many times treated as slaves or paid almost nothing for their work

### **Trafficking**

The commercial exchange of goods. In the case of human trafficking, it is the commercial exchange of humans for monetary value, forced labour, or sexual exploitation. Human trafficking organizations use trafficking flows to be able to transport people into different nations across borders, or even sell them in the victims country of origin.

### **Slavery**

The state or condition whereby one person has absolute power over another and controls his or her life, liberty, and fortune. Victims of human trafficking are often considered slaves as their captors have absolute power of them.

### **Forced Labour**

People are forced to work through the use of violence or intimidation, accumulated debt, retention of identity papers or threats of denunciation to immigration authorities. People sold into forced labour through human trafficking are easily coerced due to poverty and in need of money to be able to survive. Also, people are forced into labour when their lives are threatened if they do not work.

### **Prostitution**

The practice or occupation of engaging in sexual activity with someone for payment. A large part of female victims of human trafficking are sold into prostitution as a form of forced labour. This also includes underage females. Male victims can also be forced into prostitution. The majority of the time, prostitutes are being forced into this labour due to poverty or risk of death.

### **Black Market**

The illegal selling or buying of goods. Since human trafficking and slavery is illegal in the world, when perpetrators sell their victims they must use the black market. The black market is not a physical location, it is just referred to the black

market if something illegal is being sold. With the development of the dark web, the black market greatly takes place online due to anonymity.

## **Kidnapping**

Take someone away illegally by force. In the case of human trafficking, most victims are kidnapped. However, sometimes victims willfully accept into being trafficked when promised a better life for themselves or relatives. When kidnapped, they are taken without their consent and force is used.

## **General Overview**

Human trafficking has become an issue worldwide with almost every country facing cases of men, women, and children being exploited into one or many divisions of human trafficking. Many countries have begun to deal with the aftermath of human trafficking, the larger issue lies with the prevention of human trafficking.. Due to the fact that trafficking flows go across international borders, they cross many jurisdictions making it increasingly difficult to prosecute perpetrators. The current countries with the highest rates of trafficking in persons are Cuba, Iran, North Korea and Algeria. The countries with the most rapid increase in human trafficking rates are Vietnam, Thailand, Russia and China.

## **Organ Trade**

Organ trafficking is often the lesser discussed form of human trafficking among people due to its intricate and often discrete nature. Organ traffickers operate in the black market, illegally harvesting organs and illegally selling them to the highest bidders. These illegal transactions leave donors and recipients open to severe exploitation and possible health risks often leading to death. Oftentimes, donors come from vulnerable populations, due to poverty or oppression, making them easy targets for exploitation by organ traffickers.

Recipients are usually people who are at a great health risk and are in need of a transplant and do not have the time to wait for the legal process of acquiring one to take place; thus, they turn to the black market. Facilitating the process of legal organ transplants could in turn lower the demand for black market organs, therefore decreasing the profitability of the illicit industry. In every country in the world organ trade is illegal, except for Iran. In Iran for organ selling to be legal both sellers and buyers of the transaction must be citizens of Iran. This legal organ trade has helped people in dire need of organs obtain them by speeding up the process of getting the organ, although it has also made it so people who illegally obtain organs are able to sell them for a profit legally. According to GFI, the illegal organ trade generates approximately in between \$840 million to \$1.7 billion annually.

### **Sex Trafficking**

Sex trafficking is defined as human trafficking for the purpose of sexual exploitation, including sexual slavery. A victim is forced, in a variety of ways, to provide sexual services to customers. Sex traffickers could potentially use threats, manipulation, lies, debt, and other forms of coercion to compel both adults and children to engage in commercial sex acts against their will. The U.S law states that "any minor under the age of 18 induced into commercial sex is a victim of sex trafficking". Sex trafficking occurs mostly in countries with high poverty and unemployment rates. This is due to the fact that when people are in financial need, they generally turn to illicit methods to earn money. Families living in poverty often sell their family members into sex trafficking for monetary value, or place them into prostitution themselves. Other victims are lured into sex trafficking with false promises of a better life or a better job.

Victims may be involved in trafficking situations for any period of time. Sex traffickers often target vulnerable populations as this facilitates the coercion, thus again facilitating sex trafficking in developing countries. Sex trafficking

occurs in a range of venues: fake massage business, escort services, brothels, motels, and the dark web. From 2007 to 2017 The National Human Trafficking Hotline received a total of 34,700 sex trafficking cases inside the United States. However, the total number is expected to be significantly larger as this only includes reported cases. The International Labour Organization estimates that there are close to 5 million people currently trapped in forced sexual exploitation worldwide.

