



Chapter 1. Definitions / background knowledge on THB

Unit-responsible partner: KMOP



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1. Definitions/ background knowledge on THB

1.1 Introduction

This unit provides foundational knowledge on trafficking in human beings (THB), approaching this topic as a complex and yet pervasive issue with far reaching consequences for individuals, professionals, communities and societies worldwide. This chapter provides a comprehensive understanding of THB focusing on the definitions, types and underlying dynamics of trafficking. Through this chapter, learners will explore various forms of trafficking such as sexual exploitation, forced labour and forced criminal activities.

1.2 Learning objectives

- Define key terms related to THB
- Explain the forms of exploitation in human trafficking
- Summarize the different types of human trafficking and explain their distinguishing characteristics

1.3 Theoretical / informative part

1.3.1 What is Trafficking in Human Beings (THB)?

Human trafficking is a multifaceted issue with economic, social, cultural, and political dimensions. Trafficking in Human Beings (THB) represents a severe criminal offense,



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frequently carried out by organized crime networks and constituting a **profound violation of basic human rights**. The Charter of Fundamental Rights of the European Union¹ explicitly forbids such exploitation. Addressing and fighting against human trafficking remains a top priority for both the European Union and its Member States, as they seek to protect individuals from these abuses and uphold fundamental freedoms.²

According to the United Nations Convention Against Transnational organized crime and the protocols thereto³, Trafficking of Human Beings is:

*The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those 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.*⁴⁵

¹ https://www.europarl.europa.eu/charter/pdf/text_en.pdf

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0036>

³ <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

⁴ https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/trafficking-human-beings_en

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0036>

1.3.2 Definition of THB

According to the Article 4 of the Council of Europe Convention⁶, the definition of THB consists in a combination of three components depicted in Figure 1.

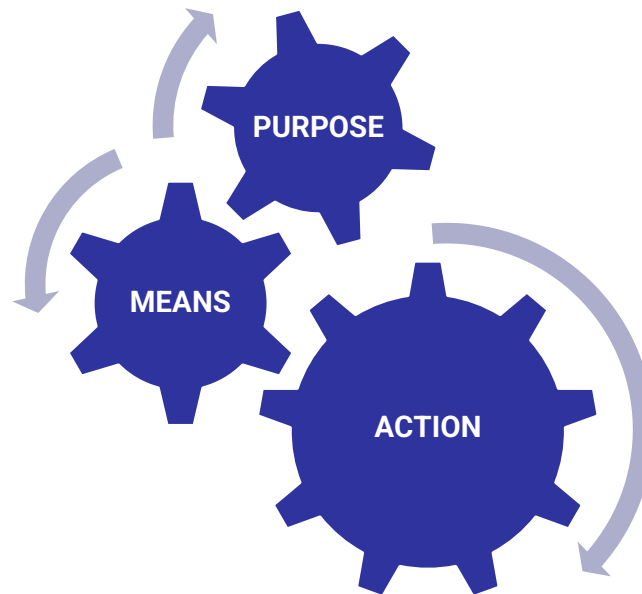


Figure 1. Combination of three component: action, means, purpose

Action

The recruitment, transportation, transfer, harbouring or reception of persons

⁶ [https://www.coe.int/en/web/anti-human-trafficking/anti-trafficking-convention#{%22243150037%22:\[0\]}](https://www.coe.int/en/web/anti-human-trafficking/anti-trafficking-convention#{%22243150037%22:[0]})

Means

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 (this element is irrelevant when the victim is a child).

Purpose

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.

