



WHAT IS TRAFFICKING IN PERSONS?

Over the past 15 years, “trafficking in persons” and “human trafficking” have been used as umbrella terms for activities involved when someone obtains or holds a person in compelled service.

The United States government considers trafficking in persons to include all of the criminal conduct involved in forced labor and sex trafficking, essentially the conduct involved in reducing or holding someone in compelled service. Under the Trafficking Victims Protection Act as amended (TVPA) and consistent with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), individuals may be trafficking victims regardless of whether they once consented, participated in a crime as a direct result of being trafficked, were transported into the exploitative situation, or were simply born into a state of servitude. Despite a term that seems to connote movement, at the heart of the phenomenon of trafficking in persons are the many forms of enslavement, not the activities involved in international transportation.

Forced Labor

Also known as involuntary servitude, forced labor may result when unscrupulous employers exploit workers made more vulnerable by high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, or even cultural acceptance of the practice. Immigrants are particularly vulnerable, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually exploited as well.

Sex Trafficking

When an adult is coerced, forced, or deceived into prostitution – or maintained in prostitution through coercion – that person is a victim of trafficking. All of those involved in recruiting, transporting, harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime. Sex trafficking can also occur within debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful

“debt” purportedly incurred through their transportation, recruitment, or even their crude “sale,” which exploiters insist they must pay off before they can be free.

It is critical to understand that a person’s initial consent to participate in prostitution is not legally determinative; if an individual is thereafter held in service through psychological manipulation or physical force, that person is a trafficking victim and should receive the benefits outlined in the United Nations’ Palermo Protocol and applicable laws.

Bonded Labor

One form of coercion is the use of a bond, or debt. Often referred to as “bonded labor” or “debt bondage,” the practice has long been prohibited under U.S. law by its Spanish name, peonage, and the Palermo Protocol calls for its criminalization as a form of trafficking in persons. Workers around the world fall victim to debt bondage when traffickers or recruiters unlawfully exploit an initial debt the worker assumed as part of the terms of employment. Workers may also inherit intergenerational debt in more traditional systems of bonded labor.

Debt Bondage Among Migrant Laborers

Abuses of contracts and hazardous conditions of employment for migrant laborers do not necessarily constitute human trafficking. However, the burden of illegal costs and debts on these laborers in the source country, often with the support of labor agencies and employers in the destination country, can contribute to a situation of debt bondage. This is often exacerbated when the worker’s status in the country is tied to the employer in the context of employment-based temporary work programs and there is no effective redress for abuse.

Involuntary Domestic Servitude

A unique form of forced labor is the involuntary servitude of domestic workers, whose workplace is informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment, which often socially isolates domestic workers, is conducive to nonconsensual exploitation since authorities cannot inspect private property as easily as formal workplaces. Investigators and service providers report many cases of untreated illnesses and, tragically, widespread sexual abuse, which in some cases may be symptoms of a situation of involuntary servitude. Ongoing international efforts seek to ensure not only that administrative remedies are enforced but also that criminal penalties are enacted against those who hold others in involuntary domestic servitude.

Forced Child Labor

Most international organizations and national laws recognize that children may legally engage in certain forms of work. There is a growing consensus, however, that the worst forms of child labor should be eradicated. The sale and trafficking of children and their entrapment in bonded and forced labor are among these worst forms of child labor. A child can be a victim of human trafficking regardless of the location of that exploitation. Indicators of forced labor of a child include situations in which the child appears to be in the custody of a non-family member who has the child perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving. Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education. However, when children are enslaved, their abusers should not escape criminal punishment by virtue of longstanding patterns of limited responses to child labor practices rather than more effective law enforcement action.

Child Soldiers

Child soldiering can be a manifestation of human trafficking where it involves the unlawful recruitment or use of children—through force, fraud, or coercion—as combatants, or for labor or sexual exploitation by armed forces. Perpetrators may be government forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are made unlawfully to work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants. Both male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.

Child Sex Trafficking

According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade. International covenants and protocols obligate criminalization of the commercial sexual exploitation of children. The use of children in the commercial sex trade is prohibited under both U.S. law and the Palermo Protocol as well as by legislation in countries around the world. There can be no exceptions and no cultural or socioeconomic rationalizations preventing the rescue of children from sexual servitude. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unintended pregnancy, malnutrition, social ostracism, and death.

