



ORIGINAL PAPER

Human trafficking for political purposes

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Abstract:

Human trafficking is a crime against humanity that was and is still being committed by one person against another person for the sake of money and achieving material benefit by making the human victim a commodity or something that can be sold, bought and traded, and the forms of this crime have varied from trading for sex purposes to selling human organs and forced labor and others one of the images that the governments of countries and the United Nations are working to reduce and combat through national laws and international conventions with the aim of criminalizing this act and punishing its perpetrators even with the consent of the victim. However, the world is now witnessing a new image that can be added to these images, which is the case of human trafficking for political purposes Which is the subject of my paper, which is based on the idea that some political parties or owners of money in the countries of the world are working to support a specific candidate or to agree with a specific person for the purpose of applying for candidacy for the parliamentary elections, and in the event of his victory, he is obligated to implement the decisions and requests that are rejected by that partisan body or a group of men the money they supported in his electoral campaign. As for the other form, it is the case of supporting a person to reach a position in the government, he may be a minister or may like that. This situation can occur in all countries of the world when its elements are met, and the most important of these elements is the presence of a party that owns money and financing. The paper also identified the seriousness of this situation for societies in general, because its damage affects the lives of members of society more than its impact on one person. The paper It proposes to address the situation by penalizing it in national laws, especially those related to elections, and also by activating popular oversight of the work of a representative in parliament or an official in the government.

Keywords: *trafficking, political, Exploitation, human, party.*

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I. The concept of human trafficking according to international conventions and national laws:

In fact, it can be said that there is no universally agreed-upon definition of the concept of trafficking in persons, but there is a definition that has been widely applied to trafficking in persons due to its dependence on the legal text of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo 2000).

Human trafficking as a crime can occur at home and can be international, as it is a transnational crime and is now described as one of the forms of organized crime against humanity, as it has become an international and global phenomenon that is not confined to a country and there is no country far away that has negative effects. Among the definitions that dealt with human trafficking is all legal and illegal actions that turn a person into a mere commodity or victim, which is disposed of by professional intermediaries across national borders, with the intent of exploiting him in low-paid work, sexual acts, or whatever. And the like, and whether this behavior was done by the will of the victim, or forced upon him (Sayed 2010).

From this definition, it can be said that human trafficking can be through legitimate actions, and this is a very important point, because the material support provided by a political party, for example, to a person for the purpose of nominating him in parliamentary elections, for example, is a legitimate work and behavior. The other point here is that this Work is sometimes done by the will, approval and desire of the person himself in order to obtain financial and social gains.

The most important international instrument to combat trafficking is the Palermo Protocol, which is an appendix to the United Nations Convention against Transnational Organized Crime for the year 2000, and it is noted that the first direct definition of human trafficking is what this protocol came in Article 3 of it, which includes “the recruitment, transportation, transfer, or harboring of persons.” or receive them by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, abuse of a position of vulnerability, or the giving or receiving of sums of money or benefits to achieve the consent of a person having control over another person for the purpose of exploitation, as a minimum, or the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or service, slavery, or practices similar to slavery, servitude, or the removal of human organs.” This definition is the first clear and specific definition of the crime of human trafficking, which includes forms and forms of human trafficking and its purposes.

It is noted here that all previous international documents did not include such a direct definition, but rather dealt only with punishing those acts or defining practices that are described as legally criminal acts. For example, two of the International Labor Organization conventions on forced labor or services: The International Labor Organization Convention on Labor Forced (Convention No. 29 of 1930) and its newly adopted Protocol, which defines forced or compulsory labor, and the International Labor Organization Convention on the Abolition of Forced Labor (Convention No. 105 of 1957). Likewise, the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others (1949) requires states to punish any person who exploits the prostitution of others. Also, the International Covenant on Civil and Political Rights (ICCPR) prohibits a number of practices directly related to human trafficking, including slavery, the slave trade, slavery and forced labor.

