

Research proposal on human trafficking

[Law](#), [Criminal Justice](#)



\n[[toc title="Table of Contents"](#)]\n

\n \t

1. [Approaches and Guiding Principles](#) \n \t
2. [Health and Human Trafficking](#) \n \t
3. [The Legal Framework of Action against Human Trafficking](#) \n \t
4. [International Co-operation against Human Trafficking](#) \n \t
5. [Conclusion](#) \n \t
6. [References](#) \n

\n[/toc]\n \n

Human trafficking is defined as the recruitment, transportation, harbouring or receipt of individuals by means of coercion, abduction, deception, fraud or abuse of power of a state of vulnerability for the aim of exploitation. It is estimated that over 600, 000 to 800, 000 individuals (men, women and children) are trafficked across borders each year. Trafficking victims suffer physiological and physical harm. The issue of language barrier, insufficient knowledge about the law and the frequency that trafficking takes place presents authorities with significant challenges in aiding victims and bringing traffickers to justice.

Human trafficking is a global issue that affects almost every country in the world. The majority of victims originates from Asia, Latin America, the Caribbean and Africa; however the recent years have seen an increase in the number of trafficked individuals from East European countries. Destinations most frequently include the Middle East, Western Europe and North America (Smith & Smith, 2012).

The issue of human trafficking has received increased global attention over <https://assignbuster.com/research-proposal-on-human-trafficking/>

the past decade. Initially, the trafficking of girls and women for prostitution and to servitude were the sole focus of assistance and advocacy. Today there is the recognition that children, women and men are trafficked into many different forms of labour and sexual exploitation. Labour-related trafficking takes place in a wide range of sectors such as fishing, agriculture, mining, manufacturing, forestry, construction and hospitality services. Trafficked people may also be coerced to work as beggars or soldiers and women and girls can be forced to serve as “wives” (Oram et al, 2012).

Approaches and Guiding Principles

In order to address the human trafficking challenges there are a number of elements that have been internationally agreed in the anti-human trafficking response. The first approach is known as Human rights-based approach. This approach acknowledges the human rights of trafficked individuals should be at the centre of all efforts to combat trafficking and provide redress to victims. The anti-trafficking measures will not affect human rights and dignity of individuals who have been trafficked and of migrants. The next approach is known as Principle of non-discrimination which provides that the internationally agreed upon Trafficking Protocol should be defined and enforced in a non-discriminating manner to victims of trafficking. (Smith & Smith, 2012)The victims should be treated in a humane and fair manner. Gender-sensitive approach is the third approach employed by anti-human trafficking response. It acknowledges the similarities and differences between men and women trafficking experience. The differential impact of policies addresses gender-based discrimination and violence and enhances gender equality and the realization of human rights for both women and

men. Many women for instance are sold to sexually slavery compared to men are forced into labour. Their needs and the approach of their trafficking is totally different.

The other approach incorporated into the anti-human trafficking response is Child-rights approach and child participation. This response should be guided by applicable human rights standards and specifically by the principles of children's rights set out in the UN Convention on the Rights of the Child (CRC). In all actions concerning children at risk and child victims, the best interest of the child shall be of primary concern. The next approach is The United Nations Trafficking Protocol and other international instruments.

Under this approach nothing in the protocol shall affect the rights obligations and responsibilities of individuals and states under international law (Smith & Smith, 2012).

Comprehensive international approach, as the sixth approach, dwells on the effective action in combating human trafficking on an international platform in collaboration with all countries. Interdisciplinary, coordinated, integrated approach provides for international coordination in prevention and combating of human trafficking. UN member states must ensure there are coordinated efforts among various governmental agencies involved in anti-trafficking activities.

Evidence-based approach, the eighth anti-human trafficking response approach provides for room for data research, data-based evaluation and monitoring of anti-trafficking activities. The last approach is Sustainability which ensures anti-trafficking measures stand the test of time and efficiency.

The legal frameworks set in combating Human Trafficking should be able to be applicable in the long-run as well as effective on its implementation.

Health and Human Trafficking

Human trafficking has been linked to negative effects of health as per WHO's Human trafficking article. A review published in 2012 noted 16 studies that focused on health problems and violence experienced by trafficked women and girls. The health service needs of victims have received limited attention compared with immigration and law-enforcement responses to human trafficking. Most of health research on this subject is exclusively conducted in sexual exploitation cases which is prevalent to the female victims and to a lesser extent to mental health. Many of the trafficking surveys rely on data from case records facilities providing care to rescued sex-trafficked female individuals. The data for example focuses on HIV or other Sexually Transmitted Diseases (STD's) and health conditions like tuberculosis. The insufficient data hinders proper documentation and planning of health agendas focused on the victims of Human Trafficking (Oram et al, 2012). For many Human Trafficking victims health influences are seen to be cumulative making it essential for the accounting of each stage of the trafficking process. At each stage, victims regardless of gender may experience psychological, physical and/ or sexual abuse, coerced drug abuse or alcohol, social restrictions and emotional manhandling, economic exploitation, irrevocable debts and legal insecurities(Margarida, 2009). Health risks persist even after a person is released from trafficking bondage. It is only small fraction victims that can access post-trafficking services or receive any financial, legal or any other compensation.