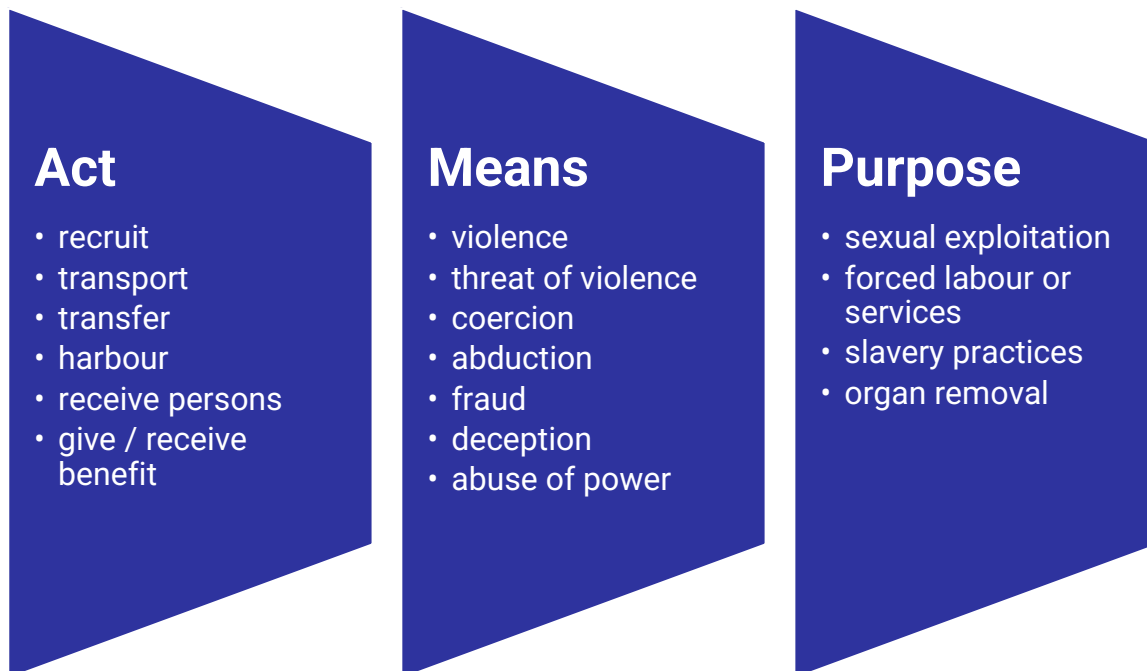


Figure 2. Act, means, and purpose of THB



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The difference between THB and people smuggling: Human trafficking and people smuggling, though sometimes similar in appearance, are distinct in legal terms. A key difference lies in the nature of consent and intent, as people who engage a smuggler to enter a country illegally typically do so willingly. In contrast, human trafficking victims are often deceived, coerced, or forced into relocation, often with the intention of exploiting them for economic gain. Moreover, smuggling only takes place across borders, while trafficking can take place internationally and domestically. Smuggling is a crime committed against a state, while trafficking is committed against individuals. Additionally, unlike trafficking, people smuggling does not inherently involve exploitation or abuse for financial purposes. However, smuggling is associated with human rights violations and can turn into trafficking in human beings.

Migrant smuggling involves enabling unauthorized entry into a country for financial or other material gain, targeting individuals who are not citizens or residents. The criminals operating this lucrative trade exploit people's urgent needs or desires to escape conditions such as poverty, unemployment, natural disasters, conflict, or persecution⁷.

The crime of migrant smuggling has high profits and a low risk of punishment for the criminals involved (UNODC, n. d.).⁸

⁷ <https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/migrant-smuggling.html>

