



Human trafficking in the global context: Reviewing the situation and responses

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Abstract

In the twenty-first century, human trafficking is expected to continue to grow as a result of globalisation, economic and demographic inequality, the rise of illicit trade, and the increase in conflicts around the world. Both global and regional responses are required to stem the growth of this transnational problem. In this paper, the author examines the trafficking situation, root causes for the existence of human trafficking, international anti-trafficking legislation, as well as global responses to human trafficking.

Keywords: human trafficking, trafficking situation, causes, global responses

1. Introduction

The trafficking situation in the global context

There are various types of human trafficking that have been identified in different research and reports. The *Trafficking in Persons Report*, for example, uses a number of different terms, including sex trafficking, child sex trafficking, forced labour, bonded labour or debt bondage, involuntary domestic servitude, and forced child labour. Meanwhile, Bosco and colleagues (2009) [7] focus on forced labour, sexual exploitation, begging and involvement in criminal activities, organ removal, exploitation in Armed Forces and conflict, forced marriage and illicit adoption. Adepoju (2005) [1] identifies three main types of trafficking in Sub-Saharan Africa, namely: "trafficking in children primarily for farm labour and domestic work within and across countries"; "trafficking in women and young persons for sexual exploitation, mainly outside the region"; and "trafficking in women from outside the region for the sex industry of South Africa".

There is an agreement that sexual exploitation and forced labour comprise a large portion of the overall trafficking situation (Belser *et al.* 2005; Bosco *et al.* 2009) [4, 9]. The following literature examines the available-albeit limited-statistics on sexual exploitation and forced labour, which are the main types of human trafficking.

1.1 Sexual Exploitation

Trafficking for sexual exploitation or sex trafficking encompasses the range of activities-recruiting, harbouring, transporting, providing, or obtaining-involved when a person is "coerced, forced, or deceived into prostitution or maintained in prostitution". Despite a lack of empirical data on the scope of trafficking for sexual exploitation this subject is perhaps the most politically popular area of trafficking. Accordingly, most of the publications on human trafficking have focused on this form of trafficking, contributing to knowledge about legal frameworks, trafficking vulnerability factors, trafficking consequences, and recommendations to solve the problem (Andrees and van der Linden 2005; Gozdziaik 2015) [2, 11].

More trafficking victims of sexual exploitation than other types of victims were detected from 2007 to 2015 (UNODC

2016). In this period the proportion of detected victims who were trafficked for sexual exploitation accounted for 52.5 per cent to 61.9 per cent of the total number of victims. Victims of sex trafficking are found significantly more in European countries and Central Asia than in the other regions (UNODC 2016). Meanwhile, 98 per cent of all persons trafficked for sexual exploitation are women and girls (ILO 2008) [2]. Similarly, Bhavnani and Schneider (2015) [6] and Brysk (2009) [8] conclude that two-thirds of people trafficked internationally are women and a majority of those women are trafficked into the sex industry. Southeast Asia and South Asian countries were the most prolific sources of women for the sex trade (ILO 2008; UNODC 2016). Nearly 50 per cent of sex trafficking victims came from developing countries in those regions. The remaining victims came from the former Soviet republics, Latin America, and the Caribbean, Eastern Europe, and Africa (Farr 2005) [10].

1.2 Forced Labour

According to the ILO *Forced Labour Convention* 1930, forced labour is defined in Article 2 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 himself voluntarily" [1]. Meanwhile, the *Trafficking in Persons Report* use the term "forced labour" (sometimes also referred to as labour trafficking), noting that it "encompasses a range of activities-recruiting, harbouring, transporting, providing, or obtaining-involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work". Moreover, the ILO also developed a list of six elements, suggesting that forced labour situations usually have two or more these indicators. These indicators are the threat and application of "physical or sexual violence"; "restriction of movement and confinement" to the workplace or to a limited area;

¹ "Forced Labour Convention 1930"—the full title of which is the "Convention Concerning Forced or Compulsory Labour, 1930 (No.29)". The Convention was adopted in Geneva on 28 June 1930 and came into force on 1 May 1932.

“withholding of wages or excessive wage reductions”, that violate previously-made agreements; “retention of passports and identity documents” (the workers can neither leave nor prove their identity and status); and “threat of denunciation to the authorities” where the worker is of an illegal status (ILO 2005) ^[2].

