Human Trafficking:
International and Domestic Efforts to Extinguish Modern-Day Slavery

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INTRODUCTION

Transnational organized crime in trafficking of human beings has been increasing in recent decades, and there are a significant amount of countries that do not have the ability to combat the issue. Since human trafficking activities do occur in numerous countries, the international community has had to take on the responsibility of establishing collaborative efforts to prevent such atrocities. Currently, it’s the one of the largest organized crime entity in the world. Due to its rapid growth, it could possibly surpass the drug trade and selling of illegal arms. An estimated 20.9 million men, women and children are trafficked for commercial sex or forced labor around the world today. Victims are trafficked both within and across international borders. Migrants as well as internally displaced persons are particularly vulnerable.1

Furthermore, human traffickers use coercion, force, and fraud to control the lives of other people for the purpose of labor and sex. There are two primary factors driving the spread of human trafficking: high profits and low risk. Like drug and arms trafficking, human trafficking is a market-driven criminal industry that is based on the principles of supply and demand. Every year, traffickers generate billions of dollars in profits by victimizing millions of people around the world, including here in the United States.2 This article will provide a copious report of international and domestic laws that have been implemented to prevent human trafficking. It will also present the impact that legislation has made up until today. Lastly, the following will conclude with recommendations to further prevention in human trafficking.

IGOS & NGOS

The first legislative efforts to address the issue of human trafficking on an international level were taken by the League of Nations. The League of Nations had a convention wherein they established that signatory states would have the obligation of preventing and suppressing the trafficking of slaves. Shortly thereafter, due to the transition from the League of Nations to the United Nations (UN), ratification was deemed necessary. The UN also adopted a series of legislative texts which prohibited slavery worldwide.

Thus, article 4 of the Universal Declaration of Human Rights prohibits slavery, in whole or in part, and the conduct of the slave trade. Furthermore, with the Multilateral International Geneva Convention of 07.09.1956, which was also adopted under the UN auspices. States sought to efficiently address the problem of slavery, after having attempted to abolish other aspects of slavery and slave trade. More recently, the General Assembly, as part of its United Nations Protocol, adopted the following comprehensive definition of human trafficking in 2000:

(a) “Trafficking in persons” shall mean 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 the abuse of power or 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

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(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.

(d) “Child” shall mean any person under 18 years of age.

The UN Protocol has 117 signatories (member states that have signed the Protocol) and 124 parties (member states that have approved, ratified, accepted, or acceded to the Protocol) as of September 2008. Nonetheless, the criminal codes of individual United Nations member countries continue to reflect variations in the definition-or even the existence of a definition-of human trafficking. Addressing the many forms of modern-day slavery, the UN Protocol defines exploitation as “the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour, or services, slavery or practices similar to slavery, servitude or removal or organs.” It states that the victims consent is “irrelevant” if the trafficker has used any of the coercive or fraudulent tactics described above, and it makes clear that, even if no fraudulent or coercive tactics are used, a child who “consents” to exploitation is nonetheless a trafficked child.4

In regards to children, the UN General Assembly also added two optional protocols. The involvement of children in the military was restricted by Protocol One, and was adopted on July 12th, 2002. The sale of children, child pornography, and child prostitution was prohibited by Protocol Two, and was adopted January 18th, 2002. As of April 2010, 132 states have acknowledged Protocol One, and 137 states have acknowledged Protocol Two.

Furthermore, the UN has put forth several provisions which include the Declaration of the Rights of the Child, adopted on November 20, 1959, as well as the Convention on the Rights

of the Child, adopted on September 2, 1990. The Convention is the most widely ratified human rights treaty in history.\(^5\) Over the course of 10 years, an elected body of independent experts worked together to create a document based on the Convention on the Rights of the Child; in which the importance of tradition, as well as cultural values for the protection and harmonious development of children was taken into account.

The Convention of the Rights of the Child became international law on September 2, 1990. As of April 2010, 194 states acknowledge this international law.\(^6\) The Convention defines a “child” as an individual that is less than 18 years of age, unless a State law recognizes a different age. States can also define a “child” by a different age regarding the completion of education and employment. Yet, the Convention has made a point to distinguish that individuals under the age of 18 are prohibited from life imprisonment or capital punishment.

Additionally, the Global Alliance against Traffic in Women (GAATW), an organization of over 100 non-governmental organizations works to promote rights of women migrant workers and trafficked persons, advocates for the incorporation of Human Rights Standards in all anti-trafficking initiatives, including in the implementation of the Trafficking Protocol, Supplementary to the UN Convention on Transnational Organized Crime (Palermo Protocol). While their efforts are helpful in trying to document the scope of the problem, in reality, human trafficking for sexual exploitation is an international hidden problem in plain view.\(^7\)

Governmental and non-governmental organizations that assist in spreading awareness can prove

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highly beneficial to preventing human trafficking. Although some of the organizations cannot be a part of the policy implementing process, they can be influential on public opinion. Spreading awareness and influencing the public can also assist in helping victims find the support that they need to reclaim their lives.

