

Punishing TIP

The term "traffickers" is often taken to refer solely to those persons who recruit and transport or harbour a trafficked victim. It is often thought to be restricted to person from criminal networks as opposed to house-owners or small business owners who may exploit trafficked persons in their business or homes.

However, the term properly applies to all persons who recruit, transport, transfer, harbour or receive a trafficked person through the stipulated means for the purpose of exploitation. In each territory, local legislation may expand the scope of activities which are criminalised. For example, in some jurisdictions, purchasers of sex services from trafficked persons may be considered traffickers as well.

Under the Palermo Protocol, governments must pass legislation to criminalise the offence of human trafficking. The laws must be drafted so as to punish persons who commit the offence as well as accomplices, persons who incite, facilitate or organise the trafficking activities.

Sufficiently strict penalties are encouraged to:-

- (a) deter the crime,
- (b) reflect the heinous nature of the crime, and
- (c) vigorously punish those who have violated the victims' human rights.

In many countries this means that traffickers may be:-

- (i) sentenced to longer periods of incarceration,
- (ii) fined more heavily,
- (iii) liable to have their assets forfeited.

Where traffickers are persons who are appointed or elected to public office their sentence may be increased.

Similarly, higher penalties may be imposed where there are aggravating circumstances involved in the trafficking process such as the use of a dangerous weapon, where the trafficking was part of the activities of an organised criminal group or where a victim is sexually assaulted.

However, the passage of legislation is only the first step. Governments are expected to prosecute traffickers, convict and sentence them according to the provisions of the new anti-trafficking legislation.