

Trafficking in Humans: The Slavery of Our Age

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Trafficking in human beings has been widely recognized as an abhorrent form of modern-day slavery, and condemned as an act that gravely violates universal human rights. Treating people as commodities that can be bought or sold as slaves, that are exploited ruthlessly by those who remove their passports and visas and withhold their earnings to get victims under the trafficker's ultimate control, is one of the fastest growing international crimes worldwide. Enormous profits have created a global network organized by transnational criminal gangs that traffic in people in the same way as arms, drugs, or money. Although most of the world's countries eliminated slavery long ago, trafficking in human beings has become one of the most lucrative activities of organized criminal groups, who have proven to be highly effective in entering countries and regions impoverished by wars, armed conflicts, or badly managed transitions in government.

Regions with unstable social and economic conditions with a demand for illicit labor (including sex workers) quickly become targets of trafficking activities, as evidenced by the speed with which these gangs were created in or entered the countries of Central and Eastern Europe after the end of the Cold War.¹ The annual profits of trafficking are estimated to be between USD 7 to 10 billion by the United Nations.² What is more, the risks to these criminals are low, because most of their activities, although unanimously recognized as a crime and a grave violation of human rights, go unpunished.

This essay deals with human trafficking by describing its scope and indicating the growing danger of this global phenomenon. Attention is focused on those who fall victim because of their poverty, gender, or age, as well as on the risks to which they are exposed during recruitment, transport, and work for their "employers." The difficulties in identifying and prosecuting those responsible for the enslavement of women, children, and men are shown, with an emphasis on the diversity of actors and activities in combating the criminal practice of trafficking in humans.

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¹ To indicate the scope of the practice within the European Union, the findings of the International Organization for Migration (IOM) serve as potent testimony: in 1995, half a million women were trafficked into the EU countries from non-member states. In Western Europe, more than 100,000 Ukrainian women, many of them minors, have been working as prostitutes; up to 1,420 women per year are trafficked into the U.K. for sexual exploitation, according to L. Kelly and L. Reagan, *Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women of Sexual Exploitation in the United Kingdom* (London: Home Office, Police Research Series, paper 123, 2000).

² Luca Dall'Oglio, Permanent Observer to the United Nations, Speech to United Nations General Assembly, New York, 12 October 2004. This figure is confirmed by the estimation of the U.S. Federal Bureau of Investigation, according to which traffickers gain USD 9.5 billion annually. See U.S. Department of State, *Trafficking in Persons Report 2004*, 9.

The fact that the volume of trafficking worldwide increased by almost 50 percent from 1995 to 2000 shows the alarming growth of this phenomenon. The fresh data released recently by the U.S. Department of State estimated that anywhere from 600,000 to 800,000 people were trafficked across international borders worldwide in 2003, and the United Nations Crime and Justice Information Network (UNCJIN) came to a similar estimation of about 700,000 persons being trafficked worldwide annually.³ Some other sources introduce even higher figures. For instance, the United Nations Population Fund states that between 700,000 to 2,000,000 women and children are trafficked across international borders annually, and the Council of Europe has estimated that up to four million women are trafficked in the world every year.⁴ On the regional and state level, two sources can be quoted: the Organization for Security and Cooperation in Europe (OSCE) estimates that 50,000 young Russian women are trafficked abroad every year for forced prostitution, and the U.S. Trafficking Victims Protection Act claims that approximately 50,000 women and children are trafficked into the United States each year.

The variability in the figures on trafficking published in various sources indicates a serious lack of reliable data based upon valid indicators and a unified methodology of data collection and processing. The U.S. Department of State's 2005 report on human trafficking warns that there are millions of victims around the world, unnoticed by any statistics, who are trafficked within their national borders, usually from districts that are falling behind in economic development to those where the influx of tourists from richer countries has initiated the creation of a local sex industry. As already indicated, trafficking is highly gendered activity, with four-fifths of the victims being female. Minors—boys and girls under the age of 18—represent half of the trafficked persons, and according to some reports “trafficking in children has reached epidemic proportions and is escalating out of control.”⁵

Trafficking: Well Organized, Effective, and Highly Flexible

Although trafficking has gained a global dimension in recent decades, some areas are more affected because of strong push and pull factors: poverty, illiteracy, unemployment, weak or corrupt state institutions, the demand for illicit labor, the lack of brides, or the thriving economics of sex tourism. For the time being, Western and Northern Europe, North America, the United Arab Emirates, Saudi Arabia, Turkey, and Japan are considered the major destination countries for human trafficking, yet the clear division of supply and demand regions has begun to blur recently. Although the main global routes still follow South-North and East-West lines, trafficking also exists between na-

³ Quoted according to La Strada (Czech Republic), *Trafficking in Human Beings in Central Europe* (Prague: La Strada, 2005), 17.

⁴ UNFPA, *State of the World Population 2003*; available at www.unfpa.org/swp/2003/english/ch2/page4.html.

