



UNITED NATIONS
Office on Drugs and Crime

***Responding to a crime:
Human Trafficking for Labour Exploitation/
Forced and Bonded Labour***

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UNODC is the custodian of the UN Trafficking Protocol.

The UN Trafficking Protocol:

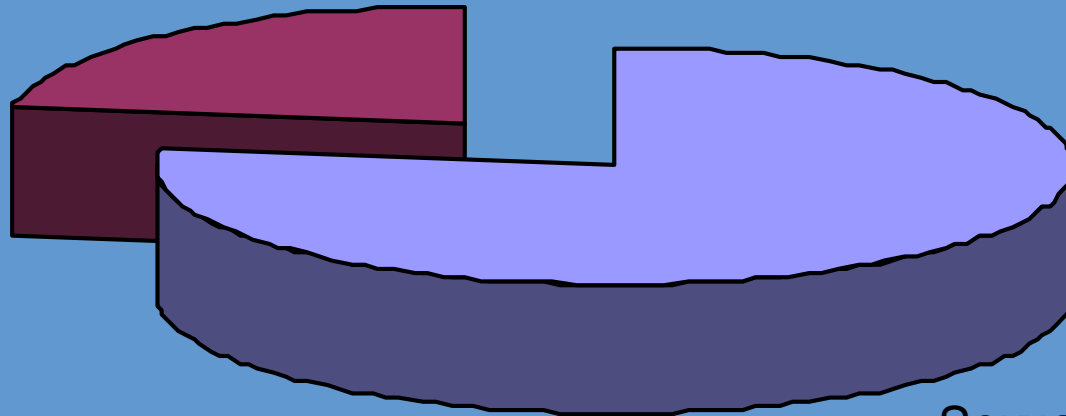
- First internationally-agreed definition of trafficking in persons;
- Requires countries to criminalize trafficking in persons;
- Creates a framework for assisting and protecting victims;
- Requires cooperation between and within countries.



Trafficking for labour exploitation

Source: UNODC, "Trafficking in Persons: Global Patterns" 2006.