The Legal Framework of Action against Human Trafficking

Trafficking in persons remains one of the largely under-punished and prosecuted. Many nations have specific legislations criminalizing human trafficking in most or all forms. Many countries lack the legal framework necessary in covering the UN anti-Human trafficking protocol provisions. The conviction rates under this crime remain relatively low. In order to improve the human trafficking vice prosecution efforts it is important for countries to carry out several measures.

The first measure is the strengthening of national legal frameworks to ensure that they are compliant to United Nations Trafficking Protocol. This also requires that the implementation of these legal frameworks is carried out in line with the Trafficking Protocol and other international standards prioritizing the rights of victims. The legislations should ensure that trafficking in persons is a criminal offence as explained in the UN Trafficking Protocol and give priority to the prosecution of trafficking and related offences. The legal frameworks to be strengthened must ensure that criminalization of crimes related to trafficking in persons are affected. It should further guarantee that the penalties and sanctions are appropriate and proportionate to the severity of the crime and that financial gains made through trafficking are confiscated. The nations too, should strengthen their legal structures through protection of the victim rights and witnesses' rights, as well as coordination between the law enforcement, social welfare and civil society. The anti-Human Trafficking laws should develop space for proactive intelligence led investigative techniques that do not necessarily rely on the victim's input. This should be coupled with judicial procedures in order to

avoid scenarios where re-victimization of trafficked persons, especially children, during the judicial course.

The efficient legal war against Human Trafficking can be boosted through enactment of national anti-human trafficking legislation including circulars and/or administrative orders. The efficiency in the enforcement of the anti-human trafficking laws is also directly linked to the capacity of criminal justice practitioners. The criminal justice practitioners can be strengthened through the crafting of relevant institutions such as special police units and judicial structures (Margarida, 2009).

The legislation should also establish protection clauses that ensure there are proper procedures to identify and avail assistance and protection to victims. This is through programs to ensure re-victimization does not take place.

Victims should be identified and empowered through the ease with access to assistance services that will ensure a victim is compensated or is provided with legal redress. Prevention strategies should be incorporated in this legislation in order to reduce incidences of Human Trafficking. This can be enhanced through public awareness and reduction of vulnerability of citizens.

International Co-operation against Human Trafficking

The human trafficking industry is mainly fuelled by the monetary gains made by its perpetrators. A 2003 study by Laczko & Gramegna, estimates the human trafficking industry to be worth \$32 billion annually. Tough economic times have also propelled the increased cases of human trafficking vice for an equally increasing array of factors. Laczko & Gramegna (2003) assert that human trafficking mainly dwells to serve sexual slavery, forced labour, the

extraction of organs and forced surrogacy among other reasons.

The trade has received renewed attention in the last two decades. The attention can be ascertained by ever rising national and international concerns on human trafficking and the ways available to eliminate it. In the USA activist groups campaigned strongly against human trafficking in the 1990-2000 decade leading to the passage of the Trafficking Victims Protection Act (TVPA) into the federal law in October 2000. Thailand, which is one of the nations hardest hit by human trafficking vice, passed and enacted the Anti-Trafficking in Persons Act in 2008. This law stipulates all manner and forms of human trafficking as prohibited and further prescribes stiff penalties which range from 10 year period imprisonment to compensation of victims. Following the passage of these and other related laws, several nations have taken a front role globally in fighting human trafficking through protection programs for victims, prosecution of traffickers and awareness campaigns to sensitize the masses about human trafficking.

International cooperation is key in ensuring that the war against Human Trafficking is won. The member states of the United Nations have created frameworks that ensure coordinated efforts are carried out across borders by facilitating international security mechanisms. The Interpol for instance is as a result of cooperation and coordination of states against international criminal activities. Many UN member states lack the capacity to prevent, investigate, adjudicate and punish transnational cooperation is inadequate in many scenarios. Moreover, international mechanisms must be in place to improve the coordination of efforts of international and regional organizations. In order to boost international relations it's prudent for the

following measures to be implemented in the international platform.

The first measure is the creation of the legal basis for international cooperation including the promotion of cooperation treaties or agreements.

Treaties bind the states to mutual agenda, in this case, human trafficking.

The states also are required to strengthen their individual national capacities in mutual legal assistance, joint investigations, and international cooperation

for the purposes of confiscation. Each state can fund and strengthen its security systems with the bigger aim of cooperating internationally with

other states. The strengthening of national capacities enables ease in identification, return risk assessment and reintegration of trafficking with

much consideration for the best interests of innocent people and

establishment of cooperation between countries of destination, origin and transit.

Informal and formal cooperation is essential in establishing of communication procedures and the crucial sharing of security data between

countries. This is effective as it enables global security alertness to be relatively on the same radar thus easing fight against Human Trafficking .

