

**ODUMUNC 2010  
Issue Brief for the  
Economic and Social Council**



***Strengthening Coordination of Efforts to Combat Human Trafficking***

**by Renata Giannini**  
***Graduate Program in International Studies, Old Dominion University***

*“The term trafficking in persons can be misleading:  
it places emphasis on the transaction aspects of a crime  
that is more accurately described as enslavement.  
Exploitation of people, day after day.  
For years on end.”*

(UNODC, **Global report on Trafficking in persons**, 2006, p.6)

**Introduction:**

Human trafficking is the modern kind of enslavement, defined by three main elements: the action, the means and the purpose. According to UN Protocol Against Trafficking in Persons, human trafficking is "the recruitment, transport, transfer, harboring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, of fraud or deception, 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."<sup>1</sup> Human trafficking is commonly associated with sexual exploitation and illicit migration, but it includes other forms of exploitation, such as forced labor or services, slavery, servitude, and the removal of organs.<sup>2</sup>

It was only recently that human trafficking was categorized as a crime. The foremost international legal instrument is the United Nations General Assembly of the *Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children* approved in 2000 and which entered into force in December of 2003. The Protocol has been signed and ratified by around 110 states and is part of the United Nations Convention against Transnational Organized Crime, falling under the jurisdiction of the United Nations Office on Drug and Crime (UNODC).

Human trafficking occurs widely spread around the world. It is often associated with victimization of Asian and East European people especially, but this is something of a cliché. The problem also commonly is associated with people from poorer countries brought to richer ones, or internally from the country to cities, but this is hardly reliable. The magnitude of the problem—the number of people involved—can only be roughly estimated.

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<sup>1</sup> United Nations, “United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children”, 2000.

<sup>2</sup> Ibid, article 3.

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Because international trafficking only has been widely criminalized in the last decade, little is known from earlier. Basic categories (such as demand, suppliers, victims, trafficking related prices, etc.) were established only as part of the wave of legislation passed in recent years. National laws are new, and law enforcement and social welfare agencies still have not established comprehensive data reporting arrangements. Indeed, establishing an integrated, multi-dimensional database is a major goal for many activists, although it is resisted by some governments more concerned about protecting national sovereignty.

Major issues for the United Nations include the problem of how to reconcile the need for coordinated international action involving supplier, transit and destination countries, with the desire of many countries to preserve sovereign national control over all matters within their borders. Harmonizing the domestic law of 192 UN member states is important, but states cannot be forced into action. Other concerns include financing to pay for better law enforcement as well as victim services, and the need for comprehensive international reporting. And virtually everywhere, various degrees of public or official denial remain a serious impediment to action.

### **International and National Legislation**

Although it has long existed in the history, it was not until very recently that human trafficking or trafficking in persons received some attention. Its milestone legal instrument, the *Trafficking Protocol*, was adopted in 2003 and signed by 117 states. The protocol has been a major force persuading countries to criminalize human trafficking.

Many countries have domestic laws forbidding international human trafficking. In the United States, for example, international human trafficking has been criminalized since 2000 through the adoption of the *Trafficking in Victims Protection Act*, amended in 2003 and 2004. Between 2003 and 2008, the percentage of countries with specific laws against trafficking in persons increased from 35% to 80%.<sup>3</sup> Some countries criminalize only part of the phenomena or do not clearly define trafficking in the legislation. Others prosecute forms of trafficking through the criminalization of other related offences.

The number of convictions has increased dramatically since the adoption of the Protocol. Nevertheless, according to the *Global Report on Trafficking in Persons*, convictions are still limited, in 2007/8, two in every five countries covered by the research had not report any

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<sup>3</sup> United Nations, "Global Report on Trafficking in Persons", 2009. p.6

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conviction<sup>4</sup>. Accordingly, it was observed that prosecution often is most intense when women play an important role not only as victims, but also as prosecutors.

**Typologies of Human Trafficking and Victims**

Human trafficking is most commonly identified with sexual exploitation of children and women. Nonetheless, that also derives from the fact that sexual exploitation is more visible and easier to be identified and reported than other forms, like forced or bounded labor, domestic servitude and forced marriage, exploitation of children in begging, organs removal, etc.

The exploitation of women tends to be more visible and identifiable because it usually occurs in city centers or along highways, whilst the others occur in a more implicit way, and is sometimes confined to the privacy of a home.

In this context, sexual exploitation represents the most commonly form of human trafficking, an estimated 79%, followed by forced labor, 18%. Other forms of human trafficking are estimated to amount to some 3%.<sup>5</sup> Women and girls comprise the main victims of human trafficking, (women are 66% of identified victims, girls 13%, men 12% and boys 9%) reinforcing the necessity of a gender-conscious approach to the the issue.<sup>6</sup> As women have played an important role both as the victims and prosecutors, further research is necessary to acknowledge the ways of recruitment for traffickers and ways employed to gain the victims trust. In this regard, women, especially locals, are certainly in a better position to acquire trustship.