## **Modern Slavery**

Slavery is still present currently; it did not end with the abolition in the 19th century. Instead, it has changed its forms and continues to harm people all around the world. Modern slavery could take place as prostitution, forced labour, child labour or child marriage. In all of these forms of modern slavery, the victims no longer have control over their life and lose free will. The UN estimated there are 40.3 million people victims of modern slavery. 10 million child slaves, 24.9 million people in forced labour, 15.4 million people in forced marriage and 4.8 million people in forced sexual exploitation. A person is considered a victim of slavery if they are forced to work, owned or controlled by an employer, dehumanised, physically constrained or have restrictions placed on their freedom of movement. Victims could have been placed in slavery through coercion, threats, or abuse. Like most divisions of human trafficking, modern slavery also occurs mostly in developing countries. Although, not always are the exploiters criminals or human traffickers. ILO estimates that 4.1 million people currently in slavery are being exploited by governments around the world. Also, \$150 billion are generated from forced labour in the private economy.

## **The Dark Web**

The Dark Web is a portion of the Deep Web used by people who are intentionally trying to be anonymous. Anonymity is achieved in the Dark Web by

using special software that allows users and websites to communicate without exposing their Internet Protocol (IP) addresses. IP addresses can be used to identify you and locate you. There are different software that allow individuals to access and communicate in the Dark Web such as using virtual tunnels instead of direct connections, like how a virtual private network (VPN) operates. The Deep Web is not a bad technology meant for illegal activity, but studies have shown that as much as 57% of all Deep Web content involves illegal activity. The Dark Web is where human trafficking occurs online. It has made human trafficking easier to propagate and conceal, especially due to the anonymous nature of the technology. Internet advertisements are used to entice potential victims and solicit those victims for sex trafficking. Illicit forums exist in the Dark Web where sex trafficking and services are being discussed. Because sites are not indexed in the Dark Web it is very difficult for law enforcement to be able to identify illegal behaviour.

Every country in the world is virtually affected by human trafficking. Humans being sold and exploited into different divisions of human trafficking. Human trafficking at its current state is increasingly difficult to eradicate and prevent. Human trafficking, when transnational, imposes a challenge on authorities to be able to prosecute traffickers.. This being caused by poverty, armed conflict, and a low standard of living. This facilitates human trafficking and increases the difficulty to prevent it. Other countries rates of human trafficking are increasing such as, Russia, China, Thailand and Vietnam. It is estimated that there are a total of 21 million people are currently being trafficked around the globe. Due to a high consumer state in which the world is at, the demand for cheap labour is at an all time high. In countries with high rates of poverty traffickers are able to manipulate people into forced labour or sexual exploitation. Victims can be easily coerced as victims in developing countries are often uneducated and living in poor conditions.



## Legal Penalty

Countries worldwide have different legal punishments for perpetrators, especially regarding severity. The US law legal penalty for trafficking in persons is up to 15-years of prison and a fine of up to 1,500,000 USD. Money from the fine will go to victim services and law enforcement. Furthermore, convicted criminals become registered sex offenders. They must provide information on their internet use for human trafficking. Argentina has a similar law, corporations cannot be condemned for human trafficking, only specific people. This means that if a corporation is exposed for forced labour, they are not legally punishable, only the person who is forcing victims. India's legal punishment for being convicted of human trafficking is up to life imprisonment. UN studies have found that countries with more harsh punishments for human trafficking have a lower human trafficking percentage than more lenient countries. Many countries do not agree with capital punishment while others do. Common ground must be found internationally as it is mostly an international crime.

## Major Parties Involved and Their Views

### United States

In the United States, human trafficking occurs most frequently in states which have a border with Mexico, and those that have a large amount of immigrants. Currently, the states with the highest rates of human trafficking are, Texas, California and Florida. The Justice Department estimates that there are around 18,000 people trafficked into the country yearly. Only 9,000 cases were reported in 2017, a 13% increase from the previous year. Under US legislation, it's illegal and considered a crime to force people to work through the use of coercion, fear, and accumulated debt. In 2018, The Stop Enabling Sex Traffickers Act law was signed. This act was passed to be able to shut down websites that facilitate

human trafficking and well as having the ability to prosecute users and owners of the website. This task is increasingly hard as most of these websites are in the deep web, which is based on anonymity. The US law states that any person convicted for trafficking in persons is liable to up to 15 years in prison, and must pay a fine of up to 1,500,000 USD.

### **North Korea**

In North Korea, the most common form of trafficking involves women and girls forced into marriage or prostitution in China. They are often trafficked to China seeking goods, work, freedom and better life prospects. Trafficking flows in North Korea are often along the border with China. With the high poverty rate in North Korea, family members often sell their family members to traffickers in exchange of monetary value.