⁵ UNICEF, *Childhood Under Threat, The State of World's Children* (New York: UNICEF, 2005), 90.

tions in the original regions of supply, for instance from Brazil to Thailand, from Romania to Cambodia, from Mozambique to South Africa, and from Nepal to India. People are even trafficked within the same state. For example, the nongovernmental organization La Strada, which provides aid to traffickers' victims in Central Europe, refers in a 2005 report to many young Roma (gypsy) women being trafficked from the Moravian city of Ostrava to the night clubs of Northern Bohemia, which are attended mostly by tourists from Western countries.⁶

Within a region, people are moved from poor countries to wealthier ones, as is the case in Central Asia—a region that faced many uncertainties following the independence of the former Soviet republics in 1991—where the main regional trafficking routes lead from Uzbekistan, Tajikistan, and Turkmenistan to Kazakhstan, which is economically more advanced. It is not exceptional that a country which at the beginning of its transition had provided cheap labor later is able to accumulate the resources that will attract illegal laborers for new private enterprises and for the sex industry. Increasingly, these states are becoming typical countries of destination.

The changing geographical nature of trafficking facilitates the speed and flexibility of its organizers' ability to shift the 'trade' to areas of stronger demand in a short time, building up new transit routes from countries of supply, cunningly using the existing infrastructure of local travel and job agencies, and discovering a whole network of new middlemen and dubious entrepreneurs interested in the influx of illicit labor. The increase of trafficking in Finland shortly after Sweden adopted a new law to prosecute clients of prostitution in 1999, or the speed with which the chain of clubs, bars, and brothels was moved from Bosnia to Kosovo shortly after the decision to deploy international peacekeeping forces are clear examples of this flexibility.

Every year, the U.S. Department of State examines about 140 countries (where data about the scope, magnitude, and countervailing measures regarding human trafficking are available) in order to estimate the progress that has been made in achieving minimum standards of state intervention as laid out in the U.S. Trafficking Protection Act of 2000. In the 2005 report, twenty-four countries were marked as needing special attention, since their efforts were seen to be falling behind the requirements.⁷ Another fourteen countries were mentioned as those whose governments are not able or willing to

⁶ La Strada, *Trafficking in Human Beings*, 27–33; Moravia is a region in the eastern part of the Czech Republic.

⁷ The twenty-four nations are: Armenia, the Dominican Republic, Mexico, Slovak Republic, Azerbaijan, The Gambia, Nicaragua, South Africa, Bahrain, Greece, Niger, Suriname, Belize, Guinea, Philippines, Ukraine, Benin, Haiti, Russia, Uzbekistan, Cameroon, India, Rwanda, Zimbabwe, China, Mauritius, and Sierra Leone.

comply with minimum standards for combating trafficking.⁸ Both lists provide ample evidence of the geographical scope and diversity of trafficking in human beings.⁹

Perpetrators and Victims

The composition of the group called “traffickers” is most varied, encompassing transnational criminal gangs gaining enormous profits, through the whole chain of minor agencies (employment bureaus, transit hotels, travel and transport agencies, local brothels, bars, night clubs, and massage parlors), all operating at the micro level, to numerous individuals—recruiters, middlemen, pimps, and employers—that facilitate the movement and placement of trafficked persons. This complex and diverse chain enables traffickers to be quick, flexible, and adaptable in response to temporary conditions and changes in their local environment. Although, according to international law, anybody who profits from trafficking during the stages of recruitment, transportation, transfer, receipt, or employment should be subject to investigation and prosecution, in practice the separate chains of the trafficking networks are rarely punished, since local police and other authorities do not consider them responsible.

It is a sad reality that often parents, husbands, or relatives send their offspring, partners, and friends into the snares of traffickers. As reported by some NGOs, more than 80 percent of trafficked persons were sold by somebody whom they knew personally and who profited from their vulnerability, naiveté, and trust.¹⁰ This sale of children is perhaps an inevitable phenomenon of a world where economic profits are prioritized over the basic ethical rules of protecting those whose absolute dependency upon adults makes them extremely vulnerable to existing insecurities. Children represent at least half of the persons trafficked worldwide; according to some estimates, more than a million children are trafficked annually.¹¹ The main push factor for the sale of children is seen in the growing demand for cheap, illicit, unqualified labor: children can go either into the agriculture sector (for instance, in cotton fields and banana plantations), or into the production of goods such as bricks, silk, hand-rolled cigarettes, jewelry, hand-woven carpets, leather goods, and other commodities.

However, more and more often, the enslavement of children takes on the form of sexual servitude. It is estimated that 30 percent of the ten million prostitutes in Indonesia are children; in the Philippines, with about 400,000 female prostitutes, children make up one quarter; in Mexico the fast-growing sex industry makes use of at least 5,000 children; and Taiwan has about 60,000 girls aged twelve to seventeen working in

⁸ These fourteen nations are: Bolivia, Ecuador, Qatar, United Arab Emirates, Myanmar (formerly Burma), Jamaica, Saudi Arabia, Venezuela, Cambodia, Kuwait, Sudan, Cuba, North Korea, and Togo.

