

HUMAN TRAFFICKING

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1 Introduction

The descriptive label that seems to have the most power and historical stigma attached to this crime is the phrase referring to the practice of human trafficking as “modern day slavery”.¹ This terminology evokes a terribly perplexing response for many people, perhaps more so than the idea of human trafficking itself. Although that phraseology is profound and upsetting for many, as an American one might cringe at the idea of something that took so long to abolish, human slavery and suffering, is finding its way back into our lives. Terminology aside, the practice of human trafficking holds international connotations and widespread legal conflicts. Although it is an internationally recognized crime, it is surprising to note that within our own country, as of June 15, 2006, only 14 states had laws banning the human trade industry.² The Internet is currently being used as a tool to help facilitate the trafficking of humans. The anonymity and ease of communication that the Internet provides is a new and growing danger to this heinous crime.³

2 Motivations

Humans can be trafficked for innumerable reasons; the limits are only based on the perpetrators’ imaginations. Wherever and whatever need there is for a human service, traffickers can find a way to fulfill the economic processes of supply and demand. The most common motivations for human trafficking are for sexual and labor exploitation.

Trafficking humans for sexual exploitation takes many forms: prostitution in brothels or under the watchful eyes of a pimp, strip clubs and bars, as well as being used in the pornography industry.⁴ The other likely reason people are illegally trafficked is for involvement in forced labor; “People forced into indentured servitude can be found in sweatshops, commercial agricultural sites, such as fields, processing plants, and canneries; domestic services, such as maids and nannies: construction sites, particularly if public access is denied; and in restaurant and custodial work”.⁴ Many people dislike the daily grind of waking up and working a nine-to-five job while dealing with an exasperating boss or annoying coworkers, yet few people seem to appreciate the freedoms they do have within their jobs. Even fewer people could even imagine what it would be like to be kidnapped, threatened, coerced using physical force, or lured by false promises into a less than humane working environment.⁵

3 Methods

There are countless ways for a person involved as a perpetrator of human trafficking to get their victims out onto the streets making money and soliciting clientele. The abuse, lies, and

¹ Thomas, J., “Report Details Mixed human trafficking Picture in Europe, Eurasia-Improvements noted in Switzerland, Greece, Slovak Republic, and Ukraine, United States Department of State, <http://www.usinfo.state.gov>, June 6, 2006 (retrieved November 5, 2006)

² Anonymous, “Iowa: Governor Outlaws Human Trafficking,” *Organized Crime Digest* 27(8):7, June 15, 2006 (retrieved November 5, 2006)

³ Hughes, D. M., “Trafficking and Sexual Exploitation on the Internet,” *Feminista!* 1997, <http://www.feminista.com/v1n8/hughes.html> (retrieved November 5, 2006)

⁴ Miller, J. R., “Modern-Day Slavery,” *Sheriff* 58(2):34-36, Mar/Apr 2006

⁵ Anonymous, “Facts About Human Trafficking,” U.S. Department of State Bureau of Public Affairs, <http://www.state.gov/r/pa/ei/rls/33109.htm>, May 24, 2004 (retrieved October 28, 2006)

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manipulation that were used to detain the victims in the first place is the same degradation and misrepresentation that is forcing illegally trafficked persons to work for little or no pay, in cruel environments, and many times far from their families or home country. Victims are kept in check by fear, threats, and intimidation; our complaints about our jobs aren't even in the same arena as victims of these heinous crimes.⁴

4 Dangers

There are other risks associated with this global problem beyond the blatantly illegal practice of using human beings as a commodity. The problem is recognized on an international level, but many countries turn a blind-eye to the issues and choose not to identify or solve them. One of the most relevant and problematic issues regarding transporting immigrants (whether legally, illegally, or via trafficking) are the health risks involved.⁵ Transmission of HIV or Hepatitis, unknown epidemics like avian flu or other diseases which could be carried over borders by people pose a great risk to people of every country. Although pandemics and epidemics and the spread of disease is not the sole result of human trafficking, it is a mitigating factor. The most worrisome part of this threat is that those individuals who are trafficking the victims have little or no concern for the well being of their cargo and any diseases or illnesses they might have that are communicable or anything that they might contract while working, is no point of anxiety for the trafficker. "Humans have a valuable 'shelf life'. They can be sold over and over again in multiple transactions".⁵ A person's life is cheap when you don't care about it, and when you are illegally requiring their services why would you care about their wellbeing?