⁸ <https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/crime.html>

1.3.3 Factors shaping vulnerability to trafficking

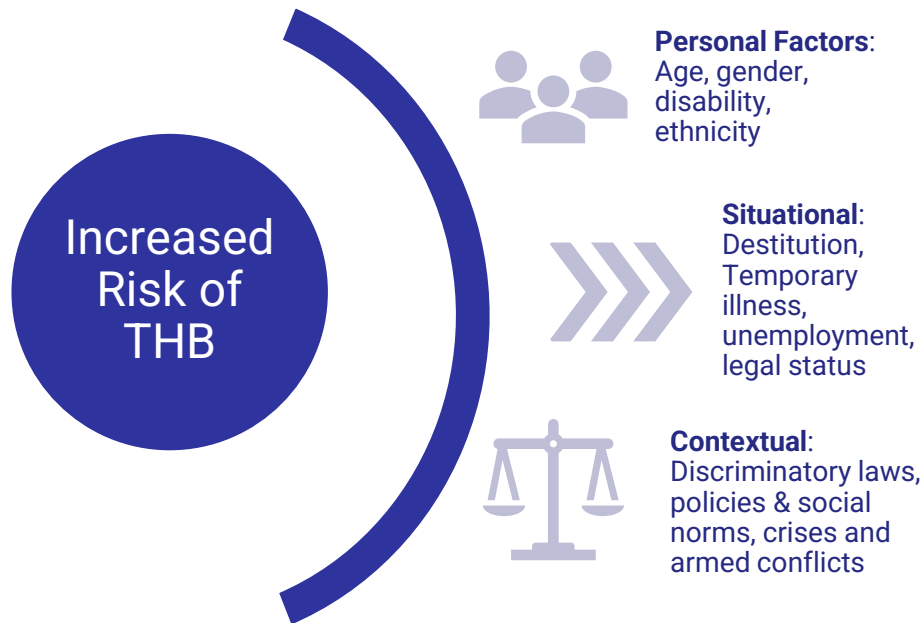


Figure 3. Intersection of vulnerability factors to increase risks of THB

1.4 Forms of exploitation

Sexual
Exploitation

Labour
Exploitation

Exploitation
of Criminal
Activities

Sexual exploitation⁹ means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. It includes but is not limited to exchanging money, employment, goods or services for sex. This includes transactional sex regardless of the legal status of sex work in the country. It also includes any situation where sex is coerced or demanded by withholding or threatening to withhold goods or services or by blackmailing.

Figure 4. Forms of exploitation

Labour exploitation is a pervasive form of **modern-day slavery**, where individuals are compelled to work under **exploitative conditions** through **force, deception, or coercion**. Traffickers often manipulate vulnerable individuals, using various forms of control—such as physical violence, threats, false promises, or economic exploitation—to trap people in situations where they have little to no control over their work or living conditions.¹⁰ Labour

⁹ <https://www.unhcr.org/what-we-do/how-we-work/tackling-sexual-exploitation-abuse-and-harassment/what-sexual-exploitation>

¹⁰ <https://humantraffickinghotline.org/en/human-trafficking/labor-trafficking>



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trafficking manifests in various forms, including debt bondage, forced labour, and involuntary child labour. In debt bondage, individuals are forced to work to pay off a debt under unfair terms, often without the debt ever being fully repaid. Forced labour involves direct coercion, where individuals are made to work under the constant threat of violence or punishment. Involuntary child labour occurs when children are exploited in dangerous or harmful work against their will, stripping them of their childhood, education, and safety. Labour trafficking spans numerous industries, from domestic work to agriculture and manufacturing. Domestic workers, for example, may be trapped in private homes, isolated and subjected to threats or abuse to prevent them from leaving. In agriculture, farmworkers may be coerced through violence or threats into harvesting crops under gruelling conditions, often for extremely low or no pay. In factories, workers can be held in cramped, inhumane environments with little freedom or security, forced to endure long hours with minimal compensation.

Exploitation of Criminal Activities¹¹ involves coercing someone to commit activities that are contrary to the law, such as pick-pocketing, shop-lifting, drug trafficking and other similar activities that are subject to penalties and imply financial gain.

Other forms of exploitation include forced marriage, trafficking for the purpose of the removal of organs.

