



DOCUMENTATION OF HUMAN TRAFFICKING IN THE SYRIAN CONFLICT

SJAC Documentation Coordinators have been trained on how to identify the signs of human trafficking while interviewing victims. Human rights documenters are in a unique position to access survivors and, therefore, should be prepared to identify the signs of trafficking and ask appropriate questions. Otherwise, victims might not readily volunteer the information, either because they do not know that they experienced a violation of international law or because they are reluctant to speak about it.

What is Human Trafficking?

Human trafficking is commonly referred to as modern day slavery, but is formally defined in the [Protocol to Prevent, Suppress, and Punish Trafficking in Persons](#), which was added to the UN Convention against Transnational Organizations in December 2000. According to Article 3 of the Protocol, human trafficking is “the recruitment, transportation, transfer, 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.”

This complex definition can be divided into three parts:

The Act: Relevant acts include recruitment, transportation, transfer, harboring or receipt. Note that trafficking does not require “movement” even though movement is commonly associated with

trafficking crimes. Keeping a person in one place or recruiting them can also constitute trafficking.

The Means: This relates to how the perpetrator committed the act. The perpetrator need not physically harm a person in order for there to be coercion. The perpetrator can also deceive, threaten, or take advantage of power imbalances to make the person feel like they have no choice but to agree.

The Purpose: The act and means must be for the purpose of exploitation – using someone for the perpetrator’s own benefit. Exploitation can be monetary, sexual, labor-related, or other.

Many countries have adopted the Protocol into their national legislation. However, precise definitions, punishments, and implementation vary greatly. Syria signed the Protocol in 2000 (with reservations) and ratified it in 2009, but has not fully implemented the law and does not meet its reporting requirements.

The ICC Rome Statute also criminalizes human trafficking through three of its crimes: enslavement as a crime against humanity (Art. 7(1)(c)), sexual slavery as a crime against humanity (Art. 7(1)(g)-2) and sexual slavery as a war crime (Art. 8(2)(e)(vi)-2). For each of these crimes, the conduct of the crime is understood to include trafficking in persons, in particular women and children.

Types of Human Trafficking

Human trafficking is often discussed in the context of sexual slavery, but persons can be trafficked for reasons unrelated to sexual and gender-based violence (SGBV). Although this is not an exhaustive list, the following are common situations of trafficking:

- Sex trafficking and child sex trafficking
- Forced labor and child forced labor
- Domestic servitude in private residences
- Bonded labor or debt bondage
- Unlawful recruitment, including use of child soldiers
- Organ harvesting

Note that this list does not include what is commonly referred to as “human smuggling.” In 2015, the height of Syrian refugee flows to Europe, smugglers made \$6 billion through the Syrian conflict. Both smuggling and trafficking are profitable multibillion criminal businesses that involve human beings, but it is important not to conflate the two. Even though smugglers often charge exorbitant fees for their services, the individuals being smuggled freely agree to pay the fee and to be transported. There is no force, threat of force, coercion, or deception. Once the smuggled individuals reach their destination, they are free to do as they please and are not held by the smugglers or their affiliates for the purpose of exploitation. Also, smuggling always involves crossing international borders illegally, while human trafficking does not necessarily involve border crossings or illegal means of crossing – a person can be trafficked using legal paperwork, visas, and passports. Of course, smuggling can lead to human trafficking if the smugglers victimize or exploit the smuggled individual, changing the circumstances and purpose of the journey without the free consent of the smuggled individuals.

Human Trafficking and Conflict

Worldwide, 21 million people are victims of human trafficking. In areas of conflict, people are particularly vulnerable to exploitation – erosion of the rule of law and government institutions creates a state of impunity where criminals act without fear of arrest and evade prosecution. Wartime societies are also less equipped to address trafficking due to a lack of resources, political will or capability to enforce laws.

Moreover, displacement, impoverishment, and lack of income-generating opportunities make people particularly vulnerable to trafficking because they are left with few, if any, alternatives. Families are forced to rely on risky survival strategies such as early marriage, child labor, and prostitution, increasing exposure to trafficking. In many conflicts, trafficking is used to fund war activities and can also serve a group’s ideological objectives by systematically targeting ethnic or religious minorities.

