

Internal trafficking

by Susan Martin

Trafficking of people within countries has been relatively neglected. Should those who are internally trafficked be regarded as IDPs?

The trafficking of people for sexual exploitation and forced labour is one of the fastest growing areas of international criminal activity and one that is of increasing concern to the international community. Generally, the flow of trafficking is from less developed to more developed regions and countries. While much of the attention on trafficking has focused on those who cross international borders, trafficking within countries is also very common. Victims of forced prostitution usually end up in large cities, sex tourism areas or near military bases, where the demand is highest. Victims of forced labour may be found throughout a country, in agriculture, fishing industries, mines and sweatshops.

Recognising the growth in trafficking operations, states adopted

the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,¹ which supplements the UN Convention against Transnational Organized Crime. At the same time, they adopted the Protocol against Human Smuggling. These instruments require international cooperation in combating smuggling and trafficking and encourage states to pass measures for the prevention of those who have been trafficked. The trafficking protocol entered into force on 31 December 2003 and the smuggling protocol on 28 January 2004. While the smuggling protocol refers only to movement across international borders, the Trafficking Protocol applies to trafficking that is purely domestic.

Internal trafficking shares many common elements with internal

displacement and one could argue that internal trafficking victims are internally displaced persons (IDPs). The Guiding Principles on Internal Displacement describe IDPs as “persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence...and who have not crossed an internationally recognized international boundary.” The Handbook for Applying the Guiding Principles on Internal Displacement makes clear that “the distinctive feature of internal displacement is coerced or involuntary movement that takes place within national borders. The reasons for flight may vary and include armed conflict, situations of generalized violence, violations of human rights, and natural or human-made disasters.”²

Human trafficking involves forced or coerced movements. Sometimes people are kidnapped outright and taken forcibly to another location. In other cases, traffickers use



Kay Chernush for the US State Department

deception to entice victims to move with false promises of well-paying jobs such as models, dancers or domestic workers. In some instances, traffickers approach victims or their families directly with offers of lucrative jobs elsewhere. After providing transportation to get victims to their destinations, they subsequently charge exorbitant fees for those services, creating debt bondage. What begins as voluntary movement ends up coerced.

Internal trafficking and internal displacement intersect in other respects. Persons who have been internally displaced by conflict, violations of human rights and natural or human-made disasters are more vulnerable to trafficking. IDPs often lack family and community networks as well as economic opportunities, making them vulnerable to promises of better situations elsewhere. The Guiding Principles call for protection of IDPs from slavery, including sale into marriage, sexual exploitation and forced labour of children. Conflict also precipitates direct forms of trafficking. Internally displaced children who are abducted or forcibly recruited as soldiers, for example, are also victims of trafficking, as are those who are coerced into forced labour or prostitution. A sudden increase in trafficking for sexual exploitation often occurs when peacekeeping forces are deployed in conflict

zones. While one of the responsibilities of these troops may be to protect IDPs, their use of brothels may contribute to both internal and international trafficking.

The victims of trafficking resemble IDPs demographically. While there is no single victim stereotype, a majority of trafficked persons are believed to be under the age of 25, with many in their mid to late teens. Most are believed to be female. Fear among customers of HIV/AIDS has driven traffickers to recruit younger women and girls, some as young as seven. Victims of severe forms of trafficking face many of the abuses faced by other IDPs. They are often subject to cruel mental and physical abuse in order to keep them in servitude, including beating and battering, rape, starvation, forced drug use, confinement and seclusion. Once victims are brought to their destinations, their identity documents are often confiscated. Many victims suffer trauma and are exposed to sexually transmitted diseases, including HIV and AIDS.

Taken together, the Guiding Principles on Internal Displacement and the Trafficking Protocol provide for a broader framework for addressing the needs of internal trafficking victims than either does on its own. As binding international law ratified by more than 90 countries, the Trafficking Protocol requires states to take

specific actions to prevent trafficking and prosecute traffickers, including those who prey on the internally displaced. Moreover, state parties must endeavour to provide for the physical safety of trafficking victims. The Protocol encourages (but does not require) state parties to adopt provisions to address other problems faced by trafficking victims: "Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons." By contrast, the Guiding Principles are not binding international law (although drawn from human rights and humanitarian law) but they are more detailed than the Protocol in setting out the type of measures that are needed to protect and assist those who have been internally displaced by traffickers, including principles related to longer-term solutions such as return, local integration or resettlement.

In some respects, internal trafficking is to transnational trafficking what internal displacement is to refugee movements. Although the numbers of those displaced internally are larger than those forced to move internationally (and the same is probably true of trafficking), international attention, legal frameworks and institutional responses have tended to come into play in a more robust way when the victims have been forced to cross borders. Certainly, constraints of sovereignty make it far more difficult to address trafficking as well as other forms of displacement when they occur within national boundaries. Understanding the interconnections between internal trafficking and internal displacement is a first step, however, towards developing a more comprehensive approach to these twin scourges.

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1. www.ohchr.org/english/law/protocoltraff.htm
2. www.reliefweb.int/ocha_ol/pub/IDPprinciples.PDF

Escaping desperate conditions of forced labour and political repression at home, these Burmese labourers look to commercial fishing in Thailand as a way to a better life.