¹¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0036>

1.5 Labour exploitation in the context of EU law

Key statistics in EU Level: According to Eurostat¹², in 2022, registered victims trafficked for sexual exploitation and those trafficked for forced labour constituted approximately 82% of all trafficked victims. The number of registered victims that were

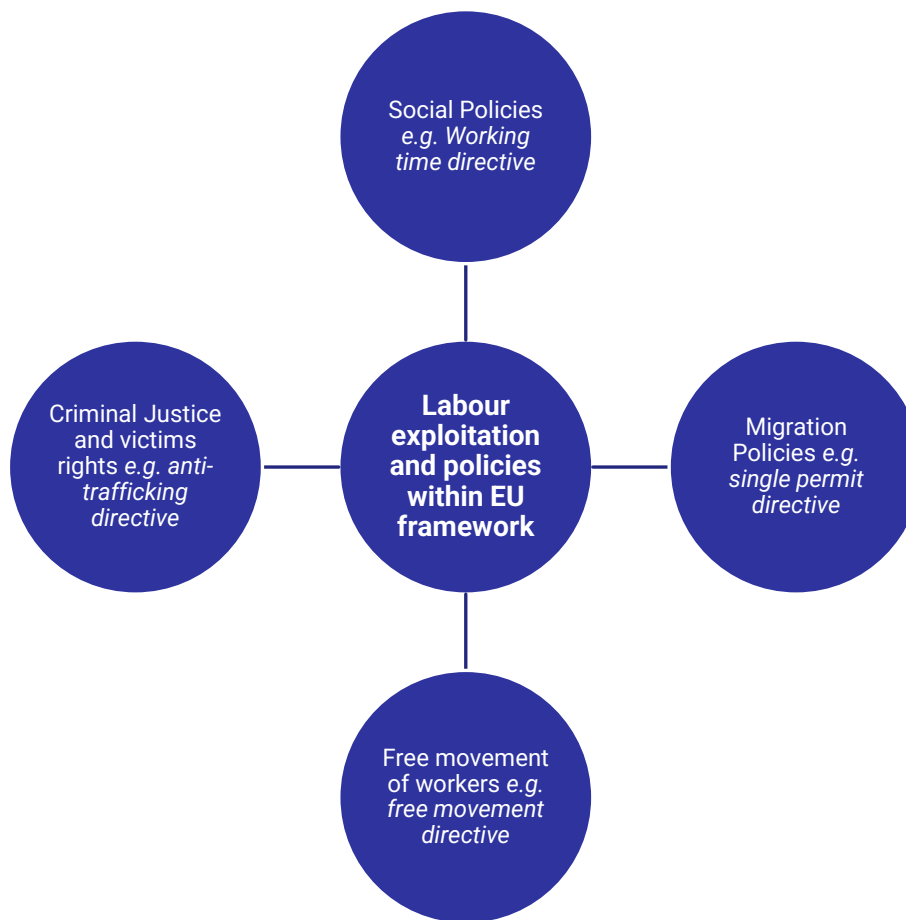


Figure 5. Labour exploitation in the context of EU law

¹² <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20240124-1>

trafficked for other purposes, such as organ removal, benefit fraud, criminal activities, forced begging and others, reached 1 699 (18% of all trafficking victims).

