

Frequently Asked Questions

What is human trafficking?

Human trafficking always involves forced movement of persons from one place to another, with the intention of placing them into trade for commercial gains and exploiting their services. The action is against the person's will, and where consent is obtained, it is done so through deception, coercion or threat. In some cases, the victim might even be unaware of being exploited.¹

Article 3 (a), of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring 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 shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

What constitutes human trafficking?

There are three elements that make up human trafficking.² They are:

1. The Act of human trafficking itself. Act includes recruitment, transportation, transfer, harbouring, or receipt of persons.
2. The Means, which is how trafficking in persons is carried out. Trafficking can occur through threat or use of force, coercion, abduction, fraud, deception, or by way of giving benefits or payments to a person who might be in control of the victim.
3. The Purpose of carrying out the act of human trafficking. Trafficking in persons could be for the purpose of exploitation, such as prostitution, sexual exploitation, pornography, forced labour, removal of organs, and other similar practices.

Who are the victims of human trafficking in Laos?

Lao men, women and children are all victims of human trafficking. More women than men are victims of trafficking (55% women and 45% men)³ and 60% of the girls are between the ages of 12 and 18 years.⁴ Statistics from a transit centre for victims of trafficking returning to Lao PDR from shelters in Thailand showed that 95% of the trafficked victims repatriated from Thailand to Lao PDR are girls and women, out of which 85% were under 18 years of age.⁵

¹ <http://www.ungift.org/ungift/en/humantrafficking/index.html>

² <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

³ ILO & NSC, 2005. Raw data from 2005 surveys.

⁴ MLSW and UNICEF, 2004. *Broken Promises Shattered Dreams*: 8 as cited in http://www.no-trafficking.org/reports_docs/lao/datasheet_laopdr_march08_ENG.pdf

⁵ http://www.no-trafficking.org/reports_docs/lao/datasheet_laopdr_march08_ENG.pdf

The highest cases of human trafficking in Laos are from the southern provinces that border Thailand (from 2001-2007, 73% of the repatriated persons from Thailand to Laos PDR were from the southern provinces of Khammouan, Savannakhet, Salavan, and Champasack).⁶

Victims of human trafficking are forced to work in different areas with prostitution being the largest reason for human trafficking (35%) followed closely by forced domestic labour (32%).⁷ Factory work (17%) and working on fishing boats (4%) make up the areas of work for victims of human trafficking.⁸

What are the forms of human trafficking?

Forced Labor - Recent studies show the majority of human trafficking in the world takes the form of forced labor. The ILO estimates that for every trafficking victim subjected to forced prostitution, nine people are forced to work. 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 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- Sex trafficking comprises a smaller but still significant portion of overall human 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 they are thereafter held in service through psychological manipulation or physical force, they are trafficking victims and should receive the benefits outlined in the Palermo Protocol and applicable domestic laws.

Bonded Labor- One form of force or 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 requires 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 debt in more traditional systems of bonded labor. In South Asia, for example, it is estimated that there are millions of trafficking victims working to pay off their ancestors’ debts.

⁶ Ibid at 5

⁷ Ibid 4

⁸ Ibid 4

Debt Bondage Among Migrant Laborers- Abuses of contracts and hazardous conditions of employment for migrant laborers do not necessarily constitute human trafficking. However, the attribution 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 the case even when the worker's status in the country is tied to the employer as a guestworker in the context of employment-based temporary work programs.

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 they can inspect 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.

Forced Child Labor- Most international organizations and national laws recognize 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, and these are forms of trafficking. A child can be a victim of human trafficking regardless of the location of that nonconsensual exploitation. Indicators of possible 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 administrative responses to child labor practices.

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, unwanted pregnancy, malnutrition, social ostracism, and possible death.

What Is The Most Commonly Identified Form Of Human Trafficking?

In UNODC's Global Report on Trafficking in Persons, sexual exploitation was noted as by far the most commonly identified form of human trafficking (79%) followed by forced labour (18%). This may be the result of statistical bias. By and large, the exploitation of women tends to be visible, in city centres or along highways. Because it is more frequently reported, sexual exploitation has become the most documented type of trafficking, in aggregate statistics. In comparison, other forms of exploitation are under-reported: forced or bonded labour; domestic servitude and forced marriage; organ removal; and the exploitation of children in begging, the sex trade and warfare.

How do people become victims of human trafficking?

Trafficking in persons can be by way of threat or use of force, coercion, abductions, fraud, deception, or by way of giving benefits or payments to a person who might be in control of the victim.

What is the difference between human trafficking and illegal migration?

