

POSITION PAPER on TRAFFICKING IN PERSONS

DEFINITIONS

Article 3, paragraph (a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (also known as the Trafficking Protocol, one of three Palermo Protocols) was adopted as part of the Convention against Transnational Organized Crime. It uses the term “Trafficking in Persons” while the Council of Europe Convention on action against trafficking in human beings, CETs 197, which was adopted in 2005, uses the term “Trafficking in Human Beings.” For the purposes of this paper, we will use the UN language, but please note that the issue is the same.

Trafficking in Persons is defined as 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, 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Migrant smuggling, according to the United Nations Office on Drugs and Crime (UNODC), is a crime involving the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident.

BACKGROUND

Almost every country in the world is affected by trafficking in persons and migrant smuggling, either as a country of origin, transit or destination for victims, depending on diverse economic, cultural and historical factors including, but not limited to, gender discrimination, poverty and lack of education.

Trafficking in persons is a lucrative business. Such traffickers often present an opportunity to transport someone into a country but then force the person into an exploitative situation. Regardless of the different trafficking operations, traffickers have one key element in common: the business around the exploitation of victims. The vast majority of trafficking is aimed at obtaining economic benefit from the labor and services extorted from victims.

The differences between migrant smuggling and trafficking in persons can be subtle, often overlapping. However, there are four main differences between trafficking in persons and migrant smuggling:

Consent: Migrant smuggling, while often dangerous and degrading, involves consent. Trafficking victims have either never consented or initially consented but that consent is rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.

Exploitation: Migrant smuggling ends with the migrants' arrival at their destination; trafficking involves ongoing exploitation.

Transnationality: Smuggling is always transnational; trafficking can occur within or across borders.

Source of profits: In smuggling cases, profits are derived from the transportation or facilitation of the illegal entry or stay of a person in another country; trafficking profits are derived from exploitation.

According to the 2014 Global Report on Trafficking in Persons, released by the UNODC:

- From 2010 to 2012, victims from 152 countries were found in 124 countries.
- 49 percent of detected victims of trafficking in persons are adult women; 21 percent are girls under the age of 18.
- 79 percent of female victims are exploited for sexual purposes, 14 percent for forced labor.
- The trafficking of girls under the age of 18 is increasing.

More than 90 percent of countries now have legislation criminalizing trafficking in persons; however, the laws are not properly implemented or enforced, resulting in very few convictions. Although many countries have passed new or updated legislation since the entry into force of the United Nations Protocol against Trafficking in Persons in 2003, there has been no discernible increase in the global criminal justice response to this crime during the last 12 years. Without robust criminal justice responses, human trafficking remains a low-risk, high-profit activity.

POSITION STATEMENT

Zonta International is an organization empowering women at the global and local levels, and promoting justice and universal respect for human rights and fundamental freedoms.

In 2002, the Zonta International Convention adopted a Resolution on Trafficking to support the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Protocol came into force 25 December 2003; and, in 2007, Zonta International published its first Position Paper on Trafficking of Women and Girls.

Today, trafficking in persons is a serious problem for the global community. Therefore, Zonta International reinforces its position regarding trafficking in persons and calls on all governments to:

- Adopt and adhere to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (also known as the Trafficking Protocol, one of three Palermo Protocols) and to the Council of Europe Convention on action against trafficking in human beings, CETs 197.

- Bring national legislation in line with the Protocol and the Convention. No crime should be committed with impunity.
- Implement adequate and consistently applied criminal justice responses that result in the identification and protection of victims and in the prosecution and conviction of traffickers and smugglers.
- Monitor and involve like-minded NGOs and civil society actors in monitoring both efforts and results to effectively implement the relevant resolutions and protocols.
- Train police and criminal justice personnel on the proper procedures to guarantee the safety of victims, protect their privacy and make it safe for them to testify.

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