

## **Purpose (Exploitation in TIP)**

As stated in the definition of Trafficking In Persons, there must be a clear purpose for which the exploitation is to occur.

The Palermo Protocol states that "**exploitation**" shall include, at a minimum, the following:-

1. exploitation of the prostitution of others or other forms of sexual exploitation,
2. forced labour or services,
3. slavery or practices similar to slavery,
4. servitude or
5. the removal of organs.

## **Sexual Exploitation**

People who have been trafficked for sexual exploitation sell sex on the street or in brothels, massage parlours, lap dancing clubs, and in private houses. They may be adults or children, male or female.

Other forms of this type of exploitation include Internet based or other pornography, sex tourism, survival sex by persons who are homeless or runaways.

You may be able to identify sex trafficking victims from the following indicators:-

- 1 They move from one brothel to another or work in various places.
- 2 They are escorted whenever they go and or return from work and other activities.
- 3 They have tattoos or other marks indicating 'ownership' by the exploiters.
- 4 They work long hours or have few, if any, days off.
- 5 They sleep where they work.
- 6 They live or travel in a group, sometimes with other women who do not speak the same language.
- 7 They have very few clothes.
- 8 They have clothes that are mostly the kind typically worn for prostitution.
- 9 They only know how to say sex-related words in the local language or in the language of the client group.
- 10 They have no money of their own.
- 11 They are not able to show a (legitimate) identity document.
- 12 They are afraid to reveal who is controlling them and lie about their story.
- 13 Their mobile phone keeps ringing when they are out.

## **Forced Labour or Services**

People who have been trafficked for labour exploitation are usually made to work in areas such as agriculture, construction, entertainment, service industry, manufacturing, such as sweat-shops.

Victims of labour trafficking may be identified by the following indicators:-

- 1 They work too many long hours.
- 2 They are forced to do dangerous work.
- 3 They have low or no salary.
- 4 They have no access to the money earned.
- 5 They depend on your employer for things like work, food, transport and accommodation.
- 6 They are made to pay for tools, food or accommodation and have these costs taken from your wages.
- 7 They have no Income tax or NIS or Health Surcharge contributions and no access to social supports.
- 8 They have no contract of employment.
- 9 They are working without the employment documents required for workers from their country.
- 10 They have their rights in relation to pay and conditions of employment infringed.
- 11 They have no choice of accommodation offered to them.
- 12 They live with the family employing them.
- 13 They live in groups in the same place where they work, and don't leave that place very often.
- 14 They have no privacy, sleeping in shared and over-crowded spaces.
- 15 They live in unsuitable places, such as in agricultural or industrial buildings like sheds or warehouses.
- 16 They never or rarely leave the house or work place without their employer.
- 17 They are not able to move freely.
- 18 Security measures are in place to keep them at the work place, for example locked doors and windows.
- 19 Their social activities and movements are controlled by their employer.
- 20 They are given only leftover food to eat.
- 21 They are disciplined through fines and threats.
- 22 They are insulted, abused or threatened or suffer violence.
- 23 They don't have basic training and professional licences.
- 24 They work in dangerous conditions, in places with no health and safety notices and or poor quality equipment.
- 25 They are not dressed properly for the work they do, for example they don't have protective equipment or warm clothes.
- 26 Equipment is designed or changed so that children can use it.

## **Slavery or Practices Similar to Slavery**

The United Nations has identified this to include the following institutions and practices:-

(a) Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

(b) Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;

(c) Any institution or practice whereby:

(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or

(ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or

(iii) A woman on the death of her husband is liable to be inherited by another person;

(d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

## **Domestic Servitude**

Servitude of an individual is one of the forms of exploitation recognised under the Palermo Protocol.

In many countries, there may exist a culture whereby persons of lower economic status are hired or used to clean the homes of those of higher status and to care for members of their household. While in many instances, such work may be fairly compensated, in others, domestic servants are subject to economic deprivation, overwork, rampant physical and verbal abuse, sexual exploitation and other humiliation.

Domestic servitude may entrap adult women, some men as well as children. An example of the latter is seen where Haitian children are used as restaveks to clean homes of wealthy Haitians or persons in the Dominican Republic.

Some signs that a person has been trafficked into domestic servitude are that the person:-

- 1 is rarely allowed out of the house alone
- 2 is forced to work in excess of normal working hours or is "on-call" 24 hours per day
- 3 is subject to abuse, insults, threats or violence
- 4 has no private space or a proper place to sleep i.e. may sleep on the sofa or in a study
- 5 has a poor diet or are given the family's leftover food to eat
- 6 If the person is a child, they may have poor attendance at school, no access to education and no time to play; or
- 7 the person does not interact much with the family.

### **Child Trafficking**

The trade in human beings involves adult as well as child victims. The Palermo Protocol identifies a "child" as anyone under 18 years of age.

In many instances, children may be recruited for exploitation of their labour, to beg, for sexual exploitation or as child soldiers. Recruiters may be family members or strangers, trusted leaders in the community, adults and, in some cases, their own peers.

Because of their youth, inexperience and size, human traffickers find children to be more easy to control and can exploit them for many years as opposed to adult victims.

In the aftermath of disease, natural disaster, war and other grave social ills, there are often numerous children who are left orphaned, separated from their parents or in dire need of social services. They are left as easy prey for traffickers who forcibly abduct them or deceive them or their guardians by posing as social service organisations, adoption agencies, etc.

Children who have been trafficked may:

- 1 Have no access to their parents or guardians
- 2 Look intimidated and behave in a way that does not correspond with behaviour typical of children their age
- 3 Have no friends of their own age
- 4 Have no access to education
- 5 Have no time for playing
- 6 Live apart from other children in substandard accommodations
- 7 Eat apart from other members of the 'family'

- 8 Be engaged in work that is not suitable for children
- 9 Travel unaccompanied by adults
- 10 Travel in groups with persons who are not relatives.

### **Removal of Organs**

Trafficking in organs is a crime that occurs in three broad categories. **Firstly**, there are cases where traffickers force or deceive the victims into giving up an organ. **Secondly**, there are cases where victims formally or informally agree to sell an organ and are cheated because they are not paid for the organ or are paid less than the promised price. **Thirdly**, vulnerable persons are treated for an ailment, which may or may not exist and thereupon organs are removed without the victim's knowledge.

The vulnerable categories of persons include migrants, especially migrant workers, homeless persons, illiterate persons, etc. It is known that trafficking for organ trade could occur with persons of any age. Organs which are commonly traded are kidneys, liver and the like; any organ which can be removed and used, could be the subject of such illegal trade. Trafficking in Persons for the removal of organs is **NOT** the same as the crime of trafficking in organs, tissues and cells.

The fundamental difference between the two cases lies in the fact that trafficking in organs is a crime where the organ and the use of it are the central elements; it does not matter whether the organ has been removed from a living or a deceased donor.

In contrast, trafficking in human beings is a crime where the exploitation of an individual is the central aspect and where a combination of three elements (action, means, purpose) has to apply in order for the crime to be constituted.

Therefore, trafficking in human beings for the purpose of organ removal can only be committed if organs are removed from living donors who have been mobilised through force, fraud, deception or the abuse of power, etc. (except in the case of children when the means are irrelevant).

### **Other Forms of Exploitation**

Various countries have added to the understanding of the term "exploitation" by including other instances in their national counter trafficking laws. Some of these include:-

- (i) causing a person to transport illegal items within or across borders;
- (ii) deriving a benefit through the abuse of another person;
- (iii) human sacrifices; and
- (iv) child soldiers.