

GENDER EQUALITY AND TRAFFICKING IN HUMAN BEINGS

GOOD TO KNOW

Trafficking in human beings includes three components:

- an action: the recruitment, transportation, transfer, harbouring or receipt of persons,
- the use of certain means: threat or use of force or other forms of coercion, abduction, fraud, deception, 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,
- and the purpose of exploitation: 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.

In the case of children, it is immaterial whether the means referred above have been used.

- Trafficking in human beings affects women, men and children. However, trafficking in human beings is a gendered phenomenon as the vast majority of human trafficking victims are women and girls, both in Europe and globally. Thus women and girls represented 80% of the registered victims of trafficking in the European Union according to the Eurostat's 2015 report and 71% globally according to UNODC's 2016 Global Report on Trafficking in Persons.
- Women and girls are trafficked across borders as well as within countries for different purposes: sexual exploitation, but also forced labour, domestic servitude, forced marriage, forced begging or forced criminality. Traffickers primarily target women, because they are disproportionately affected by poverty and discrimination, factors that impede their access to employment, educational opportunities and other resources. This is why human trafficking needs to be considered, assessed and programmed for in the wider context of gender inequalities.
- In some European countries, men and boys are the majority of identified victims of trafficking, primarily for the purpose of labour exploitation, but also for the purpose of forced criminality, forced begging, sexual exploitation or removal of organs.

WHAT DOES THE COUNCIL OF EUROPE DO ABOUT IT?

- Convention on Action against Trafficking in Human Beings (CETS No. 197)

The Council of Europe Convention on Action against Trafficking in Human Beings, in force since February 2008, aims at preventing human trafficking, protecting the rights of victims, prosecuting traffickers and promoting international co-operation and partnerships in the fight against human trafficking. The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and all persons who are victims of trafficking (women, men and children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs. The Convention includes a non-discrimination provision in Article 3 and the obligation for parties to promote gender equality and use gender mainstreaming in the development, implementation and assessment of measures to implement the Convention (Articles 5 and 17). The Convention sets up a monitoring system to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

- Committee of Ministers (2004), Action against trafficking in human beings for the purpose of sexual exploitation. Recommendation No. R(2000)11 of the Committee of Ministers and Explanatory Memorandum.
- Parliamentary Assembly (2002), Recommendation 1545(2000) on campaign against trafficking in women.
- Parliamentary Assembly (2004), Recommendation 1663(2004) on domestic slavery: servitude, au pairs and mail-order brides.
- Parliamentary Assembly (2013), Recommendation 2011(2013) on trafficking of migrant workers for forced labour.
- Parliamentary Assembly (2014), Resolution 1983(2014) on prostitution, trafficking and modern slavery in Europe.

GENDER EQUALITY ASPECTS

The Convention on Action against Trafficking in Human Beings gives useful guidance on the gender equality aspects of human trafficking. The Convention aims “*to prevent and combat trafficking in human beings, while guaranteeing gender equality*” and “*to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution*” (Article 1§1.a and Article 1§1.b).

Gender mainstreaming is also required by different articles in the Convention (Article 5§3 and Article 17).

In addition, the Convention stresses the importance of gender equality measures to discourage the demand “*that fosters all forms of exploitation of persons, especially women and children*”. It requires member states to adopt “*preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being*” (Article 6§d).

GRETA's findings and recommendations

- Further efforts should be made to promote gender equality, combat gender-based violence and stereotypes, and support specific policies for the empowerment of women as a means of combating the root causes of trafficking in human beings.
- Steps should be taken to ensure that national and regional action to combat trafficking in human beings is comprehensive, by addressing all victims of trafficking for all forms of exploitation in the anti-trafficking legal and policy framework, while taking into account the gender equality dimension of trafficking, including through a comprehensive national action plan against human trafficking.
- Due to the gendered nature of trafficking, in many countries, anti-trafficking policy and practice has focused on women. Assistance and protection measures, including safe accommodation, should also be provided to male victims of trafficking.
- The demand side of human trafficking is often neglected by prevention programmes. GRETA's evaluation reports have found that there is still a scarcity of measures to discourage demand and in many countries officials refer to difficulties to conceive such measures.
- The absence of effective regulation of certain labour market segments (e.g. domestic work) is one of the factors that help to create an environment in which it is possible and profitable to use slave labour.
- European countries have different legislation and policies regarding the purchase of sexual services. Several countries have criminalised the purchase of sexual services. It is important to keep under review the impact of such legislation on the identification of victims of trafficking, the provision of protection and assistance to them, and the effective prosecution of traffickers. The impact of different types of legislation and policies on the reduction of demand for the services of trafficked persons, and more broadly on the phenomenon of human trafficking for the purposes of sexual exploitation, should be continuously assessed.
- It is also important to have careful consideration and co-ordination of all policies and programmes to discourage the demand of services provided by victims of trafficking.

DO NOT FORGET

There are some cases of transgender persons trafficked for the purpose of sexual exploitation, but this aspect is not sufficiently taken into account in assistance projects.

CHECKLIST FOR YOUR PROJECT

- Is there an assessment of the extent of – and gendered nature of – human trafficking in the contexts you are working on?
- Is there research and evidence on the prevalent forms of human trafficking in the country and the victims affected? Are qualitative and quantitative data collected, disaggregated by sex, age and form of exploitation?
- Does your project take into account available data on the most wide-spread forms of trafficking in the country or countries so as to protect victims accordingly?
- What specific measures are taken to address the gender equality dimension of human trafficking and incorporate gender equality into the policies to prevent and combat trafficking in human beings and to protect and promote the rights of victims, including through the empowerment of women and girls?
- Is assistance (including access to safe accommodation, health care, psycho-social and other services provided to women and men, girls and boys victims of trafficking?
- Are there separate accommodation facilities for women where they can feel safe?
- Do awareness-raising campaigns take into account the fact that human trafficking affects women and men?
- Do measures to discourage demand for human trafficking take into account a gender equality dimension?
- Do awareness-raising campaigns against human trafficking stress the unacceptable nature of discrimination based on sex and the importance of gender equality?
- Do educational programmes for children and young people address human trafficking through the prism of gender equality?
- Does training for law enforcement and the judiciary acknowledge the gendered nature of trafficking and the particular difficulties for women to have access to justice and effective remedies?