As for the national laws, we note that they did not deviate much from the definition contained in the protocol, but rather that most of them were a copy of that definition. For example, (Romanian law 2001) the Romanian Human Trafficking Prevention Law of 2001, (Iraqi law 2012) the Iraqi Human Trafficking Law No. 28 of 2012, and (Kuwaiti law 2013) the Anti-Trafficking Law Kuwaiti Humans No. 91 of 2013.

II. Forms of human trafficking:

When studying international documents on human trafficking and national laws, we find that forms of human trafficking are either for the purposes of physical or sexual exploitation, or for the purposes of economic exploitation.

2.1. Physical or sexual exploitation:

What is meant by physical exploitation here is the removal of human organs for the purpose of trading in them, and here the human body is a commodity for sale, and it is one of the transnational crimes that began to appear with the development witnessed in the field of medicine in the cultivation of human organs (Muhammad. 2017).

What is meant by the removal of human organs here is the illegal way for the purpose of selling and disposing of them, and it takes advantage of the person's need for money due to poverty and sometimes because of ignorance, and it includes body organs that can be transplanted into the body of another human being, such as the heart, eye, and part of the liver...etc. As for the removal of organs in the legal way, it does not fall within the scope of criminalization here, and its example is that the son donates part of his liver to his father or mother. The case here is legitimate and it is without monetary consideration and with the consent and acceptance of the person (Al-Adawi 2014).

The removal of human organs for the purpose of trafficking in them is carried out by organized groups in the world and they practice their activities in various ways, including, for example, the purchase of human organs from the poor themselves, but under the cover of donating them to another person, taking advantage of the person's need for money. Sometimes this is done by fraud and deception through theft Part of the organs of a person's body when he enters to perform a minor surgery. But the most horrible way is to kidnap people such as children, the homeless and the insane, then kill them and sell their body parts to other parties without humanity. The commission of this crime can be distinguished from other forms of trafficking in persons in terms of the sectors from which the smugglers and organ "brokers" hail; Doctors and other healthcare practitioners, ambulance drivers, and mortuary workers are often involved in organ trafficking as well as those involved in other criminal trafficking networks (Hughes, Organs 2008).

As for sexual exploitation, it is one of the most widespread forms of human trafficking in the world, and it includes all forms of human trafficking for the sake of sex and prostitution, as well as the exploitation of people to produce pornographic materials such as drawings, pictures and films, and most of the victims here are children and women. The sexual abuse or exploitation of women and children is defined as any practices undertaken by an adult with the intent of, or result in, "sexual gratification, financial gain, or advancement by nullifying the human right to dignity, equality, and physical and mental well-being" (Chase & Statham, 2005).

2.2. Economic Exploitation:

The United Nations protocol deals with forms of economic exploitation, including forced labor, forced service, slavery, or practices similar to slavery or servitude. Harsh working conditions for a person or depriving him of the freedom to

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choose the right work for him. The exploitation and trafficking of men, women and children is a humanitarian problem of global scope. A recent study estimates that at least 12 million people worldwide are trapped in conditions of forced labor. About a fifth of these are exploited as a result of human trafficking (ILO 2005)

All available evidence indicates that human trafficking is an exceptionally profitable business for criminal groups. In a recent study, the International Labor Organization (2005) estimates that sexual exploitation and labor generate profits of US\$32 billion annually for the actors involved.

Economic exploitation can be defined as forced labor, which is all work and services that are forcibly imposed on any person under threat of punishment, and for which the person has not volunteered.

III Applicability of the concepts of human trafficking to the form of political purposes:

After this presentation of the definition of human trafficking, its forms and images, we are faced with the main question, which is the focus of this research, which is: Can human trafficking be achieved in the form of a political purpose?

In other words: Is it possible that the image of human trafficking to achieve political purposes is a new form of human trafficking? To answer this hypothesis, it must be said that international documents and national laws, including Iraqi and Romanian law, did not address this image, and there is no reference to it. To begin with, we must define what is meant by the political purpose here.