**Flows in Human Trafficking**

Flows in human trafficking are defined by three dimensions: transregional, intraregional and domestic trafficking. While domestic trafficking is confined within a country, both transregional and intraregional trafficking occurs across borders, although the latter occurs between neighboring countries and the former might be cross-continentially. The most common types are

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<sup>4</sup> Ibidem.

<sup>5</sup> Ibid, p. 50

<sup>6</sup> Ibid, p. 48

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domestic and intraregional flows, although transregional patterns are increasing whilst domestic flows are becoming increasingly undetected.

Regarding transregional flows, it was observable that in most cases the flows runs from the poorest countries towards the richest, usually in relation to women trafficking and sexual exploitation. Although concrete advances have been made in some countries, others lack adequate instruments and thus the policies towards the elimination of the problem tend to be incomplete.

Countries can also be divided as destination, source or transit. The absence of a solid database on the matter limits the possibility of designing and implementing public policies specifically formulated to a determined countries` s background. In this sense, most countries are establishing general rules for the prevention, combat and eradication of human trafficking. The absence of an integrated database amongst different types of countries limits a transnational policy, bounding the international efforts as a multi-dimensional and integrated approach.

### **Cooperation and challenges**

The main challenges in this issue derive from the very nature of human trafficking and its relatively recent character. Cooperation thus is subjected to a range variety of limitations intrinsically related to the scarce information available. The information challenge leads to another dilemma: How best can the international community address the problem and raise integrated solutions?

*International civil society*—the non-governmental organizations that have the greatest expertise and energy on the issue—are the strongest force for change. Developed countries lead by activists and major political parties in Western Europe are pushing important advances in the attention of this new typology of international crime. Legal instruments have been established, perpetrators have been convicted, and identified victims have received adequate psychological and follow-up treatment. They also have managed to establish fairly well organized databases on the matter, as the annual report Department of State presents on the subject to the Senate. Nonetheless, the challenge regarding other countries possibilities of raising solutions for their problem remains.

Amongst wealthier countries there usually is an intricate net of law enforcement and social services allowing improvement, where systemic weaknesses can be observed and corrected. Small and poor countries often have the greatest difficulties dealing with the challenge, lacking

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legal tools, law enforcement and social welfare services for victims. They can be heavily dependent on foreign assistance for these issues. Often big countries like Brazil and China also find the problem just as challenging, lacking the control over their territory, as well as necessary legal instruments and social services. Finally, many countries which rely economically on the remittances, money sent home by workers aboard, are hesitant to support measures that will reduce their ability to send workers aboard. As a cross-border problem, the need for international cooperation seems overwhelming.

The perceptions regarding human trafficking leads to another problem: the controversy regarding exploitation of women and prostitution. Although the international community has used the UN to clearly define human trafficking, there is still a general understanding that it is basically related to women and children sexual exploitation. This perception is corroborated by the legal instruments and actions taken by national governments against human trafficking raising the controversy regarding the connection between human trafficking and prostitution and the effect of criminalization of prostitution. This raises a fundamental question and whose answer tends to change from state to state and amongst states` institutions: when is prostitution sexual slavery, and when is it legitimate sex work? When should women be permitted to migrate to provide the service? Much depends on variations among national attitudes and laws regarding prostitution.

### **Conclusion**

Human trafficking tends to raise more questions than solutions. Basic definition of what constitutes human trafficking and the scale of the problem are not easily resolved. The two issues are closely related. Most experts—often from international civil society—agree that a deep look must be taken from national standpoints, but this needs to lead to a more homogeneous understanding of the phenomena. Secondly, there should be maximization on the efforts towards settling a complete and integrated database. Information is the basic condition for an adequate policy making process to take place in a sustainable base. Existent local and regional initiatives, such as the ones implemented by national and municipal governments, as well as UNODC`s regional offices should promote exchange of information and learned lessons and through that be able to build integrated and multidimensional approaches. The need for more aggressive law enforcement, prosecution and social services for victims is widely accepted, although basic disputes remain on the role of the international community in doing this.

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**Recommended Resources**

- UNODC`s website is a primary source of information where one might find all sorts of information, varying from legal instruments, basic definitions, international, regional and local initiatives, as well as facts and figures. Available at: <http://www.unodc.org/>
- *HumanTrafficking.org* is an outstanding source covering all countries directly involved in the issue and many others too. All delegates should check for information about their country. Available at: <http://www.humantrafficking.org/>

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United Nations, "Global Report on Trafficking in Persons", 2009. Available at:  
<http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Trafficking Protocol),  
[http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf)

UNODC on human trafficking and migrant smuggling,  
<http://www.unodc.org/unodc/en/human-trafficking/index.html>

United Nations Convention Against Transnational Organized Crime,  
<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

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