⁹ The U.S. Department of State, *Trafficking in Persons Report 2005*; available at www.state.gov/g/tip/rls/tiprpt/2005/46610.htm.

¹⁰ La Strada, *Trafficking in Human Beings*, 8–9.

¹¹ UNICEF website, at www.unicef.org/protection/index_exploitation.html.

the sex industry.¹² It is no secret that a large section of the sex industry is specialized in child prostitution and pornography. The impact of the Internet on the influx of child pornography certainly plays an important role in the fast-growing sex industry.

Children separated from their families because of war, destitution, the death of caregivers, or the break-up of their family represent a distinct group of victims. Illegal adoptions of children represent a profitable business, as evidenced by the thousands of children being sold from poor to developed countries. For instance, UNICEF states that 1000 to 1500 Guatemalan children are trafficked each year for adoption by couples in North America and Europe. Unregistered children (children without any legal documents), orphans, street children, children from broken families, or children left unaccompanied when their country is struck by an armed conflict or a catastrophic disaster are targeted by traffickers, primarily because of the diminished likelihood of being punished. Girls are paid special attention because of the value ascribed in some developing regions of Africa to having intercourse with a virgin as a cure for HIV/AIDS, or because of their value as child brides and domestic workers. But even when they are living under the protection of functioning state institutions children's safety can be put at risk, as is evidenced by numerous cases of orphans sold by the very child-care institutions that should protect them. The sharp increase of the number of children living in orphanages and the spread of human trafficking is a deadly combination, as reported from Russia, where over 380 crimes related to trafficking and coercion of minors into prostitution were investigated in 2004. According to some NGOs, this figure represents only the tip of the iceberg.¹³

Usually it is extreme poverty that forces parents to sell a child in order to gain the means necessary for the family's survival. Moreover, some traditional practices contribute to the increase of trafficking in children. For instance, in some African countries, debt bondages are passed from generation to generation, throwing children into bonded labor in a desperate attempt to pay off the debt of their parents or even grandparents. Traditional fostering—a practice common in some West African countries that allows a child to be sent to work for a member of the extended family in exchange for a promise of education and vocational training—can be named as another example. What began originally as solidarity networks to enable rural families to send their children to cities to improve their chances of education has degenerated into money transactions, out of which middlemen and slave masters take the biggest profit. Trafficking in brides is a common practice in some regions with a lack of young women, as is the case in China and in some parts of India, where infanticide of female fetuses and deliberate starvation

¹² Child and Women Abuse Studies Unit (CWASU), London Metropolitan University; available at www.cwasu.org.

¹³ According to a UNICEF report, the number of youth living in orphanages worldwide has risen from 400,000 to 600,000 in the last ten years; because of continued ethnic strife, poverty, neglect, abuse, and HIV/AIDS, many families resort to placing their children there. Russia ranks high as both a source country and a destination country for women and children sold into slavery; see Fair Fund website at <http://fairfund.org/prepare.asp>.

of newborn girl infants because of the preference for boys have caused a demographic imbalance between the sexes.¹⁴

Often it is very young girls that are trafficked and sold as brides. In some Muslim countries, underage girls are sold across borders as third or fourth wives, as has been reported recently from Tajikistan and Uzbekistan.¹⁵ In the developing world, especially in Africa and Latin America, many children are trafficked for prostitution, beggary, or domestic work, the conditions of which do not much differ from slavery. Most notably in Africa, but also in Myanmar and Colombia, children are trafficked for soldering, abducted by rebel groups, and forced into combat and servitude. As the number of children used in armed conflicts is not diminishing—the latest estimation goes as high as 300,000 children—the trend to abduct and traffic children for various paramilitary forces will certainly continue.¹⁶

Yet certain wealthy states have also recently received media attention as destination countries for the sale of children. Thousands of very young boys have been trafficked from South Asian and African countries to the United Arab Emirates to ride camels in a traditional sport popular among the local elite. The boys are kept in harsh living conditions, deliberately being underfed so as not to put on weight; they have to work long hours, risking their health in the dangerous races. When they grow up, they are disposed of without any other skills but camel riding, often even not being able to speak their native language. There is a hope that this form of children's slavery will disappear soon, since some of the states have promised to use robots as camel jockeys, and a law was introduced in the UAE in April 2005 to forbid the use of jockeys under the age of fifteen from taking part in the sport.¹⁷ Unfortunately, such a solution is far beyond the possibilities of most developing countries.

