



case study 1

Sonia began working as a prostitute in a Latin American country when she was evicted from home at the age of 14.

Although she tried to get other jobs, this proved difficult, and she always returned to prostitution. When she was 17, a taxi driver invited her to go to Europe. With her looks, he said, she could probably work as a model and make a fortune. He would take care of all the arrangements. Sonia was very tempted but still afraid. After a while she accepted his offer. It took him a month to arrange everything for her. Three other girls went with her. When they got to Europe, another taxi driver took their passports and said they needed to trust him since the city was very dangerous. They had to work everyday from 6 p.m. to 6 a.m. as prostitutes and were told that they would not get their passports back before the house manager was paid back for the travel arrangements. Sonia says she expected prostitution but had never imagined she would be a prisoner, threatened day and night.

- **The fact that the victim knew in advance that she was going to engage in prostitution does not mitigate the criminality of the trafficker—the means of trafficking are utilized and the element of exploitation remains.**
- **The victim may have known the nature of the work but not of the working conditions.**

It is not just trafficking of women into prostitution that leads from consent to enslavement. There are also cases of men recruited to work in construction who consented to what they believed were legitimate temporary jobs only to find themselves locked in at the worksite, paid next to nothing and physically abused.



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Police rescued 116 male children and young adults from slave camps inside an African country.

The rescued victims were only some of those enslaved in such camps discovered in the western states of this country. The victims, all of a neighbouring country nationality, were camped in the bush without any shelter and forced to sleep outside on the bare ground.

They were used to crush granite and stones at quarry sites in the camps. The children's parents had allegedly released them to labour traffickers, many in the hope of a better future for their children. Some of the children had been working in the quarries for up to four years.

- **Even if a child is not threatened, no force is used against him or her, or he or she is not coerced, abducted or deceived, the child cannot give consent to the act of trafficking for the purpose of exploitation.**
- **Moreover, even the parents or guardian of the child cannot give consent to the trafficking act for the purpose of exploitation.**

Thus, the young boys, who were rescued from the granite quarries and repatriated, were victims of human trafficking even if they gave their consent to working in the quarry and they were not deceived as to the working conditions. The boys had been recruited, transported (the act of trafficking) to the granite quarries and exploited for labour purposes (the purpose of trafficking). Even if none of the means were utilized, the boys, exploited in the granite quarries, were victims of trafficking due to their age.

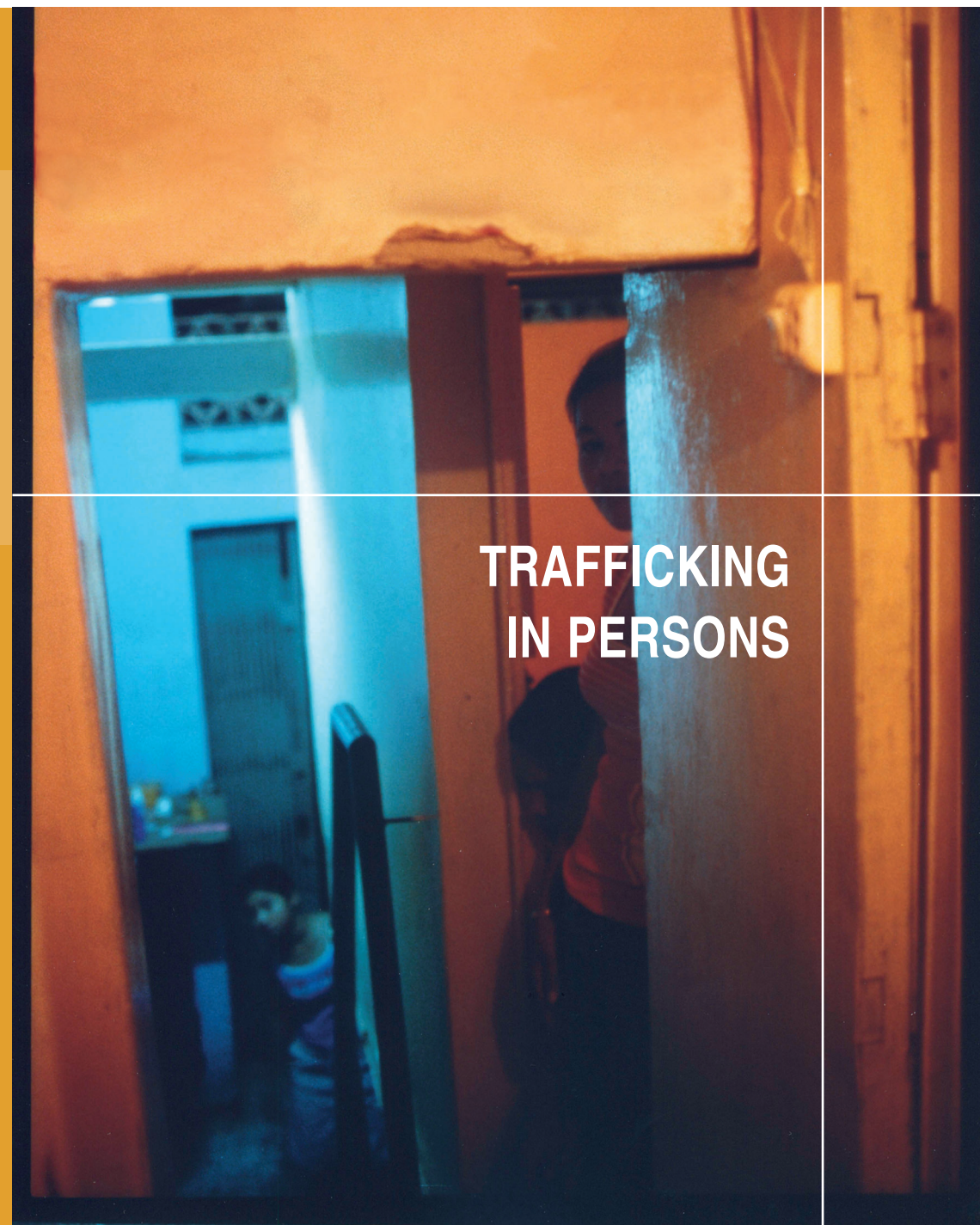
For additional information about Trafficking in Persons and the United Nations Office on Drugs and Crime, including our publications, please visit our website: www.unodc.org