Withal, the General Assembly of the International Labour Organisation signed the International Labour Convention No. 29 on 06.28.1930 (which was ratified by Greece with Law 2079/1952, Government Gazette A 108/13-6-1952). According to the Convention, each Contracting State was bound to the immediate abolition of forced labor for the benefit of employers, companies or private legal persons (Articles 4 and 5 of the Convention). Moreover, contracting states undertook the obligation to work for the gradual abolition of forced labor within the shortest possible time (Article 1). Article 2 of the Convention defines forced labor, and the gradual abolition of forced labor is provided. A definition of forms of labor exploitation is included in Article 3 of the Convention: namely, slavery, serfdom, forced recruitment of children, jobs that endanger workers’ health, safety or moral integrity of children or the use of children in illegal activities, as well as their sexual exploitation. Along with these various IGOs and NGOs and the policies that have been implemented throughout the course of the 20th and 21st centuries, there are countless organizations throughout the world; non-profit, religious, and government sponsored anti-human trafficking groups that have been established to assist in awareness, providing support, and ensuring the enforcement of the law against the illegal use of people in labor and sexual exploitation.

An example of how human trafficking has destroyed the livelihood of people all around the world comes from a man who lived in Burma. He had traveled to Thailand, in hopes of a better life. Trusting his recruiters, Myo believed he was leaving his home in Burma to work in a pineapple factory in Thailand. Yet, when he arrived, he was sold to a boat captain for the equivalent of approximately $430. He was held on the boat for 10 months, forced to work, and beaten regularly. On the rare occasion that the boat docked at port, the officers bribed local police to allow them to keep the fishermen on the boat rather than risking them escaping if they were allowed to set foot on shore. Myo was finally able to escape and sought refuge in a temple. He continues to struggle with deafness, having had his head and ear smashed into a block of ice on the fishing boat. Sadly, this is a common occurrence; stories such as Myo’s are shared by millions of people.

In addition, other countries have taken great strides to improve their individual state’s role in prosecuting human traffickers. According to the U.S. Department of State’s Trafficking In Persons Report (2014):

- The Special Court for Sierra Leone (SCSL) was established in 2002 by agreement between the Government of the Republic of Sierra Leone and the United Nations to try those most responsible for crimes against humanity, war crimes, and other serious violations of international humanitarian law, including conscripting or recruiting children under the age of 15 years, committed in the civil war. Since its inception, the Special Court has handed down several important decisions in cases involving allegations related to the conscripting or enlisting of children under the age of 15 years into armed forces or armed groups. During Sierra Leone’s civil war, all parties to the conflict recruited and used child soldiers. Children were forced to fight, commit atrocities, and were often sexually abused. Former Liberian President Charles Taylor was convicted by the SCSL on 11 counts of crimes against humanity and war crimes for his role in supporting armed groups, including the Revolutionary United Front, in the planning and commission of

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crimes committed during the conflict. In a landmark 2004 decision, the Court held that individual criminal responsibility for the crime of recruiting children under the age of 15 years had crystallized as customary international law prior to November 1996. In June 2007, the Court delivered the first judgment of an international or mixed tribunal convicting persons of conscripting or enlisting children under the age of 15 years into armed forces or using them to participate actively in hostilities.¹¹

This was a pivotal achievement in Sierra Leone, proving the importance of justice for those who have suffered at the hands of criminals. It illustrates how far we have come, but there is still much work to be done. Victims of human trafficking need to know that they are safe. Ensuring that the people who abused them are punished is essential to the healing process.

THE UNITED STATES OF AMERICA & ANTI-HUMAN TRAFFICKING EFFORTS

“In this great land of the free we call it human trafficking. And so long as we don’t partake in the luxury, ignoring slavery is of no consequence. It is much easier to look away and ignore the victims. The person who ignores slavery justifies it by quickly deducting the victim is a willing participant hampered by misfortune.”

— D’Andre Lampkin

Today, millions of men, women, and children are victims of human trafficking. This modern-day slavery occurs in countries throughout the world and in communities across our Nation. These victims face a cruelty that has no place in a civilized world: children are made to be soldiers, teenage girls are beaten and forced into prostitution, and migrants are exploited and compelled to work for little or no pay. It is a crime that can take many forms, and one that tears

at our social fabric, debases our common humanity, and violates what we stand for as a country and a people.\textsuperscript{12} In the United States of America, the victims of human trafficking can be adults or children, women or men, U.S. citizens or foreign nationals. A government’s obligation to confront modern slavery is tied to the fact that trafficking in persons is first and foremost a crime, and only governments can prosecute suspects and incarcerate criminals. Similarly, only governments can confer immigration benefits or mandate restitution to victims of a crime. In the same way a government guarantees the rights of its citizens, a government has a responsibility to uphold the rule of law by punishing those who run afoul of it.\textsuperscript{13}

Furthermore, victims all share the same trait of vulnerability, but they have diverse ethnic as well as socio-economic backgrounds, with varied educational levels, and may be documented or undocumented. In the following section of the current article, legislation of the United States of America (in the hope to put an end to human trafficking) will be detailed. It is the purpose of this analysis to focus on the most significant attempts of prevention by the U.S. government, and illustrate how it has impacted human trafficking to date.