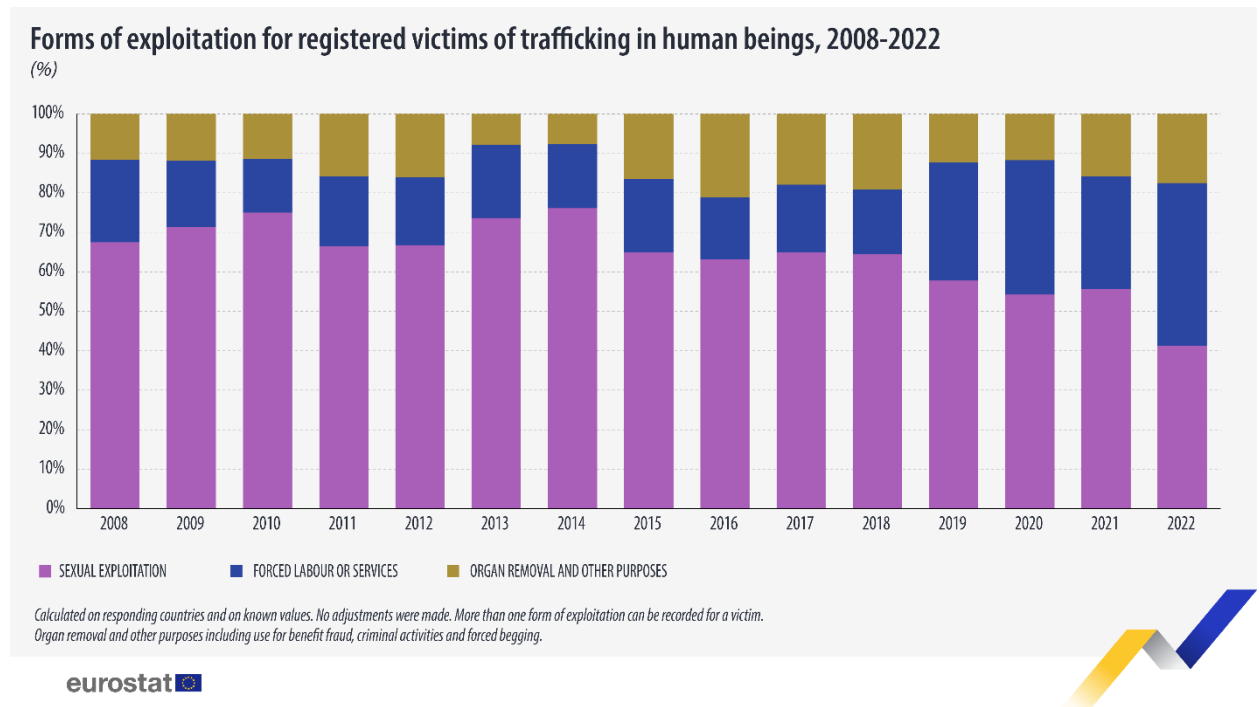


Figure 6. Eurostat: forms of exploitation per year

37% of the victims of trafficking in the EU are EU citizens, and a high number of them are trafficked within their own country.

Around 15% of victims of trafficking in the EU are children.



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The majority of the traffickers in the EU are EU citizens and often of the same nationality as their victims¹³.

Trafficking in human beings is often linked with other forms of organised crime such as migrant smuggling, drug trafficking, extortion, money laundering, document fraud, payment card fraud, property crimes, cybercrime and other.

According to ILO¹⁴:

- There are 27.6 million people worldwide, in situations of forced labour on any given day.
- Forced labour has grown in recent years.
- The initial months of COVID-19 pandemic were accompanied by wide-spread reports of forced labour linked to the crisis.
- No region of the world is spared from forced labour.
- Forced labour is a concern regardless of a country's wealth.
- Most forced labour occurs in the private economy.

¹³ https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings_en

¹⁴ https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40ipec/documents/publication/wcms_854795.pdf



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1.6 Who are the possible victims of labour trafficking?

Labour trafficking¹⁵ may affect **all population groups**, despite their age, gender, country of origin or status. Vulnerability relates to a person's characteristics and circumstances that in specific contexts increase the risk of being trafficked. Though, some groups could be more vulnerable than others:

- Women and girls,
- Children or elderly people,
- Unaccompanied minors in cross-border movement,
- People facing educational, social and economic hardship,
- Migrants and refugees.

Note! A child is considered a victim of human trafficking regardless of whether any **means** have been used to recruit, transport, transfer, harbour, or receive him/her for the purpose of exploitation.¹⁶

Note! A person's consent to the exploitation is **irrelevant** when any of the **means** have been used.

¹⁵ https://www.unodc.org/documents/human-trafficking/Exploitation_and_Abuse.pdf

¹⁶ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805d41e9>



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1.7 Recruitment methods for labour exploitation

Recruitment for labour exploitation involves a variety of manipulative and deceptive practices designed to coerce individuals into forced labour. An extensive list of deceptive recruitment methods can be found in the indicators of THB provided by IOM¹⁷. Examples of such recruitment methods could be:

- False promises of high wages or better living / working conditions.
- Exploitation of debt.
- Manipulative contracts and deceptive paperwork.
- Coercive recruitment as threats and violence against victims, family members, etc.