5 Statistics

Each year the US State Department publishes a "Trafficking in Persons Report." This publication is "the world's most comprehensive survey on human trafficking".⁶ Congress has mandated the publishing of this report on an annual basis since 2000.¹ The publishing of this international informational log was a byproduct of Congress passing the *Trafficking Victims Protection Act* (TVPA) in 2000. Most of the statistics we know regarding human trafficking come from these reports. In 2006 the report estimated that, on an international level, between 750,000 and 800,000 people were illegally manipulated into a human trafficking situation.⁶ Approximately 17,500 people were brought into the United States through human trafficking operations in 2005.⁷

The Director of the Office to Monitor and Combat Trafficking in Persons, John Miller, commented on the reliability of the statistics that we do have by saying that "Slaves don't stand in line and raise their hands to be counted."⁶ For as many individuals we know of who are victims of illegal trafficking, there are so many more people we don't know about because of the black market and underground operations that have yet to be discovered or have gone undetected.

⁶ Porter, C., "Police, Lawmakers Targeting Human Trafficking Worldwide – US State Department annual report cites progress in fight against trafficking." United States Department of State, <http://www.usinfo.state.gov>, June 5, 2006 (retrieved November 5, 2006)

⁷ Bohrer, B., "Gonzales Cites I-10 in Human Traffic Report," Associated Press, <http://www.foxnews.com/wires/2006Oct04/0.4670.GonzalesHumanTrafficking.00.html>, October 4, 2006 (retrieved October 28, 2006)

6 Demographics

No one ever volunteers to be abused or manipulated and denied of their basic rights; however, some people jump into the arms of illegal human traffickers based on false promises and hopeful dreams. For many individuals all that they know is slavery and cultural imprisonment; they do not know what freedom feels like, and so any glimpse could be a pitfall for these vulnerable people. Many people, especially in economically fragile countries, are happy to seize promises of a good paying job and a place to live or other seemingly amazing opportunities.

6.1 Poverty

Traffickers don't need to work particularly hard to appeal to people who might be used to living in impoverished situations where an opportunity to hold a steady paying job isn't a realistic desire, and where any chance to work is a chance to provide the basic necessities for their family. It isn't until a victim has been threatened, had their passport or immigration paperwork confiscated by the perpetrator, and has been stripped of all basic human liberties that a person might realize the dire situation they were tricked into. U.S. Attorney General Alberto Gonzales said "The thirst for freedom and opportunity is part of the human spirit and is very strong in this world. To offer it as a lure, for purposes of a crime, is unconscionable"⁷

6.2 Subgroups

There is no set mold or demographic a person must fit into in order to become a victim of this crime.⁴ Women, children, and men are all targeted for different purposes. Women and children tend to be forced into the sex industries, while men are more likely to be used as forced or very cheap labor⁸ Even if individuals find themselves somehow escaping from the trafficking prison they are caught up in, their ability to reintegrate is compromised by many of the same things that got them into the situation in the first place. "Poor economic conditions that contributed to the vulnerability of the victims to traffickers also prevent the provision of effective assistance for reintegration"⁹. It is a vicious trick that entraps these victims, and it is nearly impossible for them to release themselves from the strongholds they are held under.

One example of a very strong hold human slavery has on generations of people is the situation in India. India has a practice referred to as "bonded labor." This involves a family who, for many generations, is indebted to an employer. This leads to many generations being born into a position of slavery based on a historically outdated debt. There is no hope of release from these situations because the debt often spans the entire lifetime of an individual and onto the lives of their children and children's children.¹ This indentured servitude illustrates that some people aren't even fortunate enough to learn about how to prevent themselves from being victims of human trafficking; they are born as victims of this vicious crime.

⁸ Anonymous, "Prevention," [humantrafficking.org](http://www.humantrafficking.org/combat_trafficking/prevention) . date unknown, http://www.humantrafficking.org/combat_trafficking/prevention (retrieved October 4, 2006)

⁹ Anonymous, "Reintegration," [humantrafficking.org](http://www.humantrafficking.org/combat_trafficking/reintegration), date unknown, http://www.humantrafficking.org/combat_trafficking/reintegration (retrieved October 4, 2006)

7 International Perspectives

There are laws regarding the trafficking of humans which are international statutes as well as individual laws that each country has established. Each country has their own laws regarding how to handle cases of human trafficking, how to prosecute them, protection and aid for victims, as well as those which have the goal of eliminating the crime. The United Nations has instituted its own regulations and standards regarding how countries should handle this crime and its victims; it has done so in “The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons”¹⁰ On an individual country basis there are many examples of laws that have been enacted to try and stop this crime.