### **Syria**

Currently, Syria is a destination and a transit country for women and children trafficked for commercial sexual exploitation and forced labour. Due to the high armed conflict in Syria, there are a high amount of Iraqi refugees staying in communities. These refugees are vulnerable and often coerced into sexual exploitation and forced labour by Iraqi gangs. Similarly, other immigrants from countries such as Russia, Belarus and Ukraine are taken into forced sexual labour. When coercing immigrants into forced labour, traffickers often withhold their passports to establish power. Other trafficked immigrants are forced into being domestic workers, although they work for little to no wage and are often physically and sexually abused. Syria currently is a main transit point for women and children to be trafficked to other countries such as United Arab Emirates, Lebanon and Kuwait.

### **Venezuela**

Venezuela's current political and economic problems facilitate and contribute

to human trafficking. Women and girls from Venezuela originating from poor regions of the country are coerced into sexual exploitation being taken to the more urban regions. Child prostitution in highly touristic regions of the country has been increasing in the past years. Places like Margarita Island have a high child sex activities for tourism.

## **Belarus**

Belarus is a country of source, transit, and destination country for human trafficking. Belarus is notorious for sexual exploitation, specifically prostitution. The majority of victims trafficked into Belarus originated from Russia, Germany and Poland. Women from low-income families are subjected to sexual exploitation, mainly in Minsk. Victims are coerced into forced begging and labour, specifically in the construction industry. The demographic most at risk for abduction and trafficking are females between the ages of 16 and 30. The exact statistics of human trafficking inside of Belarus are extremely hard to obtain, due to the level of secrecy the country maintains.

## **United Kingdom**

The United Kingdom is a destination for victims of human trafficking from Africa, Asia, and Eastern Europe. It is also believed that victims who originated from inside the UK are trafficked inside the nation. A large part of victims entering the UK are migrant workers trafficked for forced labour in agriculture, construction and domestic servitude. The majority of victims trafficked into the UK originate from the United Arab Emirates, Malaysia, Thailand, China, Russia, and Ghana. UK law states that a person found guilty of trafficking in persons could face up to life imprisonment.

## **Brazil**

Brazil, as reported, is a source, transit and destination to people subjected to human trafficking. According to Refworlds report on Brazil most victims are

originally from Brazil. Brazilian women and children are exploited in sex trafficking within the country. Brazilian women can also be subjected to sex trafficking abroad, mainly in Western Europe and China. Brazil, being the biggest 'hub' for trafficking in South America, has a range of nationalities regarding victims. The nationality with the largest amount of sex trafficking victims in Brazil is currently Paraguay. The penalty for being convicted of human trafficking or sex trafficking in Brazil is 4 to 8 years in prison. Any crimes committed by victims of human trafficking committed are prosecuted even if they were committed under coercion.

## Timeline of Events

<b>Date</b>	<b>Description of event</b>
1562	The British joined the European slave trading in Africa.
1400-1600	European Slave Trading in Africa
1641	Massachusetts became the first British colony to legalize slavery.
1803	Denmark and Norway banned the African Slave trade
1807	Thomas Jefferson signed the act of Prohibiting Importation of Slaves into law
1904	The International Agreement for the Suppression of "White slave

traffic" was signed and put into action.

1927

The United Nation passes the Suppression of the traffic of persons and the exploitation of the prostitution of others.

1949

India Initiated the Immoral Traffic Prevention Act which prosecuted third parties involved in trafficking.

1956

The United Nations held the fourth World Conference to address the issue of trafficking women. During this meeting trafficking was recognized as an act of violence against women.

1995

A large human trafficking ring was defeated in Taipei, Taiwan. It involved several women being smuggled into the United States with fake passports that later allowed them to obtain visas.

2009

President Barack Obama declared January to be Human Trafficking Awareness month and January 11 to be National Human Trafficking Awareness Day.

2011

2013

UNODC launches migrant smuggling data sharing system for state authorities.

2014

UNODC marks first human trafficking day with call for countries to step up fight against this crime. Annotated bibliography database on migrant smuggling in Asia is launched.

2016

Trafficking in Persons Expert Group Meeting share information and

data about human trafficking according to each country.

2017

Colombia, Nepal and Brazil join global initiative on human trafficking and migrant smuggling. UNODC launches global database of migrant smuggling cases.