There is an agreement that forced labour includes a wide range of exploitation problems in destination countries (Anh 2008; David 2010; Kask and Markina 2014) ^[3]. Anh (2008) ^[3] find that trafficking victims have to work in poor working conditions and experience ill-treatment by employers. Kask and Markina (2014) identify a list of exploitation conditions that are close to the guidance of the ILO (2005) ^[2]. They include “no work in the destination country”, “actual work differs from the promised one”, “no written contract or double contract system”, “sub-standard housing conditions”, “threats”, “physical violence”, “sub-standard wages, delayed wages or no wages”, “long working hours”, and/or “retention of passport” (Kask and Markina 2014).

As the UNODC 2016 report notes, the proportion of detected victims who are trafficked for forced labour have doubled in the past few years, from 18 per cent of all detected victims of trafficking in persons in 2006 to 36 per cent in 2010. In Africa, the Middle East, South Asia, and East Asia more victims of forced labour were detected than trafficked persons of sexual exploitation during the period from 2007 to 2010. The report also investigates that more women and girls (55 per cent) than men are victims of forced labour, while 74 per cent of victims are adults compared with children. Additionally, Central Europe, South-Eastern Europe, and the Commonwealth of Independent States present the highest number of victims per thousand inhabitants (4.2), while the number in developed economies and the European Union is only 1.5. It is estimated that Africa, the Middle East, Asia-Pacific, Latin America, and the Caribbean regions have 4.0, 3.4, 3.3, and 3.1 victims per 1,000 inhabitants respectively (UNODC 2016).

However, compared to trafficking for sexual exploitation, forced labour has received relatively little attention and victim identification has also been less successful. Trafficked males have also not been successfully recognised as forced labour victims in many countries (Kask and Markina 2014; Kangaspunta 2007) ^[15]. In addition, Andrees and van der Linden (2005) ^[2] investigate that the time which victims spend in forced labour is also grossly underestimated. The first reason for the relative invisibility of forced labour and its victims is that trafficking legislation in many countries is limited only to sexual exploitation (Kask and Markina 2014; Kangaspunta 2007) ^[15]. In those cases, statistics or reports do not include forced labour cases, which “are not classified as human trafficking crimes” (Kangaspunta 2007) ^[15]. Moreover, the number of male victims trafficked for forced labour is “under-estimated” because many victim support organisations provide “services only for women and child victims” (Kangaspunta 2007) ^[15]. Another reason is “social desirability issues”, where victims are reluctant to share their experiences of sensitive issues. Therefore, identifying cases of forced labour is challenging (Andrees and van der Linden 2005) ^[2].

2. Root causes for the existence of human trafficking

There is a wide-ranging agreement about causes of human trafficking. For example, sexual exploitation is caused by

range of factors including inequality between men and women, poverty, lack of education, lack of awareness of trafficking (Bernat and Winkeller 2010) ^[5]. Others include globalization, lack of employment opportunities, economic imbalances and conflicts among regions, decline of border controls, globalized corruption, rural to urban migration (Shelley, 2010). Some trafficked persons may be more appropriately described as economic migrants seeking a better life through sex work (Pickering *et al.* 2006) ^[17]. However, the majority of trafficked persons seek ways to work as nannies, restaurant workers, or entertainers in the more prosperous areas; they do not know that they are being trafficked for prostitution and that they will work under enslaved conditions (Farr 2005) ^[10]. Farr (2005) ^[10] also argues that trafficked women tend to have high debts (normally from USD 24,000 to USD 40,000) and sometimes have accumulated debts as high as USD 300,000. They also have to pay for unexpected and inflated charges for living expenses or other charges, such as fines, medical costs, and passport buybacks. Additionally, they have to live and work in inhuman living conditions, including space restrictions, long working hours, social isolation, violence, and the threat of violence (Huda 2006; Maternick and Ditmore 2015) ^[12, 16].

In some particular countries, take Vietnam for example, many people who are trafficked - especially women - originally come from rural areas where poverty is experienced more severely than in urban areas (Derks 1998). The economic reform in Vietnam - known as Doi Moi- starting in the late 1980s has opened up the country for the global market. In some ways, it has benefited national economic development as well as many people in the country, but in other ways, inequality still occurs between the rich and the poor and between urban and rural areas (Derks 1998). The declining role of agriculture in rural economy also has pressured many families to try to find a strategy to improve their economic situation by sending family member(s) to earn money elsewhere, and beyond agriculture. Particularly, rural women are severely affected by poverty and when they search for work out of rural areas they mostly get involved in simple, non-skilled and low wage work in the cities. The demands from factories, domestic work, and sex industry also continuously push female out-migration from rural areas (Rushing and Watts 2005) ^[19].