¹⁷ https://www.iom.int/sites/g/files/tmzbd1486/files/documents/atip_levant/indicators-of-trafficking-in-persons-1.pdf

1.8 Risk factors of labour exploitation



Figure 7. Risk factors of labour exploitation

There is a series of risks factors that make workers particularly vulnerable to exploitation. They can be grouped as¹⁸:

1. **Risk factors relating to the legal and institutional framework** of the country of employment, such as the deficiency of investigations or a lack of monitoring of working conditions.
2. **Risk factors concerning the workers' personal situation**, such as not knowing the language of the country in which they are working, a low educational level, or having experienced extreme poverty in the country of origin.
3. **Risk factors at the workplace**, such as working in an economic sector prone to labour exploitation, or in a hazardous employment situation. There are several sectors that

¹⁸ <https://fra.europa.eu/en/content/q-severe-labour-exploitation-eu>

have been identified as high-risk sectors of economy for labour exploitation. Such sectors could be agriculture, horticulture, fishing, construction and the hospitality.

4. **Risk factors created by employers**, for example when they do not provide a contract written in a language the worker can understand, do not inform workers of their entitlements, or increase the dependency of workers (for example, by providing accommodation, transport, or employing other family members).

1.9 The 3P paradigm: prevention, protection and prosecution



Figure 8. The 3P paradigm

This approach prioritizes protecting victims and their well-being over persecuting the crime. For this approach to be effective, the institutional response must prioritize protecting victims and upholding their rights. This involves identifying individuals who have experienced THB and officially acknowledging them as victims – a crucial first step to ensuring they receive the appropriate support and assistance¹⁹.

¹⁹ Villacampa, C. (2022). Challenges in assisting labour trafficking and exploitation victims in Spain. *International Journal of Law, Crime and Justice*, 71, 100563.

1.10 International legislation



The **Palermo Protocol**, formally known as the Protocol to Prevent, suppress and punish Trafficking in Persons especially women and children, is an international treaty adopted by the United Nations in 2000 to combat human trafficking supplementing the UN convention against transnational organized crime (UNODC)²⁰. This protocol defines human trafficking broadly, address, various exploitation practices and emphasizes the need for countries to enact laws, protect victims' rights and promote international cooperation with key purpose to tackle this global phenomenon.

Figure 9. International legislation

The EU Directive announced on June 2024, of the European Parliament and of the Council of Europe amending the Directive **2011/36EU²¹ on preventing and combating trafficking in human beings and protecting its victims**. The amended directive will

²⁰ <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

²¹ https://home-affairs.ec.europa.eu/news/stronger-eu-rules-fight-trafficking-human-beings-enter-force-2024-07-12_en



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strengthen penalties providing public authorities with stronger tools for prosecuting new forms of exploitation.

The EU strategy on Combatting Trafficking in Human Beings²² is a comprehensive document focusing on preventing the crime, bringing traffickers to justice and protecting and empowering victims.

Additionally, we can further connect the EU initiatives for combating THB, with the 2040 agenda for Sustainable Development Goals (SDGs) related to:

- ✓ Goal 5: Achieve gender equality and empower all women and girls.
- ✓ Goal 8: Decent work and economic growth.
- ✓ Goal 10: Reduce inequality within and among countries.
- ✓ Goal 16: Promote just, peaceful and inclusive societies.

²² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0171>



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Target 5.2

- Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

Target 8.7

- Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

Target 10.7

- Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

Target 16.2

- End abuse, exploitation, trafficking and all forms of violence against and torture of children.

Target 16.4

- By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.