In Syria, the displacement crisis has made Syrians extremely vulnerable to trafficking. To date in Syria, reports have shown several high-profile cases of trafficking, including the use of trafficking as a weapon of war.

Analysis of Human Trafficking in Syria and Neighboring Countries

Due to the conflict and increased media attention, news outlets have reported on several well-documented cases of human trafficking related to the conflict.

In 2016, 75 Syrian women in Lebanon were rescued from a human trafficking ring in which they faced physical and psychological abuse as well as forced prostitution. The perpetrators barred the windows and kept the women from sunlight, only allowing them to leave the caged apartment complex for abortions and treatment of venereal diseases. According to police, the women were

trafficked from Syria while they were seeking to flee from war and economic hardship, recruited for legitimate jobs in Lebanon, and then imprisoned in the apartment. In this case, the perpetrators transported the women from Syria and harbored them in Lebanon (the act), through deception and physical and psychological force (the means), in order to profit from selling the women into prostitution (the purpose).

There are reports that Syrian children are being forced to work in fields in the Bekaa Valley of Lebanon. Landowners will set up tents for families to stay and then recruit their children to work on the farm for little to no pay. Having nowhere else to go, the families will often agree. In this case, the perpetrators recruited and harbored the children (the act), through a power imbalance between the families and the landowners (the means), in order to profit from the children's cheap labor (the purpose).

In Lebanon, certain people are not allowed to register as refugees, including Palestinians who fled Syria and Syrians who arrived in Lebanon after May 2015. As a result, they often cannot access benefits from UN agencies and NGOs. Due to their vulnerable economic position, some have decided to sell their organs for cash. They are driven to a secret location, operated on by doctors, and given payment – approximately \$8,000 for a kidney, for example. In this case, the perpetrators recruited, transported, and received the victims (the act), by taking advantage of their vulnerability (the means), for the purpose of extracting invaluable, vital organs from their bodies so they could profit by reselling (the purpose).

The Signs of Human Trafficking

Victims of human trafficking might be reluctant to speak about their experience, particularly if they have not yet been able to escape the exploitation. As a Documentation Coordinator, you are in a unique position to be asking personal questions about a victim's past. Through the interview, you

might be able to identify signs of human trafficking if you know what to look for. Here are common signs:

- Owes/owed a large debt that they are/were working to pay off
- Lives/lived or works/worked somewhere that does not allow people to come and go as they wish
- Inability to travel outside the house without being accompanied by an employer or manager
- Lives/lived or works/worked somewhere with high security (barred windows, barbed wire, etc.)
- Is/was unpaid, paid very little, or only paid through tips
- Has/had their work payments collected by another person
- Has moved frequently, including from city to city, without an explanation why
- Sleeps/slept at their work premises
- Has/had poor or non-existent access to medical treatment and exhibits chronic health conditions that have gone untreated

Sample Documentation Questions

If you have reason to believe that the individual you are interviewing is or was the victim of human trafficking, there are additional follow-up questions that you can ask to get more information. Keep in mind that different forms of human trafficking will require different types of questions. The questions listed below are only intended to clarify whether a possible case of trafficking occurred.

- Under what circumstances did you leave your home?
- Were you asked to pay any money for help to leave your home or to get a job?

- Did you have a choice or no choice in the decision? (If not, then) why not?
 - Were you treated well ? If not, then how ?
 - Did anyone hurt you or threaten you?
 - Once you arrived at your new destination, were the circumstances that you found yourself in different than what you had originally been promised?
 - Were you free to leave at any time? If not, why not?
 - Please describe your living conditions.
 - Please describe your working conditions.
 - For the next questions, only ask them depending on the answers received so far – and carefully so as to not be leading:
- (*If you weren't free to leave at any time*), were there conditions placed on your freedom (ie, were you asked to do anything in return for your freedom)?
 - Were you asked to do anything in return for financial payments? If so, what?
 - Were you given money directly or through another person?
 - Were you alone in your situation or were others in the same situation as you? How many other people were in this same situation?

Based on the answers to your questions, you should have better understanding about whether there has been a possible case of trafficking. If the individual is still being victimized or is in another vulnerable situation, it is important to get help right away.