3.1. Scope of political purpose:

The political purpose here is achieved in the event that the goal of trafficking is to achieve political gains within the areas in which political action has the most prominent role. In other words, in the areas of life that can be reached through political action, represented by parliamentary elections to elect members of the House of Representatives or partisan elections to choose Leaders of a party, or to elect members of the government by the party that wins the parliamentary elections and in which the formation of the government depends on the system of the party that achieves the largest number of seats in Parliament. In all the forms that have been mentioned, in which political affiliations have the most likely role in obtaining a position or a higher position in State apparatus we are in front of the concept of political purpose.

3.2. The extent to which the definition applies to the image of the political purpose:

Human trafficking is a serious form of exploitation, whether in labor or sex, of any other human being. Defined as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability, or of the giving or receiving of payments or benefits to achieve a person’s consent to control over another person, for the purpose of exploitation” (United Nations, 2000).

This comprehensive definition includes three main elements:

1-Activities that constitute human trafficking and refer to the recruitment, transportation, harboring and reception of persons.

2-The means used. Force, coercion, kidnapping, fraud, deception, or abuse of power or a position of vulnerability.

3-The purpose of exploitation, including the prostitution of others, sexual exploitation, forced labor or services, slavery, or practices similar to slavery. And from

the analysis of the above definition, the meaning of which in most national laws is the same as in the United Nations Protocol (Roman Law 2011), we find that the first point is related to activities that constitute human trafficking. Recruitment here applies to what is related to political trafficking, because the meaning of recruitment also includes employing a person, mobilizing a person, or mobilizing people (Oxford 1989). To achieve a specific purpose, which is what happens when a person is nominated by a specific party to parliamentary elections or to a government position, where this person is recruited to achieve certain goals for the party that supported him.

As for the second point related to the methods used, which are mentioned in the definition of human trafficking in the United Nations protocol, that the exploitation of the state of vulnerability is used by traffickers in conjunction with other means, especially deception and fraud (ICAT, the inter-agency coordination group against trafficking in persons 2021).

Where young people are attracted to promises of money and the realization of their ambitions by luring them to those positions sometimes, and at other times by deceiving them that they provide a great service that deserves appreciation (Templeton 2011).

Sometimes power can also be abused, and here we mean the power of the political party, for example, over a person belonging to the party, or this can be achieved with every abuse that is achieved in the abuse of power, whether it is the power of a company manager over an employee of his, or an official of an organization to a person affiliated with that organization, or even a cleric exploits his religious authority over one of his subordinates. Human trafficking is a serious crime that violates the basic rights and dignity of its victims. It involves the exploitation of vulnerable people for the purpose of financial gain; Victims are recruited, manipulated and abused through various forms of coercive measures, e.g. "abuse of power or a state of vulnerability", any expression of consent coming from the victim should be considered irrelevant in determining whether the act consists of human trafficking or no. However, it should be noted that the Protocol intentionally does not provide any definition of these critical indicators, along with other relevant indicators such as exploitation, vulnerability and control.

A description of the term can be found in the official records of the negotiation of the Protocol: "The abuse of a position of vulnerability shall be understood to refer to any situation in which there is no real and acceptable alternative for the person concerned but to submit to the abuse).

Since the primary purpose of human trafficking is to exploit the victim, as the trafficked person remains in a state of lack of freedom, abuse, or violence, and this happens through several practices, such as slavery, imprisonment, confiscation of documents, or extortion .and this is exactly what happens to the person who is being trafficked for political purposes, as some are forced to sign a white paper to the party that nominates him and is considered a pressure card on the person himself that can be used against him in the event that what he requests is not met It is a business, and this description will make the person subject to being trafficked by that political party, and in some cases the person is required to take an oath of allegiance to the party that nominates him and to submit to it in all business and times . As for the third point of analyzing the definition of human trafficking, it is related to the purpose of exploitation, whether it is exploitation for the purposes of sex, human organs, forced labor or forced labor. This matter is achieved in political trafficking, because the goal of the party, the

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political party, or others is to reach power, whether membership in Parliament, a government position, or an executive position, and then achieve financial profits for its benefit, and in this it will not differ in description from human trafficking in all its forms.

