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THE EUROPEAN UNION AND COMBATING TRAFFICKING IN HUMAN BEINGS
The fight against the least visible form of human trafficking: trafficking for labour exploitation

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Abstract
The least visible of human trafficking is the one that is carried out for labour exploitation purposes. The aim here is to focus on two different needs: first, finding an accurate definition of forced labour, that encompass controversial questions, such as the meaning of clauses as “coercion” and “abuse of a position of vulnerability”, and the difference between human trafficking for the purpose of labour exploitation and forced labour; and second, identifying causes of human trafficking for labour exploitation. The article tries to put forward proposals regarding the best way of making these phenomena more visible and effectively combating them.

Keywords: Human trafficking for labour exploitation; forced labour; causes of human trafficking; abuse of a position of vulnerability; coercion.

The need to focus on trafficking for labour exploitation

The Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime (Palermo, 2000), clearly defines the “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,

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slavery or practices similar to slavery, servitude or the removal of organs”. This is the same definition that is used by the Council of Europe Convention on action against trafficking in human beings (Warsaw, 2005), and practically the same as the one provided in Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011, on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

Despite the fact the purpose of exploitation in the phenomenon of trafficking can encompass a great variety of exploitative situations, some of which are presented as a mere example in the United Nations (UN) Trafficking Protocol, traditionally trafficking for sexual exploitation has been the centre of attention. This can be seen generally in documents and action plans against human trafficking, both at a national and international level; in fact, the UN recognised in 2008 that study and research on trafficking for labour exploitation was still “in its infancy” (UNODC 2008, p. 5). At an international level, the fundamental effort in the fight against forced labour has been made by the International Labour Organization (ILO). The publication of its *Global estimate for forced labour* must be outlined, the last edition of which was in 2012, together with other documents that intend to clarify some concepts on this topic and to implement action plans to fight against this form of exploitation (e.g. ILO 2005, 2008, 2012).

The UN admits that the over-representation of sexual exploitation may be the result of statistical bias, taking into account that sexual exploitation tends to be more visible (in city centres or along highways, while victims of forced labour often work in hidden locations; Defensor del Pueblo 2012, p. 271), and to be more frequently reported. Another element to take into account is that, until recently, many countries did not include forced labour as a purpose of the crime of trafficking in human beings. And due to these reasons, and as also happens with human trafficking in general, the number of prosecutions and convictions for human trafficking for labour exploitation has been so far very low (ILO 2013).

Nevertheless, in recent times this situation has changed, if we consider the latest statistics: according to the data provided in the UN *Global report on trafficking in persons* in 2009, sexual exploitation was the most commonly identified form of human trafficking (79%), followed by forced labour (18%); but this *Global report* in its 2012 edition affirms that trafficking for the purpose of sexual exploitation accounts for 58% of all trafficking cases, while trafficking for forced labour represents 36%, recognizing that the proportion of detected cases of this last kind of trafficking has doubled in the period 2009-2012. In this Report it is also indicated that trafficking for other forms of exploitation accounts for a 6%; among these other forms the Report cites child begging or the use of children to commit petty crimes or to be combatants, illegal adoptions, forced marriages, production of pornographic material or the trading of body parts for rituals or traditional healing; here mixed forms of exploitation are also included. The *Global report* of 2014 shows that trafficking for sexual exploitation represents 53% of all cases, forced labour 40%, organ