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1.11 Glossary terms

Table 1. Glossary terms

| Glossary Terms | |
|---------------------------------------|---|
| Forced Labor²³ | <p>According to the article 5 of the EU Charter of Fundamental Rights:</p> <p>All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily (International Labour Organization (ILO), Forced Labour Convention, 1930, Article 2 (1)).</p> |
| Migrant Smuggling²⁴ | <p>Migrant Smuggling is the facilitation, for financial or other material gain, of irregular entry into a country where the migrant is not a national or resident. The criminals behind this highly profitable business seize the opportunity created by the need or desire of people to escape not just poverty and lack of employment opportunities but also natural disaster, conflict or persecution.</p> |

²³ https://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation_en.pdf

²⁴ <https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/migrant-smuggling.html>

| | |
|---|---|
| Labour exploitation | <p>According to the ILO Forced Labour Convention²⁵, 1930 (No. 29), forced or compulsory labour is: all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.</p> <p>This definition consists of three elements:</p> <p>Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy.</p> <p>Menace of any penalty refers to a wide range of penalties used to compel someone to work.</p> <p>Involuntariness: The terms ‘offered voluntarily’ refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker takes a job he or she would not otherwise have accepted.</p> |
| Fair and Just Working Conditions | <p>This refers to the Charter of Fundamental rights of the European Union and particularly to the Article 31. This article clarifies that:</p> <p>Every worker has the right to working conditions which respect his or her health, safety and dignity.</p> |

²⁵ <https://www.ilo.org/topics/forced-labour-modern-slavery-and-trafficking-persons/what-forced-labour>

| | |
|---|--|
| | Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave. |
| Particularly exploitative working conditions | A striking disproportion between the working conditions, including those resulting from gender based or other discrimination, where there is a striking disproportion compared with the terms of employment of legally employed workers which, for example, affects the worker's health and safety, and which offends against human dignity (Article 2 (i) of the Employer Sanctions Directive). ²⁶ |
| Palermo Protocol | Protocol to prevent, suppress and punish trafficking in persons, especially women and children (2000), supplementing the United Nations (UN) Convention against Transnational Organized Crime (the EU and all Member States are parties to the protocol). ²⁷ |
| Prohibition of slavery and forced labour | This refers to the Charter of Fundamental rights of the European Union. This article clarifies that: No one shall be held in slavery or servitude. |

²⁶ https://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation_en.pdf

²⁷ https://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation_en.pdf

| | |
|---|---|
| | <p>No one shall be required to perform forced or compulsory labour.</p> <p>Trafficking in human beings is prohibited.</p> |
| Sexual exploitation²⁸ | <p>An actual or attempted abuse of someone's position of vulnerability (such as a person depending on you for survival, food rations, school, books, transport or other services), differential power or trust, to obtain sexual favours, including but not only, by offering money or other social, economic or political advantages. It includes trafficking and prostitution.</p> |
| Smuggling | <p>According to the article 3(a) of the <i>Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime (2000)</i>, 'smuggling of migrants' shall mean 'the procurement to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident' '.</p> |

²⁸ <https://www.unhcr.org/asia/what-we-do/how-we-work/tackling-sexual-exploitation-abuse-and-harassment/what-sexual-exploitation>

| | |
|-----------------------------|--|
| Slavery²⁹ | <p>The status or condition of a person over whom any or all of the powers of the right of ownership are exercised' (1926 Slavery Convention).</p> <p>According to article 1(b) of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), 'the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status'.</p> |
| Vulnerability | <p>'a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context for their communities.</p> |

²⁹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/supplementary-convention-abolition-slavery-slave-trade-and>



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1.12 Suggested activity for the chapter

