

# Trafficking in Persons

## What is Trafficking in Persons?

Trafficking in persons means:

- 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 includes, 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 consent of a victim of trafficking in persons to the intended exploitation is irrelevant under certain circumstances.

## Is Trafficking in Persons a violation of human rights?

Two of the major human rights treaties – the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women – contain explicit reference to prohibiting trafficking. Moreover, in the past decade it has been increasingly recognized, including by the United Nations General Assembly, the Human Rights Council and numerous international mechanisms, that trafficking violates and impairs fundamental human rights.

Many of the practices that are associated with trafficking are clearly prohibited under international human rights law. For example: human rights law forbids debt bondage. Many trafficked persons who enter into a debt with their exploiters (relating to, for example, placement or transportation fees) find themselves in a situation of debt bondage: the debt is used as a means of controlling and exploiting them. Human rights law also prohibits forced labour, defined by ILO Convention 29 as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered oneself voluntarily”. Slavery, servitude, child sexual exploitation, forced marriage, servile forms of marriage, child marriage, enforced prostitution and the exploitation of prostitution are human rights violations, which are frequently linked with trafficking.

***A human rights approach to trafficking requires an acknowledgement that trafficking is, first and foremost, a violation of human rights. ... [It] means that all those involved in anti-trafficking efforts should integrate human rights into their analysis of the problem and into their responses. This approach requires us to consider, at each and every stage, the impact that a law, policy, practice or measure may have on persons who have been trafficked and persons who are vulnerable to being trafficked. It means rejecting responses that compromise rights and freedoms.***

*Navi Pillay, United Nations High Commissioner for Human Rights. Foreword to the Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking*

## Did you know?

According to the International Labour Organization (ILO) 2012 Global estimates, **20.9 million** people are victims of forced labour (including sexual exploitation) globally. The breakdown is as follows:

- Women and girls (11.4 million)
- Men and boys (9.5 million)
- Adults, both male and female (15.4 Million)
- Children (5.5 million)
- Sexual exploitation (98% females, 21% children, and 79% adults)
- Labour exploitation (40% females, 60% males, and 27% children)

By region (per 1,000 inhabitants)

- Central & South Eastern Europe 4.2 million
- Africa 4.0 million
- Middle East 3.4 million
- Asia & the Pacific 3.3 million
- Latin America & the Caribbean 3.1 million
- Developed economies and EU 1.5 million

## What does a rights-based approach to addressing trafficking mean?

Generally, a human rights-based approach means grounding our response to trafficking in international law, including human rights standards, and directing the very same response towards promoting and protecting human rights.

First and foremost, a human rights approach to trafficking places the victim at the centre of any effective and credible action. In this way, a human rights approach ensures that trafficking is not reduced merely to a problem of population movements, public order or organized crime.

At a practical level, a human rights approach to trafficking requires us to analyse the ways in which human rights violations arise throughout the trafficking cycle. It also requires the identification of “duty bearers” obligations under international human rights law, and the “rights holders” entitlements. A human rights approach to trafficking seeks to both identify and redress the discriminatory practices and unjust distribution of power that underlie trafficking, which perpetuates impunity for traffickers, and denies justice to victims.

## Why is it important to apply a rights-based approach when addressing trafficking in persons?

While the link between human rights and human trafficking is clear, it does not necessarily follow that human rights will naturally be at the centre of responses to trafficking. For example, cross-border trafficking can be dealt with as an immigration issue, with human rights only being addressed as a side issue. It is also possible that States might address trafficking as a matter of crime or public order only, which leaves victims and potential victims vulnerable as a result of not being identified as such.

## The work of OHCHR

OHCHR is approaching the issue of combating trafficking through the application of a human rights-based approach. This approach has been explicitly conceptualized in the Recommended Principles and Guidelines on Human Rights and Human Trafficking. This text was presented to the United Nations Economic and Social Council as an addendum to the report of the High Commissioner (E/2002/68/Add.1).

- OHCHR is an active member of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT), established pursuant to the General Assembly Resolution 61/180 in 2007, aiming at enhancing cooperation and coordination to facilitate a holistic and comprehensive approach by the international community to the problem of trafficking in persons. ICAT has started to produce joint policy papers on selected topics, the first being on the “Intersection between international legal regimes to combat trafficking”. OHCHR is also an active member of the Alliance Coordination Group against Trafficking in Persons, chaired by Special Representative and Coordinator for Combating Trafficking in Human Beings at the Organization for Security and Cooperation in Europe (OSCE).
- OHCHR provides technical assistance and capacity development to member states and other stakeholders, focused on the application of the rights-based approach to addressing trafficking in persons.
- OHCHR has developed tools including a detailed Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking. In the pipeline is a Fact Sheet on Human Rights and Human Trafficking, and a “Training Manual for law enforcement officials”.

OHCHR also supports the mandate of the Special Rapporteur on trafficking in persons, especially women and children.

## Normative standards and further reading

- [The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children \(“Palermo Protocol”\)](#)
- [ILO Convention 29](#)
- [The Recommended Principles and Guidelines on Human Rights and Human Trafficking](#)
- [Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking](#)
- [The UN Global Plan of Action to Combat Trafficking in Persons](#)
- [Convention on the Elimination of all Forms of Discrimination Against Women](#)
- [Convention on the Rights of the Child](#)
- [ILO Global estimates on Forced Labour](#)
- [Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council](#)
- [ICAT Policy Paper](#)