



Defining Human Trafficking

Palermo Protocol

Human trafficking is defined in international law by Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, known as the Palermo Protocol. As signatories to the Protocol the UK understands human trafficking in the following terms:

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.

(Palermo Protocol, 2000)

This is more easily understood as 3 constituent elements:

- ACT – WHAT criminals do**
e.g. recruitment, transportation, transfer, harbouring or receipt of persons
- MEANS – HOW criminals do it**
e.g. threat or use of force, coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving or receiving of payments/benefits
- PURPOSE – WHY criminals do it – to exploit victims**
e.g. in prostitution, other forms of sexual exploitation, forced labour or services, slavery, servitude or removal of organs from a person. (Where a victim is a child, only 'act' and 'exploitation' need to occur for human trafficking to exist.) ****Where the victim is a child, only 'act' and 'purpose' are required.**

Types of Exploitation

There are many types of exploitation addressed in the Protocol that feature in the experiences of trafficking victims and it is by no means an exhaustive list. The most common are trafficking for the purposes of:



- **Prostitution / sexual exploitation:**
This can mean being coerced physically, threatened verbally or groomed psychologically perhaps for exploitation (which could be commercial or non-commercial) but also for the creation of pornography and involvement in Ritual Abuse.
Sex trafficking does not just involve migrants but also UK citizens, including children, who are trafficked from city to city here in Britain.
- **Forced labour or services:**
All work or service is done involuntarily under menace or penalty. This could include debt bondage, where a person is forced to work to pay off debt or a loan. The loan can never be repaid because of false charges / deductions from wages or because pay is simply so low. Threatened, deprived of freedom to work elsewhere and deprived of freedom of movement, the traffickers may withhold their passports so that they can't leave. Forced labour can occur in any industry but hospitality, agriculture, food packaging and construction are particularly common.
- **Slavery**
- **Domestic Servitude:**
This distinct example of forced labour is characterised by confinement at a person's home with no personal space and often no bed. These victims may work almost every hour of the day and are expected to be on 24 hour call without pay.
- **Criminal activity:**
e.g. cannabis cultivation, forced begging or benefit fraud.
- **Removal of organs**
- **Forced marriage**

ILO's Six Indicators of Forced Labour

Forced labour is, perhaps, the most misunderstood form of exploitation. It can often be difficult for frontline agencies, law enforcement and particularly victims themselves to recognise when a bad job crosses the threshold for exploitation. In 2004 the International Labour Organisation (ILO) produced guidance including the following 6 indicators to help interested parties recognise forced labour:

1. Threat or actual physical harm;
2. Restriction of movement or confinement;
3. Debt bondage (where the worker works to pay off a debt or loan, and is not paid for his or her services. The employer may provide food and accommodation at such inflated prices that the worker cannot escape the debt);



4. Withholding of wages or excessive wage reductions that violate previously made agreements;
5. Retention of passports and identity documents so that the worker cannot leave or provide his/her identity and status;
6. Threat of denunciation to the authorities where the worker is in an irregular immigration status.

(Human Trafficking and Forced Labour Exploitation Guidelines for Legislators and Law Enforcement, 2004)

“It is important to recognise that establishing that a person was held in servitude or required to undertake forced or compulsory labour does not require the prosecution to prove actual physical force was used or that the victim was physically detained or imprisoned. There may be situations where no physical violence is used or there are no restrictions on movement but more psychological or coercive means are used to effect control. Requiring someone to work in conditions contrary to human dignity might reflect the circumstances in which exploited victims are compelled to work, where they are deprived of essential needs and subject to humiliation, threats and insults.

For example, the victim may have their passport confiscated, be required to work long hours with few breaks, under poor conditions suffering verbal abuse but is not physically assaulted in any way. Accommodation may have been made a condition of employment, for which a high rent is paid, comparative to earnings, and which creates a debt bondage relationship. The victim may be told that if they leave the accommodation they will lose their employment or have to continue to pay for accommodation. Whilst they may be physically free to leave, they are effectively a prisoner of their circumstances.”

[CPS guidance on Slavery, Servitude and Forced or Compulsory Labour](#)