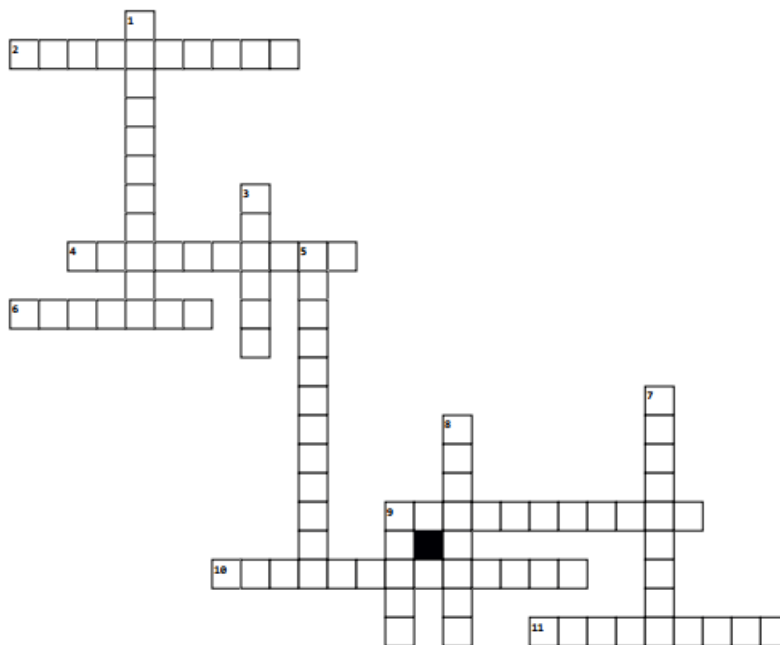
Table 2. Understanding THB terminology

| Activity Name | Understanding THB terminology |
|---------------------|--|
| Type of Activity | Introductory activity to learn the THB terminology. |
| Duration | 30 minutes |
| Learning Objectives | <ul style="list-style-type: none"> • Define key terms associated with THB using accurate language and context. • Identify the core elements of THB. • Discuss the impact of trafficking on individuals. |
| Materials Needed | <ul style="list-style-type: none"> • Whiteboard or flip chart with markers • Crossword template |

| | |
|---------------------------------------|--|
| Tools / printings | <ul style="list-style-type: none"> Crossword template (annex 1) Video: https://webapps.ilo.org/infostories/en-GB/Stories/Forced-Labour/Deceptive-Recruitment-and-Coercion#taking-action-to-end-forced-labour/forced-labour-explained |
| Guidelines for the facilitator | <p>Provide each participant with crossword related to human & labour trafficking, as well as the link to the ILO video explaining labour trafficking.</p> <p>Ask participants to watch the video and afterward to work on the crossword. After the discussion, bring the groups back together to share their findings</p> <p>Facilitate a session where you clarify any misunderstandings, and ensure all definitions are aligned with the accurate terminology.</p> |
| Additional | N/A |
| References | <p>International Labour Organization. (n.d.). Forced labour explained. International Labour Organization. https://webapps.ilo.org/infostories/en-GB/Stories/Forced-Labour/Deceptive-Recruitment-and-Coercion#taking-action-to-end-forced-labour/forced-labour-explained</p> |

Annex

Labour Trafficking



Across

2. Efforts to stop trafficking before it happens.
4. A person who manipulates or controls others for labor or profit.
6. Permission for something to happen; in trafficking, often manipulated or not possible.
9. Work performed under threat or without consent.
10. A state of being susceptible to trafficking due to poverty, lack of education, or other factors.
11. The illegal movement of people or goods across borders.

Down

1. A form of slavery where a person works to pay off a debt but cannot leave.
3. A person being controlled or harmed by traffickers.
5. Taking unfair advantage of someone for personal gain.
7. The act of keeping someone in a location against their will.
8. Using threats or force to make someone do something against their will COERCION
9. Deceptive practices to gain control over a person.



Labour Trafficking - Crossword Labs.pdf



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https://home-affairs.ec.europa.eu/news/stronger-eu-rules-fight-trafficking-human-beings-enter-force-2024-07-12_en

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<https://www.unhcr.org/what-we-do/how-we-work/tackling-sexual-exploitation-abuse-and-harassment/what-sexual-exploitation>



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