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Trafficking in Human Beings for Labour Exploitation: Cooperation in an Integrated Approach

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1. Introduction

When combating trafficking in human beings (THB), an integrated approach based on human rights in which counter trafficking measures are orchestrated and originate from different disciplines, is generally advocated. Over the last couple of years, there has been an increased focus on THB for labour exploitation but this focus has not yet watered down through all the levels and parties playing a role in an integrated approach to combating THB for labour exploitation. More than twelve years after the adoption of the internationally agreed definition in the

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An integrated approach means that counter-trafficking measures must be taken in fields other than merely criminal law, with the goal of preventing violations of human rights. These other fields include labor law, migration law, external relations, economic policy, development policy, etc., see EU Experts Group, Report of the Experts Group in Trafficking in Human Beings (Brussels: European Commission Directorate-General Justice, Freedom and Security, 2004), pp. 62–63.
Palermo Protocol, much remains unclear in relation to the actual definition; the new stakeholders involved in combating this form of THB are still not familiar with their new roles and tasks; and NGOs providing victim support still mainly focus on THB for sexual exploitation and female victims. Although an integrated approach is generally advocated the question of how it works in practice and which improvements can be made to realise such an approach is legitimised.

This question will be addressed in this article in order to take the evolvement of such an approach a step further. To that end, the difficulties related to the distinctions between exploitation and THB and other phenomena such as forced labour and slavery (-like practices) will be first dealt with in Section 2. The extension of the definition of THB to also include labour exploitation has largely obfuscated the understanding of the phenomenon of THB and especially its relation with previously used terminology. Discussing the difficulties related hereto will underline that an integrated approach in which various disciplines cooperate is needed.

Then some major constraints in realising such an integrated approach will be discussed in Section 3. These mainly focus on the role of the different stakeholders and the cooperation between these stakeholders. The so-called barrier model is seen as a tool to identify the new stakeholders and will be explained and discussed. A format for exchange of information, often seen as a major obstacle in multidisciplinary cooperation will be scrutinised as well. When discussing an integrated approach having the prevention of human rights violations as the ultimate goal, the position of the victim of THB for labour exploitation cannot be unnoticed and will be discussed in section 4 which is then followed by the conclusions.

2. The Definition: Focus on Trafficking Instead of Exploitation

Worldwide the definition of THB for labour exploitation is to a large extent based on the Palermo Protocol, but this does not at all mean that it is clear which cases meet the conditions of the protocol. In 2000, it was considered a great breakthrough when an international definition of THB was agreed upon. This

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3) According to Article 3 trafficking in persons shall mean 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.