### **UN involvement, Relevant Resolutions, Treaties and Events**

On May 26 of 2017 the United Nations Office on Drugs and Crime (UNODC) launched a global database of migrant smuggling cases. Ever since the adaptation of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, the prosecution of migrants remains poor to an international level. This adds uncertainty on how practitioners should use domestic laws to deal with migrant smuggling. To counteract this, UNODC has launched the Smuggling of Migrants Knowledge Portal, hoping to be able to educate and improve the way migrant smuggling is dealt with by national authorities.

On February 27 of 2017, Colombia, Nepal and Brazil joined the global initiative on human trafficking and migrant smuggling. To be able to improve the effectiveness of their response to trafficking in persons and the smuggling of migrants, Colombia's government and the UNODC launched the Global Action to Prevent and Address Trafficking in Persons and Smuggling of migrants in South America. This program plans to provide assistance and protection for victims and vulnerable people from those crimes as well as establish a plan to prevent, investigate and prosecute traffickers and smugglers.

The creation of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) is a policy forum run by the UN General Assembly to improve the communication between UN agencies and International organizations to prevent and combat human trafficking. This forum was established after the Economic and Social Council (ECOSOC) requested intergovernmental agencies

to counter trafficking in persons in 2006.

On March of 2007 The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was put in place by the UN Office on Drugs and Crime (UNODC) to counter human trafficking. It was created to work closely with organizations such as: the International Labour Organization (ILO), the International Organization for Migration (IOM), The UN Children's Fund, the Office of the High Commissioner for Human Rights (OHCHR) and the Organization for Security and Co-operation in Europe (OSCE). Currently, there are 167 countries participating in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children.

The UNODC founded a voluntary trust fund for victims of human trafficking providing victims with humanitarian, legal and financial help through the means of governmental and intergovernmental organizations.

## **Evaluation of Previous Attempts to Resolve the Issue**

As of today, there are different strategies that have been proposed or put in place for short periods of time, although there still has not been any long term solutions. Human trafficking usually occurs due to lack of laws and procedures to counteract the issue. Barack Obama declared January as Human Trafficking Awareness month in the aim to educate and raise awareness on the issue. Educating the public on the issue is certainly important, although when combating such a huge issue, in means of preventing it, it's not as effective. Government intervention varies when regarding human trafficking; certain countries are creating policies that work for their specific cultures, while others have no legislation to combat the issue. Transitional measures are also being undertaken. In 2003, the UN Protocol to Prevent, Suppress, and Punish Trafficking

in persons established a universal trafficking definition and set a gold standard for countries to prevent combat trafficking and assist victims. Additionally, U.S. Department of State's "Trafficking in Persons Report" offers suggestions for nations to comply with the minimum standards for the elimination of trafficking. Efforts to counteract trafficking in persons are challenging as there is not one measure to address the different variations of trafficking across the world. There are a variety of cultures, economies, and religions that make laws to complicated to implement, and corruption, cultural interpretations, and different systems of justice make them even more difficult to enforce.



## Possible Solutions

Countering the issue of human trafficking is challenging due to the fact that it originates from different problems, and countries. Human trafficking stems from issues like poverty, homelessness, increasing demand for cheap labour, natural disasters and armed conflict. These issues often force people to search for a better life, facilitating the coercion of victims which end up in human trafficking. The service industry has an increase demand for cheap labour, this industry is notorious for exploiting human trafficking. Additionally, there is also a demand for cheap labour in the domestic and agricultural industry. Victims of human trafficking are originally promised a steady flow of income and a safe environment. They are coerced, and end up into forced labour.

The World Economic Forum suggests that there are 3 key steps to countering human trafficking. All the steps are triggered by a global response. The key steps include, responding to social weaknesses that make victims of human trafficking vulnerable to exploitation, such as gender inequalities, underemployment, family conflicts, working with governments, the private sector and civil society to advocate for victims and effectively respond to human trafficking, taking into account accelerators of crime, such as illicit economy, sex tourism and gangs. If international measures are taken to follow the 3 steps to counteract human trafficking, a decrease in human trafficking could be achieved. Another big part of addressing human trafficking, is reintegrating victims to society. To be able to achieve this, governments must work together to bring victims to their origin country, and have programs to help victims be able to lead a normal life. Victims who were induced into human trafficking while at a young age are not educated and often don't know how to live independent from their captors, programs for these victims are vital.

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## Appendix

### I. International laws concerning human trafficking

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II. Information on nations who are currently on the Tier list

<https://www.state.gov/j/tip/rls/tiprpt/2018/282584.htm>

III. Introduction to organ harvesting

<https://bigthink.com/philip-perry/what-you-need-to-know-about-human-organ-trafficking>

IV. Statistics on human trafficking

<https://arkofhopeforchildren.org/child-trafficking/child-trafficking-statistics>