2000: A year of significant achievements in the fight against trafficking in human beings

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Trafficking in human beings is a worldwide phenomenon that in many cases takes life and liberty from the living, reaps considerable profits in the face of dire poverty and ignores barriers where borders exist. Within the OSCE region, this is particularly true in the case of South Eastern Europe, a region that is receiving increased attention and assistance in this regard. It is estimated that in 2000 more than 1,000 victims of trafficking were assisted in South Eastern Europe by a growing but still insufficiently co-ordinated network of governmental, non-governmental and intergovernmental institutions.

While a co-ordinated response to trafficking has only been developing very slowly, the international community significantly increased its efforts to address this problem in 2000. One important achievement was that a number of politically important documents were adopted, some of which are of a legally binding character. These documents outline the need to take more co-ordinated action in the fields of prevention, protection of trafficking victims and prosecution of perpetrators. Trafficking in human beings as a multifaceted problem touches on issues of human rights, inequality, discrimination, the rule of law, crime control, law enforcement, corruption, economic deprivation and migration affecting all states being either countries of origin, transit or destination. It is clearly an international problem that calls for a concerted response and multidisciplinary approaches.

Countries in transition face tremendous political, social and economic challenges. High unemployment rates, gender inequality and scarce prospects for the future have a proportionately greater effect on women who then become easy targets for traffickers. The need for survival and the desire to improve one’s standard of living leads people to migrate for work. This all too often ends in the trafficking of human beings when people are dependent on others to facilitate their attainment of documents, to arrange their travel and to assist them in finding work abroad. Once in the hands of traffickers, human beings are treated as merchandise without any rights or dignity. Due to the hidden nature of this problem, the scale of the ‘trafficking business’ can not be measured in figures and official data can only show us the tip of the iceberg.

Trafficking in human beings is frequently viewed only as a problem of illegal migration or prostitution. As a result, the victims of trafficking are often treated as criminals, while the traffickers most often go unpunished. Traffickers

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2 According to the International Organization for Migration.
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frequently take away travel documents from their victims, in order to limit their freedom of movement. Subsequently, victims who enter a country legally may find themselves without documentation and, eventually, illegally in the country of destination. A lack of awareness or appropriate training results in authorities often tending to treat trafficked persons as undocumented migrants and to confront them with detention and/or punishment, as well as deportation.

In this respect, it must be noted that migrants (including internally displaced persons and refugees) are particularly vulnerable to become victims of discrimination and other human rights violations, even more so because their social and cultural structures have changed. States may apply international human rights standards for their citizens, but are often negligent when asked to ensure the same rights for migrants. Therefore, non-governmental organizations (NGOs) often play a crucial role in filling these gaps and providing services for victims where the state does not fulfil its obligations.

Defining trafficking in human beings

An awareness of this complex human rights violation grew slowly and its evolution process is reflected in numerous national, regional and international instruments. Due to the variety of definitions and the resulting different approaches and policies, many actors called for a standardized definition. Authorities frequently pursue restrictive immigration policies by mixing smuggling in persons, trafficking in persons and prostitution. This causes them to focus primarily on combating organised crime and neglecting the protection of individual human rights.

Finally, a large number of States actively participated in the negotiations on the elaboration of a comprehensive tool to combat trafficking in human beings. Non-governmental and intergovernmental organisations were granted observer status and in this capacity managed to have a significant influence on the approach taken within the documents. In December 2000, an international definition of trafficking in human beings was introduced by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime:

‘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, for the purpose of exploitation. Exploitation shall include, at a minimum, ‘the exploitation of the

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3 Between January 1999 and October 2000, the text of the ‘U.N. Convention against ‘Transnational Organized Crime’ and of the Protocols was negotiated by an Ad Hoc Committee that was established by U.N. General Assembly resolutions. All meetings took place in Vienna. Sessions usually drew about 100-120 national delegations and numerous other observers representing non-governmental and intergovernmental organisations.