



# The Child Connection In Human Trafficking: Coerced And Compelled

By Jax Harrison, Contributions by Bernie Gravett

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As recently highlighted in our previous article below, the global number of prosecutions for human traffickers is alarmingly low.

## *Human Trafficking – The Child Connection*

According to the 2017 US State Department Trafficking in Persons (TIP) report<sup>[1]</sup> there were only 14,894 prosecutions and 9,071 convictions in 2016 globally. Of these prosecuted cases, only 2% dealt directly with child human trafficking cases. There are three elements of human trafficking under the Palermo Protocols<sup>[2]</sup> upon which the majority of world laws are based: the Act, the Means, and the Purpose.

**The Act** is the recruitment, transport, transfer, harboring, and receipt of persons.

**The Means** is the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, giving payments or benefits.

**The Purpose** is exploitation, including prostitution of others, sexual exploitation, forced labour, slavery or similar practices, removal of organs, and other types of exploitation.

## Child Trafficking Prosecution

For adults, you must prove a combination of all three elements to have a successful prosecution and conviction of the human trafficking criminals. For children, however, you need only prove TWO of those elements: THE ACT and THE PURPOSE. Therefore, all that has to be (technically) proven with children is movement and exploitation. Move a child from A to B with intent to exploit or where they are exploited and it is a crime. A child's testimony is not needed.

*In theory, Child Trafficking should be easier to prove and convict against.*

## The Palermo Protocol Expansion

An important part of the protection and elements of prosecution was adjusted and passed by The European Parliament Directive 36/2011 (Passed on 5<sup>th</sup> April 2011).<sup>[3]</sup> Paragraph 11 outlines begging and criminal activities, such as stealing, as forms of exploitation. This expands on the Palermo Protocol. Paragraph 14 outlines the "non-criminalization" of victims, in that a victim of trafficking may have been "**compelled**" to commit a crime. This states that persons should not face prosecution if they have committed a crime under the direction of a trafficker or as a form of exploitation.

Many prosecutors and judges continue to use the word forced when talking about exploitation. Many people talk about victims being forced into prostitution or other forms of exploitation. This is incorrect terminology. **It is important that the word used is compelled and not forced.**

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"Force" is the most extreme word from the Means element of the Palermo definition and suggests there must be threats of violence or exertion of power. However, force is only one element of coercion. In most circumstances people are tricked, deceived, lied to, made false promises, etc., that leads them into trafficking. Force, fear, and threats are usually control mechanisms once a person is already trapped.

*We should be using the terms compelled and coerced as the main elements, not force.*

**This is why** it is important to create a global standard of education and certification so that all who are involved in the fight against child trafficking are aware of the best practices in protection, prevention, and persecution. Otherwise, opportunities for successful prosecution may be missed.

It will take the collaboration of global businesses and agencies together to promote one global standard that will create a better world for the children that live in it.

*Through [StopChildTraffick.org](https://www.stopchildtraffick.org), Jax Harrison and Bernie Gravett are working to create collaboration of business and agencies using technology, education, and certification to create one global standard for the prevention and prosecution of child trafficking. Harrison is also the CEO of [JaxHarrisonNetwork](https://www.jaxharrisonnetwork.com), a Global Ambassador for [Inspiring Rarebirds](https://www.inspiringrarebirds.com), and a board member of the [Justice Project of Kansas City](https://www.justiceprojectofkansascity.com), a human rights initiative advocating for and supporting system-challenged women in need. Bernie Gravett, Director of [Specialist Policing Consultancy](https://www.specialistpolicingconsultancy.com), is an expert in countering organized crime at an international level, training governments and organizations around the world in anti-human trafficking.*

<sup>[1]</sup> <https://www.humanrightsfirst.org/resource/human-trafficking-numbers>

<sup>[2]</sup> <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

<sup>[3]</sup> [https://ec.europa.eu/anti-trafficking/legislation-and-case-law-eu-legislation-criminal-law/directive-201136eu\\_en](https://ec.europa.eu/anti-trafficking/legislation-and-case-law-eu-legislation-criminal-law/directive-201136eu_en)