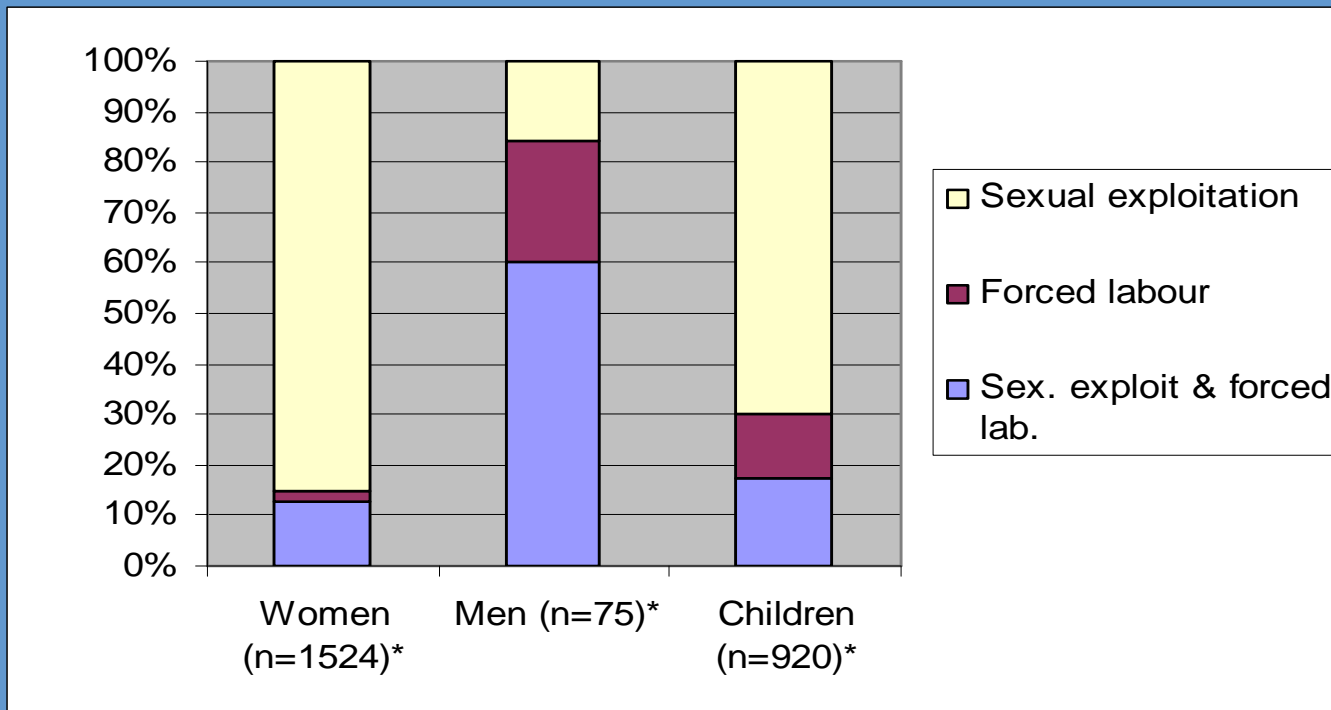
Labor Expl.
23%



Sexual Expl.
77%



Sexual exploitation and forced labour among women, men and children



WOMEN: sexual exploitation (off white) is the most common reported form of exploitation among adult female victims

CHILDREN: For children also, sexual exploitation is more common than forced labour (red).

MEN: Among male victims of trafficking, forced labour is more common than sexual exploitation. However, majority of the cases among male victims included both sexual exploitation and forced labour (blue).



Majority of reported cases of human trafficking relate to sexual exploitation

- Do the globally reported cases reflect the reality?
 - Cases of forced labour under-reported?
 - Cases of trafficked men under-reported?
 - Lack of anti-human trafficking legislation?
 - Lack of anti-human trafficking legislation with specific reference to forced labour?
 - Lack of training of front line law enforcement officers in detecting victims of forced labour?



Poor criminal justice responses

High levels of corruption

Other forms of organized crime

Poor intelligence systems

Poor inter-agency cooperation

Trafficking in Human Beings

Inadequate legal structures and application of law

Lack of equipment

Money Laundering

Lack of trained staff and expertise

Weak border controls

Corruption

Inadequate victim/witness support and protection

Lack of co-operation between law enforcement agencies and NGOs



The UN Trafficking Protocol

– definition of trafficking

(Art. 3a)

Trafficking in persons shall mean:

- [action:] the recruitment, transportation, transfer, harbouring, or receipt of persons
- [means:] by means of the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim
- [purpose:] for the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, **forced labour**, slavery or similar practices, and the removal of organs



Criminal Justice Responses

How to detect forced labour?

- **Set up of specialist anti-trafficking investigation units**
- **Frontline law enforcement officials trained in how to identify and respond effectively to trafficking cases**
- **Develop indicators on how to identify trafficked victims**
- **Improve cooperation between labour and criminal justice actors**



Labour exploitation specific indicators for frontline law enforcement officers

- **Objective**

- Poor or non-existent health and safety equipment
- Evidence of labour laws being breached
- Employer unable to produce required documents of employing migrant labour
- Notices in foreign languages
- Cohabitation

- **Subjective**

- No access to earnings
- Unable to leave job or seek other employment
- Workers required to pay for food, accommodation, deduction of earnings



Criminal Justice Responses

How to prosecute cases of forced labour?

- Prosecutors and judges trained on the issue of human trafficking and relevant laws
- Ensure witness protection/assistance schemes
- Develop indicators and tactics for countering defence
- Ensure appropriate charging
 - TIP cases involving many underlying offences



Criminal Justice Responses ***How to protect victims?***

- Assess immediate and long-term protection needs
- Assess protection needs of family members
- Guidelines in place on the treatment of victims
- Provide for compensation
- Ensure safe repatriation of victims



Member states commitment as parties to the Trafficking Protocol

Has your country:

- Established comprehensive national policies and programmes to prevent and combat human trafficking?
- Enacted domestic laws making human trafficking a criminal offence?
- Included forced labour in the national law definition of human trafficking?
- Developed laws that distinguish victims from criminals?
- Trained criminal justice practitioners in combating trafficking?
- Implemented measures to provide for the physical, psychological and social recovery of victims?



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