Trafficking affects men as well as women and children, although not to such a great extent. In many transitional countries, due to economic decline accompanied by high unemployment, men are forced to seek jobs in wealthier countries where a demand for unskilled labor exists. These migrants are lured into the snares of traffickers who arrange for their visas, transport, and placement, leaving them in a destination country with huge debts to work off. Although these migrants are necessary for economies that lack manual workers, most of them live and work in degrading conditions of second-class labor, exposed to exploitation and social isolation. Probably because of the blurred distinction between trafficking and illegal immigration, the attention paid to trafficking in men is much less, and—except for anecdotal information and fragmentary data—very little is known about the true extent and impact of trafficking in men. Nev-

¹⁴ UNICEF, *Children on the Edge: Protecting Children from Sexual Exploitation and Trafficking in East Asia and the Pacific* (New York: UNICEF, 2001).

¹⁵ Liz Kelly, *The Fertile Fields: Trafficking in Persons in Central Asia* (Vienna: IOM, 2005), 62.

¹⁶ UNICEF, *Childhood Under Threat 2005*, 44.

¹⁷ There are up to 40,000 child jockeys working across the Gulf, many of them having been trafficked from South Asia. "Robot jockeys to ride camels in the Gulf," *BBC News*, 10 April 2005; available at http://news.bbc.co.uk/go/pr/ft/-/2/hi/middle_east/4430851.stm.

ertheless, even where these illicit workers are not considered as typical victims of trafficking, those who organize their transport and remain abroad violate international labor and immigration codes as well as public health and human rights standards.

There is some evidence that the recruitment and transport of men for forced labor is organized in the same cunning way as trafficking in women and children, with men being transferred from one country to another if needed. Besides the personal suffering of trafficked men, there are grave consequences in terms of tax evasion by those who employ illicit workers, and in the level of corruption of state officials, especially the policemen, immigration agents, consulate workers, and labor bureau clerks that are bribed in order to provide “help” to black-market workers. It was estimated that, due to the labor nomadism of hundreds of thousand Ukrainians, including men mostly working in construction companies, the Czech state had been robbed of taxes of six billion Czech *korunas* annually. In 2005, the Czech police repatriated about 12,000 illegal immigrants from Ukraine, but no Czech officials—to say nothing of the entrepreneurs who had employed illegal migrants—were prosecuted.¹⁸

Causes and Costs

The main root causes of trafficking are linked with uneven economic development and, consequently, with the dynamics of demand/supply processes in the world labor market. Poverty in the developing world, accompanied by unemployment affecting large layers of the population and aggravated by wars, conflicts, and poorly managed governmental and economic transitions, create a supply of cheap unskilled workers matching the parallel demand for such labor in the industrialized world and in prosperous, developing countries. Moreover, stability and economic growth contribute to the development of leisure industries like the form of tourism oriented to sexual entertainment. Population mobility increased markedly in the last decades of the twentieth century, as indicated by the statistics of the International Organization for Migration, according to which the number of international migrants rose from 82 million in 1970 to 175 million in 2000, more than doubling over the course of thirty years.¹⁹

Globalization of communications, transport, and travel contribute both to the creation of an image of the golden West/North as well as to a relative ease of mobility for those who—encouraged by information about job possibilities and high living standards—yearn for a better life abroad. For the vast majority of people, migration to a richer country represents the only possibility for modest enhancement of their lives and

¹⁸ Pavel Máša, “The Czech Republic will profit from legalization of the Ukrainians,” *Lidové noviny* (25 July 2005), v.

¹⁹ International Organization for Migration, *World Migration Report for 2005* (Vienna: IOM, 2005), 393; available at www.iom.int/documents/publication/wmr_sec03.pdf.

sometimes even of mere survival. It is no wonder that especially young people, who often have a dim perspective of the future, wish to work abroad.²⁰

Desperate situations in internal labor markets (including the local sex industry, where prices are much lower than abroad and the risk of stigmatization by the local community much greater)—along with those few successful women who have managed to return home with some money—give women hope that triumphs over bad experience. This is supported by the perhaps astonishing fact that half of all female repatriates interviewed in an IOM study in Central Asian countries intended to try to work abroad again.²¹

In spite of limited knowledge of its true extent, organizational structures, and mechanisms of operation, it is clear that the sex industry has been evolving into a global phenomenon that poses an extreme threat to women and children, whose exclusion from job opportunities and social benefits makes their enslavement through trafficking much easier. There is a direct link between trafficking and prostitution, since it thrives in societies with patriarchal social structures, in which women are considered primarily as commodities, servants, or sex objects. The prevalence of female victims of trafficking indirectly reflects discriminatory gender relations.