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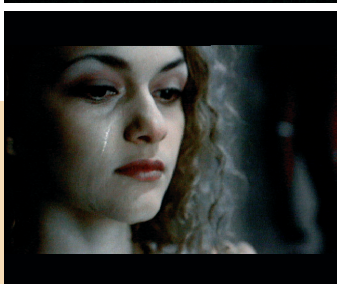
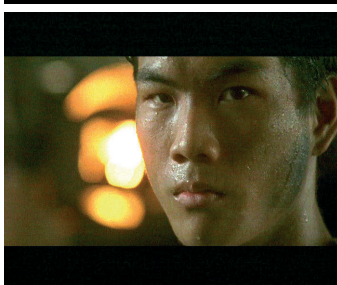
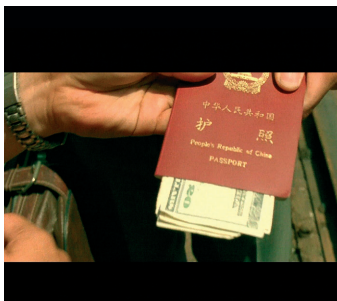
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case study 2



TRAFFICKING IN PERSONS

Photos: Mattia Insolera; Kay Chernush for the U.S. State Department



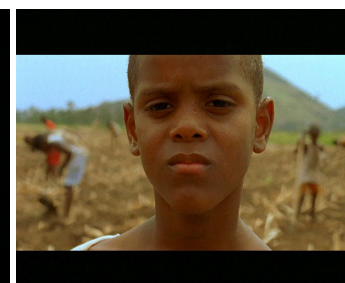
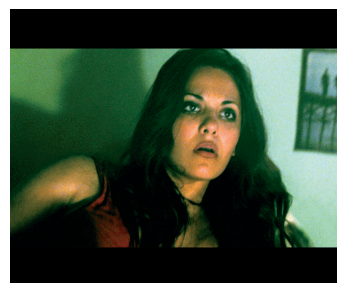
Over the past decade, trafficking in persons has reached epidemic proportions. No country is immune. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking in Persons Protocol) defines trafficking in persons for the purpose of providing a common basis for the prevention of trafficking, prosecution of offenders and protection measures for victims.

Definition of Trafficking

According to the Trafficking in Persons Protocol, trafficking in persons is

- the action of recruitment, transportation, transfer, harbouring, or receipt of persons
- by means of the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or payments or benefits to achieve the consent of a person
- for the purposes of exploitation.

Forms of exploitation include but are not limited to the exploitation of the prostitution of others, sexual exploitation, forced labour, slavery or similar practices, servitude and the removal of organs.



Consent of Victims

The Trafficking in Persons Protocol also establishes that consent of the victim is irrelevant where the use of means, as in the definition of trafficking in persons, is established. In doing so, the Protocol recognizes that a victim's exercise of free will is often limited by means of force, deception or the abuse of power. It respects the ability of adult persons to make self-determined decisions about their lives, specifically regarding labour and migration choices. However, the Trafficking in Persons Protocol excludes a consent-based defence in cases where the use of improper means of obtaining consent is established. A child cannot consent: even if none of the means are established, the Protocol excludes any possibility of consent from a victim under the age of 18. In other words, even if a child is not threatened, no force is used against him or her, or he or she is not coerced, abducted or deceived, the child cannot give consent to the act of trafficking for the purpose of exploitation.

Smuggling of migrants

The United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, otherwise known as the Migrants Protocol, was adopted in order to prevent and combat the smuggling of migrants, promote cooperation among states, and protect the rights of smuggled migrants.

The Migrants Protocol defines "smuggling" as the

- procurement of illegal entry
- into a State of which the person is not a national or permanent resident
- for direct financial or other material gain.

So what are the differences between trafficking and smuggling?

There are three important differences:

Consent

The smuggling of migrants, while often undertaken in dangerous or degrading conditions, involves migrants who have consented to the smuggling. Trafficking victims, on the other hand, have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.

Exploitation

Smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim in some manner to generate illicit profits for the traffickers. From a practical standpoint, victims of trafficking also tend to be affected more severely and to be in greater need of protection from re-victimization and other forms of further abuse than are smuggled migrants.

Transnationality

Smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another State or only moved from one place to another within the same State.