The coherence and compatibility in Human Trafficking policy between states is integral for a good international coordination and cooperation. This can

further be enhanced through joint programming among international and regional blocs for the development and implementation of common

strategies and programs. Cooperation if fully established and nurtured in the fight against Human Trafficking many cartels can be broken down and many victims returned to their respective countries of origin.

It is justified to state that the fight against Human Trafficking is dependent

on the international cooperation between states. Human Trafficking thrives due to the lack of proper coordination and clear implementation of the UN anti-Human Trafficking protocol provisions. Many countries such as the Less Developed Countries lack the funding and sophisticated security systems that are essential in the fight against modern day crime. Human Trafficking cartels are very cautious and operate discreetly thus making it hard for any ill equipped state to be effective in combating them.

The international cooperation in the fight against is also hindered by corruption. Corrupt countries or countries that have high levels of corruption fair poorly in the fight against the global crimes. This is because many international crime cartels are well oiled in terms of finances thus they can bribe their way through security screens and other legal procedures.

Corruption as a vice makes some countries havens for criminal activity which can greatly compromise the integrated international security systems. The cartels through underhand dealings can track intelligence and easily keep away from the security agency's radar.

Poverty is another factor that negatively impacts in the enforcement of internationally agreed anti-Human Trafficking protocol provisions. Countries with significant high poverty among its citizenry lead in human trafficking. In this scenario the citizens participate in the Human Trafficking syndicate as a means of getting financial gains due to their poor backgrounds. Poverty also encourages the growth of this illicit trade as a cartel creates a network of individuals to the grassroots level that source for people to traffic. Having such a deep rooted network precipitates a complex problem of dismantling the Human Trafficking cartels.

Studies emphasize the confusion shrouding the human trafficking issue and the general lack of proper global awareness. There have been less spirited campaigns on the Human Trafficking issue globally than expected. The absence of definitive data on the amount of human trafficking reflects on not only a lack of awareness but an absence of proper recording system to aid in human trafficking investigations. The issue of human trafficking issue also has presented judicial controversies and ambiguities that at times can compromise the war against human trafficking. The US constitution for instance does not differentiate between severe and non severe forms of human trafficking. It also does not distinguish between trafficking and smuggling.

The perpetrators of human trafficking are ever coming up with cunning ways to carry it out. Margarida (2009) acknowledges that it is at times difficult to distinguish between legal migrations from human trafficking. This is the trickiest part for law enforcers and immigration officers. The trafficked individuals and perpetrators may use genuine travel papers that are easily accepted without any slight suspicion that a crime is being committed.

In this modern day and age many people are duped in to believing there are greener pastures in foreign lands thus creating an increased desire to head to unknown lands via the aid human traffickers who guise themselves as international job agents. In such a scenario a victim might unknowingly part with some sums of money only to arrive to the desired destination as a slave. All this is done through legal means and full documentation is obtained. Shock comes when upon arrival in a foreign land, when the host or perpetrators confiscate a victim's travel documents and then sell them into

sexual exploitation, organ extraction, rituals, and forced surrogacy among others. Many individuals that fall to such cases are usually not fully furnished with information on the human trafficking business and thus they easy fall prey to such antics by offenders. It is prudent for authorities and embassies to be opening up centers for ratification of job agencies that promise people employment in foreign lands while they are not registered or are not genuine at all.

Studies show that government regulations on labor and migration have a big influence on human trafficking. There are many middle facilitators of movement of individuals from one location to another. In many countries that have overly strict labor and immigration rules human trafficking takes place greatly. Countries like Philippines have punitive regulations on immigration which makes them havens for human traffickers.

Conclusion

In conclusion, key players involved in the modern-day combating of human trafficking are still not fully furnished with information that effectively expounds on the scope and nature of Human Trafficking. A lot of the literature available today does not address the incentive based human trafficking where individuals are duped with job promises and better lives in foreign lands. Studies too fail to dwell on human trafficking that is usually disguised through legal travel and work documentation.

The studies also fail to conclusively expound the relation between international cooperation and fight against human trafficking. The information also falls short on sensitization initiatives by governments on the issue of human trafficking that has adapted evolved over the years. The rise

of ungoverned cyber communication is also another issue that has fueled the trafficking trade but has been overlooked in many studies carried out on human trafficking. Most importantly, future studies should aim to provide governments with insightful ways and concepts on how to improve the socio-economic needs of their people to curb the luring of their citizens into human trafficking due to poverty.

References

Laczko, F., & Gramegna, M. A. (2003). Developing Better Indicators of Human Trafficking.

Margarida, A. (2009). Human Trafficking and Global Policy: A Study on the Casual Factors of Human Trafficking.

Oram, S., Stöckl, H., Busza, J., Howard, L. M., & Zimmerman, C. (2012). Prevalence and Risk of Violence and the Physical, Mental, and Sexual Health Problems Associated with Human Trafficking: Systematic Review. PLOS Medicine.

Smith, C. A., & Smith, H. M. (2011). Human Trafficking: The Unintended Effects of United Nations Intervention. *International Political Science Review*, 5.