The breakdown of law and security regimes in war-torn countries or countries in transition creates a breeding ground for trafficking in human beings. For instance, in South Eastern Europe, a wide range of criminal organizations has been reported, ranging from cell-like structures to loose networks involved in variety of transnational criminal activity, including human trafficking. The cohesion of these groups can be based on former political and economic liaisons, on ethnicity or kinship, and—with the use of corruption, violence, and exploitation of public services—on the steady links that have been built up between legal and illegal enterprises.²²

Even those who bring peace to these countries sometimes—whether directly or indirectly—contribute to creating an environment favorable to trafficking. The deployment of large numbers of peacekeepers itself creates a demand for sexual services that fuels markets for trafficked persons in both local brothels and domestic labor. Local criminal groups controlled by transnational networks rushed to build up local chains of brothels targeting peacekeepers as clients, as happened in Kosovo, where a chain of brothels had

²⁰ According to a reliable report, only 9 percent of young Moldovans wish to live in Moldova, one of the many countries stricken by extreme poverty, huge unemployment (the latest reports speak of a 75 percent rate), and the breakdown of social networks. See UNICEF/OHCHR/OSCE/ODIHR, *Report on Trafficking in Human beings in Southeastern Europe* (June 2002); quoted from Helga Konrad, “Trafficking in Human Beings – The Ugly Face of Europe,” *Helsinki Monitor* 13:3 (March 2002): 260–71.

²¹ Kelly, *Fertile Fields*, 50.

²² Jharna Chatterjee, *The Changing Structure of Organized Crime Groups* (Ottawa: Royal Canadian Mounted Police, 2005), 12; available at <http://dsp-psd.pwgsc.gc.ca/Collection/PS64-9-2005E.pdf>.

already been opened before the arrival of the first peacekeepers to the region.²³ In some cases, peacekeepers were directly implicated in trafficking activities, through transporting victims and providing support to the contractors, as has been reported in Bosnia, Kosovo, Afghanistan, East Timor/Leste, Sierra Leone, and the Democratic Republic of Congo.

The risks for trafficked persons are numerous, since the victims are usually not familiar with the language, customs, laws, and practices of the destination country. Their social isolation and absolute dependence upon intermediaries and unscrupulous employers make them extremely vulnerable to psychological and physical harm, to drug abuse, and to violence, which is often used in order to control them. Children without schooling and education lose their future economic opportunities, which in turn increases their vulnerability to being re-trafficked. Women trafficked for sex services risk that they will not be able to earn the money they expected, since the 'business' is organized in a way that guarantees maximum profit with minimum costs. Huge bondage debts paid to the traffickers for gaining the job that must be worked off diminish victims' chances to remit money home. For instance, a woman working in a Central Asian brothel has to pay back a debt of 18,000 Euros, with daily earnings of about 400 Euros, under the condition that she services fifteen to twenty clients a day. But it is the pimps or brothels owners that are paid by the clients; the women are given only modest pocket money, at least during the first year of the contract. In this way, even a small brothel in the region can have a yearly turnover of 1.5 million Euros.²⁴

Aside from the obvious suffering of enslaved individuals, trafficking has serious societal consequences for public health, security, and moral values. Because of a high prevalence of sexually transmitted diseases among prostitutes, trafficking contributes to the increase of the incidence of HIV/AIDS and its subtypes (mutations) that hinder both its treatment and the quest for an ultimate cure. Moreover, trafficking undermines public health by contributing to the spread of some other, less frequently mentioned diseases such as tuberculosis and scabies that are fostered by cruel working and living conditions.

The profits of trafficking in human beings have a negative impact on nations' level of security by fuelling money laundering; fraud and tax crimes; document forgery; smuggling of drugs, arms, or stolen vehicles; the sale of human organs; and other criminal activities. The findings from war-torn or unstable regions show that, by undermining legal labor markets and impeding governments in economic and political transition or post-conflict reconstruction, trafficking contributes to the maintenance of an unstable and fragile political environment. The fact that such grave violations of the human rights of millions of victims goes largely unpunished indicates a major erosion of all the efforts to enforce human rights protection as a leading principle of justice and the rule of law.

²³ John Piccarelli, *Trafficking Slavery and Peacekeeping: The Need for Comprehensive Training Program, A Conference Report* (Turin: UNICRI and TraCCC, 2002).

²⁴ Kelly, *Fertile Fields*, 102.

Combating Trafficking in Human Beings: The Actors

Combating human trafficking has become an objective of many actors—having various authorities and capacities—that are involved in the prevention of trafficking, the provision of protection and assistance to the victims, and the prosecution of the perpetrators. The power to pass national legislation, to foster the struggle against trafficking by means of law enforcement institutions, to investigate and prosecute traffickers, and to provide assistance to the victims places state actors—parliaments, governments, security institutions (especially police, border guards, and immigrant agencies), judiciary systems, and social and health services—on the front lines of that struggle. Trafficking in human beings is thriving in the regions and countries where security sector institutions are dysfunctional and weakened by corruption. Progress in the democratic transition of these institutions in countries struggling with post-war reconstruction or regime change is an important prerequisite of success.