In the U.S., congress passed the Trafficking Victims Protection Act of 2000. Enforced by the F.B.I., U.S. Immigrations, and Customs Enforcement agencies, it was the first federal law that addressed trafficking. Furthermore, in 2001 the Office to Monitor and Combat Trafficking in Persons was established within the State Department to specifically address human trafficking and exploitation. And, many jurisdictions created human trafficking task forces to address the problem. The Trafficking in Persons (TIP) Report is the United States of America’s principal

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diplomatic tool to engage foreign governments on the issue of human trafficking. It is also the most comprehensive resource of anti-trafficking efforts in the world. The TIP documents actions to confront issues relating to human trafficking.

Worldwide, the report is used by international organizations, foreign governments, and nongovernmental organizations alike as a tool to examine where resources are most needed. Freeing victims, preventing trafficking, and bringing traffickers to justice are the ultimate goals of the report and of the U.S Government’s anti-human trafficking policy. The Department of State places countries onto one of three tiers depending on the extent of their individual government’s efforts to comply with the Trafficking Victims Protection Act’s minimum standards.

Also, in an effort to address the growing problem of international human trafficking Rep. Ed Royce (R-CA), Chairman of the House of Foreign Affairs Committee, introduced H.R. 3344, the Fraudulent Overseas Recruitment and Trafficking Elimination (FORTE) Act of 2013 for consideration. Among other things, the legislation would require overseas labor recruiters to provide detailed employment information to avoid the bait-and-switch into slave labor or sexual slavery once individuals enter the U.S. Only time will tell if this legislation will actually make a difference. Recent U.S. legislation illustrates the importance that the government places on the prevention of human trafficking, both domestically and internationally.

One of the more recent policies that have been introduced to the U.S. senate, S.140 – Combat Human Trafficking Act of 2015, as of January 8th, 2015 has been read twice and referred to the Committee on the Judiciary. Although it has not yet passed in the Senate, this

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legislation introduced seeks to strengthen laws prohibiting human trafficking, as well as increasing rights of victims. Related legislation includes H.R.296 – Justice for Victims of Trafficking Act of 2015, which as of February 2nd 2015 was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigation. Also, S.178 – Justice for Victims of Trafficking Act of 2015, held hearings as of February 24th 2015 by the Committee on the Judiciary. Withal, these policies illustrate an U.S. standard on enforcing severe punishments on human traffickers. Not only implementing policies for those who reside in the U.S., but also serving as an international watchdog; abroad in foreign affairs. Being an advocate by promoting strict anti-trafficking policies, the U.S. has been on the forefront of bringing justice to those who have been subject to exploitation.

RECOMMENDATIONS

"Our fight against human trafficking is one of the great human rights causes of our time, and the United States will continue to lead it — in partnership with you. The change we seek will not come easy, but we can draw strength from the movements of the past. For we know that every life saved — in the words of that great Proclamation — is 'an act of justice'; worthy of 'the considerate judgment of mankind, and the gracious favor of Almighty God'."

— President Barack Obama

Regarding promoting a research agenda, the clandestine nature of human trafficking makes it quite challenging not only to quantify the extent of the problem, but also to design research studies to investigate the impact on those trafficked. That being said, it would be most helpful if a common definition of human trafficking for sexual exploitation could be agreed upon. This would help ensure comparability among studies. Governments, private industry, and
civil society have an opportunity to push for greater environmental protections in tandem with greater protections for workers, including those victimized by human trafficking. Additional research is needed to further study the relationship between environmental degradation and human trafficking in these and other industries. It is also essential to strengthen partnerships to better understand this intersection and tackle both forms of exploitation, individually and together.\(^\text{15}\) Further, encouraging GAATW to conduct descriptive surveys among those trafficked would not only help document physical and mental health problems among those trafficked for sexual exploitation, but also help understand better the routes of trafficking; e.g., how the individuals ended up as forced workers the sex industry.

Additionally, it would also be useful if the WHO convened a high-level conference to discuss how governments, NGOs, and other interested parties (including researchers) could work together, to pool data, to quantify the extent of the problem. Small, descriptive studies rarely present the full picture and are prone to methodological problems.\(^\text{16}\) To successfully extinguish anti-human trafficking once and for all, spreading awareness will not be enough to ensure standards are upheld without strong international laws against its usage; and the backing of all powerful nation-states. Human trafficking must be monitored and swift, harsh punishment must follow any instance that occurs throughout the world. If anti-human trafficking laws do not continue to strengthen and advocate against such inhumane acts that are currently ensuing around the world; the international community will find itself stagnate due to its inability to maintain its direction towards what Immanuel Kant envisioned as ‘perpetual peace’.


Lastly, the recent work of IGOs, NGOs, and the United States of America has established firm standards through the implementation of policies. Considering that vast amount of time that people have been enslaved throughout history, it is a cause for concern that it has not ceased to exist. Yet still, it can be contested that it is merely a push forward towards the complete annihilation of the atrocious criminal activity; not an evolution. Through technology, globalization has advanced the world; thus, exposing exploitation as it has become one of international embarrassment.