The differences between human trafficking and illegal migration are subtle and there are several overlaps between the two. However, human trafficking is not the same as illegal migration. Usually, illegal migration involves the consent of the person involved, while for trafficking there is no consent given by the person. Even if consent might be given, it might have been by way of force, threat, or deception. For illegal migration, exploitation ends once the person has reached their destination. In trafficking the exploitation is ongoing. This ongoing exploitation also serves as a source of profit for the offenders of human trafficking, whereas in illegal migration the source of profit involves only the transportation of persons to the desired destination. Furthermore, illegal migration always involves entry into another country (transnationality), whereas human trafficking does not need to happen by transportation across the border into another country.⁹

Where do the majority of people trafficked in Southeast Asia go?

Thailand is the number one destination country for human trafficking.

How Widespread Is Human Trafficking?

It is very difficult to assess the real size of human trafficking because the crime takes place underground, and is often not identified or misidentified. However, a conservative estimate of the crime puts the number of victims at any one time at 2.5 million. We also know that it affects every region of the world and generates tens of billions of dollars in profits for criminals each year.

⁹ http://www.unodc.org/documents/human-trafficking/UN_Handbook_engl_core_low.pdf

What happens to the victims once they come back to their home countries?

There are several measures in place for victims returning to their homes. This involves identification, rescue efforts, rehabilitation, legal proceedings, and reintegration into their communities. There are shelters that work specifically with women and children in regards to rehabilitation and reintegration, with special focus on counselling, giving vocational training, access to education and legal assistance. However, such efforts are lacking in regards to men who were victims of human trafficking.¹⁰

Is There A Legal Instrument To Tackle Human Trafficking?

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was adopted by the United Nations General Assembly in 2000 and entered into force in 2003. The Trafficking Protocol, which supplements the United Nations Convention against Transnational Organized Crime, is the only international legal instrument addressing human trafficking as a crime and falls under the jurisdiction of the United Nations Office on Drugs and Crime (UNODC). The purposes of the Trafficking Protocol are: To prevent and combat trafficking in persons, To protect and assist victims of trafficking, and to promote cooperation among States Parties in order to meet these objectives. The Trafficking Protocol advances international law by providing, for the first time, a working definition of trafficking in persons and requires ratifying States to criminalize such practices.

What Does UNODC Do To Assist Victims Of Human Trafficking?

A core element of UNODC's mandate under the U.N. Trafficking Protocol is to increase the level of protection and assistance provided to victims of human trafficking crimes (Articles 2(b), 6, 7 & 8). The Protocol is the major international instrument combating human trafficking. As the custodian of this instrument, UNODC assists countries to fully implement a comprehensive response to trafficking, not only by ensuring the structures are in place to convict traffickers but also in addressing the realities experienced by victims of such crimes. The relevant technical assistance provided to countries by UNODC includes:

- Assisting the review and revision of domestic legislation concerning assistance and protection of victims;
- Training criminal justice practitioners and service providers on protection of victims of trafficking in persons;
- Supporting countries in the provision of physical, psychological and social assistance to the victims, including cooperation with NGOs and civil society;
- Securing the safety of victims.

¹⁰ Ibid at 5

Does Lao PDR have any anti-trafficking legislation?

There are no anti trafficking laws in Laos P.D.R. Instead, Laos has Criminal Code and Penal Code containing articles that punish criminal activities of sexual exploitation, prostitution, and forced labour. Furthermore, Laos also has laws that aim to protect the plight of women and children. There are also articles present in the Labour Laws which criminalize forced labour and are aimed at labour protection.

What Are The Major Challenges Faced In The Battle Against Human Trafficking?

A number of points can be made:

- It is important that every effort is undertaken to establish the gravity of the problem and tackle the issue from the source to destination. What numbers are available show the problem has not abated and is not likely to. One of the challenges relates to the gathering of accurate information in order that a true picture of the phenomenon can be gauged. In this respect, some progress has been made but more needs to be done.
- From UNODC's work across the criminal justice sector, we are fully aware that human trafficking is often only one activity of extensive and highly sophisticated international crime networks.
- We need to ensure that, despite the many conflicting priorities faced by member states that the issue of countering human trafficking is clearly given a high priority and focus by the international community.
- We need to consider the type of action that can be taken to raise awareness of the problem and take steps to prevent trafficking at source (reference to UNODC public service announcements).
- A major challenge is to ensure that action is taken to ratify and effectively implement the Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- Improving international cooperation and coordination, particularly in relation to developing information exchange and operational cooperation between law enforcement agencies needs to be strengthened.
- There is a need to take a more holistic and partnership approach to tackling the problem. In this respect, UNODC fully recognizes the importance of mobilizing the support of NGOs, IGOs, governments and the community at large.