Short-term measures in the enhancement of the operational potential of security sector agencies are being seen in providing special training and education to personnel about trafficking issues; in cross-national cooperation of border guards; in more transparent visa and immigration policies; in closer cooperation of security institutions with civil society agencies relevant to human trafficking; in the implementation of codes of conduct for the military and civilian personnel deployed in peacekeeping missions; and in the creation of special local units within these missions devoted exclusively to the fight against human trafficking (an effort in which more women should be included). Without investments in high-tech equipment for police and border guards, these goals cannot be achieved. Nor is success possible without the commitment of parliaments and governments to place pressure on the security sector to pay more heed to human trafficking. Undoubtedly, the growing awareness of the impact of trafficking on the level of security for which states are primarily responsible will increase the responsibility of state institutions for fighting the practice.

For the time being, the most visible efforts in monitoring and aiding the victims of trafficking are being made by civil society agencies, mainly by NGOs, the media, and academia. Their irreplaceable role in assisting governments in promoting the protection of victims “through comprehensive and non-stigmatizing social and appropriate economic assistance” has been highly appreciated by major international actors.²⁵ Besides providing practical assistance to the victims—especially those who fear to seek aid from the state authorities—NGOs operating in the regions affected by traffickers’ activities substantially contribute to the level of knowledge about the phenomenon, monitoring the situation, collecting data, and testing the true power of existing international laws. There are dozens of international organizations with both global and regional programs that provide assistance to trafficked persons. To name just several of them: La Strada operating in Central Europe; the Foundation Against Trafficking in

²⁵ UN General Assembly Resolution 58/137, “Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking,” A/RES/58/137, 2.

Women, a Dutch international organization assisting women in several continents; a broad international network of nongovernmental organizations established in 1994 and called the Global Alliance Against Trafficking in Women (GAATW); the Coalition Against Trafficking in Women (CATW), which operates mainly in the United States and Australia; as well as the world's oldest organization against forced servitude, the Anti-Slavery International founded in 1839 and located in the United Kingdom.²⁶ Some renowned human rights organizations, such as Human Rights Watch or Save the Children, also devote themselves to the struggle against human trafficking.

With regard to its complex transnational nature, trafficking in human beings requires cross-border measures. Recently, considerable regional initiatives were taken in Europe. The European Union concentrates on harmonizing national legislation covering jurisdiction, prosecution, and the standing of victims in judicial proceedings, and prepares policies, practices, and cooperation between EU members and prospective member states. In 2005, the European Commission will evaluate the measures taken in the past years in order to enhance the exchange of best practices and to improve cooperation, not only between EU members, but also with candidate states and third countries, among them primarily the United States. The sexual abuse of trafficked children will be emphasized in relation to some new forms of trafficking, especially those related to the fight against child pornography on the Internet.

In 1999, trafficking issues became one of the priorities for the Organization on Security and Cooperation in Europe (OSCE), and in the following year the growing concern about the proportions of trafficking in humans all over Europe led to the establishment of the Stability Pact for South Eastern Europe Task Force for Fighting Trafficking in Human Beings. This political initiative is an example of a significant regional initiative working as a coordinating instrument for streamlining national anti-trafficking activities, with an aim to create a strong regional anti-trafficking structure in South Eastern Europe. The Council of Europe has been drafting a regional convention that would determine legal norms for trafficked victims and enhance the process of monitoring the phenomenon within Europe. Similarly, within the framework of training and educational programs for peacekeeping staff, both military and civilian, NATO has developed guidelines to avoid further scandals involving peacekeeping personnel enmeshed in trafficking.

The major international actors are represented by the United Nations organizations dealing with human rights protection, labor and migration issues, or the present situation in the struggle against organized crime: the Office of the UN High Commissioner for Human Rights (UNOHCHR), the Office of the UN High Commissioner for Refugees (UNHCR), the International Labor Organization (ILO), the International Office for Migration (IOM), the organizations protecting children and women rights (UNICEF, UNIFEM); the UN Office on Drug and Crime (UNODC); and the UN Commission on Crime, Prevention, and Criminal Justice (UNCPCJ). Since 2004 a Spe-

²⁶ A comprehensive list of regional NGOs working in the areas can be found at www.humantrafficking.org/ngos/.

cial Rapporteur on Trafficking in Persons, Especially Women and Children has been appointed for a period of three years and empowered to gather information, formulate recommendations, and provide expertise and guidance to the UN agencies and other relevant national and regional bodies.²⁷ The vast array of the UN agencies' activities covers a continuous monitoring of the trafficking situation, conducting research, leading awareness campaigns, accepting legally binding documents on trafficking, and advocating for their implementation among member states.