7.1 Fighting Human Trafficking

The United States views human trafficking as such a profound issue that it has threatened to remove some of its monetary aid to certain countries if they fail to enact further legislation to help fight this crime. “The worst offending countries face the possibility of losing a share of \$96 million U.S. development assistance, funding for educational and cultural exchange programs, and American support in international financial institutions, including the World Bank and International Monetary Fund”¹¹. The fact that America has chosen to use its power to threaten countries who are not helping to resolve such a devastating world wide problem is a pleasant surprise.

A chief component in the fight against human trafficking on an international level has been mentioned before but it deserves a very in depth explanation. The “Trafficking Victims Protection Act” (TVPA) has instituted a tier system against which it analyzes and categorizes all the countries involved in the “Trafficking in Persons Report” put out by the U.S. State Department. In 2006 149 countries were included in the report; countries that were not included were done so because of a lack of verifiable data.⁶ There are four tiers in the system: Tier 1, Tier 2, Tier 2 Watch List, and Tier 3. “Countries doing the best job are in Tier 1. Tier 2 comprises countries that are demonstrating commitment to address their problems but have not yet achieved international standards. Tier 2 ‘Watch List’ includes countries that show signs of falling backwards.”⁶ The third tier is the worst ranking, and contains countries whose governments “are not making significant efforts to meet international standards.”¹

The purpose of the tier system is to organize countries and inform them of how their systems are working. Those countries who are developing their laws and forming new task forces and programs for putting a halt to the crime, as well as dealing with its inevitable after effects, are rewarded by moving up a tier and being recognized on an international level. The Czech Republic and Portugal were both moved from Tier 1 countries to Tier 2 countries this past year. Although the movement up in tiers means there is progress, there is still a substantial distance to travel before a country eliminates human trafficking all together. The Czech Republic was cited as not having harsh enough penalties for those individuals caught and convicted of trafficking, and Portugal “failed to prescribe punishment sufficiently stringent to deter trafficking” and “virtually all convictions for trafficking resulted in suspended sentences in 2004.”¹

¹⁰ Anonymous, “Protection,” humantrafficking.org, date unknown (retrieved October 4, 2006)

¹¹ Anonymous, “U.S. Cites 14 Nations In Human Traffic Report,” *Organized Crime Digest* 26(8);4, June 28, 2005

7.2 Human Trafficking in the United States

In 2004, in the United States, there were approximately 6,700 cases of trafficking that were prosecuted, which led to nearly 3,000 convictions.⁴ Based on the 2006 “Trafficking in Persons Report” there were “more than 4,700 convictions for trafficking-related crimes in 2005.”⁶ This increase in convictions and even prosecutions is a huge step in the right directions. Statistics like these show that governments across the world are noticing the changes and the necessity for action in order to protect the citizens of their country. Even in America there has been an increase in the number of cases brought before the courts. “The number of human trafficking cases brought by prosecutors has risen in recent years, according to the Justice Department. [U.S. Attorney General Alberto Gonzales] credited the rise in cases to an increased focus on the issue and partnerships between agencies. ‘Freedom is guaranteed only with vigilance,’ he said.”⁷ Other American institutions are leading by example by instituting new legislation and programming on the federal level.

The Department of Health and Human Services will now aid victims by certifying them within the country so that they can receive basic benefits; the same benefits refugees receive. The Department of HHS has also created a hotline and has invested money in awareness campaigns and programs.⁵ For individuals who contribute or aid human trafficking in any way, The Department of Defense “has implemented a zero-tolerance stand against any actions by Defense personnel that contribute to human trafficking and is instituting a service-wide mandatory training program.”⁵

Another legal avenue that has been explored in regards to victim’s rights and protections, as well as helpful tools for prosecution of perpetrators, has been the T-Visa. The T-Visa is a creation under *The Trafficking Victims Protection Act of 2000*. “Under this law, one option that has become available for some victims who assist in the prosecution of their traffickers is the ‘T-Visa’ that allows the victim to remain in the United States of America.”¹⁰ Victims of human trafficking who somehow find themselves in contact with America’s justice system would be labeled as illegal immigrants or as illegal aliens and would be deported or detained as criminals. Their claim of being a victim would more than likely be ignored or overlooked; instead of being respected for what they have been through and experienced, they would be treated and processed as criminals. The T-Visa helps to create a safety net for people caught in this situation, and it also helps with the prosecution of traffickers.

