

Human trafficking for labour exploitation: Interpreting the crime

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Abstract

The definition of human trafficking for labour exploitation, as follows from the European Council Framework Decision, proves to be unclear. Literal interpretation does not suffice, because it does not clarify all elements of what is deemed to be criminal behaviour, and hermeneutical interpretation also falls short discouraging the aim of this legislation, namely harmonisation. Hence, another solution is required. This article does so by firstly challenging assumptions about human trafficking for labour exploitation that are generally pertinent, but nonetheless untrue. This accurate appraisal of the crime's nature is followed by a synopsis of national legislation and adjudication in three Member States, so as to also focus on these actualities regarding the crime that are commonly not conceived. This article examines two countries that have implemented the Framework Decision, namely Belgium and the Netherlands, and one that has not yet done so, the United Kingdom. Thereafter remaining unexplained elements of the Framework Decision's definition are interpreted with use of international, pan-European and European legislation and adjudication. Based upon all this, a suggested interpretation of the Framework Decision's definition is provided so as to overcome all identified difficulties with it.

Keywords

human trafficking; human trafficking for labour exploitation; European criminal law; Framework Decision; definition interpretation; implementation

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ISSN 1871-515X