Solutions

Among the actors involved there is an increasing recognition of the necessity to address the root causes of trafficking, i.e. the phenomena that lie behind the supply/demand aspects created by global inequalities in distribution of jobs and resources. Poverty, underdevelopment, and cultural stereotypes in gender relations can be named as the main root causes of this modern-day slavery. There is an increasing conviction that the world's scientific, intellectual, and economic resources can be mobilized to eradicate these main scourges of our age. During the World Economic Forum held in Davos last year, all global leaders agreed that poverty and injustice are the world's main problems, and some representatives of rich countries, reacting to the evaluation of progress in reaching the United Nations Millennium Development Goals (MDG), promised to fulfill their obligations regarding the provision of financial aid to developing countries. A report produced by the Earth Institute at Columbia University under the leadership of Professor Jeffrey Sachs and submitted to the UN Secretary-General in January 2005 claims that due to advances in science and technology, all the problems targeted by the MDG are solvable.²⁸ The report names three conditions necessary for an improvement:

- Bridging the gap in financing the Millennium Development Goals by pushing the rich states to fulfill their obligations and promises;
- Addressing the real needs of developing countries by investing funds in close cooperation with the recipients of concrete aid;
- Sensitizing the populations of wealthy nations to the plight of the world's children to increase the public awareness of the real causes of destitution, so that amplified pressure is placed on major international actors and national governments to invest development funds in more balanced and rational way.

The report also points out the necessity to examine the real roots of poverty and to abandon simplified arguments about bad governance as the main cause of the failure to fight poverty in the developing world. Many African countries—such as Ghana, Burkina Faso, Mauritania, Mali, and Ethiopia—have good governments but simply not

²⁷ The position is held by Ms. Sima Huda, president of the Bangladesh National Women Lawyers' Association and current board member of the Coalition Against Trafficking in Women, Asia Pacific.

²⁸ Jeffrey D. Sachs, *The End of Poverty: Economic Possibilities for Our Time* (New York: Penguin, 2005).

enough money to break the cycle of poverty and to initiate the process of economic growth. In order to invest USD 195 billion in the next ten years (the sum needed for achievement of the MDG), annual investments of rich countries into development aid must be doubled. But even this amount of money should not be difficult to achieve, taking into consideration the world's annual defense investments, which amount to USD 900 billion.

Short-run measures against trafficking in humans concentrate on three areas—prevention, protection of victims, and prosecution of perpetrators—and cover a broad array of strategies concerning information, legislation, law enforcement, and coordination of activities on various levels. Most of the experts agree that there is a momentous lack of data regarding the scope of trafficking in human beings. In spite of some reliable databases that have emerged recently (UNESCO, IOM, UNODG, Eurostat, EUROPOL, the U.S. Department of State), most of the data is sparse, fragmented, non-systematic, and not statistically comparable because of a low level of unification. With regard to the crime's clandestine nature, the majority of statistics are victim-oriented and originate from police records, court statistics, and NGOs, primarily referring to sexually exploited women, while data on children (and especially men trafficked for forced labor) are scant. A systematic, methodologically unified mode of international cooperation in data collection and exchange is needed in order to gain a better understanding of new patterns, the operational mechanisms of traffickers, as well as the consequences for individuals and societies.

The present legal framework—represented primarily by the Palermo Protocol on Trafficking, the Optional Protocol to the Convention on the Rights of the Child, the ILO conventions (No. 92, 182) against illicit labor, the U.S. Trafficking Victims Protection Act, and the EU Brussels Declarations on trafficking in human beings—is generally thought to be sufficient, although recently some criticism of the legislation has appeared from the NGO community.²⁹ The UN Palermo Protocol definition has been widely accepted as a good tool for unifying terminology and enabling the avoidance of misunderstanding and confusion about the nature of the practice.³⁰ It covers any forms of sexual abuse, forced labor or service, or any practices similar to slavery or servitude, including organ removal. It clearly distinguishes trafficking from smuggling, which is the criminal practice of illegally transporting persons across international borders. In smuggling, both the smugglers and persons smuggled across borders are transgressing laws, while in trafficking only the traffickers are prosecutable, even if a trafficked person consented to be transported and employed abroad. The exclusion of the aspect of

²⁹ The Palermo Protocol is officially known as the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime (United Nations, 2000).

³⁰ Here trafficking is defined as “the recruitment, transportation, transfer, harbouring 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 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.”

consent from prosecution represents another salient element of the definition, providing for the possibility to criminalize the perpetrators, not the victims. The Palermo Protocol also elucidated the association between trafficking and labor migration, clearly stating that, when migration results in drudgery or slavery, it becomes trafficking—a criminal act and a grave violation of human rights.

The definition covers the three main elements of trafficking: the steps by which victims get into the snare of criminals (recruitment, transfer, transportation, harboring or receipt of a person); the usage of deceit and force to control them; and a clear intention to exploit them. Based on their practical experience with new methods used by traffickers, some NGOs claim that reading these three conditions as the only inevitable markers of a criminal act can be insufficient when confronted with such a complex and diverse practice. More and more often, local agencies and individuals are hired to take care of separate steps in the entire process of recruitment, transfer, and receipt; thus, clearly defining an unbroken chain of connected individuals has become more difficult, if not totally impossible. There are ambiguities about how to treat these third parties surrounding whether they should be criminalized in the same way as the organizers and how to deal with situations where a case might have jurisdiction in one country, evidence in another, and witnesses yet in another. Moreover, the force used in trafficking can range from direct physical assault to more sophisticated forms of control that weaken the awareness of risks, such as deceit regarding the kind of work or earnings offered, and debt bondage.

