

Human Trafficking Defined

The United national defines human trafficking as:

[T]he recruitment, transportation, harboring 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. (2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational organized Crime)

The chart below, extrapolated and simplified from the UN Protocol definition, is a useful tool for analyzing individual cases to determine whether or not they constitute trafficking. In order for a situation to be trafficking, it must have at least one of the elements within each of the three criteria of Process, Means, and Goal.

Human trafficking is:

Process	+	Way/Means	+	Goal
Recruitment	AND	Threat	AND	Prostitution
Or		Or		or
Transportation		Coercion		Pornography
Or		Or		Or
Transferring		Abduction		Violence/Sexual Exploitation
or		Or		Or
Harboring		Fraud		Forced Labor
or		Or		Or
Receiving		Deceit		Involuntary Servitude
		Or		Or
	Deception	Debt Bondage (with unfair wages)		
	Or	Or		
	Abuse of Power	Slavery/Similar practices		

If one condition from each category is met, the result is trafficking. For adults, victim consent is irrelevant if one of the Means is employed. For children, consent is irrelevant with or without the Means category.

Scenario #1: Atieno is a 12-year-old girl. A family friend takes her to the city to find work so that she can help support her family. The family friend takes her to a restaurant, where she lives and works as a servant. Her salary is paid directly to her family.

This is trafficking. Atieno is removed from her support network, is transported to the city (Process), suffers an abuse of power from her family (Means), and is in a state of forced labor (Goal).

Scenario #2: Kamau is 14 years old. He works with his father and older brother on a coffee plantation in Nyeri. He works 12 hours a day, and his salary is given to his father. Kamau is unable to attend school, but he does not mind because he likes to help his family earn income.

This is not trafficking. This is child labor according to internationally recognized labor standards. Kamau is under 15 (the legal working age) and cannot attend school. The fact that he agrees to this work is irrelevant, because it is internationally recognized that a child does not have the capacity to form "consent."

Scenario #3: Kanini, a migrant worker from Kitui, is recruited by an agent to work as a domestic worker (housemaid) in Lebanon. When she arrives in Lebanon, her employer forces her to work long hours, seven days a week, confiscates her passport, and withholds her wages.

This is trafficking. Kanini is outside her support network. She is transported (Process). Is deceived by her employer (Means), and is forced to work in involuntary servitude (Goal).