A very specific example of laws in our country changing is in Iowa, the Governor recently outlawed human trafficking. Governor Vilsack passed a bill which makes falsely representing a situation or opportunity in order to solicit work from immigrant men, women, or children, a felony. The sentence attached to such a crime would be a minimum of 25 years. “The bill would also shield victims from prosecution for their illegal work and make them eligible for assistance programs.”² America is obviously a very forward thinking and active country regarding this crime, but some other countries have not put in the same amount of effort or shown the same amount of resolve.

7.3 Russia

Russia continues to be a thorn in the side of the human trafficking world. They are on the Tier 2 Watch list for the third year in a row because it has a huge trafficking problem, especially in the area of trafficking women for sexual exploitation. The Trafficking in Persons Report noted that Russia is a hub for transporting and trafficking women, men, and children to over 50 other countries. "The report also expressed concern over forced labor in the maritime industry, the centers within Russia for commercial sexual exploitation and the trafficking of men internally and from Central Asia for forced labor in the construction and agricultural industries."¹ In such a huge country with imports and exports around the world, a crime like human trafficking is a likely issue. The only way to deal with so many citizens and immigrants in such a broad country while trying to eliminate, or at the very least decrease, such a horrible crime, is to institute harsher penalties for traffickers, more awareness for the general public, and increased legislation for prosecution and protection.

7.4 South Korea

The South Korean Ministry of Justice has formulated assistance programs for victims of perpetrators. The government has enacted laws regarding the sheltering of victims as well as their reintegration; they have spent money on supporting victims as well as helping them on a psychological level. "In 2001, the Government spent a total of 4.9 billion won (\$4.0 million) on direct assistance to victims, shelters, counseling centers, and hot lines."¹⁰ It is the victims of these crimes who are able to shed the most light on the state of these illegal activities, and the most insight on how to be protected and ensure safety not only for themselves, but for the rest of the people in their country.

8 Discussion

As technology improves and the availability of the Internet and computers grows the relationship between the Internet and human trafficking becomes more dangerous. Some of the added dangers the growing technology brings are easier access to information regarding how to traffic humans and how to get involved with using these abuse individuals. People can post websites or have forums or blog's talking about how and where to get illegal services. "Agents offer catalogues of mail order brides, with girls as young as 13. Commercial sex tours are advertised. Men exchange information on where to find prostitutes and describe how they can be used. After their trips men write reports on how much they paid for women and children and write pornographic descriptions of what they did to those they bought."³ It is a vicious cycle of crime where people can look on the Internet for information, and then they can repost more information after they are done exploiting others. The violence and the horrendousness of this sort of crime are worsened by the availability of services like the Internet.

Although many people would like exclusively believe in the ability of the Internet and computers to be used as educational tools, methods of economic growth, and a means for distributing notable information, technology like this facilitates some of the most heinous and egregious crimes against humanity. This is done by adding a huge level of anonymity and international capability. Some examples of ways that information regarding human trafficking can be easily distributed world wide are scanners and video digitizers, web sites, P2P networks, file swapping

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programs, file transfer protocol, search engines, chat Rooms, video conferencing, and pornographic spam¹²

Using humans for labor and exploiting their individuality is a crime as old as time, and there is little end in sight for such activity. On an international level we seem to be trying to handle the situation by mandating action from countries on an individual level based on how much they have done in the past to protect and prevent the crime. Here on American soil we are attempting to reconcile the problem by destroying the ways that human traffickers work by creating task forces and training police. We are also dealing with one of the most important issues of a crime like human trafficking; the victims. The implementation of an organization whose sole purpose is to stop the crime is useless: there needs to be recognition of the people who suffered so severely. The world seems to have stood up and taken notice of this fact, and many countries are working hard to advocate for victims rights and secure their testimony in. Although no crime will ever be eliminated with the growth of technology and mounting international awareness towards the horrific crime of human trafficking, it may someday be reduced to a mere glitch in international society; rather than a problem many countries live with and suffer through every day.

¹² Chawki, M. and M. Wahab, "Technology is a Double-Edges Sword: Illegal Human Trafficking in the Information Age," Computer Crime Research Center, March 05, 2005, <http://www.crime-research.org/articles/Mohamed2> (retrieved 5 November 2006)

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