Another problem arises from the variety of reasons why people—especially women and girls—are trafficked. In some countries, practices quite similar to human trafficking are used to gain brides for forced marriages, to hold young migrants for ransom, or to use women as a resource to settle disputes among warlords, as was reported some time ago from Afghanistan.³¹

The complex nature of trafficking, which makes the formulation of an unambiguous and generally acceptable definition so difficult, also has a considerable impact on the implementation of international law into regional and national legislation. Enhancement of mechanisms for victim protection is one of the core issues of the present discourse on how to combat trafficking in human beings. In order to prevent their further victimization and criminalization, it is recommended to treat victims of trafficking in accordance with international standards; to provide for a wide range of psychological, legal, medical, and social assistance in disengagement from their slave-masters; and to aid them in returning home and reintegrating into their community.

But to implement these seemingly indisputable requirements into a nation's law is not so easy, as evidenced by the Czech criminal code which, in paragraph 242, defines the crime of trafficking, the position of perpetrators and victims, and their role as a witness. The code applies only to trafficking for the purpose of sexual exploitation; the transnational aspect of trafficking is not mentioned at all, and psychological coercion

³¹ Statement by IOM Chief of Mission on release of the report *Trafficking in Persons in Afghanistan*; available at <http://www.iom.int>.

used for the purpose of control of victims is not included as a prosecutable act. Legislation that is inconsistent with the realities of trafficking substantially influences the will and ability of police and other relevant institutions to protect victims and persecute perpetrators. Harmonization of national and regional legislation with established international standards—especially regarding the treatment of victims—is considered vital in the intensification of the fight against trafficking. As concerns trafficked children, their abuse is unambiguous and clearly defined in Article 3 of the Palermo Protocol. The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered a crime, whether or not force, coercion, and deception are involved.

Although efficient methods of screening and identifying trafficking activity have been developed and are commonly used (for instance, in the United States or Canada), the most frequent avenue of redress in cases of trafficking is repatriation of the victims, usually without any social assistance or request for them to stand witness against their slave-masters, to say nothing of indemnification. Even if some provisions to protect victims of trafficking exist in national law, only very rarely are they applied, since states are hesitant in prolonging or even legitimizing the stay of aliens on their territories. It can be envisioned that, with the threat of international terrorism, restrictive immigration policies will be enlarged, making the protection of victims even more difficult. Such attitudes, together with the commonly shared opinion that illegal migrants deserve their fate due to their avarice or immoral behavior, contributes to the fact that traffickers in human beings enjoy wide impunity almost all over the world. When they are brought to justice at all—and then mostly because they were caught in the act of some other form of trafficking (drugs, arms, money laundering)—traffickers in human beings are rarely prosecuted for that crime. When prosecuted for human trafficking, especially in Europe, they mostly receive only conditional sentences. The owners of local facilities (night clubs, bars, etc.) that profit from human trafficking are rarely criminally liable; the prosecution of pimps relies on the prevailing public attitude, based on a widely shared conviction that prostitution is an unpleasant yet tolerable scourge that can be controlled by the police.

There is a need to analyze how police, border guards, and courts in the regions and countries affected by human trafficking investigate and prosecute offenders and what reasons are behind the lax sentences. A change in public attitude—from tolerating prostitution, or closing one's eyes to its realities—is needed, so that instead of prosecuting the women involved in prostitution, the clients who are buying sexual services from somebody who has been deceived, transported across Europe, beaten, and raped as a means of breaking her down are condemned and prosecuted. In the long-term perspective, such a change of outlook and the increase of public awareness of the gravity of the problem could reduce the demand that fosters trafficking for sexual exploitation.

Trafficking in human beings is a transnational crime, and only the concerted efforts of all actors involved will succeed in diminishing its frequency and scope. Almost all recent international documents on human trafficking accentuate both the urgent need for cooperation within states, engaging governmental and non-governmental organizations, and also call for much broader international cooperation in sharing methods in training

of personnel; data and information on incidence rates and trafficking mechanisms; and expertise on legislation, prosecution, and social assistance. The unwillingness of state institutions to legitimize the migrants' stay, and the negative public attitudes towards them, play straight into the hands of traffickers who—in cases where measures of law enforcement are applied—have developed a flexible system of labor agencies that can move people between countries in the region. For both governments and civil society, the key is to generate the necessary political will to directly confront the pernicious nature of trafficking, and to reverse for good the pervasive criminalization of its victims.