3.3. The extent to which the terms of human trafficking apply to the idea of political trafficking:

Human trafficking represents a living person, specifically his human dignity, whether this person is an adult or a young child. In other words, human trafficking targets a person regardless of his gender or age (Khalaf, 2013). However, some forms of human trafficking may involve the victim being underage, for example children who are exploited in prostitution. However, other forms in which the person has reached the age of majority, and here, in political trafficking, the person is always a sane adult and cannot be incapacitated or incompetent. Whether the act of trafficking occurs on an adult or on a specific group of persons, especially children, the elements of the crime of trafficking are realized, and they are the material element, which is represented by criminal behavior, which is the act of trafficking, and the moral element, which is represented by criminal intent.

These two elements are available in the crime of political trafficking in a person (Abdel-Maggid, 2012, Cairo). As for the image of forced labor, or some who use the image of forced service, which is the case of a person in a dependent position where he is forced or coerced by another person to perform a service for that person or others, the parliamentary work, for example, in which all conditions of work or forced service are fulfilled within this concept.

As for the process of transferring or transferring persons, which is mentioned in the United Nations protocol, it does not apply to all cases of trafficking in persons, but rather when there is a need for transportation from one place to another within the state, or from one country to another, and when examining political trafficking, we note that the transfer process Persons from one country to another are not included here, because often the trafficking takes place within the country itself, but, the control of the person can be from personalities outside the country to achieve the goals of groups or another country. In other words, if human trafficking takes place by transferring people from a country in order to trade them in other countries, in the case of human trafficking, the person controlling the person may be already abroad, settled in another country, and there is no need to transfer the person from his country to another place.

IV. Points that distinguish political trafficking from others:

Human trafficking for political purposes can be a form of human trafficking, which is a crime according to international law and national laws. However, the picture of political trafficking is characterized by some important points, namely:

1- In all forms of human trafficking, the victim is known, and he is the person who is subject to the act of trafficking, such as children, women in prostitution, and people in forced labor. However, in political trafficking, the strange thing here is that the person is not the victim directly, but other people are the victim As a result of this person's action, in other words, in the event that a certain party nominates a person in parliamentary elections and this person wins, then the victim is the people who elected this person and gave him confidence to be their representative in Parliament, but in reality this representative person will work to achieve the wishes The party that nominated him.

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2- The difficulty of proving the case of trafficking, because the important point here is the means of proving that this person was under the name of political trafficking, and that the method that can be adopted may be through the leaking of some documents that were agreed upon between the person and the party that nominated him, such as signing a White, or an audio recording of it. or something similar to these means.

Conclusion:

The idea of the research is based on the hypothesis of creating a new image added to the images of human trafficking, which is represented by the recruitment or transfer of persons for the purposes of forced labor, prostitution, or trafficking in human organs, etc., and that this image is represented in exploiting or recruiting the person to reach membership in Parliament or an executive or governmental position By achieving the goals and objectives of the party that supported him in reaching that place. Political trafficking includes most of the conditions for human trafficking in general, with some specificity that characterizes political trafficking. This picture faces difficulty in the field of proving it, which depends mostly on certain documents such as audio or video leaks It is possible to pay attention to the image of political trafficking by the United Nations agencies specialized in this field in order to organize it because of its negative impact on the victims, who are the general public to whom the person's work is due to harm in the event of issuance of laws or decisions that are not in the interest of the people, but rather in the interest of those entities.

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Article Info

Received: April 04 2023

Accepted: July 20 2023

How to cite this article:

Al-Jashami, M . K. Q. (2023). Human trafficking for political purposes. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 79, pp. 142 – 149.