3. International Anti-trafficking Legislation

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime presents one of the most recent steps towards a global consensus on the definition of trafficking. ‘Trafficking in persons’, as set out in Article 3(a) of the *Trafficking Protocol*, means:

[T]he 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[.]

Accordingly, the trafficking definition is comprised of three basic interlinked elements, namely: the ‘action’, including ‘the recruitment, transportation, transfer, harbouring or receipt of a person’; the ‘means’ by which the action has been secured, including ‘threat or use of force or other forms of coercion, of abduction, of fraud, of reception, 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’; and the ‘end purpose’, including, 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’.

While these three elements are all needed for an instance of trafficking in adults to be established, it should be noted that the *means* is not needed to be present in a situation of trafficking in children. In other words, where a child is subjected to any of the listed acts for the purpose of exploitation, the crime of trafficking in children will be made out regardless of the *means* used. In practical terms, this makes it easier to identify a case of child trafficking, and also easier to identify victims and prosecute traffickers in comparison with a case of trafficking in adults. However, the situation is not straightforward, even in a typical case of trafficking in persons, as most of the listed constituents of these broader elements remain undefined or ambiguously defined under the Protocol’s framework.

While earlier international treaties mainly focus on trafficking for the purposes of prostitution the *Trafficking Protocol 2000* includes the first comprehensive international definition of “trafficking in persons”. The definition represents a notable advancement, which includes a broader range of trafficking activities. It recognises other purposes of trafficking, including forced labour, slavery, servitude, and the removal of organs. Meanwhile, a comprehensive coverage of trafficking means is provided, including not only explicit means (force, coercion, abduction, deception, and so on) but also less explicit means (e.g. abuse of a victim’s vulnerability) (Emerton *et al.* 2007) ^[9]. Other advantages of the *Trafficking Protocol 2000* are that trafficked persons are viewed as victims, no longer as criminals; all victims, including domestically trafficked persons within their own countries, are protected and the exploitation is the key actionable element in the trafficking process (Raymond 2002) ^[18].

4. Global responses to human trafficking

Combating human trafficking has become a strong political commitment for many countries. The UNODC calls for the elimination of trafficking as a foreign policy priority, and for states worldwide to fight human trafficking wherever it exists. It has become evident that a rising number of nation states are now adopting important international conventions. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons has been signed by over 120 countries. By doing so, those countries have committed to taking strong actions to stop trafficking. In addition, the United Nations is active in assessing the efforts of regions and countries worldwide to counter human trafficking crime. With the trafficking report issued every 4 years, the United Nations reviews patterns and flows of human trafficking at a regional level as well as assesses efforts of individual countries worldwide and imposes sanctions on

those that do not fully comply with the minimum standards for the elimination of human trafficking set out in the Victims of Trafficking and Violence Protection Act of 2000. The United Nations report shows that there are still many countries in the world which make very little or no effort to counter human trafficking. Only around sixteen per cent of countries have achieved well in combating human trafficking. Interestingly, most of those countries are developed countries and are also destination countries for human trafficking, while most of the countries in the other tiers are developing countries and also source countries of trafficking. It has been documented that, in some African countries, human trafficking is yet to become an agenda item for the state as there is no institution or person in charge of human trafficking, and the crime is left to go on unregulated (UNODC & SADC 2017). Combating human trafficking, therefore, is an unequal and unfinished battle in different countries, and there is also a gross inequality globally in available resources and efforts put into countering the crime.

Actions to combat human trafficking are various; however, states world-wide have failed to adequately address the issue of human trafficking. Many states have adopted new laws or amended existing legislation to define the crime in line with the new widely accepted definition of trafficking in persons, to establish mechanisms to implement the new laws, and to establish bilateral or regional agreements to counter trafficking. Some source countries have put considerable effort into building the political will and capacity to better combat this crime; others have focused on dealing with its push and pull factors. Taking sex trafficking as an example, the methods used to combat it are diverse. Countries like Sweden, the Philippines, UK, Indonesia have chosen to pursue indirect actions against male buyers of sex or to challenge and change their attitudes and practices regarding female prostitution. Countries such as the Netherlands, Germany, New Zealand, and Bangladesh have legalized and/or decriminalise prostitution as a way to advance the position of individuals working as prostitutes, to protect prostitutes from commercial exploitation, and to regulate the sex industry (Abel, Fitzgerald, & Brunton, 2007). Other countries keep prostitution restricted and regulated via state policies (such as India and South Australia), while many others (Cambodia, Laos, etc.), including Vietnam, totally criminalize prostitution. However, in general, legislation and policy initiatives for combating human trafficking remain poorly developed, even in developed and industrialized countries.

5. References

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